

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1592

S. P. 484

In Senate, March 17, 1971

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Tanous of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Amend the Snowmobile Law.

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

Sec. 1. R. S., T. 12, § 1971, sub-§ 2-A, additional. Section 1971 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended by adding a new subsection 2-A, to read as follows:

2-A. Owner. "Owner" for the purposes of registration shall mean any person, firm or corporation or association holding title to a snowmobile or having exclusive right to the use thereof for a period greater than 30 days.

Sec. 2. R. S., T. 12, § 1971, sub-§ 3, amended. Subsection 3 of section 1971 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended to read as follows:

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, tires or cleats.

Sec. 3. R. S., T. 12, § 1972, amended. The first paragraph of section 1972 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended by inserting after the first sentence the following new sentence:

In any event, all snowmobiles owned by Maine residents and operated in Maine must be registered in this State.

Sec. 4. R. S., T. 12, § 1972, amended. The first and 2nd sentences of the 2nd paragraph of section 1972 of Title 12 of the Revised Statutes, as enacted

by section 1 of chapter 414 of the public laws of 1969, are amended to read as follows:

All moneys credited to the Department of Inland Fisheries and Game including registration fees shall be expended by the department solely for the cost of administration, **establishment of a safety program for snowmobile operators** and enforcement of this chapter. The moneys credited to the State Park and Recreation Commission shall be expended for the purpose of marking ~~and or~~ clearing of snowmobile trails and providing ~~statewide maps and trail charts and other~~ educational and informational materials for the use of operators of snowmobiles.

Sec. 5. R. S., T. 12, § 1972, amended. The last paragraph of section 1972 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended to read as follows:

Whoever **permanently** 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 \$10.

Sec. 6. R. S., T. 12, § 1973, amended. The first paragraph of section 1973 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is repealed and the following enacted in place thereof:

Such registration shall be issued by the Commissioner of Inland Fisheries and Game or by agents designated by him and shall be in such form as the Commissioner of Inland Fisheries and Game may determine. The registration certificate shall be subject to inspection by any law enforcement officer on demand. The registration number assigned to a snowmobile shall be displayed in such form and manner as the Commissioner of Inland Fisheries and Game shall determine.

Sec. 7. R. S., T. 12, § 1975, amended. The first sentence of the first paragraph of section 1975 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is repealed.

Sec. 8. R. S., T. 12, § 1976, amended. The 2nd sentence of section 1976 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is repealed.

Sec. 9. R. S., T. 12, § 1976, amended. The 2nd paragraph of section 1976 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended to read as follows:

The dealer's license and registration fee shall be ~~\$10~~ **\$25** annually from each July 1st. **Each dealer shall receive 2 dealer's number plates for the \$25 fee; additional plates, issued pursuant to regulations of the commissioner, may be obtained at \$10 for each additional plate.**

Sec. 10. R. S., T. 12, § 1977, amended. The 2nd paragraph of section 1977 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended to read as follows:

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

Sec. 11. R. S., T. 12, § 1977, sub-§ 1, amended. The first sentence of subsection 1 of section 1977 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended to read as follows:

Properly registered snowmobiles may cross, as directly as possible, public ways, **including sidewalks**, 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.

Sec. 12. R. S., T. 12, § 1978, sub-§ 2, repealed and replaced. Subsection 2 of section 1978 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is repealed and the following enacted in place thereof:

2. **Operating under the influence.** It is unlawful to operate or attempt to operate any snowmobile in any place while intoxicated by the use of intoxicating liquor or drugs or to operate or attempt to operate any snowmobile in any place while a person's mental or physical faculties are impaired by the use of intoxicating liquors or drugs. The provisions of Title 29, section 1312 relating to weight of alcohol in defendant's blood and its admission in evidence shall apply to this subsection.

Sec. 13. R. S., T. 12, § 1978, sub-§ 12, additional. Section 1978 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended by adding a new subsection 12 to read as follows:

12. **Stopping for law enforcement officer.** Any law enforcement officer in uniform whose duty it is to enforce provisions of this chapter may stop and examine any snowmobile for the purpose of ascertaining whether it is being operated in compliance with this chapter and the officer may demand and inspect the operator's certificate of registration. He may also examine the identification numbers of said snowmobile and any marks thereon. It shall be unlawful for the operator of any snowmobile to fail or refuse to stop such snowmobile on request or signal of any such officer.

Sec. 14. R. S., T. 12, § 1979, sub-§ 6, additional. Section 1979 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended by adding a new subsection 6 in the first paragraph, to read as follows:

6. **Issuance of dealer plates.** Regulations providing for the issuance of dealer plates, including determination of the number of plates to be issued to persons who are in the business of selling snowmobiles.

Sec. 15. R. S., T. 12, § 1980, amended. The first sentence of section 1980 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended to read as follows:

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 **if the snowmobile is primarily operated in this State by such nonresident owner or operator. If the snowmobile is owned by a nonresident but is primarily operated in this State by a Maine resident, it must be registered under section 1972.**

Sec. 16. R. S., T. 12, § 1982, amended. Section 1982 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended by adding a new paragraph to read as follows:

All accident reports made by investigating officers shall be for the purpose of a statistical analysis and for accident prevention purposes and shall not be admissible in evidence in any trial, civil or criminal, arising out of such accident, but the Commissioner of Inland Fisheries and Game may disclose, upon the request of any person, the date, time, location of the accident and the names and addresses of drivers, owners, injured persons, witnesses and the investigating officer. The commissioner may upon written request furnish a photo copy of any report at the expense of the person making the request.

Sec. 17. R. S., T. 15, § 2552, amended. The last paragraph of section 2552 of Title 15 of the Revised Statutes, as last repealed and replaced by section 19 of chapter 590 of the public laws of 1969, is amended to read as follows:

Juvenile Courts shall have no jurisdiction over offenses in which any juvenile is charged with the violation of any provision of Title 29, ~~and~~ Title 38, chapter 1, subchapter VI, **and Title 12, chapter 304**, or over any other traffic law or ordinance, if such offense is a misdemeanor except that juvenile courts shall have exclusive, original jurisdiction over offenses in which any juvenile is charged with a violation of Title 29, sections 900, 1312, 1312-A, 1315 and 1316 and Title 12, section 1978, subsection 2, or of Title 38, section 237, subsection 2.

STATEMENT OF FACT

The amendment in section 1 will clarify the law with respect to who is to be considered the owner of a snowmobile.

The amendment in section 2 will amend the definition of snowmobile to include so-called all terrain vehicles.

The amendment in section 3 and section 14 is intended to clearly spell out the requirement that a snowmobile operated by a Maine resident must be registered in Maine.

The amendment in section 4 will allow the Department of Inland Fisheries & Game to establish a snowmobile safety program and will provide that the State Park and Recreation Commission may mark or clear snowmobile trails.

The amendment in section 5 is intended to cure some administrative problems that have arisen in determining whether in fact ownership of a snowmobile has been transferred or its use discontinued.

The amendment in section 6 will allow for flexibility in determining the type and placement of registration numbers on snowmobiles.

The amendment in section 7 intends to require the registration of many snowmobiles which are presently exempt.

The amendments contained in sections 8 and 9 change the law relating to snowmobile dealers, eliminating the requirement that a dealer's license plates may be used only for demonstration, testing, service or emergency purposes. The dealer's registration fee is increased and a specified number of plates, with additional plates available as provided for.

The amendments in sections 10 and 11 are intended to cure an omission presently in the law since there is no reference to operation on sidewalks.

The amendment in section 12 intends to prohibit operation of snowmobiles under the influence of drugs since there is presently no provision for such operation. Additionally, the present language in the statute will be eliminated and replaced with language compatible with the present statutory language relating to operation under the influence.

The amendment in section 13 is intended to clearly spell out the right of a law enforcement officer to stop a snowmobile and to require the operator to stop upon signal of such an officer.

Section 14 gives the Commissioner of Inland Fisheries & Game power to provide regulations for the issuance of dealer plates.

Section 15 will clarify the reciprocity provisions to provide that they apply only in the instance where a snowmobile is registered in another jurisdiction and primarily operated in this State by nonresident owner or operator.

Section 16 will place limitations on the use of accident reports similar to those now applied to motor vehicles.

The amendment in section 17 would provide that all snowmobile violations are not to be considered juvenile offenses except those concerning operating while impaired or intoxicated.