

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 307

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S. P. 132

In Senate, February 9, 1977

Referred to Committee on Judiciary. Sent down for concurrence and 1,800 ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Pierce of Kennebec.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT** Relating to an Offense for Littering under the Litter Control Law.

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

**Sec. 1.** 17 MRSA § 2264, last ¶, as repealed and replaced by PL 1975, c. 739, § 8, is repealed and the following enacted in its place:

Notwithstanding Title 17-A, section 4-A or any other provision of law, any conduct in violation of this section is expressly declared to be a crime punishable by a fine of not more than \$200 nor less than \$25 for the first violation and by a fine of not more than \$500 nor less than \$100 for a 2nd or subsequent violation. In addition thereto, in any case in which a person is sentenced to pay a fine under this section, 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 conviction.

Any law enforcement officer making an arrest for any violation of this chapter at a point more than 50 miles distant from the nearest District Court having jurisdiction, may accept the personal recognizance of the prisoner in a sum not to exceed \$250 for his appearance before the nearest District Court on a specified date and a deposit in money to the amount of said recognizance. Said officers shall forthwith report all such recognizances and forward all such deposits to the court to which such recognizance is returnable.

If such person fails to appear in court on the day specified, either in person or by counsel, the court shall order the recognizance and money deposited forfeited.

**Sec. 2.** 17 MRSA § 2265, 3rd ¶, as repealed and replaced by PL 1975, c. 739, § 10, is repealed and the following enacted in its place:

Notwithstanding Title 17-A, section 4-A or any other provision of law, any conduct in violation of this section is expressly declared to be a crime punishable by a fine of not more than \$200 nor less than \$25 for the first violation and by a fine of not more than \$500 nor less than \$100 for a 2nd or subsequent violation. In addition thereto, in any case in which a person is sentenced to pay a fine under this section, 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 conviction.

Any law enforcement officer making an arrest for any violation of this chapter at a point more than 50 miles distant from the nearest District Court having jurisdiction, may accept the personal recognizance of the prisoner in a sum not to exceed \$250 for his appearance before the nearest District Court on a specified date and a deposit in money to the amount of said recognizance. Said officers forthwith report all such recognizances and forward all such deposits to the court to which such recognizance is returnable.

If such person fails to appear in court on the day specified, either in person or by counsel, the court shall order the recognizance and money deposited forfeited.

Sec. 3. 17 MRSA § 2266, last ¶, as repealed and replaced by PL 1975, c. 739, § 11, is repealed and the following enacted in its place:

Notwithstanding Title 17-A, section 4-A or any other provision of law, any conduct in violation of this section is expressly declared to be a crime punishable by a fine of not more than \$200 nor less than \$25 for the first violation and by a fine of not more than \$500 nor less than \$100 for a 2nd or subsequent violation. In addition thereto, in any case in which a person is sentenced to pay a fine under this section, 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 conviction.

Any law enforcement officer making an arrest for any violation of this chapter at a point more than 50 miles distant from the nearest District Court having jurisdiction, may accept the personal recognizance of the prisoner in a sum not to exceed \$250 for his appearance before the nearest District Court on a specified date and a deposit in money to the amount of said recognizance. Said officers shall forthwith report all such recognizances and forward all such deposits to the court to which such recognizance is returnable.

If such person fails to appear in court on the day specified, either in person or by counsel, the court shall order the recognizance and money deposited forfeited.

Sec. 4. 17 MRSA § 2267, 2nd ¶, as repealed and replaced by PL 1975, c. 739, § 12-A, is repealed and the following enacted in its place:

Notwithstanding Title 17-A, section 4-A or any other provision of law, any conduct in violation of this section is expressly declared to be a crime punishable by a fine of not more than \$200 nor less than \$25 for the first violation and by a fine of not more than \$500 nor less than \$100 for a 2nd or subsequent violation. In addition thereto, in any case in which a person is sentenced to

pay a fine under this section, 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 conviction.

Any law enforcement officer making an arrest for any violation of this chapter at a point more than 50 miles distant from the nearest District Court having jurisdiction, may accept the personal recognizance of the prisoner in a sum not to exceed \$250 for his appearance before the nearest District Court on a specified date and a deposit in money to the amount of said recognizance. Said officers shall forthwith report all such recognizances and forward all such deposits to the court to which such recognizance is returnable.

If such person fails to appear in court on the day specified, either in person or by counsel, the court shall order the recognizance and money deposited forfeited.

#### STATEMENT OF FACT

The purpose of this bill is to remove the offense for littering from the civil offense category and place it in the misdemeanor class. It also increases the fines for conviction of these offenses, and allows for a personal recognizance bond for offenses committed more than 50 miles from a District Court.