

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
107TH LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT" B " to H.P. 2090, L.D. 2249, Bill, "AN ACT to Improve Solid Waste Management."

Amend said Bill by striking out all of section 8 and inserting in place thereof the following:

'Sec. 8. 17 MRSA §2264, last ¶, as enacted by PL 1971, c. 405, §1, is repealed and the following enacted in place thereof:

Any conduct in such violation of this section is a civil violation for which a forfeiture of not more than \$100 nor less than \$10 may be adjudged for the first violation and for a 2nd or subsequent violation a forfeiture of not more than \$500 nor less than \$100 may be adjudged. In addition thereto, ⁱⁿany court in which a forfeiture is adjudged against any person, the judge may direct that person to pick up and remove from any place any or all litter deposited thereon by anyone prior to the date of the adjudication.'

Further amend said Bill by striking out all of sections 10 and 11 and inserting in place thereof the following:

'Sec. 10. 17 MRSA §2265, 3rd ¶, as enacted by PL 1971, c. 405, §1, is repealed and the following enacted in place thereof:

Any conduct in violation of this section is a civil violation for which a forfeiture of not more than \$100 nor less than \$10 may be adjudged for the first violation and for a 2nd or subsequent violation a forfeiture of not more than \$500 nor less than \$100 may be adjudged. In addition thereto, ⁱⁿany court in which

a forfeiture is adjudged against any person, the judge may direct that person to pick up and remove from any place any or all litter deposited thereon by anyone prior to the date of the adjudication.

Sec. 11. 17 MRSA §2266, last ¶, as last repealed and replaced by PL 1973, c. 235, §3, is repealed and the following enacted in place thereof:

Any conduct in violation of this section is a civil violation for which a forfeiture of not more than \$100 nor less than \$10 may be adjudged for the first violation and for a 2nd or subsequent violation a forfeiture of not more than \$500 nor less than \$100 may be adjudged. In addition thereto, ⁱⁿany court in which a forfeiture is adjudged against any person, the judge may direct that person to pick up and remove from any place any or all litter deposited thereon by anyone prior to the date of the adjudication. '

Further amend said Bill by striking out all of the amending clause of section 12 and inserting in place thereof the following:

'Sec. 12. 17 MRSA §2267, 1st ¶, as enacted by PL 1971, c. 405, §1, is amended to read:'

Further amend said Bill by striking out all of the last paragraph of section 12.

Further amend said Bill by inserting after section 12 the following:

'Sec. 12-A. 17 MRSA §2267, 2nd ¶, as enacted by PL 1971, c. 405, §1, is repealed and the following enacted in place thereof

Any conduct in violation of this section is a civil violation for which a forfeiture of not more than \$100 nor less than \$10 may be adjudged for the first violation and for a 2nd or subsequent violation a forfeiture of not more than \$500 nor less than \$100 may be adjudged.'

Further amend said Bill in section 13 by striking out in the 10th line (8th line in L.D.) the underlined words "State Liquor Commission" and inserting in place thereof the underlined words 'Department of Public Safety'

Further amend said Bill in section 15 by striking out in the 2nd line of that part designated "\$2273." the ^{underlined} word "The" and inserting in place thereof the following 'Within the limits of its budget, the'; and by striking out the ^{underlined} word "shall" and inserting in place thereof the underlined word 'may'

Further amend said Bill in section 15 by striking out in the first line of the 2nd paragraph of that part designated "\$2274." the underlined words "an arrest" and inserting in place thereof the underlined words 'a complaint'; and by striking out at the end of the 2nd paragraph the period and inserting in place thereof the following '; or'; and by striking out in the first line of the 3rd paragraph the underlined words "an arrest" and inserting in place thereof the underlined words 'a complaint'

Further amend said Bill in section 16 in that part designated "§1862." by striking out all of subsections ~~13 and 14.~~

Further amend said Bill in section 16 in that part designated "§1862." by renumbering the subsections to read consecutively.

Further amend said Bill in section 16 in that part designated "§1863." by striking out in the 3rd and 4th lines the following:
", unless a disposal charge has been paid on the container as provided in section 1864"; and by striking out in the 7th and 8th line (6th and 7th in L. D.) the following ", unless the container is certified under section 1868, when it shall not be less than 3¢"

Further amend said Bill in section 16 by striking out all of that part designated "§1864."

Further amend said Bill in section 16 in that part designated "§1866." by striking out in the 2nd line the word and figures "subsections 2 and 3" and inserting in place thereof the underlined word and figure 'subsection 2'

Further amend said Bill in section 16 in that part designated "§1866." by striking out all of subsection 2 and by renumbering subsection 3 to be subsection 2.

Further amend said Bill in section 16 in that part designated "§1867." by striking out^{in subsection 1} in the 3rd and 4th lines (3rd line in L.D.) and inserting in place thereof the underlined word 'beverage'; the underlined word "refundable" and by striking out in the 4th, 5th and 6th lines (4th and 5th lines in L.D.) the following
", or if a certified container under section 1868, of the kind and size sold by the dealer"

Further amend said Bill in section 16 by striking out all of that part designated "§1868."

OF .

"B"

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Further amend said Bill in section 16 in that part designated "§1869." by striking out in the last line of subsection 1 the underlined word "refundable" and inserting in place thereof the underlined word 'beverage' (last 2 lines in L. D.); and by striking out in the 5th and 6th lines of subsection 2 (4th and 5th lines in L.D.) the underlined words ", or if certified containers under section 1868, the kinds and sizes, of refundable" and inserting in place thereof the following underlined words 'of beverage'; and by striking out in the 3rd line of subsection 3 the underlined word "refundable" and inserting in place thereof the underlined word 'beverage'; and by striking out in the 5th and 6th lines (4th, 5th and 6th lines in L.D.) the following: ", or if certified containers under section 1868, of the kinds and sizes, of empty refundable" and inserting in place thereof the underlined words 'of empty beverage'; and by striking out in the 3rd line of subsection 4 the underlined word "refundable" and inserting in place thereof the underlined word 'beverage'; and by striking out in the 4th and 5th lines (4th line in L.D.) the following ", or if a certified container under section 1868, of the kind and size,"; and by striking out in the 2nd line of subsection 5 the underlined word "refundable" and inserting in place thereof the underlined word 'beverage'

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Further amend said Bill in section 16 by striking out all of that part designated "\$1871." and inserting in place thereof the following:

'\$1871. Penalties

1. Civil violation. A violation of this chapter by any person shall be a civil violation for which a forfeiture of not more than \$100 may be adjudged.

2. Separate violations. Each day that such violation continues or exists shall constitute a separate offense.'

Further amend said Bill in section 16 by striking out all of that part designated "\$1872."

Further amend said Bill in section 16 by renumbering those parts designated "\$1865." to "\$1857." to be '\$1864.' to '\$1866.'; and "\$1869" to ~~to~~ "\$1871." to be '\$1867.' and '\$1865.'

Further amend said Bill by striking out all of section 17.

Further amend said Bill by striking out all of the first line of the Referendum and inserting in place thereof the following:

'Referendum; effective date. Sections 1 to 15 of this Act shall take effect 90 days after adjournment of the Legislature.

Section 16 of this Act shall take effect 90 days after the'

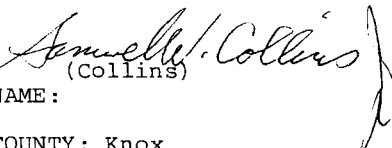
Further amend said Bill by striking out all of the 3rd paragraph of the referendum and inserting in place thereof the following:

"Shall section 16 of 'AN ACT to Improve Solid Waste Management,' which section requires returnable beverage containers, as passed by the First Special Session of the 107th Legislature, become law?"

Further amend said Bill by striking out in the 9th to 11th lines of the next to the last paragraph (9th and 10th in LD) before the fiscal note, all of the remaining words and punctuation after the following words: "are in favor of" and inserting in place thereof the following: 'section 16 of said Act, the Governor shall forthwith make known the fact by his proclamation and section 16 of the Act shall become effective January 1, 1978.'

Statement of Fact

This amendment removes the taxing provisions from the Bill and clarifies the litter provisions of the bill.


(Collins)
NAME:
COUNTY: Knox

Reproduced and distributed pursuant to Senate Rule 11-A.

March 29, 1976.

(Filing No. S-486).