# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

# SECOND REGULAR SESSION - 1990

## Legislative Document

No. 2025

S.P. 784

In Senate, December 21, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Secretary of the Senate on December 21, 1989. Referred to the Committee on Energy and Natural Resources and 1,600 ordered printed pursuant to Joint Rule 14.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.
Cosponsored by Representative LIBBY of Kennebunk.

#### STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

An Act to Regulate the Use of Beverage Containers.



Be it enacted by the People of the State of Maine as follows:						
Sec. 1. 17 MRSA §2264, as amended by PL 1989, c. 97, is						
repealed.						
Sec. 2. 17 MRSA §2264-A is enacted to read:						
§2264-A. Littering prohibited; penalties						
<ol> <li>Prohibition. No person may throw, drop, deposit, discard or otherwise dispose of litter upon any public property</li> </ol>						
or private property not owned by that person in this State or in the waters of this State or on the ice over those waters, which						
property shall include, but not be limited to, any public park, beach, campground, forest land, recreational area, trailer park,						
highway, road, street or alley, except:						
A. When the property is designated by the State or by any of its agencies or political subdivisions for the disposal						
of garbage and refuse, and the person is authorized to use the property for that purpose; or						
B. 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 private or public property or waters.						
2. Penalties. Penalties for a violation of this section						
are as follows.						
A. Any conduct in violation of this section is a civil violation for which a forfeiture of not more than \$200 no.						
less than \$25 may be adjudged for the first violation. For a 2nd or subsequent violation a forfeiture of not more than						
\$500 nor less than \$100 may be adjudged. In addition to or instead of a forfeiture, the judge may direct any person in						
violation of this section to pick up and remove from any place any or all litter deposited thereon by anyone prior to						
the date of the adjudication.						
B. Notwithstanding paragraph A, any person who disposes of						
a plastic ring carrier device, the use of which is regulated						

under Title 32, section 1868, subsection 2-A, is guilty of a

Class E crime. In addition to a forfeiture, the judge may direct any person who is found guilty under this paragraph

to pick up and remove from any place any or all litter deposited thereon by anyone prior to the date of the

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adjudication.

Sec. 3.	32 WIRSA	31909, 2nd-3	32-A is	enacted	to	read:	

2-A. Plastic connectors. With containers connected to	each
other by a plastic ring carrier device which is not capable	of
photodegradation or biodegradation within 120 days of exposure	
natural elements;	

Sec. 4. 38 MRSA §1604, as enacted by PL 1989, c. 585, Pt. E, §35, is repealed.

Sec. 5. 38 MRSA §1606 is enacted to read:

### §1606. Connectors

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After July 1, 1991, no person may sell or offer to sell products in containers connected to each other by plastic holding devices except as provided by Title 32, section 1868, subsection 2-A.

### STATEMENT OF FACT

This bill repeals the ban on plastic ring connectors while maintaining the ban on other types of plastic beverage container devices. In place of the ban on plastic ring connectors, the bill requires that such connectors be capable of decomposing by photodegradation or biodegradation within 120 days of exposure to natural elements. Finally, the bill establishes a separate violation for littering with plastic connectors by making such conduct a Class E crime.