

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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OF THE
STATE OF MAINE
AS PASSED BY THE
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in the area of the proposed use and in a newspaper having state-wide circulation and distribution in the said area, once a week for 2 successive weeks, the date of the last publication being at least 3 days before the date of the hearing. Notice of the hearing shall also be given to the applicant at least 21 days before the date of the hearing.

At such hearing the commission shall solicit and receive testimony concerning the nature and extent of the proposed use and its impact on existing water quality, water classification standards and the public rights of fishing and navigation and the economic implications upon the applicant of such use. If after hearing the commission determines that the proposed use will not lower the existing quality or the classification standards, whichever is higher, of any waters, nor adversely affect the public rights of fishing and navigation therein and that inability to conduct such use will impose undue economic hardship on the applicant, it shall grant the permit for a period not to exceed 3 years, with such terms and conditions, as in its judgment, may be necessary to protect such quality, standards and rights.

A full and complete record shall be kept of all hearings held under this section and all testimony shall be taken by a stenographer.

3. Exception. This section shall not apply to waters under the jurisdiction of the International Joint Commission of the United States and Canada.

Effective September 23, 1971

Chapter 356

AN ACT to Amend the Snowmobile Law.

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

Sec. 1. R. S., T. 12, § 1971, sub-§ 2-A, additional. Section 1971 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended by adding a new subsection 2-A, to read as follows:

2-A. Owner. "Owner" for the purposes of registration shall mean any person, firm or corporation or association holding title to a snowmobile or having exclusive right to the use thereof for a period greater than 30 days.

Sec. 2. R. S., T. 12, § 1972, amended. The first paragraph of section 1972 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended by inserting after the first sentence the following new sentence:

In any event, all snowmobiles owned by Maine residents and operated in Maine must be registered in this State.

Sec. 3. R. S., T. 12, § 1972, amended. The first and 2nd sentences of the 2nd paragraph of section 1972 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, are amended to read as follows:

All moneys credited to the Department of Inland Fisheries and Game including registration fees shall be expended by the department solely for the cost of administration, **establishment of a safety program for snowmobile operators** and enforcement of this chapter. The moneys credited to the State Park and Recreation Commission shall be expended for the purpose of marking ~~and~~ or clearing of snowmobile trails and providing ~~statewide maps and trail charts and other~~ educational and informational materials for the use of operators of snowmobiles.

Sec. 4. R. S., T. 12, § 1972, amended. The last paragraph of section 1972 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended to read as follows:

Whoever transfers the ownership or **permanently** discontinues the use of a registered snowmobile and applies for registration of another snowmobile in the same registration year shall be entitled to a certificate of registration upon payment of a transfer fee of \$2 and shall not be required to pay the regular registration fee of \$10.

Sec. 5. R. S., T. 12, § 1973, amended. The first paragraph of section 1973 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is repealed and the following enacted in place thereof:

Such registration shall be issued by the Commissioner of Inland Fisheries and Game or by agents designated by him and shall be in such form as the Commissioner of Inland Fisheries and Game may determine. The registration certificate shall be subject to inspection by any law enforcement officer on demand. The registration number assigned to a snowmobile shall be displayed in such form and manner as the Commissioner of Inland Fisheries and Game shall determine.

Sec. 6. R. S., T. 12, § 1975, amended. The first sentence of section 1975 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended to read as follows:

No registration shall be required for a snowmobile owned and operated over the snow on land on which a person lives ~~on lands to which he has a contractual right~~ or on lands on which he is domiciled, provided the snowmobile is not operated elsewhere within the jurisdiction of the State.

Sec. 7. R. S., T. 12, § 1976, amended. The 2nd sentence of section 1976 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is repealed.

Sec. 8. R. S., T. 12, § 1976, amended. The 2nd paragraph of section 1976 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended to read as follows:

The dealer's license and registration fee shall be ~~\$10~~ \$25 annually from each July 1st. ~~Each dealer shall receive 2 dealer's number plates for the \$25 fee;~~ additional plates, issued pursuant to regulations of the commissioner, may be obtained at \$10 for each additional plate.

Sec. 9. R. S., T. 12, § 1976, amended. The last paragraph of section 1976 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended to read as follows:

The Commissioner of Inland Fisheries and Game may issue temporary numbers and registrations to bona fide dealers who may upon the sale or exchange of a snowmobile issue them to new owners in order to allow them to operate snowmobiles for a period of ~~20~~ 20 consecutive days only after the day of sale in lieu of a permanent number as required by this chapter.

Sec. 9-A. R. S., T. 12, § 1977, amended. Section 1977 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended by adding after the first paragraph a new paragraph to read as follows:

No person shall operate a snowmobile upon any plowed private road in the winter, after having been forbidden to do so by the owner thereof, either personally or by an appropriate notice posted conspicuously on said road.

Sec. 10. R. S., T. 12, § 1977, amended. The 2nd paragraph of section 1977 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended to read as follows:

No person shall operate a snowmobile upon the main travelled portion, the sidewalks, or the plowed snowbanks, or of any other public way, with the following exceptions:

Sec. 11. R. S., T. 12, § 1977, sub-§ 1, amended. The first sentence of subsection 1 of section 1977 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended to read as follows:

Properly registered snowmobiles may cross, as directly as possible, public ways, including sidewalks, except controlled access highways, provided that such crossing can be made in safety and that it does not interfere with the free movement of vehicular traffic approaching from either direction on such public way.

Sec. 12. R. S., T. 12, § 1978, sub-§ 2, repealed and replaced. Subsection 2 of section 1978 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is repealed and the following enacted in place thereof:

2. **Operating under the influence.** It is unlawful to operate or attempt to operate any snowmobile in any place while intoxicated by the use of intoxicating liquor or drugs or to operate or attempt to operate any snowmobile in any place while a person's mental or physical faculties are impaired by the use of intoxicating liquors or drugs. The provisions of Title 29, section 1312 relating to weight of alcohol in defendant's blood and its admission in evidence shall apply to this subsection.

Sec. 13. R. S., T. 12, § 1978, sub-§ 12, additional. Section 1978 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended by adding a new subsection 12 to read as follows:

12. Stopping for law enforcement officer. Any law enforcement officer in uniform whose duty it is to enforce provisions of this chapter may stop and examine any snowmobile for the purpose of ascertaining whether it is being operated in compliance with this chapter and the officer may demand and inspect the operator's certificate of registration. He may also examine the identification numbers of said snowmobile and any marks thereon. It shall be unlawful for the operator of any snowmobile to fail or refuse to stop such snowmobile on request or signal of any such officer.

Sec. 14. R. S., T. 12, § 1979, sub-§§ 6 and 7, additional. Section 1979 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended by adding 2 new subsections 6 and 7 in the first paragraph, to read as follows:

6. Issuance of dealer plates. Regulations providing for the issuance of dealer plates, including determination of the number of plates to be issued to persons who are in the business of selling snowmobiles.

7. Registration number. Regulations governing the form and manner for displaying the registration number assigned to a snowmobile.

Sec. 15. R. S., T. 12, § 1980, amended. The first sentence of section 1980 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended to read as follows:

The provisions of this chapter relative to registration of snowmobiles do not apply to any nonresident owner or operator who has complied with the registration and licensing laws of his state, district or country of residence to the extent that that state, district or country of residence grants the same or similar privileges to residents of this State if the snowmobile is primarily operated in this State by such nonresident owner or operator. If the snowmobile is owned by a nonresident but is primarily operated in this State by a Maine resident, it must be registered under section 1972.

Sec. 15-A. R. S., T. 12, § 1982, amended. The first sentence of section 1982 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended to read as follows:

The operator of any snowmobile involved in any accident resulting in injuries ~~to~~ requiring overnight hospitalization or death of any person or property damage to the estimated amount of \$100 or more, or some person acting for him, or the owner of said snowmobile having knowledge of the accident should the operator of same be unknown, shall immediately by the quickest means of communication give notice of the accident either to the State Police officer or warden of the Department of Inland Fisheries and Game assigned to the area wherein the accident occurred, to the nearest State Police office or to the sheriff's office within the county wherein the accident occurred, or the office of the police department of the municipality wherein the accident occurred.

Sec. 16. R. S., T. 12, § 1982, amended. Section 1982 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended by adding a new paragraph to read as follows:

All accident reports made by investigating officers shall be for the purpose of a statistical analysis and for accident prevention purposes and shall not be admissible in evidence in any trial, civil or criminal, arising out of such accident, but any investigating agency may disclose, upon the request of any person, the date, time, location of the accident and the names and addresses of drivers, owners, injured persons, witnesses and the investigating officer. The investigating agency may upon written request furnish a photo copy of any report at the expense of the person making the request.

Sec. 17. R. S., T. 15, § 2552, amended. The last paragraph of section 2552 of Title 15 of the Revised Statutes, as last repealed and replaced by section 19 of chapter 590 of the public laws of 1969, is amended to read as follows:

Juvenile Courts shall have no jurisdiction over offenses in which any juvenile is charged with the violation of any provision of Title 29, ~~and~~ Title 38, chapter 1, subchapter VI, ~~and~~ Title 12, chapter 304, or over any other traffic law or ordinance, if such offense is a misdemeanor except that juvenile courts shall have exclusive, original jurisdiction over offenses in which any juvenile is charged with a violation of Title 29, sections 900, 1312, ~~1312-A~~ 1315 and 1316 and Title 12, section 1978, subsection 2, or of Title 38, section 237, subsection 2.

Effective September 23, 1971

Chapter 357

AN ACT Relating to Fees for Plates for Dealers in Motorcycles and Boat Trailers.

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

Sec. 1. R. S., T. 29, § 337, repealed and replaced. Section 337 of Title 29 of the Revised Statutes, as amended by section 1 of chapter 369 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 337. Motorcycle dealer's registration; fee

Every manufacturer or dealer in motorcycles shall annually pay a fee of \$10 for a registration certificate to handle, demonstrate, sell and exchange motorcycles. Upon payment of \$5 per plate, plates shall be issued, the number to be determined by the Secretary of State, who is authorized to prescribe reasonable limitations of use of such plates. Extra registration plates shall be furnished to replace lost or mutilated plates for \$1 each.

Sec. 2. R. S., T. 29, § 338, repealed and replaced. Section 338 of Title 29 of the Revised Statutes, as amended by chapter 404 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 338. Boat or snowmobile trailer dealer's registration; fee

Every manufacturer or dealer in boat or snowmobile trailers shall annually pay a fee of \$10 for a registration certificate to handle, demonstrate, sell and exchange boat or snowmobile trailers. Upon payment of \$5 per plate, plates