

MAINE STATE LEGISLATURE

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May 3, 1968

Joseph T. Edgar, Secretary of State
Jon R. Doyle, Assistant
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State
Attorney General

Clarification of Definition of Motor Driven
Snow Traveling Vehicles

SYLLABUS:

All motor vehicle laws relating to snow traveling vehicles are encompassed within 29 M.R.S.A., Chapter 14, sections 2151 to 2163 inclusive.

FACTS:

By memorandum dated April 16, 1968 directed to this office you state the following:

"An Opinion given to this Office by the Office of the Attorney General on December 30, 1965, states in part:

'The definition of a motor vehicle would encompass motor driven snow sleds such as ski-doo's as these are self-propelled vehicles not operated exclusively on tracks.'

"A subsequent Opinion furnished to this Office by the Office of the Attorney General dated April 11, 1968, somewhat narrows the above-cited opinion by giving an affirmative answer to the question as to whether or not snow traveling vehicles required to be registered under Title 29, M.R.S.A., sections 2151 to 2163 (PL 1967 c 479) are to be considered motor vehicles within the definition of that term in the excise tax laws and thus subject to the motor vehicle excise tax as a prerequisite to registration."

You ask the following question:

"QUESTION: IN VIEW OF THE TWO OPINIONS CITED ABOVE, DO MOTORIZED SNOW TRAVELING VEHICLES FALL WITHIN THE DEFINITION OF A MOTOR VEHICLE AS THAT TERM IS USED IN TITLE 29, M.R.S.A. (The General Motor Vehicle Law) "

ANSWER:

See Opinion.

OPINION:

On December 30, 1965, the Attorney General ruled that snow traveling vehicles were motor vehicles within the definition of that term as used in the general motor vehicle law. (Title 29 M.R.S.A.) The Attorney General indicated that although snow traveling vehicles could be considered motor vehicles, they could not, because of their construction, be registered as motor vehicles for traveling over the highways of Maine. At the time of the writing of the opinion, there was no specific provision in the statutes concerning the registration of snow traveling vehicles.

Subsequently, the Legislature of Maine by P.L. 1967, c. 479 constituted a system for the registration and regulation of snow traveling vehicles.

The law, which is contained in a separate chapter of the general motor vehicle law, provides for registration of snow traveling vehicles, defines snow traveling vehicles and contains many regulatory provisions similar to those found in the general motor vehicle law.

It appears that through the passage of P.L. 1967, c. 479, the Maine Legislature has recognized snow traveling vehicles to be a unique type of vehicle subject to specific statutory provisions. One can properly conclude that in passing P.L. 1967, c. 479, the Legislature set up a system separate and apart from the general motor vehicle laws for registration and regulation of snow traveling vehicles.

The Legislature did not speak directly concerning the taxation of snow traveling vehicles, so that upon request for an opinion by the State Tax Assessor, this office ruled on April 11, 1968, that snow traveling vehicles can be considered motor vehicles for taxation purposes. It should not be considered that this opinion concerning taxation of snow traveling vehicles requires a conclusion that they are motor vehicles for all purposes.

We conclude, even though snow traveling vehicles may still be motor vehicles for the purposes of taxation, that since the effective date of P.L. 1967, c. 479, they are not motor vehicles for the purposes of the general motor vehicle law.