

MAINE STATE LEGISLATURE

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L.D. 1968

DATE: 2-27-02

(Filing No. H-845)

MINORITY
INLAND FISHERIES AND WILDLIFE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION

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

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

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

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

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

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

Sec. 1. 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, snowmobiles 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.

COMMITTEE AMENDMENT

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,

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

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

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

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

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16 **FISCAL NOTE**

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

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26 **SUMMARY**

28 This amendment is the minority 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
30 State for longer than 24 hours to notify the Commissioner of
Inland Fisheries and Wildlife and requires the owner of that
32 submerged snowmobile or motorboat to pay damages resulting from
the submersion.

34 The amendment also adds a fiscal note to the bill.