

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 858

S. P. 276

In Senate, March 1, 1979

Referred to the Committee on Transportation. Sent down for concurrence and ordered printed.

Presented by Senator Usher of Cumberland.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Provide for the Registration of Off-road Motorcycle Type Vehicles.

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

Sec. 1. 29 MRSA c. 6 is enacted to read:

CHAPTER 6

**REGISTRATION OF OFF-ROAD
MOTORCYCLE TYPE VEHICLES**

§ 481. Definitions

As used in this Title, unless the context otherwise indicates, the following terms shall have the following meanings.

1. Department. "Department" shall mean the Department of the Secretary of State.

2. Off-road motorcycle type vehicles. "Off-road motorcycle type vehicles" shall mean vehicles with a motorcycle design intended for off-road use only, including minibikes, trail bikes, so-called dirt bikes, and any other 2 or 3-wheel motorcycle type vehicles used exclusively for scheduled racing events and operated solely on race tracks shall not be deemed off-road motorcycle type vehicles subject to the provisions of this chapter.

§ 482. Registration of off-road motorcycle type vehicles

1. **Registration required.** No off-road motorcycle type vehicle shall be operated within the jurisdiction of the State unless registered by the owner, as provided in this chapter, and unless the vehicle bears registration plates, as determined by the Secretary of State. No vehicle registered exclusively as an off-road motorcycle type vehicle shall be operated upon any public road or way except as provided in this chapter. Any motorcycle type vehicle designed for use on public ways and roads and for off-road use and registered and licensed to operate on public roads and ways may be operated as an off-road motorcycle type vehicle without an off-road vehicle registration.

2. **Registration by Secretary of State.** Off-road motorcycle type vehicles shall be registered by the Secretary of State. Registration shall be made upon forms prescribed by the Secretary of State. The Secretary of State shall assign a registration number to all off-road motorcycle type vehicles upon application and payment of an annual fee of \$5 by the owner. A registration shall be valid for one year commencing July 1st of each year.

§ 483. Collection and expenditure of registration fees

All moneys collected by the department shall be expended for the cost of administration and enforcement of this chapter. If any moneys are not expended during the year in which they are collected, the unexpended balance shall be deposited in the General Highway Fund.

§ 484. Transfer or discontinued use of registered off-road motorcycle type vehicles

Whenever ownership is transferred or the use of an off-road motorcycle type vehicle 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 off-road vehicle has been transferred or its use discontinued and returned to the department within 10 days of the event. If there is a change of ownership of an off-road motorcycle type vehicle 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 registration fee. 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 \$2.

1. **Transfer fee.** Whoever transfers the ownership or permanently discontinues the use of a registered off-road motorcycle type vehicle and applies for registration of another off-road motorcycle type vehicle in the same year shall be entitled to a certificate of registration upon payment of a transfer fee of \$2 and shall not be charged the regular registration fee.

§ 485. Off-road motorcycle type vehicle operated on vehicle owners property

No registration shall be required for an off-road motorcycle type vehicle

operated solely over the property on which the owner is domiciled, provided the off-road vehicle is not operated elsewhere within the jurisdiction of the State.

§ 486. Rules

The Secretary of State shall promulgate rules concerning the registration of off-road motorcycle type vehicles to include the method and procedure of registration, the issuance of registration plates or other identifying insignia and the revocation or suspension of off-road motorcycle type vehicle registrations.

1. Limitations on the operation of off-road motorcycle type vehicles. No person shall operate an off-road motorcycle type vehicle upon:

- A. Controlled access highways or within the right-of-way limits thereof except as herein provided;
- B. Private property over which travel has been forbidden; and
- C. Upon sidewalks of any public way.

2. Operation across public ways limited.

A. Off-road motorcycle type vehicles with a valid registration may cross controlled access highways by use of bridges over or roads under those highways, or by use of roads crossing controlled access highways at grade. The Commissioner of Transportation may issue special permits for designated crossings of controlled access highways.

B. Off-road motorcycle type vehicles with a valid registration may operate on a public way only for the distance necessary, but in no case to exceed 300 yards, for the purpose of crossing as directly as possible a public way, sidewalk or culvert. Off-road motorcycle type vehicles with a valid registration may operate on a public way only the distance necessary, but in no case to exceed 500 yards, for the sole purpose of crossing as directly as possible a bridge, overpass or underpass, provided that the operation can be made safely and that it does not interfere with vehicular traffic approaching from either direction on that way.

C. The Commissioner of Transportation, following a public hearing, may prohibit crossing of an individual bridge, culvert, overpass or underpass, if the commissioner determines that crossing or use of the public way is hazardous. Any bridge, culvert, overpass or underpass closed by the commissioner shall be posted by appropriate notices.

3. Operation of off-road motorcycle type vehicles while crossing a public way or bridge, shall:

- A. Be brought to a complete stop before entering a public way;
- B. Yield the right of way to all vehicular traffic on a way; and
- C. Cross as nearly as possible to a 90° angle to the public way.

§ 488. Unlawful operation

1. It shall be unlawful to operate an off-road motorcycle type vehicle:

A. In a reckless manner;

B. In an intoxicated condition as the result of the use of intoxicating liquor or drugs. Section 1312, relating to weight of alcohol in defendant's blood and its admission in evidence, shall apply to this subsection;

C. In a manner to endanger any person or property;

D. At an unreasonable rate of speed;

E. On the property of any person, firm or corporation other than driveways, parking lots and other similar facilities for the operation of these vehicles, without permission of the property owner;

F. On public lands without express approval by the State or Federal Government;

G. Without a headlamp in operation during the period from ½ hour after sunset to ½ hour before sunrise or during periods when, due to insufficient light or unfavorable atmospheric conditions, caused by fog or otherwise, other persons, vehicles or other objects are not clearly discernable for a distance of 500 feet ahead;

H. In violation of an order by any law enforcement officer in uniform; or

I. Within 200 feet of any dwelling without specific permission of the owner, hospital, nursing home, convalescent home or church.

§ 489. Accidents

The operator of any off-road motorcycle type vehicle involved in any accident resulting in injuries requiring the services of a physician, death of any person or property damage to the estimated amount of \$100 or more, within 24 hours of the accident, shall report the accident to the State Police, a warden of the Department of Inland Fisheries and Wildlife the sheriff's office within the county wherein the accident occurred or the police department of the municipality wherein the accident occurred. Failure to report any accident as required by this chapter shall be subject to the penalties of section 491.

§ 490. Enforcement

1. **Enforcement officers.** Every law enforcement officer in the State including wardens of the Department of Inland Fisheries and Wildlife, wardens of the Department of Marine Resources, foresters and wardens of the Bureau of Forestry and supervisors and rangers of the Bureau of Parks and Recreation and Allagash Wilderness Waterway shall enforce this chapter.

2. **Authority to stop off-road motorcycle type vehicles.** Any law enforcement officer in uniform whose duty it is to enforce this chapter may stop and examine

any off-road motorcycle type vehicle 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 the off-road vehicle and any marks thereon. It shall be unlawful for the operator of any off-road vehicle to fail or refuse to stop that vehicle on request or signal of any such officer.

§ 491. Penalty

Any person who violates this chapter or any rules or regulations promulgated by the Secretary of State shall be guilty of a Class E crime.

Sec. 2. Appropriation. The following funds shall be appropriated from the General Highway Fund to carry out the purposes of this Act.

	1979-80
SECRETARY OF STATE	
DEPARTMENT OF	
All Other	\$5,000

STATEMENT OF FACT

This bill requires off-road motorcycle type vehicles to be registered to operate in Maine. Vehicles registered and licensed to operate on public ways and designed to also operate as an off-road motorcycle type vehicle do not have to be registered as an off-road motorcycle type vehicle.

This bill applies the snowmobiles laws, in general, to off-road motorcycle type vehicles. Off-road motorcycle type vehicles may cross a public way, but cannot travel on a public way in excess of 300 yards. These vehicles cannot operate on private property unless the property owner grants permission. A property owner may operate an off-road vehicle on his own property without registering the vehicle, but such a vehicle cannot be operated off the owner's property. In addition, an off-road motorcycle type vehicle used exclusively for scheduled racing events is not required to be registered. The bill also prohibits the operation of off-road motorcycle type vehicles in a reckless manner, at unreasonable rates of speed, at night without a headlamp in operation, within 200 feet of a residence or institution, or by an intoxicated person.