

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 2182

H. P. 1736

House of Representatives, January 2, 1974

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Gahagan of Caribou (by request).

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

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AN ACT to Revise the Laws on Snowmobiles.

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

**Sec. 1. R. S., T. 12, § 1972, amended.** The first, 2nd and 3rd paragraphs 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12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, and as amended, are repealed and the following enacted in place thereof:

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 Secretary of State 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, which fee shall be reduced by  $\frac{1}{2}$  and apportioned accordingly after March 1st. The resident registration fee shall be credited as follows: \$1.20 of each fee shall be credited to the Secretary of State; 40¢ of each fee shall be credited to the Bureau of Parks and Recreation and \$2.40 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 Bureau Snowmobile Trail Fund. All other moneys received under this chapter, including dealer license fees, shall be credited to the Secretary of State.

All moneys credited to the Secretary of State, including registration fees, shall be expended by the Secretary of State solely for the cost of administration, establishment of a safety program for snowmobile operators and enforcement of this chapter. The moneys credited to the Parks and Recreation Bureau 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. The Bureau of Parks and Recreation 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 bureau determines necessary. The bureau shall determine what trails will be eligible. The State Bureau of Parks and Recreation may charge a reasonable fee for said services and materials when the moneys credited to it under this section 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 Secretary of State may be appropriated by the municipalities for any purpose for which they may lawfully appropriate moneys.

Sec. 2. R. S., T. 12, § 1973, repealed and replaced. 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 repealed and the following enacted in place thereof:

§ 1973. Form

Such registration shall be issued by the Secretary of State 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. The registration number assigned to a snowmobile shall be displayed in such form and manner as the 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 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 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 Secretary of State upon application and payment of a fee of \$1.

**Sec. 3. 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, is repealed and the following enacted in place thereof:

No registration shall be required for a snowmobile owned and operated over the snow on land which a person owns or has contractual rights or is the guest of such owner or person under contract with the owner, provided the snowmobile is not operated elsewhere within the jurisdiction of the State.

**Sec. 4. R. S., T. 12, § 1977, sub-§§ 4 and 5, 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 2 new subsections, 4 and 5, to read as follows:

4. **Established routes.** Snowmobiles may operate on routes established by municipalities within built-up or urban areas.

5. **Municipal ordinance.** Municipalities may adopt ordinances regulating the operation of snowmobiles as follows:

A. **Operational distances.** Distance from or time that snowmobiles may operate near schools, churches, convalescent homes, nursing homes or hospitals;

B. **Establish routes.** Establish snowmobile routes within built-up or urban areas. The term "built-up or urban areas" shall mean any territory or municipality on which structures are situated less than 150 feet apart for a distance of  $\frac{1}{4}$  of a mile.

C. **Public hearing.** The adoption of any municipal ordinance shall be preceded by a public hearing properly advertised within the municipality.

**Sec. 5. R. S., T. 12, § 1978, sub-§ 5, repealed and replaced.** 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, and as amended by section 10 of chapter 613 of the public laws of 1973, is repealed and the following enacted in place thereof:

5. **Age restriction for operation.** No person under the age of 16 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. It shall be unlawful for anyone to permit a child under 10 years of age to operate any snowmobile unless he is accompanied by an adult, except on land which is owned, or permission is granted, by the parent or guardian.

**Sec. 6. R. S., T. 12, § 1978, sub-§ 6, amended.** The 2nd paragraph of 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, and as repealed and replaced by section 11 of chapter 613 of the public laws of 1973, is repealed.

**Sec. 7. R. S., T. 12, § 1978, sub-§ 13, repealed.** Subsection 13 of section 1978 of Title 12 of the Revised Statutes, as enacted by section 14 of chapter 613 of the public laws of 1973, is repealed.

**Sec. 8. R. S., T. 12, § 1980, amended.** 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, is further amended to read as follows:

**§ 1980. Reciprocity**

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, Vermont, New Brunswick or Quebec 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. 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. The ~~Commissioner~~ **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 any manner contrary to this chapter.

**Sec. 9. 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, as amended by section 2 of chapter 85 of the public laws of 1971 and as repealed and replaced by section 20 of chapter 613 of the public laws of 1973, 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 Secretary of State shall be subject to the penalties provided in section 3060 for each offense, except that the minimum fine shall be \$50 for violation of section 1978, subsection 12.

STATEMENT OF FACT

The purpose of this bill is reflected in the title.