

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

# ONE HUNDRED AND SIXTH LEGISLATURE

---

---

## Legislative Document

No. 1039

H. P. 787

House of Representatives, February 21, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Cottrell of Portland.

---

---

## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

---

### AN ACT to Amend the Snowmobile Laws.

---

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

**Sec. 1.** R. S., T. 12, § 1971, sub-§ 1-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 and as amended by section 1 of chapter 356 of the public laws of 1971, is further amended by adding a new subsection 1-A to read as follows:

**1-A. Dwelling.** "Dwelling" means any buildings used as permanent residence or place of domicile.

**Sec. 2.** R. S., T. 12, § 1972, amended. The 4th sentence of 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 to read as follows:

The resident registration fee shall be credited as follows: \$3 of each fee shall be credited to the Department of Inland Fisheries and Game; \$1 of each fee shall be credited to the ~~State Park and Recreation Commission~~ **Parks and Recreation Department** and \$6 of each fee shall be annually distributed to the municipality of the owner's residence as shown on his registration certificate.

The nonresident registration fee shall be credited as follows: \$5 of each fee shall be credited to the Department of Inland Fisheries and Game and \$5 of each fee shall be credited to the **Parks and Recreation Department Snowmobile Trail Fund.**

**Sec. 3.** R. S., T. 12, § 1972, amended. The 2nd sentence 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 and as amended, is further amended to read as follows:

The moneys credited to the ~~State Park and Recreation Commission shall be expended for the purpose of marking or clearing of snowmobile trails~~ Parks and Recreation Department Snowmobile Trail Fund may be expended for snowmobile trail acquisition, including, but not limited to, the purchase or lease of real estate and the acquisition of easements; construction; development; planning; maintenance; and providing educational and informational materials for the use of operators of snowmobiles and research.

**Sec. 4. R. S., T. 12, § 1972, amended.** 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 and as amended, is further amended by adding after the 2nd sentence 2 new sentences to read as follows:

The Parks and Recreation Department may make grants-in-aid to political subdivisions, educational institutions, regional planning agencies, snowmobile groups and others for the construction and maintenance of snowmobile trails and for research, development and planning of snowmobile trails, on such terms as the department determines necessary. The department shall determine where the trails shall be located.

**Sec. 5. R. S., T. 12, § 1975, amended.** The first sentence of section 1975 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 6 of chapter 356 of the public laws of 1971, is further amended to read as follows:

No registration shall be required for a snowmobile owned and operated over the snow on land on which a person ~~lives or on lands on which he~~ is domiciled, provided the snowmobile is not operated elsewhere within the jurisdiction of the State.

**Sec. 6. R. S., T. 12, § 1976, amended.** Section 1976 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 by adding after the first paragraph a new paragraph to read as follows:

Replacement for lost or stolen plates may be obtained for a fee of \$2 per plate.

**Sec. 7. R. S., T. 12, § 1977, amended.** The 2nd paragraph of section 1977 of Title 12 of the Revised Statutes, as enacted by section 9-A of chapter 356 and as amended by section 34-A of chapter 622, both of the public laws of 1971, is further amended to read as follows:

No person shall operate a snowmobile upon any plowed private road, after having been forbidden to do so by the owner thereof ~~or the owner's agent or employee~~, either personally or by an appropriate notice posted conspicuously on said road.

**Sec. 8. R. S., T. 12, § 1977, sub-§ 1, amended.** 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 and as amended by section 11 of chapter 356 of the public laws of 1971, is further amended to read as follows:

1. **Crossing ways.** Properly registered snowmobiles may cross, as directly as possible, public ways, including sidewalks, bridges and culverts, except controlled access highways, except crossing may be permitted on any overpass and underpass 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. Snowmobiles may cross bridges, culverts, overpasses and underpasses, provided that the crossing is made in accordance with subsection 3.

Sec. 9. R. S., T. 12, § 1977, sub-§ 3, additional. Section 1977 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 by adding a new subsection 3 to read as follows:

3. **Bridges and culverts.** Snowmobiles may cross bridges, culverts, overpasses and underpasses if the snowmobile is brought to a complete stop before entering the said way, the operator yields the right of way to all vehicular traffic and the snowmobile is operated on the extreme right of the main traveled portion.

Sec. 10. R. S., T. 12, § 1978, sub-§ 5, amended. Subsection 5 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 amended by adding at the end the following new sentence.

It shall be unlawful for anyone to permit a child under 10 years of age to operate any snowmobile unless he is under the direct supervision of an adult, except on land which is owned or leased by the parent or guardian. Direct supervision shall mean visible observation.

Sec. 11. R. S., T. 12, § 1978, sub-§ 6, repealed and replaced. Subsection 6 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:

6. **Noise and horsepower.** Every snowmobile manufactured after October 1, 1973 and offered for sale or sold in this State shall be constructed as to limit total vehicle noise to not more than 82 decibels of sound pressure level at 50 feet on the "A" scale, as measured by the SAE standards J-102. Every snowmobile manufactured after February 1, 1975 and offered for sale or sold in this State, shall be constructed as to limit total vehicle noise to not more than 78 decibels of sound pressure level at 50 feet on the "A" scale as measured above. No snowmobile shall be modified by any person in any manner that shall amplify or otherwise increase total noise emission above that emitted by the snowmobile as originally constructed regardless of the date of manufacture.

It shall be unlawful to sell or offer for sale any snowmobile manufactured after October 1, 1973, which is powered by an internal combustion engine which develops more than 40 brake horsepower as certified by the manu-

facturer and as measured by SAE standard J-607. No snowmobile shall be modified or altered by any person in any manner so that its engine develops more than 40 brake horsepower as measured by said standards.

It shall be unlawful to operate any snowmobile which exceeds noise and horsepower limits as set forth in this subsection, except:

A. Snowmobiles manufactured on or before October 1, 1973 may be operated without reference to this subsection, except that they may not be so operated if they have been modified in violation of this subsection;

B. Snowmobiles operated at prearranged racing meets in compliance with subsection 8 may operate pursuant to said subsection 8;

C. Snowmobiles having a curb weight in excess of 750 pounds.

Sec. 12. R. S., T. 12, § 1978, sub-§ 7, amended. Subsection 7 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 amended by adding at the end the following new sentences:

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. 13. R. S., T. 12, § 1978, sub-§ 8, amended. The first sentence of subsection 8 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 amended to read as follows:

Snowmobiles operated at prearranged racing meets, whose sponsor has obtained a permit from the Department of Inland Fisheries and Game, under section 1979, subsection 5, shall be exempt from the provisions of this chapter concerning registration, ~~mufflers~~ noise, horsepower and lights during the time of such operation at prearranged organized racing meets.

Sec. 14. R. S., T. 12, § 1978, sub-§ 13, additional. Section 1978 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 by adding a new subsection 13 to read as follows:

13. Distance from dwellings. It shall be unlawful to operate a snowmobile within 200 feet of any dwelling, hospital, nursing home, convalescent home or church, except as follows:

A. When operating on public ways in accordance with subsection 2 of section 1977;

B. When operating on the frozen surface of any body of water;

C. When operating on land which a person owns or is permitted to use.

Sec. 15. R. S., T. 12, § 1978, sub-§ 14, additional. Section 1978 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 by adding a new subsection 14 to read as follows:

**14. Owner responsibility.** It shall be unlawful for the owner of any snowmobile to knowingly permit it to be operated in violation of any section of this chapter.

**Sec. 16. R. S., T. 12, § 1979, sub-§ 6, amended.** Subsection 6 of section 1979 of Title 12 of the Revised Statutes, as enacted by section 14 of chapter 356 of the public laws of 1971, is amended to read as follows:

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

**Sec. 17. R. S., T. 12, § 1979, sub-§ 8, additional.** Section 1979 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 by adding a new subsection 8 to read as follows:

**8. Noise and horsepower.** Regulations to require manufacturers and distributors of snowmobiles sold or offered for sale within this State to provide certification and supporting test results which show that the snowmobiles they are offering for sale are in compliance with section 1978, subsection 6.

**Sec. 18. 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 and as amended by section 15 of chapter 356 of the public laws of 1971, is further 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 is a resident of New Hampshire, New Brunswick or Quebec and who has complied with the registration and licensing laws of his state, province, district or country of residence to the extent that that state, province, 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.

**Sec. 19. R. S., T. 12, § 1984, repealed and replaced.** Section 1984 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 2 of chapter 85 of the public laws of 1971, is repealed and the following enacted in place thereof:

#### **§ 1984. Penalty**

Any person who violates this chapter or any rules or regulations promulgated by the Commissioner of Inland Fisheries and Game shall be subject to the penalties provided in section 3060 for each offense, except that the minimum fine shall be \$50 for violation of any provision of sections 1977 and 1978, subsection 12.

**Sec. 20. 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** Registered snowmobiles as defined in Title 12, section 1971, except those constituting stock in trade.

**Sec. 21. R. S., T. 36, § 2903-B, additional.** Title 36 of the Revised Statutes is amended by adding a new section 2903-B to read as follows:

**§ 2903-B. Finding of fact**

The Legislature hereby makes a finding of fact that the percentage relationship of "gasoline tax" paid by that segment of the nonhighway gasoline user, the snowmobile user is not less than 1.25% of the total "gasoline tax" revenue, but certainly is more than the 1.25% referred to. Based on this legislative "finding of fact" there is set aside 1.25% of the total excise tax on internal combustion engine fuel sold or used within the State, but not including internal combustion fuel sold for use in the propulsion of aircraft from this 1.25% allocation 10% shall be paid to the Treasurer of State to be made available to the Department of Inland Fisheries and Game; this money to be expended for the purpose set forth in Title 12, section 1972. The remaining 90% of the 1.25% shall be credited to the Snowmobile Trail Fund of the Parks and Recreation Department, established under Title 12, chapter 304, section 1972. The State Tax Assessor shall certify to the State Controller on or before the 15th day of each month the amounts to be credited under this section as of the close of the State Controller's records for the previous month.

**STATEMENT OF FACT**

This legislation is the product of extensive work of a special committee to review the snowmobile laws and, among other things, its provisions would provide for the distribution of nonresident registration fees; allow broader use of money distributed to the Parks and Recreation Department; require snowmobiles to be registered except those used exclusively on land on which a person resides; allow for posting of private roads by an owner's agent or employee rather than just the owner; allow for the crossing of private roads, bridges, culverts, over and underpasses and provide a procedure therefor; restrict operation of snowmobiles by children; provide noise and horsepower limits for snowmobiles; restrict snowmobile operation near houses; allow for taxation of nonregistered snowmobiles and provide a percentage of the gasoline tax may be used for snowmobile facilities. Too, reciprocity is provided for residents of New Hampshire, New Brunswick and Quebec only; owners of snowmobiles are made responsible if they knowingly permit a snowmobile to be operated in violation of the law and a new minimum fine is provided for violations.