

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1500

S.P. 446

In Senate, March 8, 2001

An Act to Require Proof of Health Insurance for Operators of ATVs and Snowmobiles.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GOLDTHWAIT of Hancock.

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

2
4
Sec. 1. 12 MRSA §7827, sub-§28 is enacted to read:

6 28. Operating snowmobile without health insurance. A
8 person is guilty of operating a snowmobile without health
10 insurance if the person fails to maintain a health insurance
12 policy providing medical coverage for that person and is
14 operating a snowmobile. Evidence of such health insurance
16 coverage is subject to inspection on demand by a law enforcement
18 officer. If a person who is operating a snowmobile fails to
20 produce evidence of health insurance coverage, this failure is
22 prima facie evidence that the person is uninsured and in
24 violation of this subsection. A person who violates this
26 subsection is subject to penalty pursuant to section 7901,
28 subsection 21, paragraph S. A person served with a Violations
30 Summons and Complaint charging a violation of this subsection may
32 have the complaint dismissed if that person shows satisfactory
34 evidence of health insurance coverage that was in effect at the
36 time of the alleged violation. The clerk of the District Court
38 Violations Bureau shall dismiss the complaint if, prior to the
40 date required for filing an answer to the complaint, the person
42 charged files a copy of the Violations Summons and Complaint with
44 the bureau together with satisfactory evidence of health
46 insurance coverage that was in effect at the time of the alleged
48 violation. If a person files a timely answer to a Violations
50 Summons and Complaint alleging a violation of this section and
 that person presents to the court at the time of trial
 satisfactory evidence of health insurance coverage that was in
 effect at the time of the alleged violation, the court shall
 dismiss the complaint.

34
36
Sec. 2. 12 MRSA §7857, sub-§26 is enacted to read:

38 26. Operating ATV without health insurance. A person is
40 guilty of operating an ATV without health insurance if the person
42 fails to maintain a health insurance policy providing medical
44 coverage for that person and is operating an ATV. Evidence of
46 such health insurance coverage is subject to inspection on demand
48 by a law enforcement officer. If a person who is operating an
50 ATV fails to produce evidence of health insurance coverage, this
 failure is prima facie evidence that the person is uninsured and
 in violation of this subsection. A person who violates this
 subsection is subject to penalty pursuant to section 7901,
 subsection 22, paragraph N. A person served with a Violations
 Summons and Complaint charging a violation of this subsection may
 have the complaint dismissed if that person shows satisfactory
 evidence of health insurance coverage that was in effect at the
 time of the alleged violation. The clerk of the District Court
 Violations Bureau shall dismiss the complaint if, prior to the

2 date required for filing an answer to the complaint, the person
4 charged files a copy of the Violation Summons and Complaint with
6 the bureau together with satisfactory evidence of health
8 insurance coverage that was in effect at the time of the alleged
10 violation. If a person files a timely answer to a Violations
12 Summons and Complaint alleging a violation of this section and
14 that person presents to the court at the time of trial
16 satisfactory evidence of health insurance coverage that was in
18 effect at the time of the alleged violation, the court shall
20 dismiss the complaint.

22 **Sec. 3. 12 MRSA §7901, sub-§21, ¶¶Q and R,** as enacted by PL
24 1999, c. 771, Pt. A, §2 and affected by Pt. D, §§1 and 2, are
26 amended to read:

28 Q. Operating a snowmobile too close to certain buildings as
30 described in section 7827, subsection 20; and

32 R. Unlawfully permitting operation of a snowmobile as
34 described in section 7827, subsection 21; and

36 **Sec. 4. 12 MRSA §7901, sub-§21, ¶S** is enacted to read:

38 S. Operating a snowmobile without health insurance as
40 described in section 7827, subsection 28.

42 **Sec. 5. 12 MRSA §7901, sub-§22, ¶¶L and M,** as enacted by PL
44 1999, c. 771, Pt. A, §2 and affected by Pt. D, §§1 and 2, are
46 amended to read:

48 L. Unlawfully operating an ATV on railroad tracks as
described in section 7857, subsection 18; and

M. Operating an ATV in a prohibited area as described in
section 7857, subsection 22-A; and

Sec. 6. 12 MRSA §7901, sub-§22, ¶N is enacted to read:

N. Operating an ATV without health insurance as described
in section 7857, subsection 26.

SUMMARY

This bill requires operators of snowmobiles and ATVs to maintain health insurance. Those operators that fail to maintain health insurance commit a civil violation subject to forfeiture of not less than \$100 nor more than \$500.