

MAINE STATE LEGISLATURE

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MS

L.D. 1968

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MAJORITY
INLAND FISHERIES AND WILDLIFE

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10 Reproduced and distributed under the direction of the Clerk of
12 the House.

14 STATE OF MAINE
16 HOUSE OF REPRESENTATIVES
18 120TH LEGISLATURE
20 SECOND REGULAR SESSION

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20 COMMITTEE AMENDMENT "A" to H.P. 1467, L.D. 1968, Bill, "An
22 Act to Require the Owner of a Submerged Snowmobile or Boat to
24 Remove the Snowmobile or Boat"

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24 Amend the bill by striking out everything after the title
26 and before the summary and inserting in its place the following:

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

30

32 Whereas, submerged snowmobiles and motorboats in inland
34 waters are a public health and safety hazard; and

32

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

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

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42 Sec. 1. 12 MRSA §7827, sub-§22-A is enacted to read:

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44 22-A. Operating snowmobile on open water. A person is
46 guilty of operating a snowmobile on open water if that person
48 operates or attempts to operate a snowmobile on open water. For
purposes of this subsection, "open water" means any area of an
inland water body that is free of ice and snow. This subsection
does not apply to private ponds.

48

Notwithstanding Title 17, section 2267-A, subsection 3, the owner or operator of a snowmobile that has been submerged or partially submerged as a result of a violation of this subsection shall remove the snowmobile within 24 hours of its submersion. The owner or operator of a snowmobile submerged or partially submerged as a result of a violation of this subsection shall pay any damages resulting from the submersion or removal. If the owner or operator of a snowmobile submerged or partially submerged as a result of a violation of this subsection fails to remove the snowmobile within 24 hours of its submersion, the commissioner may remove the snowmobile at the expense of the owner or operator or request in writing that the court direct the owner or operator to remove the snowmobile immediately.

Sec. 2. 12 MRSA §7901-A, sub-§12, ¶B, as amended by PL 2001, c. 471, Pt. G, §§11 and 12 and affected by §13, is further amended to read:

B. Chapter 715, subchapter II violations:

(1) Operating an unregistered snowmobile as described in section 7827, subsection 1;

(2) Operating a snowmobile upon a controlled access highway as described in section 7827, subsection 2;

(3) Unlawfully operating a snowmobile on a plowed road as described in section 7827, subsection 3;

(4) Operating a snowmobile on a public way as described in section 7827, subsection 4;

(5) Unlawfully operating a vehicle on a snowmobile trail as described in section 7827, subsection 4-A;

(6) Failure to stop a snowmobile before entering a public way as described in section 7827, subsection 5;

(7) Failure to yield the right-of-way while operating a snowmobile as described in section 7827, subsection 6;

(8) Crossing a closed bridge, culvert, overpass or underpass with a snowmobile as described in section 7827, subsection 7;

(9) Unlawfully operating a snowmobile while under age as described in section 7827, subsection 12;

(10) Permitting an unaccompanied child to operate a snowmobile as described in section 7827, subsection 13;

2 (11) Operating a snowmobile that exceeds the noise
4 limit as described in section 7827, subsection 14;

6 (12) Unlawfully modifying a snowmobile as described in
8 section 7827, subsection 15;

10 (13) Operating a snowmobile with insufficient lights
12 as described in section 7827, subsection 16;

14 (14) Failure to use snowmobile lights as described in
16 section 7827, subsection 17;

18 (15) Unlawfully operating a snowmobile on railroad
20 tracks as described in section 7827, subsection 18;

22 (16) Operating a snowmobile in a cemetery as described
24 in section 7827, subsection 19;

26 (17) Operating a snowmobile too close to certain
28 buildings as described in section 7827, subsection 20;

30 (18) Unlawfully permitting operation of a snowmobile
32 as described in section 7827, subsection 21;

34 (19) Failure to report an accident as described in
36 section 7827, subsection 22;

38 (20) Unlawful issuance of snowmobile registration as
40 described in section 7827, subsection 24; and

42 (21) Renting or leasing a snowmobile as described in
44 section 7827, subsection 26; and

46 (22) Failure to remove a submerged or partially
48 submerged snowmobile as described in section 7827,
50 subsection 22-A; and

Sec. 3. 17 MRSA §2267-A, as amended by PL 1995, c. 65, Pt. A,
§52 and affected by Pt. A, §153 and Pt. C, §15, is further
amended to read:

**§2267-A. Submerged motor vehicles, snowmobile and motorboats in
waters of the State**

The following provisions apply when a motor vehicle is
submerged or partially submerged in waters of the State or when a
snowmobile or motorboat is submerged in the inland waters of the
State.

1. **Definition.** When used in this section the term "motor vehicle" means any self-propelled vehicle designed to carry persons or property or used to transport persons, except snowmobiles and ~~meter-beats~~ motorboats.

2. **Notice of submerged vehicle, snowmobile or motorboat to be given to department.** The owner of any motor vehicle which that becomes submerged or partially submerged in the waters of the State, shall immediately, by the fastest means of communication, notify the Commissioner of Inland Fisheries and Wildlife of the event and the location of the vehicle. The owner of a snowmobile or motorboat that becomes submerged in the inland waters of the State for more than 24 hours shall notify the commissioner as provided in this subsection.

The commissioner shall, upon receiving notice of a submerged or partially submerged vehicle in the waters of the State or a submerged snowmobile or motorboat in the inland waters of the State, notify the Chief of the State Police, the Commissioner of Environmental Protection and any municipality or public utility which that regulates the uses of the waters as a source of public water supply pursuant to Title 22, sections 2641 to 2648.

3. **Owner legally liable to remove vehicle, snowmobile or motorboat.** The owner of the vehicle shall-be is legally liable to remove any motor vehicle submerged or partially submerged in the waters of the State and pay any damages resulting from the submersion or removal. The vehicle shall must be removed within 30 days of the submersion or partial submersion or within 30 days of "ice out" in the body of water unless the commissioner determines that the vehicle creates a health or safety hazard. If the commissioner determines that the vehicle creates a health or safety hazard he the commissioner shall order the owner to remove the vehicle immediately. If the owner fails to remove the vehicle upon order of the commissioner, the commissioner shall, in writing, request the court to direct the owner to remove the vehicle immediately. The owner of a snowmobile or motorboat that is submerged in the inland waters of this State for longer than 24 hours shall remove the snowmobile or motorboat in accordance with this subsection.

4. **Financial responsibility.** A conviction or adjudication of any person for a violation of this section constitutes a violation of state law relative to motor vehicles to which Title 29-A, chapter 13 applies.

5. **Penalties.** A ~~conviction or adjudication of any person~~ ~~for~~ a violation of this section is a civil violation for which a forfeiture of \$200 may be adjudged. In addition to a forfeiture,

or instead of a forfeiture, the judge may direct the person convicted to remove the vehicle, snowmobile or motorboat.

6. Rules. The commissioner may, in accordance with the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, promulgate any rules necessary to carry out the purposes of this chapter.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

This bill may increase prosecutions for Class E crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$83.36 per day per prisoner. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue or Other Special Revenue by minor amounts.'

SUMMARY

This amendment is the majority report and adds an emergency preamble and clause to the bill and requires the owner of a snowmobile or motorboat submerged in the inland waters of the State for longer than 24 hours to notify the Commissioner of Inland Fisheries and Wildlife and requires the owner of that submerged snowmobile or motorboat to pay damages resulting from the submersion. The amendment also prohibits the operation of a snowmobile on the open water areas of public inland waters and requires that the owner or operator remove a snowmobile submerged in violation of this section within 24 hours.

The amendment also adds a fiscal note to the bill.