

MAINE STATE LEGISLATURE

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(New Draft of H.P. 81, L.D. 90)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document No. 1168

H.P. 915 House of Representatives, March 14, 1983

Reported by Representative Wentworth from the Committee on Local and County Government and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

AN ACT to Clarify Municipal Regulation
of Motor Vehicles on Ice-covered Bodies of
Water.

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

Sec. 1. 30 MRSA §2151, sub-§7, as enacted by PL 1981, c. 446, is repealed and the following enacted in its place:

7. Vehicles on icebound inland waters. Providing for the regulation of motor vehicles as defined in Title 29, section 1, subsection 7, on icebound inland lakes during the hours from sunset to sunrise of the following day. The municipal officers may enact all ordinances authorized by this subsection. Seven days' notice of the meeting at which the ordinances

1 are to be proposed shall be given in the manner pro-
2 vided for town meetings, and the ordinances shall be
3 effective immediately. A village corporation shall
4 have the same powers and duties as a municipality
5 under this section.

6 No ordinance authorized by this subsection is valid
7 unless:

8 A. Each municipality abutting a lake has enacted
9 an identical local ordinance, in which case the
10 ordinance of any municipality is in effect on the
11 entire lake and any law enforcement officer from
12 any of those municipalities may enforce the ordi-
13 nance on any portion of the lake; or

14 B. In cases where a lake is divided by an easily
15 identifiable boundary into 2 or more nearly sep-
16 arate bodies, each municipality abutting one of
17 the distinguishable portions of the lake has
18 enacted an identical local ordinance. The ordi-
19 nance of any municipality is in effect only on
20 that distinguishable portion of the lake and any
21 law enforcement officer from any of those munici-
22 palities may enforce the ordinance anywhere on
23 that portion of the lake.

24 Sec. 2. 30 MRSA §5401 is amended to read:

25 §5401. Powers and duties

26 A village corporation or its municipal officers,
27 as the case may be, shall have the same powers and
28 duties which a town or its municipal officers, as the
29 case may be, have under section 2151, subsection 2,
30 paragraph H; subsections 3 and 7, and section 2153.

31 STATEMENT OF FACT

32 The original bill gave municipal officers exclu-
33 sive authority to enact, after notice and hearing,
34 ordinances regulating the use of motor vehicles on
35 icebound inland lakes.

36 The new draft gives municipal officers and, where
37 applicable, the legislative body of the municipality,

1 concurrent authority to enact those ordinances.
2 Village corporations are to be treated as municipali-
3 ties for purposes of Title 30, section 2151, subsec-
4 tion 7. This new draft also provides for the enforce-
5 ment of ordinances on a clearly distinguishable por-
6 tion of a lake when all abutting municipalities have
7 identical ordinances even though the entire lake is
8 not regulated.

9 Section 2 of the new draft amends a cross refer-
10 ence to village powers to incorporate the changes
11 made by the bill, by adding Title 30, section 5401,
12 subsection 7 and to incorporate a previous change
13 that was made, but not properly cross-referenced, in
14 Title 30, section 5401, subsection 2, paragraph H.
15 The addition of Title 30, section 5401, subsection 2,
16 paragraph H merely cross-references an existing power
17 previously granted village corporations.

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