

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 89

S.P. 31

In Senate, January 11, 2005

**An Act To Give the Commissioner of Inland Fisheries and Wildlife
the Authority To Allow the Operation of Snowmobiles Registered
outside the State at Special Events Occurring in the State**

(EMERGENCY)

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MARTIN of Aroostook.
Cosponsored by Representative PARADIS of Frenchville and
Senators: BRYANT of Oxford, WOODCOCK of Franklin, Representatives: JACKSON of Fort
Kent, SMITH of Van Buren, TRAHAN of Waldoboro, WATSON of Bath.

2 **Emergency preamble. Whereas,** acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 **Whereas,** this legislation needs to take effect as soon as
6 possible in order to apply to the 2004-2005 snowmobiling season;
and

8 **Whereas,** in the judgment of the Legislature, these facts
10 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
12 necessary for the preservation of the public peace, health and
safety; now, therefore,

14 **Be it enacted by the People of the State of Maine as follows:**

16 **Sec. 1. 12 MRSA §13104. sub-§1.** as affected by PL 2003, c.
18 614, §9 and amended by c. 655, Pt. B, §386 and affected by §422,
is further amended to read:

20 **1. Operating unregistered snowmobile.** Except as provided
22 in this subsection, subsection 7 and section 13112, a person may
not operate a snowmobile that is not registered in accordance
24 with this section.

26 A. A registration is not required for a snowmobile operated
over the snow on land on which the owner lives or on lands
28 land on which the owner is domiciled, provided the
snowmobile is not operated elsewhere within the jurisdiction
30 of this State.

32 B. A registration is not required for a snowmobile operated
by a commercial ski area for the purpose of packing snow or
34 for rescue ~~operation~~ operations thereon, unless the
snowmobile is required to cross a public way during that
36 operation.

38 C. Snowmobiles owned and operated in this State by the
Federal Government, the State or a political subdivision of
40 the State are exempt from registration fees, but must be
registered and required to display numbers.

42 D. Registration is not required to field test repairs to a
44 snowmobile if valid snowmobile repair shop number plates
issued under section 13110 are affixed to the snowmobile
46 during the field test and the snowmobile is not owned by the
snowmobile repair shop or any repair shop employee.

48 E. Registration is not required to field test repairs to a
50 snowmobile when the snowmobile is tested on the premises of
a snowmobile repair shop when the snowmobile repair shop is
52 open and the snowmobile is not owned by the snowmobile
repair shop or any repair shop employee.

2 F. The following penalties apply to violations of this
subsubsection.

4
6 (1) A person who violates this subsection commits a
civil violation for which a fine of not less than \$100
nor more than \$500 may be adjudged.

8
10 (2) A person who violates this subsection after having
been adjudicated as having committed 3 or more civil
12 violations under this Part within the previous 5-year
period commits a Class E crime.

14 **Sec. 2. 12 MRSA §13104, sub-§7.** as affected by PL 2003, c.
16 614, §9 and amended by c. 655, Pt. B, §387 and affected by §422,
is further amended to read:

18 **7. Snowmobiles of nonresidents.** Except as specifically
provided in this subsection, and notwithstanding any other
20 provision of law, a snowmobile belonging to a nonresident may be
possessed or operated by any person in this State as long as the
22 snowmobile is properly registered in this State in the name of a
nonresident owner of the snowmobile.

24
26 A nonresident is ineligible to obtain a resident registration for
a snowmobile owned by that nonresident. Nothing in this
28 subsection authorizes the operation of a snowmobile in a manner
contrary to this chapter. Snowmobiles and grooming equipment
30 registered to a federal or state entity, snowmobile clubs,
municipalities or counties from bordering states or provinces and
engaged in trail grooming may be operated without being
32 registered under this subsection. Snowmobiles registered in
either New Hampshire or Canada may be operated on any lake or
34 pond that is both partly in the State and New Hampshire or Canada
without being registered in the State. Snowmobiles registered in
36 another state or in a Canadian province may be operated without a
Maine registration at a special event or festival organized to
38 occur in this State if such operation is approved by the
commissioner. An event or festival organizer must submit a
40 request in writing to the commissioner 60 days prior to the event
or festival and shall include a map of the trails where operation
42 will be allowed.

44 **Sec. 3. 12 MRSA §13104, sub-§11.** as enacted by PL 2003, c.
46 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

48 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

50

SUMMARY

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4 This bill provides that snowmobiles registered in another
6 state or in a Canadian province may be operated without a Maine
8 registration at a special event or festival organized to occur in
10 this State if such operation is approved by the Commissioner of
Inland Fisheries and Wildlife. It repeals the provision of law
that allows the commissioner to designate one weekend a year as
an open snowmobile weekend when snowmobiles registered outside
the State may be used in the State without being registered in
the State.