

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1686

H. P. 1357 House of Representatives, January 6, 1970
Committee on State Government suggested.
BERTHA W. JOHNSON, Clerk
Presented by Mr. Rideout of Manchester.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
AND SEVENTY

AN ACT Relating to Operation of Snowmobiles and Registration by Bureau
of Watercraft Registration and Safety.

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

Sec. 1. R. S., T. 38, c. 2, additional. Title 38 of the Revised Statutes is amended by adding a new chapter 2, to read as follows:

CHAPTER 2
SNOWMOBILES

§ 341. 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.

§ 342. Excise tax

An excise tax of \$6 shall be levied annually with respect to each calendar year for the privilege of operating a snowmobile under this chapter.

If the snowmobile is owned by an individual resident of this State or a domestic corporation and the owner resides in a municipality or plantation, the excise tax shall be paid to the tax collector in the place where the owner resides; if the snowmobile is owned by an individual resident of this State, or a domestic corporation, and the owner resides in an unorganized place, the excise tax shall be paid to agents appointed by the respective county commissioners to collect the excise tax. Such agents shall be allowed a fee of 30c for each tax receipt issued and shall deposit the remainder promptly with the county treasurer.

If the snowmobile is owned by a resident of the various Indian reservations the excise tax shall be paid to the tribal clerk thereof who shall hold and distribute the proceeds for the benefit of the respective tribes in accordance with Title 22, section 4706.

If the snowmobile is owned by a nonresident person, the excise tax shall be paid to the tax collector in the place where he is temporarily or occasionally residing, or, if there is no such residing place, to the State.

If the snowmobile is owned by a partnership or a foreign corporation, the excise tax shall be paid to the tax collector in the place where the snowmobile is customarily kept; or if there is no such customary place of keeping, to the State.

The excise taxes may be appropriated by the municipalities for any purpose for which they may lawfully appropriate moneys. The excise taxes paid in unorganized places shall be credited by the county treasurer as undedicated funds for the unorganized place in which the tax was payable. Excise taxes required to be paid to the State shall be paid to the Bureau of Watercraft Registration and Safety.

Receipts for the payment of excise tax shall be in a form and number to be determined by the Director of the Bureau of Watercraft Registration and Safety.

§ 343. 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 and no snowmobile shall be registered until the excise tax has been paid in accordance with section 342. The Director of the Bureau of Watercraft Registration and Safety is authorized to register and assign a registration number to all snowmobiles, upon application and payment of an annual fee of \$4 by the owner. The registration fee shall be credited as follows: \$3 of each fee shall be credited to the Bureau of Watercraft Registration and Safety and \$1 of each fee shall be credited to the State Park and Recreation Commission. All other moneys received under this chapter, including dealer license fees, shall be credited to the Bureau of Watercraft Registration and Safety.

All moneys credited to the Bureau of Watercraft Registration and Safety including registration fees shall be expended by the bureau solely for the cost of administration and enforcement of this chapter. The moneys credited to the State Park and Recreation Commission shall be expended for the

purpose of marking and clearing of snowmobile trails and providing statewide maps and trail charts and other educational and informational materials for the use of operators of snowmobiles. If any of such moneys are not expended during the year in which they are collected, the unexpended balance shall not lapse but shall be carried as a continuing account available for the purposes specified until expended.

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 or registration of snowmobiles or any other subject matter of this chapter.

Whoever transfers the ownership or discontinues the use of a registered snowmobile and applies for registration of another snowmobile in the same registration year shall be entitled to a certificate of registration upon payment of a transfer fee of \$2 and shall not be required to pay the regular registration fee of \$4.

§ 344. Form

Such registration shall be issued by the Director of Watercraft Registration and Safety and shall be in such form as the director 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 signed and executed by the owner showing that the ownership of the snowmobile has been transferred or its use discontinued and returned to the director within 10 days of said event. If there is a change of ownership of a snowmobile for which a registration certificate number has previously been issued, the new owner shall apply for a new registration certificate and shall set forth the original number in the application. 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 bureau upon application and payment of a fee of \$1.

§ 345. Numbers permanent

All numbers once awarded under this chapter to a snowmobile shall remain with that snowmobile until the snowmobile is destroyed, abandoned or per-

manently removed from this State. The registered owner shall notify the bureau in writing within 10 days, if a snowmobile is destroyed, abandoned or permanently removed from this State.

§ 346. 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, provided the snowmobile is not operated elsewhere within the jurisdiction of the State. 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.

§ 347. 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 director. No snowmobile operated under a dealer's license and registration shall be used by the dealer for other than demonstration, testing, 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 and \$1 for a duplicate license.

The director 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 and the fee shall be 50c for each temporary plate.

§ 348. 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. Other portions. Snowmobiles may operate on any portion of the public ways when the main travelled portion is unplowed and unused during the winter months by conventional motor vehicles. If the main travelled portion of a public way is plowed and utilized by conventional motor vehicles during the winter months, snowmobiles may operate only on that portion of the way not maintained or utilized for the operation of conventional motor vehicles, except that operation shall be prohibited during the hours from sunset to sunrise on the portion of the way not maintained or utilized for the operation of conventional motor vehicles. This subsection shall not be construed to prohibit snowmobiles from crossing said ways as provided in subsection 1.

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 way unless such operation is conducted for the sole purpose of crossing said way as provided in subsection 1.

§ 349. 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 Title 29, 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 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 at least 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 atmosphere conditions, caused by fog or otherwise, other persons, vehicles and other objects are not clearly discernible for a distance of 500 feet ahead.

§ 350. Regulatory authority

The Director of the Bureau of Watercraft Registration and Safety 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 administrative procedures including but not limited to: The appointment and compensation of agents for the issuance of registrations; the provision of procedures for the issuance of registrations by such agents and methods of payment of their portion of the registration fees to municipalities.

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.

5. Racing. Regulations with respect to location, erection, construction and maintenance of grandstands, bleachers, stadiums, arenas, fences, safety barriers or other like structures intended principally to support or protect spectators during any type of snowmobile racing and any other regulations necessary to insure the safety of spectators at snowmobile races.

The director 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 one week following publication in the state paper and shall have the full force of law.

§ 351. 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 director, 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 any manner contrary to this chapter.

§ 352. Application

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

§ 353. Accidents

The operator of any snowmobile involved in any accident 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 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 either to the State Police officer or warden of the Department of Inland Fisheries and Game assigned to the area wherein the accident occurred, to the nearest State Police office or to the sheriff's office within the county wherein the accident occurred, or the office of the police department of the municipality wherein the accident occurred. Failure of such persons to give notice of any accident requiring notice, to the State Police officer or warden or one of the 3 offices named shall be prima facie evidence that such accident was not reported.

§ 354. 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.

§ 355. Penalty

Any person who violates this chapter or any rules or regulations promulgated by the Director of the Bureau of Watercraft Registration and Safety 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.

§ 356. Public utility exemption

So that public utilities may effectively and speedily carry out their obligations to the public, the restrictions imposed by section 348, subsection 2, with respect to operation between sunset and sunrise and by section 349, subsection 10, with respect to operation only after a "declared" snow emergency shall not apply to a snowmobile operated by a public utility regulated by the Public Utilities Commission while being operated in the course of the utility's corporate function.

Sec. 2. R. S., T. 12, c. 304, repealed. Chapter 304 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is repealed.

Sec. 3. R. S., T. 29, § 1, sub-§ 7, amended. Subsection 7 of section 1 of Title 29 of the Revised Statutes, as amended by section 2 of chapter 414 of the public laws of 1969, is further 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 Title ~~12~~ 38, section ~~1971~~ 341.

Sec. 4. R. S., T. 29, § 1, sub-§ 20, amended. Subsection 20 of section 1 of Title 29 of the Revised Statutes, as amended by section 3 of chapter 414 of the public laws of 1969, is further 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 Title ~~12~~ 38, section ~~1971~~ 341.

Sec. 5. R. S., T. 36, § 655, sub-§ 1, ¶ L, amended. Paragraph L of subsection 1 of section 655 of Title 36 of the Revised Statutes, as enacted by section 5 of chapter 414 of the public laws of 1969, is amended to read as follows:

L. Snowmobiles as defined in Title ~~38~~, section ~~341~~, except those constituting stock in trade.

Sec. 6. R. S., T. 36, § 1481, sub-§ 3, amended. The last sentence of subsection 3 of section 1481 of Title 36 of the Revised Statutes, as enacted by section 6 of chapter 414 of the public laws of 1969, is amended to read as follows:

“Motor vehicle” shall not include any snowmobile as defined in Title ~~38~~, section ~~341~~.

Sec. 7. R. S., T. 36, § 1481, sub-§ 5, amended. The last sentence of subsection 5 of section 1481 of Title 36 of the Revised Statutes, as enacted by section 7 of chapter 414 of the public laws of 1969, is amended to read as follows:

“Vehicle” shall not include any snowmobiles as defined in Title ~~38~~, section ~~341~~.

Sec. 8. Transitional provisions. All registrations of snowmobiles which are valid on the day previous to the effective date of this Act are valid and are hereby extended to expire on July 1, 1970. The Commissioner of Inland Fisheries and Game, after the effective date of this Act, shall turn over all his records relating to the administration of the former snowmobile law to the Director of the Bureau of Watercraft Registration and Safety.

All rules and regulations presently in force and issued by the Commissioner of Inland Fisheries and Game shall continue in force until such time as they are altered, changed or repealed by the Director of the Bureau of Watercraft Registration and Safety.