

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2153

H. P. 2126

House of Representatives, February 17, 1978

Filed by the Joint Standing Committee on Natural Resources pursuant to Resolves, 1977, chapter 49.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Amend the Statutes Relating to Airmobiles.

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

Sec. 1. 12 MRSA c. 304-A, as enacted by PL 1973, c. 238 and as amended, is repealed.

Sec. 2. 12 MRSA § 2061, sub-§ 1-A is enacted to read:

1-A. **Airmobile.** "Airmobile" means any vehicle propelled by mechanical power that is designed to travel upon a cushion of air on or within 2 feet of the water or land surface of the earth.

Sec. 3. 12 MRSA § 2061, sub-§ 5-A, is enacted to read:

5-A. **Dwelling.** "Dwelling" means any building used as a permanent residence or place of domicile.

Sec. 4. 12 MRSA § 2061, sub-§ 8, as enacted by PL 1973, c. 734, § 1, is amended to read:

8. **Motorboat.** "Motorboat" means any watercraft, including airmobiles, equipped with propulsion machinery of any type, whether or not such machinery

is the principal source of propulsion, or is permanently or temporarily attached or is available for propulsion on the watercraft.

Sec. 5. 12 MRSA § 2067, sub-§ 2, ¶ E, is enacted to read:

E. Regulations restricting the operation of airmobiles in fish or wildlife preserves, conservation areas or other areas where the operation may harm the natural environment.

Sec. 6. 12 MRSA § 2069, 1st ¶, as enacted by PL 1973, c. 734, § 1, is amended by adding at the end a new sentence to read:

These provisions apply to all airmobile operated within the jurisdiction of the State.

Sec. 7. 12 MRSA § 2073, sub-§ 5, as enacted by PL 1973, c. 734, § 1, is amended to read:

5. Operation in bathing areas prohibited. It is unlawful to operate a ~~motorboat~~ watercraft within any bathing area marked or buoyed for bathing. **Airmobiles are prohibited from beaches adjacent to these bathing areas.**

Sec. 8. 12 MRSA § 2073, sub-§§ 9 and 10 are enacted to read:

9. Noise limits for airmobiles. Every airmobile manufactured after July 1, 1978, and offered for sale or sold in this State shall be constructed so 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-192. Every airmobile manufactured after July 1, 1979, and offered for sale or sold in this State shall be constructed so 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 in this subsection. No airmobile shall be modified by any person in any manner that shall amplify or otherwise increase total noise emission above that emitted by the airmobile as originally constructed, regardless of the date of manufacture.

It shall be unlawful to operate any airmobile which exceeds noise limit as set forth in this subsection, except:

- A. Airmobiles manufactured and in lawful use on or before July 1, 1978; and**
- B. Airmobiles operated at prearranged racing meets in compliance with section 2074, subsection 2.**

10. Operation of airmobiles on land. Airmobiles may be operated on land, subject to the following restrictions in addition to the other provisions of this section.

- A. It shall be unlawful to operate an airmobile within 200 feet of any dwelling, hospital, nursing home, convalescent home or church, except as follows:**

- (1) When operating on public ways in accordance with paragraph C;
- (2) When operating on the frozen surface of any body of water; or
- (3) When operating on land which a person owns or is permitted to use.

B. Any person operating an airmobile upon the land of another shall stop and identify himself upon the request of the landowner or his duly authorized representative. If restriction on operation is posted on the land of another, the person operating the airmobile shall observe those restrictions. This chapter is in no way to be construed as giving license or permission to cross or go onto the property of another. Any person in violation shall be held accountable to the owner under existing law.

C. Properly registered airmobiles may operate on a public way only the distance necessary, but in no case to exceed 300 yards, on the extreme right of the traveled way for the purpose of crossing as directly as possible a public way, sidewalk or culvert and properly registered airmobiles may operate on a public way only the distance necessary, but in no case to exceed 500 yards, on the extreme right of the traveled way for the sole purpose of crossing as directly as possible a bridge, overpass or underpass, provided that that operation can be made in safety and that it does not interfere with vehicular traffic approaching from either direction on that way. It shall be the responsibility of the operator of the airmobile to yield the right-of-way to all vehicular traffic upon any way before crossing the same.

D. Operation on railroad tracks. No person shall operate any airmobile 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.

STATEMENT OF FACT

The purpose of this bill is to amend the statutes relating to airmobiles.

The 106th Legislature enacted Title 12, section 1990, et seq., by the public laws of 1973, chapter 238, which prohibited the operation of "airmobiles," pending a study by a committee which that statute established.

The reason for the outright ban on operation was that the "airmobiles" were an unknown quantity which might have the potential for damage and destruction to the natural environment and the plant and animal life therein, as well as the invasion of privacy.

The statute defined "airmobiles" as any vehicle propelled by mechanical power that is primarily designed to travel upon a cushion of air or within 2 feet of the water or land surface of the earth.

The committee to study airmobiles was unable to develop the necessary data to prescribe legislation controlling airmobiles, so it recommended continuation of the outright prohibition against the use of airmobiles.

This bill is designed to permit the limited use of airmobiles in the State. Their use would be as recreational vehicles and would be under the same control as snowmobiles and watercraft. The Commissioner of Inland Fisheries and Wildlife would have the right to promulgate such regulations restricting operation as he deems necessary.

Since the proposed statute permits use as a recreational vehicle, the restrictions and controls are almost identical to those on watercraft. Since the airmobile has unique amphibious qualities, regulations similiar to those imposed on snowmobiles have also been incorporated.