

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1978

H. P. 1535

House of Representatives, January 24, 1972

The Committee on State Government suggested.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Birt of East Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-TWO

**AN ACT Implementing the Reorganization of the Department of
Secretary of State.**

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

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

§ 1972. 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. In any event, all snowmobiles owned by Maine residents and operated in Maine must be registered in this State. The ~~Commissioner of Inland Fisheries and Game~~ **Secretary of State** is authorized to register and assign a registration number to all snowmobiles, upon application and payment of an annual fee of \$10 by the owner. The registration fee shall be credited as follows: ~~§~~ **\$2** of each fee shall be credited to the Department of Inland Fisheries and Game **or its successor**; **\$1 of each fee shall be credited to the General Fund**; **\$1** of each fee shall be credited to the State Park and Recreation Commission **or its successor** and **\$6** of each fee shall be annually distributed to the municipality of the owner's residence as shown on his registration certificate. All other moneys received under this chapter, including dealer license fees, shall be credited to the Department of Inland Fisheries and Game **or its successor**.

All moneys credited to the Department of Inland Fisheries and Game **or its successor** including registration fees shall be expended by the depart-

ment 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 or its successor shall be expended for the purpose of marking or clearing of snowmobile trails and providing educational and informational materials for the use of operators of snowmobiles. The State Park and Recreation Commission or its successor may charge a reasonable fee for said services and materials when the moneys credited to it under this paragraph are insufficient to satisfy the demand for said services and materials. All fees so collected shall be deposited in the State Park and Recreation Snowmobile Trail Fund. 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.

The moneys distributed to the municipalities by the Department of Inland Fisheries and Game or its successor may be appropriated by the municipalities for any purpose for which they may lawfully appropriate moneys.

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 permanently 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. 2. R. S., T. 12, § 1973, amended. Section 1973 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969 and as amended by section 5 of chapter 356 of the public laws of 1971, is further amended to read as follows:

§ 1973. Form

Such registration shall be issued by the ~~Commissioner of Inland Fisheries and Game Secretary of State~~ or by agents designated by him and shall be in such form as the ~~Commissioner of Inland Fisheries and Game Secretary of State~~ 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 Secretary of State~~ shall determine.

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 ~~Commissioner of Inland Fisheries and Game Secretary of State~~ 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 department upon application and payment of a fee of \$1.

The Secretary of State shall supply the Department of Inland Fisheries and Game or its successor at least quarterly a list of the names of all persons who have registered a snowmobile. The list shall disclose the licensee's address and registration number.

Sec. 3. R. S., T. 12, § 1974, amended. The last sentence of section 1974 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 registrant shall notify the ~~Department of Inland Fisheries and Game~~ Secretary of State if a snowmobile is destroyed, abandoned or permanently removed from this State.

Sec. 4. R. S., T. 12, § 1979, sub-§ 1, repealed. Subsection 1 of section 1979 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is repealed.

Sec. 5. R. S., T. 27, § 276, amended. The first sentence of section 276 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 441 of the public laws of 1965 and as repealed and replaced by section 4 of chapter 318 of the public laws of 1969, is amended to read as follows:

The ~~Governor~~ Secretary of State, with the advice and consent of the Governor and Council, shall appoint a State Archivist who shall be qualified by special training or experience in archival or historical work.

Sec. 6. R. S., T. 27, § 277, amended. The first sentence of section 277 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 441 of the public laws of 1965, is amended to read as follows:

The office of the State Archivist shall be a bureau within the Department of Secretary of State and shall be organized in the manner the State Archivist and the Secretary of State shall deem best suited to the accomplishment of the functions and purposes of this chapter.

Sec. 7. R. S., T. 27, § 278, sub-§ 1, amended. The 3rd sentence of subsection 1 of section 278 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 441 of the public laws of 1965, is amended to read as follows.

He shall employ, with the approval of the Secretary of State, subject to the Personnel Law, such assistants as may be necessary to carry out this chapter.

Sec. 8. R. S., T. 38, § 203, sub-§ 1, repealed and replaced. Subsection 1 of section 203 of Title 38 of the Revised Statutes is repealed and the following enacted in place thereof:

1. **Fees collected.** All fees collected for certificates, licenses and permits by the Secretary of State are paid daily to the Treasurer of State and accrue to the Watercraft Fund provided in this section, except that \$1 of each fee collected pursuant to section 234, subsection 2, paragraphs A and E, shall be credited to the General Fund.

Sec. 9. R. S., T. 38, § 231, sub-§ 1, amended. Subsection 1 of section 231 of Title 38 of the Revised Statutes is amended to read as follows:

1. **Purpose of bureau.** The bureau is established to provide an agency to register watercraft as provided in this subchapter and to promote safety for persons and property in connection with the use and operation of watercraft.

Sec. 10. R. S., T. 38, § 234, sub-§ 1, repealed and replaced. Subsection 1 of section 234 of Title 38 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

1. **Application, certificate.** The owner shall make application to the Secretary of State on forms approved by the Secretary of State. Upon receipt of the application in approved form, together with the proper form, together with the proper fee, the Secretary of State shall enter the same upon the office records and issue the applicant a certificate of number stating the number assigned to the motorboat, its description, the name and address of the owner and such other information as the Secretary of State deems appropriate. The certificate of number must be pocket size and available at all times for inspection on the motorboat for which issued when it is in operation. The Secretary of State shall supply the Bureau of Watercraft Registration or its successor at least quarterly a list of the names of all persons who have registered a watercraft. The list shall disclose the licensee's address and registration number.

Sec. 11. Funds and equipment transferred. Notwithstanding the Revised Statutes, Title 5, section 1585, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account, or subdivision of an account, of any agency to be reallocated to another department strictly as a result of the reorganization effort, shall be transferred to the proper place in the new structure by the State Controller, upon recommendation of the department head, the State Budget Officer and upon approval by the Governor and Executive Council.

STATEMENT OF FACT

This bill delegates to the Secretary of State the duty of registering snowmobiles and watercraft. The only duty of the Secretary of State will be to collect the registration fee and to issue the registration number to the licensee. All of the other programs and duties of the Snowmobile Registration Bureau of the Department of Inland Fisheries and Game and the Bureau of Watercraft Registration remain with those bureaus.

In each instance \$1 of the registration fee will be credited to the General Fund because there will be a saving to both the Department of Inland Fisheries and Game and the Bureau of Watercraft Registration of an amount of approximately \$1 per registration. The remainder of the registration fee in each instance will remain dedicated to the bureau or department to which it is now dedicated.

This bill also incorporates the Archives Department into the Department of Secretary of State. The Archives Department will now be a bureau within the Department of Secretary of State.