

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1666

S. P. 654

In Senate, May 17, 1967

Reported by Senator Stern of Penobscot, from Committee on Legal Affairs.
Printed under Joint Rules No. 18.

JERROLD B. SPEERS, Secretary

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:

Sec. 1. R. S., T. 29, c. 14, additional. Title 29 of the Revised Statutes is amended by adding a new chapter 14, to read as follows:

CHAPTER 14

SNOW TRAVELING VEHICLES

§ 2151. Definitions

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

1. **Cowling.** "Cowling" means the forward or rear 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.

§ 2152. 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 Secretary of State is authorized to register and assign a registration number to all snow traveling vehicles, upon application and payment of a fee of \$4 by the owner for the initial registration and \$3 annually for renewal registration. A registration shall be valid for one year commencing July 1st of each year.

§ 2153. Form

Such registrations shall be issued by agents as designated by him and shall be in such form as the Secretary of State may determine. The registration certificate 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 each side of the cowling in such form and manner as prescribed by the Secretary of State.

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

§ 2154. Numbers permanent

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

§ 2155. Vehicles exempt from registration

No registration shall be required for a snow traveling vehicle owned and operated over the snow on land on which a person lives or on lands to which he has a contractual right or 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 certificate shall be required; on a snow traveling vehicle owned by the Federal Government, a state government or subdivision thereof.

§ 2156. Dealers

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

Said license shall permit him to demonstrate these snow traveling 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 snow traveling vehicle being demonstrated. Upon the sale of said snow traveling vehicle it is then the owner's responsibility to register said snow traveling vehicle.

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

§ 2157. Authority under registration

No person shall operate a snow traveling vehicle upon controlled access highways or within the right-of-way limits thereof.

No person shall operate a snow traveling vehicle upon the main traveled portion, or the plowed snow banks, or of any other public way, with the following exceptions:

1. Crossing ways. Properly registered snow traveling vehicles may cross, as directly as possible, 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 snow traveling 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 snow traveling vehicle is to be operated, said snow traveling 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 snow traveling vehicle from the point where the same is unloaded from a motorized conveyance to the area where the snow traveling 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 snow traveling 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. Snow traveling vehicles may operate on that portion of a public way that is not maintained or utilized for the operation of conventional motor type vehicles.

§ 2158. 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 snowtraveling vehicle unless he is under the immediate supervision of a person, located on the same snow traveling vehicle, who is at least 16 years of age. This restriction shall not apply to the operation of any such snow traveling vehicle by any person on lands owned or occupied by him. No person under the age of 16 years shall operate such snow traveling vehicle when crossing any public way maintained for travel. No operator's license shall be required for crossing such public ways.

§ 2159. Regulatory authority

The Secretary of State 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 traveling vehicles to insure the safety of persons and property.
3. Equipment. Regulations governing safety equipment including type, quality and quantity of such equipment.

The Secretary of State shall have the authority to adopt or amende such regulations as he deems necessary to carry out the intent and purpose of this chapter.

Such action shall be subject to the following :

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.

§ 2160. Application

This chapter shall apply to the operation of snow traveling vehicles on brooks, streams and great ponds.

§ 2161. Accidents

The operator of any snow traveling 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 snow traveling 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 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.

§ 2162. Enforcement

Every law enforcement officer in the State, including wardens of the Department of Inland Fisheries and Game, wardens of the Department of Sea and Shore Fisheries, foresters and wardens of the Forestry Department shall enforce this chapter.

§ 2163. Penalty

Any person who violates this chapter or any rule or regulation promulgated by the Secretary of State shall be punished by a fine of not less than \$10 nor more than \$100 for each offense. The enactment of this Act is in no way to be construed as giving a license or permission to cross or go on the property of another. Any person in violation thereof shall be held accountable to the owner under existing law.

Sec. 2. Effective date. This Act shall become effective July 1, 1968 and for the subsequent years until changed by legislative enactment.