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Operation of Motor Driven Snow Sleds on Public Ways

FACTS:

29 M.R.S.A. § 1, 15 defines a motor vehicle as follows:

"'Motor Vehicle' shall mean any self-propelled vehicle not operated exclusively on tracks, including motorcycles."

QUESTION:

In view of this definition, is there present authority to hold that motor-driven snow sleds, such as the Ski-doo can be prohibited from operating on public ways?

ANSWER:

See opinion.

OPINION:

The definition of motor vehicle would encompass motor-driven snow sleds, such as Ski-doo's, as these are self-propelled vehicles not operated exclusively on tracks. It does not follow that motor-driven snow sleds, such as Ski-doo's, may be operated upon public ways. 29 M.R.S.A. § 102 provides in part:

* * * * *

"No motor vehicle or trailer shall be operated, or remain upon any way, unless the same is registered and equipped in accordance with this title, * * *"

Snow-driven motor sleds are manufactured in assorted sizes and shapes and with varying amounts of power. Manufacturers may place different equipment upon them. It is conceivable that a snow-driven motor sled might be manufactured and equipped so as to meet all the requirements of 29 M.R.S.A. Until such time, this type of motor vehicle may be effectively prohibited from use on State of Maine highways.

Many snow sleds can be prohibited from use of public highways on the authority of 29 M.R.S.A. § 1253, which provides in part:

"No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law."

Other snow sleds may be prohibited by failing to meet the requirements of 29 M.R.S.A. § 1071, as amended by P. L. 1965, c. 46, § 1, which provides:

"Every vehicle, whether stationary or in motion, on any way or bridge shall have attached to it a light or lights so displayed as to be visible from the front and rear thereof during the period from $\frac{1}{2}$ hour after sunset to $\frac{1}{2}$ hour before sunrise, and at any other time when, due to insufficient light or unfavorable atmospheric conditions, caused by fog or otherwise, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet ahead. This section shall not apply to any vehicle which is designed to be propelled by hand, nor to any vehicle not in motion and parked or beside a curb in a place and under conditions where there is sufficient artificial light to make such vehicle clearly visible from a distance not less than 100 feet in each direction."

Other sections of 29 M.R.S.A. which could prohibit the use of snow sleds unless the snow sleds were so equipped include § 1072, which requires equipment for dimming of headlights; section 1362, which provides, inter alia, for parking brakes, brakes adjusted to stop two wheel brake vehicles or 4 wheel brake vehicles within certain distances at certain speeds and an adequate and suitable horn or other devices for signaling; section 1364, which requires adequate mufflers; section 1366, which provides in part:

"Every motor vehicle and tractor on wheels shall be equipped with lamps and lights of sufficient power and so adjusted and operated as to enable its operator to proceed with safety to himself and to other users of the ways under all ordinary conditions of highway and weather.

* * *

"Every motor vehicle and tractor on wheels other than a motorcycle or motor driven cycle, shall have mounted on the front thereof at least 2 headlamps with at least one on each side. * * *

and section 1369, which requires safety glass on windshield. There are other statutory provisions which might disqualify a snow sled from operating on public highways.

In view of the foregoing, it would appear that there is more than sufficient statutory authority to prohibit snow sleds as they are now manufactured and equipped on State of Maine public highways.

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