

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1211

S. P. 488

In Senate, March 2, 1967

Referred to Committee on Inland Fisheries and Game. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Hoffses of Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Regulating Snow Traveling Vehicles.

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

R. S., T. 12, c. 334, additional. Title 12 of the Revised Statutes is amended by adding a new chapter 334, to read as follows:

CHAPTER 334

SNOW TRAVELING VEHICLES

§ 3011. Definitions

As used in this chapter, the following terms shall have the following meanings:

1. **Cowling.** "Cowling" means the forward portion of the vehicle usually of fiber glass, or similar material, surrounding the motor and clutch assembly.
2. **Operate.** The verb "to operate" in all its moods and tenses when it refers to a snow traveling vehicle means to use that vehicle in any manner within the jurisdiction of the State whether or not said vehicle is underway.
3. **Snow traveling vehicles.** "Snow traveling vehicles" means any vehicle propelled by mechanical power that is primarily designed to travel over ice or snow supported in part by skis, belts or cleats, or low pressure tires, used principally for recreational purposes.
4. **Vehicle.** "Vehicle" means a snow traveling vehicle.

§ 3012. Registration

Except as otherwise provided, no snow traveling vehicle shall be operated within the jurisdiction of the State unless registered by the owner as provided in this chapter. The commissioner (Inland Fisheries and Game) is authorized to

register and assign a registration number to all snow traveling vehicles, upon application and payment of a fee of \$3 annually by the owner. The registration shall be valid for one year commencing July 1st of each year.

§ 3013. Form

Such registrations shall be issued by agents as designated by him and shall be in such form as said commissioner may determine. The registration shall be subject to inspection by any law enforcement officer on demand and shall be on the vehicle at all times when in operation.

The registration number assigned to said vehicle shall be displayed on either side of the cowling in the following manner: The number must be painted or permanently attached to both sides of the cowling and be of a color which is in contrast to the color of the background to which the number is applied. The identification number must be displayed in 3 parts. The prefix which is the initial letter "M" is to be separated by a hyphen from the numerals which follow it. The suffix which consists of the ending letter which appears after the numerals is to be likewise separated from the numerals. The identification number must be displayed to read from left to right with block character, capital letters and arabic numerals all of which must not be less than 3 inches in height and maintained in legible condition.

Whoever transfers ownership or discontinues the use of a snow traveling vehicle for which a registration has already been issued, the old registration shall be properly signed and executed by the owner showing that the ownership of the vehicle has been transferred or its use discontinued and returned to the commissioner within 10 days of said event. If there is a change of ownership of a vehicle for which a registration has previously been issued the new owner shall apply for a new registration and set forth the original number in the application. He shall pay the regular fee for the particular vehicle involved. The holder of any registration issued under this section may obtain a duplicate from the department upon application and payment of the fee of \$1.

§ 3014. Numbers permanent

A number once awarded under this section to a snow traveling vehicle remains with that vehicle until the vehicle is destroyed, abandoned or permanently removed from this State.

§ 3015. Vehicles exempt from registration

No registration shall be required for a snow traveling vehicle owned and operated over the snow on lands owned by a person and on which he is domiciled; for a vehicle operated by a commercial ski area for the purpose of packing snow or for rescue operations thereon, unless the vehicle is required to cross a public way during such operation and then such registration shall be required; on a vehicle whose owner is the United State, a state or subdivision thereof.

§ 3016. Dealers

Any person who is in the business of selling said vehicles in the State shall register as a dealer and secure a dealer's license from the commissioner.

Said license shall permit him to demonstrate these vehicles for the purpose of sale only and do not need to be individually registered. He shall display his

dealer's number on each such vehicle being demonstrated. Upon the sale of said vehicle it is then the owner's responsibility to register said vehicle.

The dealer's fee shall be \$10 annually from each July 1st.

§ 3017. Authority under registration

No person shall operate a vehicle upon the main traveled portion of any public way, or within 20 feet of such main traveled portion, with the following exceptions:

1. Crossing ways. Properly registered vehicles may cross public ways, except controlled access highways, provided that such crossing can be made in safety and that it does not interfere with the free movement of vehicular traffic approaching from either direction on such public way. It shall be the responsibility of the operator of a vehicle to yield the right-of-way to all vehicular traffic upon any public way before crossing same.

2. Adjacent to a public way. Whenever it is impracticable to gain immediate access to an area adjacent to a public way where a vehicle is to be operated, said vehicle may be operated adjacent and parallel to such public way for the purpose of gaining access to the area of operation. This subsection shall apply to the operation of a vehicle from the point where same is unloaded from a motorized conveyance to the area where the vehicle is to be operated, or from the area where operated to a motorized conveyance when such loading or unloading cannot be effected in the immediate vicinity of the area of operation without causing a hazard to vehicular traffic approaching from either direction on said way. Such loading or unloading must be accomplished with due regard to safety, at the nearest possible point to the area of operation.

Under no circumstances, except as provided, is a vehicle to be operated on the main traveled portion of a way, or that portion of a way that has been plowed or on a snow bank immediately adjacent to the plowed portion of the way, unless such operation is conducted for the sole purpose of crossing said way as provided for in subsection 1.

3. Other portions. Vehicles operated on that portion of a public way that is not maintained or utilized for the operation of conventional motor type vehicles.

§ 3018. Operation

1. Reckless operation. It is unlawful for any person to operate any snow traveling vehicle recklessly.

2. Operating under influence. It is unlawful to operate any snow traveling vehicle while intoxicated or at all under the influence of intoxicating liquor in any place.

3. Operating to endanger. It is unlawful for any person to operate any snow traveling vehicle so as to endanger any person or property.

4. Prudent speed. It is unlawful to operate any snow traveling vehicle except at a reasonable and prudent speed for the existing conditions.

5. Age restriction for operation. It shall be unlawful for any person under 12 years of age to operate any snow traveling vehicle unless he is under the immediate supervision of a person, located on the same vehicle, who is at least

16 years of age. No person under the age of 16 years shall operate such vehicle when crossing any public way maintained for travel. No operator's license shall be required for crossing such public ways.

§ 3019. Regulatory authority

The commissioner is authorized to amend and adopt rules and regulations which are not inconsistent with this chapter on the following matters:

1. Procedure. Regulations to further establish administrative procedure.
2. Use and operation. Regulations governing the use and operation of snow vehicles to insure the safety of persons and property.
3. Equipment. Regulations governing safety equipment including type, quality and quantity of such equipment.

When the commissioner decides it necessary to adopt or amend such regulations he shall follow this procedure:

1. Public hearing. Set a time and place for a public hearing and publish notice thereof in the state paper at least 7 days prior to said hearing date including the location, time and place and substance of said hearing.
2. Adoption or amendment. After holding said hearing he may adopt or amend any or all of said proposed regulations.
3. Publication. He shall publish the so adopted rules and regulations in the state paper.
4. Effective date. Said rules and regulations shall become effective the day following publication in the state paper and shall have the full force of law.

§ 3020. Accidents

The operator of any vehicle involved in an accident upon a public way resulting in injuries to or death of any person or property damage to the estimated amount of \$100 or more, or some person acting for him, or the owner of said vehicle having knowledge of the accident should the operator of same be unknown, shall immediately by the quickest means of communication give notice of the accident either to a State Police Officer, or to the nearest state police field office, or to the sheriff's office within the county wherein the accident occurred, or to the office of the police department of the municipality wherein the accident occurred.

Any such accident occurring in any place other than on a public way shall be reported by the quickest means possible to the nearest warden of the Department of Inland Fisheries and Game.

§ 3021. Penalty

Any person who violates this chapter or any rule or regulation promulgated by the commissioner shall be punished by a fine of not less than \$10 nor more than \$100 for each offense. In addition thereto the operator of any such vehicle shall be held accountable and liable to the owner of any lands where trees shrubs or other property has been damaged as a result of over-the-snow travel. All fines and penalties collected shall be accounted for as specified under section 3061.