

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 586

S. P. 184

In Senate, February 4, 1969

Referred to Committee on Transportation. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Tanous of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Regulating Snowmobiles.

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

Sec. 1. R. S., T. 29, c. 14, repealed and replaced. Chapter 14 of Title 29 of the Revised Statutes, as enacted by section 1 of chapter 479 of the public laws of 1967, is repealed and the following enacted in place thereof:

CHAPTER 14 SNOWMOBILES

§ 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 fiberglass, 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 snowmobile means to use that vehicle in any manner within the jurisdiction of the State whether or not said vehicle is under way.

3. **Snowmobile.** "Snowmobile" 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.

§ 2152. Registration

Except as otherwise provided, no snowmobile 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 snowmobiles, upon application and payment of a fee of \$4 by the owner for the initial registration and \$3 annually for renewal. A registration shall be valid for one year commencing July 1st of each year. No municipality or political subdivision of this State may adopt any ordinance, law or regulation dealing with the operation of registration of snowmobiles or any other subject matter of this chapter.

§ 2153. Form

Such registration 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 a snowmobile shall be displayed on each side of the cowling in the following manner: The number must be painted or firmly 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 registration 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. No number other than the number awarded to a snowmobile under this chapter, or granted reciprocity under this chapter, shall be painted, attached or otherwise displayed on each side of the cowling except that racing numbers on a snowmobile being operated in a prearranged organized racing meet may be temporarily displayed for the duration of the race.

Whenever ownership is transferred or the use of a snowmobile for which a registration certificate has already been issued is discontinued, the old registration certificate shall be properly executed by the owner showing that the ownership of the snowmobile 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 snowmobile for which a registration certificate and number has previously been issued, the new owner shall apply for a new registration certificate and new number. He shall pay the regular fee for the particular snowmobile involved. The holder of any registration certificate issued under this section may obtain a duplicate from the department upon application and payment of a fee of \$1.

Whoever transfers ownership or discontinues the use of a snowmobile for which a registration certificate has been issued and applies for registration of another snowmobile in the same registration year will be entitled to transfer his registration and numbers to said snowmobile upon payment of a fee of \$2.

§ 2154. Numbers

The Secretary of State shall reserve until the May 1st preceding the year for which the registrations are issued the same registration number for the succeeding year for persons who shall, previous to the said first day of May, pay for the registration of the snowmobile for the succeeding year and otherwise comply with the snowmobile law. If a person wishes to retain his

registration number and does not have a snowmobile to register on said May 1st, he may hold his registration number by depositing with the Secretary of State the sum of \$2 to be applied as part payment of the registration fee when the registration certificate is issued. All numbers other than those reserved shall be released and issued in rotation after said May 1st.

§ 2155. Vehicles exempt from registration

No registration shall be required for a snowmobile owned and operated over the snow on land on which a person lives, on lands to which he has a contractual right or on lands on which he is domiciled. No registration shall be required for a snowmobile operated by a commercial ski area for the purpose of packing snow or for rescue operations thereon, unless the snowmobile is required to cross a public way during such operation. Snowmobiles owned and operated in this State by the Federal Government, the State or political subdivision of the State shall be exempt from registration fees, but shall be registered and required to display numbers.

The exemption from registration shall not apply to snowmobiles which are leased or rented for hire.

§ 2156. Dealers

Any person who is in the business of selling snowmobiles in the State shall register as a dealer and secure a dealer's license from the Secretary of State. No snowmobile operated under a dealer's license and registration shall be used by the dealer for other than demonstration, service or emergency purposes. Snowmobiles so registered do not need to be individually registered. Dealers shall display their dealer's number on each such snowmobile being so used. Upon the sale of the snowmobile, it is then the owner's responsibility to register the snowmobile.

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

The Secretary of State may issue temporary numbers and registrations to bona fide dealers who may upon the sale or exchange of a snowmobile issue them to new owners in order to allow them to operate snowmobiles for a period of 10 consecutive days only after the day of sale in lieu of a permanent number as required by this chapter.

§ 2157. Authority under registration

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

No person shall operate a snowmobile upon the main travelled portion, or the plowed snowbanks, or of any other public way, with the following exceptions:

1. Crossing ways. Properly registered snowmobiles 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 the snowmobile to yield the right-of-way to all vehicular traffic upon any public way before crossing the 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 snowmobile is to be operated, said snowmobile may be operated adjacent and parallel to the main travelled portion and the plowed snowbanks of such public way for the purpose of gaining access to the area of operation. This subsection includes, without being limited to, the operation of a snowmobile from the point where the same is unloaded from a motorized conveyance to the area where the snowmobile 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 snowmobile to be operated on the main travelled portion of a way, or that portion of a way that has been plowed or on a snowbank 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.** Snowmobiles may operate on that portion of a public way that is unplowed and unused during the winter months by conventional motor type vehicles.

§ 2158. Operation

1. **Reckless operation.** It is unlawful for any person to operate any snowmobile recklessly.

2. **Operating under the influence.** It is unlawful to operate any snowmobile while intoxicated or at all under the influence of intoxicating liquor in any place. The provisions of section 1312 relating to weight of alcohol in the defendant's blood and its admission as evidence shall apply to this subsection.

3. **Operating to endanger.** It is unlawful for any person to operate any snowmobile so as to endanger any person or property.

4. **Prudent speed.** It is unlawful to operate any snowmobile except at reasonable and prudent speed for the existing conditions.

5. **Age restriction for operation.** No person under the age of 14 years shall operate a snowmobile when crossing any public way maintained for travel. No operator's license shall be required for the operation of a snowmobile.

6. **Noise.** No person shall operate a snowmobile without an adequate muffler.

7. **Operating on land of another.** Any person operating a snowmobile upon the land of another shall stop and identify himself upon the request of the landowner or his duly authorized representative.

8. Snowmobiles operated at prearranged racing meets. Snowmobiles operated at prearranged racing meets shall be exempt from the provisions of this chapter concerning registration, mufflers and lights during the time of such operation at prearranged organized racing meets. This shall include all prerace practice at the location of said meet.

9. Operation on railroad tracks. No person shall operate any snowmobile along or adjacent and parallel to the tracks of any railroad within the limits of the railroad right-of-way without written permission from the railroad.

10. Operation at certain times. Snowmobiles may be operated on streets and public ways during a period of emergency when the emergency has been so declared by a police agency having jurisdiction and when travel by conventional motor vehicles is not practicable. Snowmobiles may be operated on streets and public ways in special snowmobile events of limited duration conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction.

11. Lights. Every snowmobile shall have mounted on the front thereof at least one headlight capable of casting a white beam for a distance of at least 100 feet directly ahead of the snowmobile. Every snowmobile shall have mounted on the rear thereof one lamp capable of displaying a red light which shall be visible at a distance of at least 100 feet behind such snowmobile. These lights shall be in operation during the period of from $\frac{1}{2}$ hour after sunset to $\frac{1}{2}$ hour before sunrise and at any time when, due to insufficient light or unfavorable atmospheric conditions, caused by fog or otherwise, other persons, vehicles and other objects are not clearly discernible for a distance of 500 feet ahead.

§ 2159. Regulatory authority

The Secretary of State is authorized to amend and adopt rules and regulations in accordance with Title 5, chapter 303, which are not inconsistent with this chapter on the following matters:

1. Procedure. Regulations to further establish administration procedures.
2. Use and operation. Regulations governing the use and operation of snowmobiles to insure the safety of persons and property.
3. Equipment. Regulations governing safety equipment including type, quality and quantity of such equipment.
4. Temporary registration. Regulations providing for issuance of temporary registrations.

The Secretary of State shall have authority to adopt or amend 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 hearings. Set a time and place for a public hearing and publish notice thereof in a 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. Reciprocity

The provisions of this chapter relative to registration of snowmobiles do not apply to any nonresident owner or operator who has complied with the registration and licensing laws of his state, district or country of residence to the extent that that state, district or country of residence grants the same or similar privileges to residents of this State. The Secretary of State, after determining that like privileges are granted by a state, district or country, shall have the authority to enter into a formal written agreement or make other arrangements with such state, district or country for the purpose of carrying out the purpose of this section. Nothing in this section shall be construed to authorize the operation of any snowmobile described in the manner contrary to this chapter relating to snowmobiles upon the public ways of this State.

§ 2161. Application

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

§ 2162. Accidents

The operator of any snowmobile involved in an accident upon a public way resulting in injuries to or death of any person or property damaged to the estimated amount of \$100 or more, or some person acting for him, or the owner of said snowmobile 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 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 in a public way shall be reported by the quickest means possible to the nearest warden of the Department of Inland Fisheries and Game.

§ 2163. 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 and supervisors and rangers of the State Park and Recreation Commission and Allagash Wilderness Waterway shall enforce this chapter.

§ 2164. Penalty

Any person who violates this chapter or any rules 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 chapter is in no way to be construed as giving license or permission to cross or go on the property of another. Any person in violation shall be held accountable to the owner under existing law.

Sec. 2. R. S., T. 29, § 1, sub-§ 7, amended. Subsection 7 of section 1 of Title 29 of the Revised Statutes is amended to read as follows:

7. Motor vehicle. "Motor vehicle" shall mean any self-propelled vehicle not operated exclusively on tracks, including motorcycles, **but not including snowmobiles as defined in section 2151.**

Sec. 3. R. S., T. 29, § 1, sub-§ 20, amended. Subsection 20 of section 1 of Title 29 of the Revised Statutes is amended to read as follows:

20. Vehicle. "Vehicle" shall include all kinds of conveyances on ways for persons and for property, except those propelled or drawn by human power or used exclusively on tracks **or snowmobiles as defined in section 2151.**

Sec. 4. R. S., T. 36, § 655, sub-§ 1, ¶ L, additional. Subsection 1 of section 655 of title 36 of the Revised Statutes is amended by adding a new paragraph L, to read as follows:

L. Snowmobiles are defined in Title 29, section 2151.

Sec. 5. R. S., T. 36, § 1481, sub-§ 3, amended. Subsection 3 of section 1481 of Title 36 of the Revised Statutes is amended by adding at the end, a new sentence, as follows:

"Motor vehicle" shall not include any snowmobile as defined in Title 29, section 2151.

Sec. 6. R. S., T. 36, § 1481, sub-§ 5, amended. Subsection 5 of section 1481 of Title 36 of the Revised Statutes is amended by adding at the end, a new sentence, as follows:

"Vehicle" shall not include any snowmobile as defined in Title 29, section 2151.