

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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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
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Sec. 32. R. S., T. 6, § 271, sub-§§ 7 and 8, amended. Subsections 7 and 8 of section 271 of Title 6 of the Revised Statutes are amended to read as follows:

7. **Ramp.** "Ramp" means any structure, platform, base or device to be used for the positioning, location or aiming of any missile, rocket or similar device to be launched, fired or otherwise projected into the air above the ~~ground~~ ramp.

8. **Launching site.** ~~"Site" or launching~~ "Launching site" means any place in this State to be used for the launching or operation of a missile, rocket or similar device.

Sec. 33. R. S., T. 6, § 272, repealed. Section 272 of Title 6 of the Revised Statutes, as amended by section 14 of chapter 498 of the public laws of 1969, is repealed.

Sec. 34. R. S., T. 6, § 274, amended. Section 274 of Title 6 of the Revised Statutes, as amended by section 14 of chapter 498 of the public laws of 1969, is further amended to read as follows:

§ 274. **Form of application**

Application for approval ~~of any ramp, launching site or sites and approval~~ of the launching, operation and the operational range pursuant to ~~sections 272 and section 273~~ shall be made upon such forms as may be provided by the director ~~from time to time~~.

Sec. 35. R. S., T. 6, § 277, amended. Section 277 of Title 6 of the Revised Statutes is amended to read as follows:

§ 277. **Toys or amusement devices**

This chapter shall not apply to any missile, rocket or similar device commercially manufactured for retail sale as a toy, recreational or amusement device, provided that such toy, recreational or amusement device be incapable of operating at an altitude in excess of ~~300~~ 500 feet above the ground and provided that any such missile, rocket or similar device exempted under this chapter shall not be operated within 3 miles of the boundary of any public use airport.

Effective September 23, 1971

Chapter 405

AN ACT Creating the Maine Litter Control Act.

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

Sec. 1. R. S., T. 17, c. 80, additional. Title 17 of the Revised Statutes is amended by adding a new chapter 80 to read as follows:

CHAPTER 80

LITTER CONTROL

§ 2261. Title

This chapter shall be known and may be cited as the "Maine Litter Control Act."

§ 2262. Purposes

It is declared and recognized that the proliferation and accumulation of litter discarded throughout this State endangers the free utilization and enjoyment of a clean and healthful environment by the people and constitutes a public health hazard; and recognizing that there has been a collective failure on the part of government, business and the public to accept, plan for and accomplish effective litter control, there is enacted the "Maine Litter Control Act."

§ 2263. Definitions

1. "Disposable package" or "container" means any and all packages or containers used for the purpose of containing a product sold or held out for sale for human or animal consumption.

2. "Litter" means all waste materials including, but not limited to, any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, offal, feathers, old automobiles or parts thereof, or similar refuse, or disposable packages or containers thrown or deposited as prohibited in this chapter but not including the wastes of the primary processes of mining, logging, saw-milling, farming or manufacturing.

3. "Litter receptacle" means a container of suitable size, shape and capacity to be a receptacle for litter.

4. "Motor vehicle" means every vehicle which is self-propelled and designed for carrying persons or property or which is used for the transportation of persons.

5. "Person" means any person, firm, partnership, association, corporation or organization of any kind whatsoever.

6. "Public place" means any area that is used or held out for use by the public whether or not owned or operated by public or private interests.

7. "Trailer" means any vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle.

8. "Watercraft" means any type of vessel, boat or craft used or capable of being used as a means of transportation on water.

§ 2264. Littering prohibited; penalties

No person shall throw, drop, deposit, discard or otherwise dispose of litter upon any public or private property in this State or in the waters of this

State or on the ice over such waters, which property shall include but not be limited to any state park, beach, campground, trailer park, highway, road, street or alley except:

1. Designation. When such property is designated by the State or by any of its agencies or political subdivisions for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose;
2. Receptacle. Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters.

Any person violating this section shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not more than \$100 for each violation. In addition thereto, in the sound discretion of any court in which conviction is obtained, such person may be directed by the judge to pick up and remove from any public place or any private property, with prior permission of the legal owner, any or all litter deposited thereon prior to the date of execution of sentence.

§ 2265. Littering from vehicle prohibited; penalties

No person shall throw, drop, deposit, discard or otherwise dispose of litter from any vehicle upon private property or along the right-of-way of any public highway, or in any public park, campground, or upon any public beach or into waters or in or upon any other public place, except into a litter receptacle in such a manner that the litter will be prevented from being carried or deposited by the elements. The operator of the vehicle, unless it is a vehicle being used for the carriage of passengers for hire, as well as the person actually throwing, dropping, depositing, discarding or otherwise disposing of the litter, shall be in violation of this section and such violation shall be enforced in accordance with Title 29, chapter 19.

Any person violating the provisions of this section or section 2266 shall be guilty of a misdemeanor. Record of convictions under this section or section 2266 shall be forwarded to the Secretary of State in accordance with Title 29, section 2304, who shall add such violation to that department's point system and such violation shall be counted in determining an individual's total points under the point system of the Division of Motor Vehicles.

The fine for violation of this section shall not be more than \$100 for each offense and in addition thereto, in the sound discretion of any court in which conviction is obtained, such person may be directed by the judge to pick up and remove from any place any or all litter deposited thereon by anyone prior to the date of execution of sentence.

In addition to any other penalty provided in this chapter and imposed by any court upon any person for violation of this section or section 2266, the court may suspend an operator's license for a period not exceeding 30 days, in which case the judge shall take up the license certificate of such person, who shall forthwith surrender the same, and forward it by mail to the Secretary of State.

§ 2266. Spillage from vehicle or trailer prohibited

No vehicle or trailer shall be driven, moved or towed on any public highway unless such vehicle or trailer is so constructed or loaded as to prevent

any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or that water, bituminous material, granular material, chemicals, or other substances may be placed or dropped upon the roadway in constructing or maintaining such roadway by public authority or someone acting under their direction and control.

Any person operating a motor vehicle or towing a trailer from which any object falls or escapes, which object would constitute "litter" under this chapter if thrown or deposited as herein prohibited, or which would constitute an obstruction or which might injure a vehicle or otherwise endanger travel upon such public highway, shall immediately cause the public highway to be cleaned of all such objects, insuring that they are disposed of in the manner provided for by section 2264.

§ 2267. Littering from watercraft prohibited; penalties

No person shall throw, drop, deposit, discard or otherwise dispose of litter from any watercraft upon private property or along the right-of-way of any public highway, or in any public park, campground or upon any public beach or into any waters within the jurisdiction of this State, or in or upon any other public place, except into a litter receptacle in such a manner that the litter will be prevented from being carried or deposited by the elements. The operator of the watercraft, unless it is a watercraft being used for the carriage of passengers for hire, as well as the person actually throwing, dropping, discarding or otherwise disposing of the litter will be in violation of this section.

Any person violating this section shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than \$10 for each violation.

This section shall not be construed to prohibit fishermen, lobstermen and other harvesters of the waters from returning to those waters materials which naturally originated therein.

§ 2268. Enforcement

Every law enforcement officer in the State, including but not limited to State Police, county sheriffs and their deputies, municipal police, wardens of the Department of Inland Fisheries and Game, wardens of the Department of Sea and Shore Fisheries, foresters and wardens of the Forestry Department and liquor inspectors of the State Liquor Commission shall have authority to enforce this chapter and Title 17, section 3961.

§ 2269. Litter receptacles; selection and placement

Litter receptacles with heavy lids constructed of a suitable and durable material bearing the label "TRASH" shall be placed by the proprietors at all privately owned establishments which serve the public including, but not limited to, campgrounds, trailer parks, drive-in restaurants, gasoline service stations, parking lots, shopping centers, grocery store parking lots, parking lots of major industrial firms, marinas, boat launching areas, boat moorage and fueling stations, beaches and bathing areas. The number of such receptacles required to be placed as specified shall be related to the need for such receptacles.

Any person or business organization, operating a business of the types described in this section who fails to place such litter receptacles on the premises in the numbers required by the department, shall be subject to a fine of not less than \$10 for each violation.

§ 2270. Responsibility for maintenance of litter receptacles

Responsibility for the removal of litter from litter receptacles placed at parks, beaches, campgrounds, trailer parks and other publicly owned public places shall remain upon those state and local agencies performing litter removal, and removal of litter from litter receptacles placed upon privately owned public places shall remain the responsibility of the owner of said premises.

§ 2271. Local regulations

Municipalities of this State may adopt more stringent ordinances, laws or regulations dealing with subject matter of this chapter. Any less restrictive ordinances, laws or regulations now in effect dealing with the subject matter of this chapter and the minimum standards which it establishes are declared invalid and of no force and superseded by this chapter on its effective date.

Sec. 2. R. S., T. 17, § 2251, repealed. Section 2251 of Title 17 of the Revised Statutes, as last amended by chapter 523 of the public laws of 1969, is repealed.

Effective September 23, 1971

Chapter 406

AN ACT Relating to Long-term Semipermanent Registration Plates for Certain Semitrailers.

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

Sec. 1. R. S., T. 29, § 245-A, amended. Section 245-A of Title 29 of the Revised Statutes, as enacted by section 1 of chapter 448 of the public laws of 1967, and as amended by chapter 163 of the public laws of 1969, is further amended by adding after the first sentence, the following new sentence to read as follows:

Said person, partnership or corporation must be Maine domiciled companies, or if they are not, must have a place of business and an address in Maine and must operate and register a truck-tractor in the State of Maine.

Sec. 2. R. S., T. 29, § 245-A, amended. Section 245-A of Title 29 of the Revised Statutes, as enacted by section 1 of chapter 448 of the public laws of 1967, and as amended by chapter 163 of the public laws of 1969, is further amended by adding at the end the following new paragraph: