

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 768

S. P. 262

In Senate, February 12, 1971

Referred to Committee on Natural Resources. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Mr. Clifford of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

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, 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 less than \$10 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 less than \$10 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 water or other substance may be sprinkled on a roadway in cleaning 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. In addition thereto, every court in every case wherein a person is convicted of violation of this section shall forthwith transmit to the Bureau of Watercraft Registration and Safety an abstract, duly certified, setting forth therein the names of the parties, the nature of the offense, the date of the hearing, the plea, the judgment and the result and the Maine registration number of the watercraft from which the violation took place, if such watercraft is required to be registered with the Bureau of Watercraft Registration and Safety. Upon receipt of such information, the Bureau of Watercraft Registration and Safety shall, if such watercraft is registered, suspend said registration for a period of not less than 3 months and inform the registered owner that such watercraft will not be permitted to use the waters within the jurisdiction of this State until such time as the suspension period has elapsed; and the individual whose registration certificate was revoked shall not be issued any other certificate for any other watercraft during the suspension period.

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. Promulgation of law; posting of law

Pertinent portions of the Maine Litter Control Act shall be printed by the State Department of Health & Welfare at State expense and such printed portions of this chapter shall be distributed to the proprietors of all motels, hotels, restaurants, cafes, drive-in restaurants, campgrounds, trailer parks and all other privately owned public places within the State which the department feels the promulgation of these provisions would be in furtherance of the purposes of this chapter.

It shall be the duty of proprietors of the establishments mentioned in this section to see to it that these provisions are posted in all motel and hotel rooms, restaurants, cafes, drive-in restaurants, campgrounds, trailer parks and at all other public places in the State where persons are likely to be informed of the existence and content of this chapter and the penalties for violating its provisions.

The Director of State Parks and Recreation shall see to it that these notices are posted at the entrance to, and at selected locations within, state parks, publicly owned beaches and at other locations which would further the widest promulgation of the pertinent provisions of this chapter.

§ 2270. Litter receptacles; selection and placement

The State Department of Health and Welfare shall approve by rule and regulation one or more types of litter receptacles which are uniform as to size, shape and capacity for use throughout the publicly owned places of this State where individuals gather. The departments responsible for the care and maintenance of such public places will ensure that such litter receptacles are provided and maintained.

In addition, litter receptacles with heavy lids constructed of a suitable and durable material shall be placed by the proprietors at all privately owned establishments which serve the public including, but not limited to, campgrounds, trail 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.

The State Department of Health and Welfare is empowered to designate by rule and regulation other privately owned establishments which shall be subject to this chapter upon a finding by the department that the purposes of this chapter will be more effectively carried out if such establishment is subject to this section.

Any person or business organization, operating a business of the types described in this section or specified by the State Department of Health and Welfare 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.

§ 2271. 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.

§ 2272. Local regulation prohibited

No municipality or political subdivision of this State may adopt any ordinance, law or regulation dealing with the subject matter of this chapter and any of such ordinances, laws or regulations dealing with the subject matter of this chapter which were in effect prior to the effective date of this chapter are declared to be superseded by this chapter and of no force and effect.

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.

STATEMENT OF FACT

Litter on the highways and streets, in parks and other public areas, in the waters of the State and in other places throughout the State of Maine constitutes an appreciable threat to the environment and is the source of great expense to the citizens of this State and to the municipalities, counties and the State.

Recognizing that it is the individual and not the product which contributes to the litter problem, this bill would prohibit littering throughout the State and would provide stringent and realistic penalties for violations.