

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 543

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H.P. 424

House of Representatives, February 17, 1993

**An Act to Amend the Laws Pertaining to the Distance Snowmobiles May Be Operated from Certain Buildings.**

(EMERGENCY)

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Reference to the Committee on Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CLARK of Millinocket.

Cosponsored by Representatives: AHEARNE of Madawaska, ANDERSON of Woodland, DEXTER of Kingfield, FARREN of Cherryfield, GOULD of Greenville, HICHBORN of Howland, HUSSEY of Milo, LARRIVEE of Gorham, LORD of Waterboro, MICHAUD of East Millinocket, MORRISON of Bangor, NICKERSON of Turner, PINEAU of Jay, REED of Dexter, ROTONDI of Athens, STROUT of Corinth, SWAZEY of Bucksport, TARDY of Palmyra, TOWNSEND of Eastport, TRACY of Rome, Senators: CAREY of Kennebec, LUTHER of Oxford, PEARSON of Penobscot.

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4           Whereas, operators of snowmobiles are greatly inconvenienced  
6 by current law that effectively prohibits them from accessing  
places of business; and

8           Whereas, the winter weather required for snowmobiling is in  
10 season; and

12           Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
14 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
16 safety; now, therefore,

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

20           **Sec. 1. 12 MRSA §7827, sub-§23, ¶D,** as amended by PL 1979, c.  
543, §80, is further amended to read:

22           D. Notwithstanding the provisions of subsection 4:

24           (1) Properly registered snowmobiles may operate on a  
26 public way only the distance necessary, but in no case  
to exceed 300 yards, on the extreme right of the  
28 traveled way for the purpose of crossing, as directly  
as possible, a public way, sidewalk or culvert;

30           (2) Properly registered snowmobiles may operate on a  
32 public way only the distance necessary, but in no case  
to exceed 500 yards, on the extreme right of the  
34 traveled way for the sole purpose of crossing, as  
directly as possible, a bridge, overpass or underpass,  
36 provided that that operation can be made in safety and  
that it does not interfere with vehicular traffic  
38 approaching from either direction on the public way;

40           (3) Snowmobiles may operate on any portion of a public  
ways way when the public way has been closed in  
42 accordance with Title 23, section 2953;

44           (4) If the main traveled portion of a public way is  
publicly plowed and utilized by conventional motor  
46 vehicles, snowmobiles may operate only on that portion  
of the way not maintained or utilized for the operation  
48 of conventional motor vehicles, except that operation  
on the left side of the way ~~shall--be~~ is prohibited  
50 during the hours from sunset to sunrise on the portion  
of the way not maintained or utilized for the operation  
52 of conventional motor vehicles. This subparagraph shall

2 does not apply to a snowmobile operated by a public  
utility regulated by the Public Utilities Commission  
4 while being operated in the course of the utility's  
corporate function, so that public utilities may  
6 effectively and speedily carry out their obligations to  
the public;

8 (5) Snowmobiles may be operated on streets and public  
ways during a period of emergency when the emergency  
10 has been so declared by a police agency having  
jurisdiction and when travel by conventional motor  
12 vehicles is not practicable. This subparagraph shall  
does not apply to a snowmobile operated by a public  
14 utility regulated by the Public Utilities Commission  
while being operated in the course of the utility's  
16 corporate function, so that public utilities may  
effectively and speedily carry out their obligations to  
18 the public; and

20 (6) Snowmobiles may be operated on streets and public  
ways in special snowmobile events of limited duration  
22 conducted according to a prearranged schedule, under a  
permit from the governmental unit having jurisdiction;  
24 and

26 (7) A municipality may enact an ordinance that permits  
snowmobiles to be operated on streets and public ways  
in a municipality for the purpose of accessing places  
of business. The municipal ordinance must designate a  
maximum distance snowmobiles may travel on streets and  
public ways for the purpose of accessing places of  
business.

34 **Sec. 2. 12 MRSA §7827, sub-§23, ¶G, as enacted by PL 1979, c.**  
420, §1, is amended to read:

36 **G. ~~Notwithstanding subsection 20, that subsection~~**  
38 **Subsection 20 does not apply in the following situations:**

40 (1) When operating on public ways in accordance with  
subsections 4, 5, 6 and 7 and subsection 23, paragraph  
42 C;

44 (2) When operating on the frozen surface of any body  
of water; and

46 (3) When operating on land which the operator owns or  
48 is permitted to use; and

50 (4) When operating in a municipality in accordance  
with a municipal ordinance that permits persons to  
operate snowmobiles less than 200 feet from a dwelling.

