

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 122

7 H.P. 115

House of Representatives, January 6, 1983

8 Reference to the Committee on Judiciary. Sent up for concurrence and
9 ordered printed.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Webster of Farmington.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Increase the Penalties for
18 Littering.
19

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

22 Sec. 1. 17 MRSA §2264, as amended by PL 1981,
23 c. 36, is further amended to read:

24 §2264. Littering prohibited; penalties

25 No person shall ~~sha~~ may throw, drop, deposit, discard
26 or otherwise dispose of litter upon any public prop-
27 erty or private property not owned by him in this
28 State or in the waters of this State or on the ice
29 over such waters, which property shall include, but
30 not be limited to, any public park, beach, camp-
31 ground, forest land, recreational area, trailer park,
32 highway, road, street or alley, except:

1 1. Designation. When ~~such that~~ property is des-
2 ignated by the State or by any of its agencies or
3 political subdivisions for the disposal of garbage
4 and refuse, and ~~such that~~ person is authorized to use
5 ~~such that~~ property for ~~such that~~ purpose; and

6 2. Receptacle. Into a litter receptacle in such
7 a manner that the litter will be prevented from being
8 carried away or deposited by the elements upon any
9 part of ~~said that~~ private or public property or
10 waters.

11 Any conduct in violation of this section is a
12 civil violation for which a forfeiture of not more
13 than ~~\$200~~ \$500 nor less than ~~\$25~~ \$200 may be adjudged
14 for the first violation and for a 2nd or subsequent
15 violation a forfeiture of not more than ~~\$500~~ \$1,000
16 nor less than ~~\$100~~ \$500 may be adjudged. In addition
17 to a forfeiture, or instead of a forfeiture, the
18 judge may direct any person in violation of this
19 section to pick up and remove from any place any or
20 all litter deposited thereon by anyone prior to the
21 date of the adjudication.

22 Sec. 2. 17 MRSA §2265, as amended by PL 1977, c.
23 564, §83, is further amended to read:

24 §2265. Littering from vehicle prohibited; penalties

25 No person ~~shall~~ may throw, drop, deposit, discard
26 or otherwise dispose of litter from any vehicle upon
27 private property or along the right-of-way of any
28 public highway, or in any public park, campground, or
29 upon any public beach or into waters or in or upon
30 any other public place, except into a litter recep-
31 tacle in such a manner that the litter will be pre-
32 vented from being carried or deposited by the ele-
33 ments. The operator of a vehicle shall not allow any
34 person within the vehicle to throw, drop, deposit,
35 discard or otherwise dispose of litter in violation
36 of this section. The operator of the vehicle, unless
37 it is a vehicle being used for the carriage of
38 passengers for hire, as well as the person actually
39 throwing, dropping, depositing, discarding or other-
40 wise disposing of the litter, shall be in violation
41 of this section and ~~such that~~ violation shall be
42 enforced in accordance with Title 29, chapter 19.

1 A record of adjudication of a violation of this
2 section or section 2266 shall be forwarded to the
3 Secretary of State in accordance with Title 29,
4 section 2304, who shall add such that violation to
5 that department's point system and such that viola-
6 tion shall be counted in determining an individual's
7 total points under the point system of the Division
8 of Motor Vehicles.

9 Any conduct in violation of this section is a
10 civil violation for which a forfeiture of not more
11 than ~~\$200~~ \$500 nor less than ~~\$25~~ \$200 may be adjudged
12 for the first violation and for a 2nd or subsequent
13 violation a forfeiture of not more than ~~\$500~~ \$1,000
14 nor less than ~~\$100~~ \$500 may be adjudged. In addition
15 thereto, in any court in which a forfeiture is ad-
16 judged against any person, the judge may direct that
17 person to pick up and remove from any place any or
18 all litter deposited thereon by anyone prior to the
19 date of the adjudication.

20 In addition to any other penalty provided in this
21 chapter and imposed by any court upon any person for
22 violation of this section or section 2266, the court
23 may suspend an operator's license for a period not
24 exceeding ~~30~~ 60 days, in which case the judge shall
25 take up the license certificate of such that person,
26 who shall forthwith surrender the same, and forward
27 it by mail to the Secretary of State.

28 Sec. 3. 17 MRSA §2266, as amended by PL 1977, c.
29 93, §3, is further amended to read:

30 §2266. Spillage from vehicle or trailer prohibited

31 No vehicle or trailer ~~shall~~ may be driven or
32 towed on any public highway, unless such that vehicle
33 or trailer is so constructed, loaded or covered, as
34 to prevent any of its load from dropping, sifting,
35 leaking or otherwise escaping therefrom. This
36 section shall only apply to vehicles or trailers
37 carrying trash, rubbish or other materials which may
38 be construed as "litter."

39 Any conduct in violation of this section is a
40 civil violation for which a forfeiture of not more
41 than ~~\$200~~ \$500 nor less than ~~\$25~~ \$200 may be adjudged

1 for the first violation and for a 2nd or subsequent
2 violation a forfeiture of not more than ~~\$500~~ \$1,000
3 nor less than ~~\$100~~ \$500 may be adjudged. In addition
4 thereto, in any court in which a forfeiture is ad-
5 judged against any person, the judge may direct that
6 person to pick up and remove from any place any or
7 all litter deposited thereon by anyone prior to the
8 date of the adjudication.

9 Sec. 4. 17 MRSA §2267, as amended by PL 1977, c.
10 93, §4, is further amended to read:

11 §2267. Littering from watercraft prohibited; pen-
12 alties

13 No person ~~shall~~ may throw, drop, deposit, discard
14 or otherwise dispose of litter from any watercraft
15 upon public or private property or along the right-
16 of-way of any public highway, or in any public park,
17 campground or upon any public beach or into any
18 waters within the jurisdiction of this State, except
19 into a litter receptacle in such a manner that the
20 litter will be prevented from being carried or depos-
21 ited by the elements. The operator of a watercraft
22 shall not allow any person within the watercraft to
23 throw, drop, deposit, discard or otherwise dispose of
24 litter in violation of this section. The operator of
25 the watercraft, unless it is a watercraft being used
26 for the carriage of passengers for hire, as well as
27 the person actually throwing, dropping, discarding or
28 otherwise disposing of the litter will be in viola-
29 tion of this section.

30 Any conduct in violation of this section is a
31 civil violation for which a forfeiture of not more
32 than ~~200~~ \$500 nor less than ~~\$25~~ \$200 may be adjudged
33 for the first violation and for a 2nd or subsequent
34 violation a forfeiture of not more than ~~\$500~~ \$1,000
35 nor less than ~~\$100~~ \$500 may be adjudged.

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

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STATEMENT OF FACT

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The purpose of this bill is to increase the fine for littering. The bill also permits the court to suspend the motor vehicle operator's license, of any person found guilty of littering from a motor vehicle, for up to 60 days. Current law allows only a 30-day suspension period.

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