

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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No person shall at any time buy, sell or offer for sale or barter any deer or bear, or part thereof, except that the heads and hides thereof may be sold to any properly licensed taxidermist for the purpose of preserving and mounting as provided in Title 32, section 4351, and to any dealer as provided in Title 32, section 4352. Whoever aids in buying, selling or offering for sale or barter any deer or bear, or part thereof, or counsels or otherwise aids in procuring the same shall be punished in the manner prescribed for the punishment of the principal offender.

Sec. 4. Effective date. This Act shall become effective on January 1, 1980.

Effective January 1, 1980

CHAPTER 238

H. P. 663 — L. D. 838

AN ACT to Amend the Statutes Relating to Airmobiles.

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

Sec. 1. 12 MRSA c. 304-A, as enacted by PL 1973, c. 238 and as amended, is repealed.

Sec. 2. 12 MRSA § 2061, sub-§ 1-A is enacted to read:

1-A. Airmobile. "Airmobile" means any vehicle propelled by mechanical power that is designed to travel upon a cushion of air on or within 2 feet of the water or land surface of the earth.

Sec. 3. 12 MRSA § 2061, sub-§ 5-A is enacted to read:

5-A. Dwelling. "Dwelling" means any building used as a permanent residence or place of domicile.

Sec. 4. 12 MRSA § 2061, sub-§ 8, as enacted by PL 1973, c. 734, § 1, is amended to read:

8. Motorboat. "Motorboat" means any watercraft, including airmobiles, equipped with propulsion machinery of any type, whether or not such machinery is the principal source of propulsion, or is permanently or temporarily attached or is available for propulsion on the watercraft.

Sec. 5. 12 MRSA § 2067, sub-§ 2, ¶ E is enacted to read:

E. Regulations restricting the operation of airmobiles in fish or wildlife preserves, conservation areas or other areas where the operation may harm the

natural environment.

Sec. 6. 12 MRSA § 2069, first paragraph, as enacted by PL 1973, c. 734, § 1, is amended by adding at the end a new sentence to read:

These provisions apply to all airmobiles operated within the jurisdiction of the State.

Sec. 7. 12 MRSA § 2073, sub-§ 5, as enacted by PL 1973, c. 734, § 1, is amended by adding at the end the following new sentence:

Airmobiles are prohibited from beaches adjacent to these bathing areas.

Sec. 8. 12 MRSA § 2073, sub-§§ 9, 10 and 11 are enacted to read:

9. Noise limits for airmobiles. Total vehicle noise from airmobiles manufactured, offered for sale, sold or operated in this State shall not exceed 78 decibels of sound pressure level at 50 feet on the "A" scale, as measured by the SAE standards J-192. It shall be unlawful to operate any airmobile which exceeds noise limit as set forth in this subsection, except for airmobiles operated at prearranged racing meets in compliance with section 2074, subsection 2.

10. Operation of airmobiles on land. Airmobiles may be operated on land, subject to the following restrictions in addition to the other provisions of this section.

A. It shall be unlawful to operate an airmobile within 200 feet of any dwelling, hospital, nursing home, convalescent home or church, except as follows:

- (1) When operating on public ways in accordance with paragraph C;**
- (2) When operating on the frozen surface of any body of water; or**
- (3) When operating on land which a person owns or is permitted to use.**

B. Any person operating an airmobile upon the land of another shall stop and identify himself upon the request of the landowner or his duly authorized representative. If restriction on operation is posted on the land of another, the person operating the airmobile shall observe those restrictions. This chapter is in no way to be construed as giving license or permission to cross or go onto the property of another. Any person in violation shall be held accountable to the owner under existing law.

C. Properly registered airmobiles may cross public ways, including bridges, overpasses and underpasses. For crossing public ways, sidewalks and culverts, persons shall travel only the distance necessary, but in no case exceeding 300 yards, for the sole purpose of crossing as directly as possible. For crossing bridges, overpasses and underpasses, persons shall travel only the distance necessary, but in no case exceeding 500 yards, for the sole purpose of crossing

as directly as possible. All crossings shall be subject to the following conditions:

- (1) Persons may cross public ways only if the crossing can be made safely and does not interfere with vehicular traffic approaching from either direction;
- (2) The operator of the airmobile shall dismount and lead the machine along the extreme right of the traveled way; and
- (3) The operator of the airmobile shall yield the right-of-way to all vehicular traffic.

D. No person shall operate any airmobile along or adjacent and parallel to the tracks of any railroad within the limits of the railroad right-of-way without written permission from the railroad.

11. Operation of airmobiles.

A. Prior to November 1, 1979, the commissioner shall promulgate regulations restricting the operation of airmobiles in areas where their use may be harmful. These regulations shall be promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, after public hearings in the areas affected.

B. These regulations shall, as a minimum, condition the use of airmobiles in fish and wildlife preserves, conservation areas, coastal and inland wetlands and great ponds.

C. The commissioner shall prohibit airmobile use wherever it adversely affects fish and wildlife habitat, interferes with the operation of other watercraft, threatens public safety or adversely affects the natural environment.

Sec. 9. Effective date. This Act shall take effect on December 1, 1979, except that that portion of section 8 enacting the Maine Revised Statutes, Title 12, section 2073, subsection 11, shall take effect 90 days after adjournment of the Legislature.

Effective December 1, 1979 unless otherwise indicated

CHAPTER 239

H. P. 276 — L. D. 351

AN ACT to Eliminate an Unnecessary Reference in the Hunting Statutes to Use of Lights to Hunt from Vehicles.

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