

# MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

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THE KNOWLTON AND McLEARY COMPANY  
FARMINGTON, MAINE  
1973

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature

1973

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B. Equipment;

C. Purchases of land.

Sec. 2. **Appropriation.** There is appropriated to the Department of Finance and Administration from the General Fund the sum of \$13,500 to carry out the purposes of this Act. The breakdown shall be as follows:

1974-75

FINANCE AND ADMINISTRATION, DEPARTMENT OF

Personal Services	(1) \$ 9,500
All Other	4,000
	Total
	\$13,500

Effective October 3, 1973

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## CHAPTER 613

### AN ACT to Amend the Snowmobile Laws.

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

Sec. 1. R. S., T. 12, § 1971, sub-§ 1-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 and as amended by section 1 of chapter 356 of the public laws of 1971, is further amended by adding a new subsection 1-A to read as follows:

1-A. Dwelling. "Dwelling" means any buildings used as permanent residence or place of domicile.

Sec. 2. R. S., T. 12, § 1972, amended. The 4th sentence of 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 to read as follows:

The resident registration fee shall be credited as follows: \$3 of each fee shall be credited to the Department of Inland Fisheries and Game; \$1 of each fee shall be credited to the ~~State Park and Recreation Commission~~ Parks and Recreation Department and \$6 of each fee shall be annually distributed to the municipality of the owner's residence as shown on his registration certificate. The nonresident registration fee shall be credited as follows: \$5 of each fee shall be credited to the Department of Inland Fisheries and Game and \$5 of each fee shall be credited to the Parks and Recreation Department Snowmobile Trail Fund.

Sec. 3. R. S., T. 12, § 1972, amended. The 2nd sentence 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 and as amended, is further amended to read as follows:

The moneys credited to the ~~State Park and Recreation Commission~~ shall be expended for the purpose of ~~marking or clearing of snowmobile trails~~ Parks and Recreation Department Snowmobile Trail Fund may be expended for snowmobile trail acquisition, including, but not limited to, the purchase or lease of real estate and the acquisition of easements; construction; development; planning; maintenance; and providing educational and informational materials for the use of operators of snowmobiles and research.

Sec. 4. R. S., T. 12, § 1972, amended. 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 and as amended, is further amended by adding after the 2nd sentence 2 new sentences to read as follows:

The Parks and Recreation Department may make grants-in-aid to political subdivisions, educational institutions, regional planning agencies, snowmobile groups and others for the construction and maintenance of snowmobile trails and for research, development and planning of snowmobile trails, on such terms as the department determines necessary. The department shall determine what trails will be eligible.

Sec. 5. 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 and as amended by section 6 of chapter 356 of the public laws of 1971, is further 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 or on lands on which he~~ is domiciled, provided the snowmobile is not operated elsewhere within the jurisdiction of the State.

Sec. 6. R. S., T. 12, § 1976, amended. Section 1976 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969 and as amended, is further amended by adding after the first paragraph a new paragraph to read as follows:

Replacement for lost or stolen plates may be obtained for a fee of \$2 per plate.

Sec. 7. R. S., T. 12, § 1977, amended. The 2nd paragraph of section 1977 of Title 12 of the Revised Statutes, as enacted by section 9-A of chapter 356 and as amended by section 34-A of chapter 622, both of the public laws of 1971, is further amended to read as follows:

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

Sec. 8. R. S., T. 12, § 1977, sub-§ 1, amended. 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 and as amended by section 11 of chapter 356 of the public laws of 1971, is further amended to read as follows:

1. **Crossing ways.** Properly registered snowmobiles may cross, as directly as possible, public ways, including sidewalks, bridges and culverts, except

controlled access highways, except crossing may be permitted on any overpass and underpass 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. It shall be the responsibility of the operator of the snowmobile to yield the right-of-way to all vehicular traffic upon any public way before crossing the same. Snowmobiles may cross bridges, culverts, overpasses and underpasses, provided that the crossing is made in accordance with subsection 3.

Sec. 9. R. S., T. 12, § 1977, sub-§ 3, additional. Section 1977 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969 and as amended, is further amended by adding a new subsection 3 to read as follows:

3. Bridges and culverts. Snowmobiles may cross bridges, culverts, overpasses and underpasses if the snowmobile is brought to a complete stop before entering the said way, the operator yields the right of way to all vehicular traffic and the snowmobile is operated on the extreme right of the main traveled portion.

Sec. 10. R. S., T. 12, § 1978, sub-§ 5, amended. Subsection 5 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 amended by adding at the end the following new sentence.

It shall be unlawful for anyone to permit a child under 10 years of age to operate any snowmobile unless he is accompanied by an adult, except on land which is owned or leased by the parent or guardian.

Sec. 11. R. S., T. 12, § 1978, sub-§ 6, repealed and replaced. Subsection 6 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:

6. Noise. Every snowmobile manufactured after October 1, 1973 and offered for sale or sold in this State shall be constructed as to limit total vehicle noise to not more than 82 decibels of sound pressure level at 50 feet on the "A" scale, as measured by the SAE standards J-102. Every snowmobile manufactured after February 1, 1975 and offered for sale or sold in this State, shall be constructed as to limit total vehicle noise to not more than 78 decibels of sound pressure level at 50 feet on the "A" scale as measured above. No snowmobile shall be modified by any person in any manner that shall amplify or otherwise increase total noise emission above that emitted by the snowmobile as originally constructed regardless of the date of manufacture.

It shall be unlawful to sell or offer for sale any snowmobile manufactured after October 1, 1973, which is powered by an internal combustion engine which develops more than 40 brake horsepower as certified by the manufacturer and as measured by SAE standard J-607. No snowmobile shall be modified or altered by any person in any manner so that its engine develops more than 40 brake horsepower as measured by said standards.

It shall be unlawful to operate any snowmobile which exceeds noise limit as set forth in this subsection, except:

A. Snowmobiles manufactured on or before October 1, 1973 may be operated without reference to this subsection, except that they may not be so operated if they have been modified in violation of this subsection and snowmobiles manufactured after October 1, 1973 but on or before February 1, 1975 may be operated without reference to the requirements of this subsection concerning noise limit of 78 decibels of sound pressure;

B. Snowmobiles operated at prearranged racing meets in compliance with subsection 8 may operate pursuant to said subsection 8.

Sec. 12. R. S., T. 12, § 1978, sub-§ 7, amended. Subsection 7 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 amended by adding at the end the following new sentences:

This chapter is in no way to be construed as giving license or permission to cross or go on the property of another. Any person in violation shall be held accountable to the owner under existing law.

Sec. 13. R. S., T. 12, § 1978, sub-§ 8, amended. The first sentence of subsection 8 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 amended to read as follows:

Snowmobiles operated at prearranged racing meets, whose sponsor has obtained a permit from the Department of Inland Fisheries and Game, under section 1979, subsection 5, shall be exempt from the provisions of this chapter concerning registration, ~~mufflers~~ noise, horsepower and lights during the time of such operation at prearranged organized racing meets.

Sec. 14. R. S., T. 12, § 1978, sub-§ 13, additional. Section 1978 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969 and as amended, is further amended by adding a new subsection 13 to read as follows:

13. Distance from dwellings. It shall be unlawful to operate a snowmobile within 200 feet of any dwelling, hospital, nursing home, convalescent home or church, except as follows:

A. When operating on public ways in accordance with subsection 2 of section 1977;

B. When operating on the frozen surface of any body of water;

C. When operating on land which a person owns or is permitted to use.

Sec. 15. R. S., T. 12, § 1978, sub-§ 14, additional. Section 1978 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969 and as amended is further amended by adding a new subsection 14 to read as follows:

14. Owner responsibility. It shall be unlawful for the owner of any snowmobile to knowingly permit it to be operated in violation of any section of this chapter.

Sec. 16. R. S., T. 12, § 1979, sub-§ 6, amended. Subsection 6 of section 1979 of Title 12 of the Revised Statutes, as enacted by section 14 of chapter 356 of the public laws of 1971, is amended to read as follows:

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

Sec. 17. R. S., T. 12, § 1979, sub-§ 8, additional. Section 1979 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969 and as amended, is further amended by adding a new subsection 8 to read as follows:

8. Noise. Regulations to require manufacturers and distributors of snowmobiles sold or offered for sale within this State to provide certification and supporting test results which show that the snowmobiles they are offering for sale are in compliance with section 1978, subsection 6.

Sec. 18. 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 and as amended by section 15 of chapter 356 of the public laws of 1971, is further 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 is a resident of New Hampshire, Vermont, New Brunswick or Quebec and who has complied with the registration and licensing laws of his state, province, district or country of residence to the extent that that state, province, 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.

Sec. 19. 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, and as amended by section 15-A of chapter 356 of the public laws of 1971, is further amended to read as follows:

The operator of any snowmobile involved in any accident resulting in injuries requiring ~~overnight hospitalization~~ the services of a physician 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. 20. R. S., T. 12, § 1984, repealed and replaced. Section 1984 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969 and as amended by section 2 of chapter 85 of the public laws of 1971, is repealed and the following enacted in place thereof:



§ 1984. Penalty

Any person who violates this chapter or any rules or regulations promulgated by the Commissioner of Inland Fisheries and Game shall be subject to the penalties provided in section 3060 for each offense, except that the minimum fine shall be \$50 for violation of any provision of sections 1977 and 1978, subsection 12.

Sec. 21. R. S., T. 36, § 655, sub-§ 1, ¶ L, amended. Paragraph L of subsection 1 of section 655 of Title 36 of the Revised Statutes, as enacted by section 5 of chapter 414 of the public laws of 1969, is amended to read as follows:

L. ~~Snowmobiles~~ Registered snowmobiles as defined in Title 12, section 1971, except those constituting stock in trade.

Sec. 22. R. S., T. 36, § 2903-B, additional. Title 36 of the Revised Statutes is amended by adding a new section 2903-B to read as follows:

§ 2903-B. Finding of fact

The Legislature hereby makes a finding of fact that the percentage relationship of "gasoline tax" paid by that segment of the nonhighway gasoline user, the snowmobile user is not less than .5% of the total "gasoline tax" revenue, but certainly is more than the .5% referred to. Based on this legislative "finding of fact" there is set aside .5% of the total excise tax on internal combustion engine fuel sold or used within the State, but not including internal combustion fuel sold for use in the propulsion of aircraft from this .5% allocation 10% shall be paid to the Treasurer of State to be made available to the Department of Inland Fisheries and Game; this money to be expended for the purpose set forth in Title 12, section 1972. The remaining 90% of the .5% shall be credited to the Snowmobile Trail Fund of the Parks and Recreation Department, established under Title 12, chapter 304, section 1972. The State Tax Assessor shall certify to the State Controller on or before the 15th day of each month the amounts to be credited under this section as of the close of the State Controller's records for the previous month.

Effective October 3, 1973

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## CHAPTER 614

### AN ACT Relating to the Registration of Farm Motor Trucks having 2 or 3 Axles.

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

Sec. 1. R. S., T. 29, § 246, amended. The 2nd paragraph of section 246 of Title 29 of the Revised Statutes, as amended, is further amended by adding at the end the following:

From 32,001 pounds gross weight to 35,000 pounds gross weight ... \$200