

MAINE STATE LEGISLATURE

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REPORT TO THE
106th MAINE STATE LEGISLATURE
by the
SNOWMOBILE STUDY COMMITTEE

December 1972

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December 12, 1972

TO THE MEMBERS OF THE 106TH LEGISLATURE:

This Committee was established by Joint Order HP 1598 of the First Special Session of the 105th Legislature. The intent of the Legislature in said Order was to encourage this new sport and also adequately protect the rights of property owners, non-snowmobilers and our natural resources. The sport of snowmobiling can be increasingly healthful and an enjoyable family type of activity. The Committee has inquired at great length into those matters referred to it and has the honor to submit herewith its report to the 106th Legislature as charged.

The Committee wishes to acknowledge its appreciation for the cooperation and services rendered by the many individuals and organizations who have appeared before it to assist in its study. Many of these individuals came from great distances throughout the United States and Canada. The Committee sincerely hopes that the findings and recommendations herein contained will be of benefit to members of the 106th Legislature and the public at large.

Respectfully submitted,


Sen. Wakine G. Tanous, Chairman
Snowmobile Study Committee

STATE OF MAINE

In House February 29, 1972

WHEREAS, the sport of snowmobiling is one of the newest and fastest growing forms of outdoor recreation during the winter in Maine; and

WHEREAS, this Legislature and Maine's citizens have an increasing concern for our environment; and

WHEREAS, this Legislature desires to encourage this new sport and it also desires to adequately protect the rights of property owners, non-snowmobilers and our natural resources; and

WHEREAS, if properly provided for, the sport of snowmobiling can be an increasingly healthful, enjoyable family-type activity; now, therefore be it

ORDERED, the Senate concurring, that a Special Interim Study Committee be created consisting of 2 members of the Senate, to be appointed by the President, 4 members of the House of Representatives, to be appointed by the Speaker, and 6 other members as follows: the present President and Past President of the Maine State Snowmobile Association, the Snowmobile Coordinator of the Park and Recreation Commission, the Director of Snowmobile Registration and the Deputy Chief Warden of the Warden Service, Department of Inland Fisheries and Game, and a legal counsellor of the Maine Municipal Association to study the sport of snowmobiling as it applies to the State of Maine for the purpose of determining necessary and possible improvements. Such study shall include, but not be limited to, the operation, regulation and licensing in this and other jurisdictions, costs and other factors which may lead to general improvement and control of the sport; and be it further

ORDERED, that the members of the Committee shall serve without

compensation, but shall be reimbursed for their expenses incurred in the performance of their duties under this Order; and be it further

ORDERED, that the Committee shall have authority to employ such professional and clerical assistance as it deems necessary within the limits of funds provided; and be it further

ORDERED, that there is allocated to the Committee from the Legislative Account the sum of \$2,000 to carry out the purposes of this Order; and be it further

ORDERED, that a report of such study, together with legislation to implement any recommendations deemed necessary, be made to the 106th Legislature.

HOUSE OF REPRESENTATIVES

READ AND PASSED

MAR 1 1972

HP 1598

SENT UP FOR CONSIDERANCE
ORDERED SENT FORTHWITH

Charles W. Johnson
CLERK

IN SENATE CHAMBER

MAR 1 1972

READ AND PASSED

IN CONFORMANCE

HARRY H. STANLEY, SECRETARY

(Cottrell)

NAME:

TOWN: Portland

John B. Cottrell

SPECIAL INTERIM LEGISLATIVE STUDY COMMITTEE ON SNOWMOBILES

COMMITTEE MEMBERS

Senator Wakine G. Tanous, East Millinocket

Senator Ronald L. Kellam, Portland

Representative John B. Cottrell, Portland

Representative Harry K. Parks, Presque Isle

Representative Ransom P. Kelley, West Southport

Representative Emile J. Fraser, Mexico

Mr. Nate Pease, Union, Maine Snowmobile Association

Mr. C.L. Fox, Jr., East Holden, Maine Snowmobile Association

Mr. Frank Farrin, Jr., Snowmobile Coordinator, Department of Parks &
Recreation

Mr. Larry Gaudreau, Director of Snowmobile Registration, Department
of Inland Fisheries & Game

Mr. John Marsh, Warden Service, Department of Inland Fisheries & Game

Mr. John Andrews, Maine Municipal Association

The Snowmobile Study Committee was created by Order of the First Special Session of the 105th Legislature and charged with the responsibility of studying snowmobiling as a new sport with regard to the laws relative to the protection of the rights of property owners, non-snowmobilers and our natural resources, as well as the operation, regulation and licensing of snowmobiles, cost and other factors which may lead to the general improvement and proper supervision of the sport. The 105th Legislature recognized snowmobiling as an increasingly healthful and enjoyable family-type activity.

The Committee had its organizational meeting on May 17, 1972 and elected as its Chairman Senator Wakine G. Tanous, and as Vice Chairman, John Marsh of the Department of Inland Fisheries & Game. The Committee outlined major areas of study as follows: Registration and Taxation; Law Enforcement; Identification; Racing; Manufacturers, Dealers, Power and Noise; Safety; Education; Environmental Impact; Operation, Facilities, Landowners, Trails and Parks; Reciprocity; and Economic Impact. Following the organizational meeting the Committee held eight full-day meetings during the summer and fall, and heard over twenty-five hours of testimony from more than fifty persons representing landowners, state agencies, municipalities, manufacturers, conservation groups, neighboring states, snowmobilers, and five members of the Canadian Parliament. Elsewhere in this report you will find the names and titles of all of the individuals who appeared before the Committee, as well as the dates of their appearances.

The Committee reviewed various studies and surveys, one of which was prepared by the International Snowmobile Industry Association dealing with sound levels and Federal recommendations. An-

other study dealt with safety and accidents, prepared by Dr. Raymond Dominici, which covered most of the serious snowmobile accidents in Maine from the inception of the snowmobile. Dr. James Whittaker, Assistant Professor at the University of Maine, and Dennis Wentworth, Graduate Student, University of Maine, also conducted a study dealing with the effect of snowmobiles in relation to crops. The Maine State Comprehensive Outdoor Recreation Plan presented to the Committee also included valuable information relative to the growth of snowmobiling in Maine, as well as projects and planning for the future. Dr. Fred Gilbert, Assistant Professor of Wildlife Resources, University of Maine at Orono, and Big Game Project Leader, Department of Inland Fisheries and Game presented his factual accumulation on the effects of snowmobiles upon our white-tail deer.

We also viewed snowmobile slides and witnessed a demonstration of one of the first snowmobiles in comparison to a new 1973 model to determine the changes that have taken place in so far as noise level, as well as the improvement with respect to safety factors and construction.

Without question, the snowmobile has changed life in the state of Maine, especially during the winter months. Some say it has changed for the better--some say for the worse, but change it has.

The snowmobile is ultimately loved and disliked at the same time. It is loved by approximately 200,000 Maine residents who regularly use them and disliked by many homeowners and conservationists who feel that the snowmobile has invaded the private sanctity of their homes and environment.

During the winter of 1972-73 there will be approximately 60,000 snowmobiles in use in Maine, representing an investment of well over \$50,000,000, not to mention the many more millions of dollars

which will be generated in the Maine economy by the users, advertisers and manufacturers. When you consider that only ten years ago the snowmobile was virtually unknown, this has to be without question Maine's fastest growing winter sport, as well as its largest in terms of participants. This unprecedented growth has brought with it its share of problems. This is the challenge which the Committee in its study has faced--to encourage this new and wonderful sport and at the same time provide adequate law enforcement and protection for property owners, non-snowmobilers, the environment, and snowmobilers themselves.

In the past, most of the legislation dealing with snowmobiles has been on a "piecemeal" basis, rather than treating the entire subject as a whole. Various members of the Legislature introduced bills in an attempt to cure a particular problem. Unfortunately, some laws that have been passed to deal with a certain problem have in some cases caused more problems in other areas. This Committee has attempted to approach the so called "snowmobile problem" in Maine from the total concept approach. To accomplish this it has been necessary to maintain an awareness of the whole picture in an attempt to arrive at solutions. It is impossible to deal with one aspect of the sport without involving other segments; therefore, the recommendations of this Committee should be treated as such.

One thing became very clear as the hearings progressed, and that was the fact that no one person or group has all the answers. The snowmobile and snowmobiling is a very new, constantly changing and extremely complex subject. The many recommendations received by the Committee often times contradicted other recommendations which created a new problem for them to solve. After hearing representatives of four neighboring states and provinces and studying the laws of all states and provinces in the "snow belt" area, it also was

very evident that no other state or province has solved their problems relative to snowmobiles. Indeed, the state of Maine appears to be far ahead of many states in legislation for the protection of snowmobilers, non-snowmobilers, the environment, and property rights of our citizens.

By its very nature the snowmobile is extremely mobile and very noisy. Apparently the noise produced by the snowmobile has led to its main problem, especially in residential areas. Over 95% of the complaints that law enforcement agencies have received are caused by snowmobiles making too much noise and operating too close to residences, especially during the nighttime.

In an effort to remedy this problem the Committee recommended making it unlawful to operate a snowmobile within 200 feet of any dwelling, hospital, nursing home, convalescent home or church unless the operator has the permission of the landowner. In addition, it is our recommendation that mandatory restrictions be placed on the noise output of all snowmobiles manufactured and sold after October 1, 1973, and that a further reduction be required by February 1, 1975. Beyond this date further reduction of the noise levels should be required as soon as technology permits. It is the consensus of the Committee that the distance and noise regulations will go a long way toward eventually eliminating the most common complaint against snowmobiles.

The distance regulation, which will definitely curtail the use of snowmobiles in compact areas, together with the evergrowing number of machines sold, clearly indicate a definite need for new and additional snowmobile use areas to be established where there will be a minimum adverse impact on the non-snowmobiling public and the environment. It is our recommendation that the Department of

Parks and Recreation be authorized to develop an expanded trail system and snowmobile areas to meet these needs. Hopefully this can be accomplished with the assistance and cooperation of the many snowmobile clubs presently existing in the many communities throughout the state.

The testimony which the Committee heard on the subject of Environmental Impact of the snowmobile showed that no one really knows what effect the use of snowmobiles has on the ecology of our state. Therefore, we recommend that environmental studies be initiated on a continuing basis to determine on a factual basis what adverse effect, if any, the snowmobile has on our environment.

In view of the large land area of the state of Maine and the mobility of the snowmobile there exists a need for better enforcement of the present snowmobile laws. It is our recommendation that additional funds be given to the Department of Inland Fisheries and Game for the purpose of providing increased enforcement of the laws relating to snowmobiles.

In order to finance the expanded trail system, the environmental studies, and the additional enforcement, the Committee recommends that that portion of the total state gasoline tax attributed to snowmobile use be earmarked for these purposes.

The present Maine snowmobile registration fee is the second highest fee of any state or province in the United States and Canada. We do not recommend any change in either the cost of registration or its distribution, except in the distribution of the non-resident fee. Although not recommended as a change in the law, the Committee strongly urges to the municipalities in Maine, that the \$6 fee returned to said municipalities in Maine which will total close to \$400,000 in 1973, be utilized in so far as possible by the municipality

to establish local snowmobile use areas and for additional enforcement of the snowmobile laws within their respective built-up areas.

In view of the increasing accident rate in recent years, and the continued emphasis on speed and power by the manufacturers, the Committee is extremely concerned in the area of safety. It is very obvious that there is a need for an educational program in this area. Until a snowmobile training program similar to the present hunter safety program can be established, it is our recommendation that children under ten years of age be prohibited from operating a snowmobile unless supervised by an adult. We also recommend limiting all snowmobiles manufactured and sold after October 1, 1973 to not more than 40 horsepower. It is also possible that the limit may need to be lowered in the future.

In past years the use of snowmobiles in our state by non-residents has been increasing at a rapid pace. Recent legislation enacted by other New England states indicates that there will be an unprecedented influx of snowmobiles and snowmobilers from outside the state in future years. Past experience has shown that many out-of-staters are unaware of the proper place to operate their machines, as well as being unfamiliar with our laws. It is our recommendation that all non-residents operating snowmobiles in the state be required to register their machines at the same fee as resident owners; however, we recommend that reciprocity still be allowed for residents of our neighboring states and provinces--New Hampshire, Quebec and New Brunswick.

The subject of identification of the snowmobile operator apparently is a great factor in the ability to properly enforce the various snowmobile laws and regulations. The Committee recommends changes in the present law which will place more responsibility for the operation of a snowmobile on the owner, as well as the driver.

It is also the Committee's recommendation that the minimum fines be raised from the present \$20 for certain specified offenses, such as operation of a snowmobile on a public way and failure to stop for an officer.

The entire text of the Committee's recommendations are prepared in Bill form and will be submitted to the 106th Legislature for its consideration. The names of the individuals appearing before the Committee, as well as the dates which they appeared and the subject matter covered also appear elsewhere in this report. The complete text of the snowmobile study, accompanied by notes and recommendations will be on file in the Law Library for your reference, if desired.

The snowmobile and snowmobiling is a completely new aspect. The uses it is put to are constantly changing. It may be necessary in the future to provide additional protection for snowmobilers, non-snowmobilers and our environment. It is also evident that because of its growth snowmobiling as an industry will have a vast economic impact on the state. It is therefore the final recommendation of this Committee that a permanent study committee be established to keep abreast of changing use patterns and to update this report, recommend changes in the law, and plan for the future as each legislative session convenes.

Date	Subject Matter	Speakers
May 17	Organizational meeting	
May 31	Registration and Taxation	Robert Johnson, Maine Bureau of Watercraft, Director Alfred Plourde, Tax Collector, City Treasurer, Lewiston John Edgerly, Tax Collector, Augusta
May 31	Law Enforcement and Identification	Lt. Lawrence Pray, State Police Chief Waldo Drake, Augusta Police Lt. John Agnew, Bangor Police Warden Domis Wheaton, Inspector, Dept. Inland Fisheries & Game Warden John Shaw, Supervisor, Dept. Inland Fisheries & Game Warden Charles Merrill, Inspector, Dept. Inland Fisheries & Game Sgt. Morse, Maine State Police Warden John Robinson, Portage Dept. Inland Fisheries & Game Warden George Nash, Bangor, Dept. Inland Fisheries & Game Warden Russell Dyer, Inspector, Dept. Inland Fisheries & Game Warden Leonard Ritchie, Supervisor, Dept. Inland Fisheries & Game Warden, Washington County, Dept. Inland Fisheries & Game
June 21	Racing	Elmer Wilcox, Professional Engineer Calvin Reynolds, Jr., Snowmobile Driver Bob Creighton, President, Sebastacook Snowmobile Club Bob Wilson, Big Oval Race Track, Brunswick Joe Kane, Bangor J.C.'s Jack Field, Bangor J.C.'s Harry Bishop, Director, U.S.S.A.
June 21	Manufacturers, Dealers, Power and Noise	Robert Morrill, President, New England Distributors Ass'n. Jack Hoene, International Snowmobile Industry Ass'n., Director of Public Affairs
July 12	Safety and Education	Dr. Raymond Dominici, Brunswick
July 12	Environmental Impact	Dr. Fred Gilbert, Ass't. Professor of Wildlife Resources, U of M at Orono, Big Game Project Leader, Dept. of Inland Fisheries & Game Warden Mickey Noble, Supervisor, Dept. Inland Fisheries & Game Warden Verne Moulton, Supervisor, Dept. Inland Fisheries & Game

Date	Subject Matter	Speakers
July 12	Environmental Impact Cont'd	Warden Larry Cummings, Turner, Dept. Inland Fisheries & Game Marshall Burk, Executive Secretary, Natural Resources Council
August 2	Operation, Facilities, Land- owners, Trails & Parks	Merle Scott, Supervisor, Dept. Parks and Recreation Tom Skolfield, Manager, Mt. Blue State Park Clarence Staples, Recreation Co- ordinator, Central Maine Power Co. Marc Johnson, Resource Analyst, Sky Lark, Inc., Scott Paper Co. Tom Cieslinski, Planning & Research Supervisor, Dept. Parks & Recreation Allan Leighton, Seven Islands Co., Supervisor of Surveys & Recreation Facilities, Maine Logging Road Use Planning Committee Gene Putnam, Supervisor of Recreation, Manager, Great Northern Paper Co. David Thompson, Manager of Timberlands, Diamond International Corp. Clifford Foster, Forestry Department
August 30	Reciprocity	Cpt. Dean, Vermont State Police John Davis, Ass't Director of Marine & Recreational Vehicles, State of Massachusetts. Fletcher Forsyth, New Hampshire Dept. of Safety, Coordinator of Registra- tion & Enforcement. Clayton Osborn, Ass't Director, New Hampshire Dept. of Safety Paul Yakabuski, Ontario Parliament, Committee on Motorized Snow Vehicles and All-terrain Vehicles George Nixon, Ontario Parliament and same committee James Taylor, Ontario Parliament and same committee Dick Ruston, Ontario Parliament and same committee Bud Germa, Ontario Parliament and same committee
August 30	Economic Impact	Clifford Goodall, Staff Attorney, Natural Resources Council Commissioner Maynard Marsh, Dept. of Inland Fisheries & Game Robert Morrill, Dealer, Freeport Fletcher Forsyth, New Hampshire Dept. of Safety Ontario delegation listed above.