

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2005

described under section 6078 A, ~~subsections 3 and 4~~ 6072-D and concerning other matters of interest to the aquaculture industry.

See title page for effective date.

CHAPTER 93

H.P. 170 - L.D. 231

An Act To Provide for Registration of Certain Snowmobile Trail-grooming Equipment

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

Sec. 1. 12 MRSA §10203, sub-§5, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

5. Snowmobiles and trail-grooming equipment. Money relating to snowmobile and trail-grooming equipment laws and rules must be collected and expended in accordance with section 1893, subsection 3 and section 10206, subsection 2.

Sec. 2. 12 MRSA §10206, sub-§2, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §48 and affected by §422, is further amended to read:

2. Snowmobile and trail-grooming equipment revenues. The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this subsection. The department's administrative costs must be verified by the Department of Conservation and the Department of Administrative and Financial Services.

A. The snowmobile and trail-grooming equipment registration fee for residents collected under chapter 937 is credited as follows:

- (1) Twenty-two percent is credited to the General Fund as undedicated revenue;
- (2) Fifty-two percent is credited to the Snowmobile Trail Fund of the Department of Conservation, Bureau of Parks and Lands; and
- (3) Twenty-six percent is annually distributed to the municipality of the owner's residence as shown on the owner's registration certificate, except that in unorganized territory, 26% is annually distributed to the county of the owner's residence as shown on the owner's registration certificate and

credited to the unorganized territory fund of that county established in Title 30-A, section 7502.

B. The snowmobile registration fee for nonresidents collected under chapter 937 is credited as follows.

- (1) Eighteen percent is credited to the General Fund as undedicated revenue.
- (2) Seven percent is credited to the Snowmobile Enforcement Fund established under section 10258.
- (3) The remainder is credited to the Snowmobile Trail Fund of the Department of Conservation, Bureau of Parks and Lands.

D. The annual fee for each snowmobile dealer number plate issued pursuant to section 13109 is credited as follows:

- (1) Thirty percent is credited to the General Fund as undedicated revenue; and
- (2) Seventy percent is credited to the Snowmobile Trail Fund of the Department of Conservation, Bureau of Parks and Lands.

E. All money received under the provisions of this Part relating to snowmobiles, including chapter 937, other than that credited pursuant to paragraphs A to D, including snowmobile dealer license fees, is credited to the General Fund as undedicated revenue.

Sec. 3. 12 MRSA §13113 is enacted to read:

§13113. Registration of trail-grooming equipment

1. Definitions. For purposes of this section, "trail-grooming equipment" means a self-propelled vehicle that:

- A. Has a minimum weight of 1,200 pounds;
- B. Exceeds 60 inches in width;
- C. Is driven by a track or tracks in contact with the snow; and
- D. Is performing winter trail maintenance by plowing, leveling or compacting snow by use of a front plow or rear attachments that include but are not limited to rollers, compactor bars or trail drags.

2. Operating unregistered trail-grooming equipment. Except as provided in this section, a

person may not operate trail-grooming equipment on a snowmobile trail that is financed in whole or in part by the Snowmobile Trail Fund unless that trail-grooming equipment is registered in accordance with this section.

A. A registration is not required for trail-grooming equipment operated on land on which the owner lives or on land on which the owner is domiciled, if the trail-grooming equipment is not operated elsewhere within the jurisdiction of this State.

B. A registration is not required for trail-grooming equipment operated by a commercial ski area for the purpose of packing snow or for rescue operation, unless the trail-grooming equipment is required to cross a public way during that operation.

C. Trail-grooming equipment owned and operated by the Federal Government, the State or a political subdivision of the State is exempt from registration fees, but must be registered and is required to display the registration.

3. Application and issuance. The commissioner may register trail-grooming equipment upon application by the owner if the owner is an organization that has an approved contract for snowmobile trail grooming with the Department of Conservation, Bureau of Parks and Lands, Off-Road Vehicle Division or a person that can provide proof to the department at the time of application that the person is a member of an organization eligible to register trail-grooming equipment under this section. The commissioner may establish procedures necessary to carry out the purposes of this section.

4. Form of registration. The trail-grooming equipment registration must be in such form as the commissioner may determine.

5. Fee. The registration fee for trail-grooming equipment is a one-time fee of \$33. The registration fee is valid from the date of issuance until the date that the equipment is sold or transferred. Revenue from the registration fee is allocated according to section 10206, subsection 2, paragraph A.

6. Fraudulent acquisition of trail-grooming registration. A person may not obtain a trail-grooming equipment registration through fraud, misstatement or misrepresentation.

7. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates this section after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

See title page for effective date.

CHAPTER 94

S.P. 317 - L.D. 942

An Act To Prohibit Shooting Wild Turkey Decoys

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

Sec. 1. 12 MRSA §11213-A, as enacted by PL 2003, c. 655, Pt. B, §145 and affected by §422, is amended to read:

§11213-A. Shooting at or near decoys

1. Shooting at or near migratory waterfowl or wild turkey decoys. A person may not with a firearm, a bow and arrow or a crossbow shoot or shoot at a ~~wildfowl~~ migratory waterfowl or wild turkey decoy of another person.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

2. Shoot within area of another person's decoys. A person may not with a firearm, a bow and arrow or a crossbow shoot within an area encompassed by a set of another person's ~~wildfowl~~ migratory waterfowl or wild turkey decoys, including the area 50 yards away from the outer perimeter of the set of decoys.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

See title page for effective date.
