

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1087

H.P. 753

House of Representatives, March 13, 1991

Received by the Clerk of the House on March 11, 1991. Referred to the Committee on Judiciary and 1400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative HEPBURN of Skowhegan.

Cosponsored by Senator LUDWIG of Aroostook and Representative DONNELLY of Presque Isle.

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STATE OF MAINE

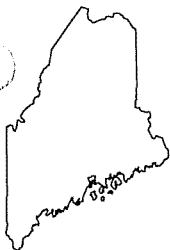
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act Concerning Illegally Dumped Solid Waste.**

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

17 MRSA §2264, as repealed and replaced by PL 1989, c. 820, §4, is amended by adding at the end a new paragraph to read:

In any proceeding for a violation of this section, proof that the defendant owned or controlled the litter creates a rebuttable presumption that the defendant disposed of the litter in violation of this section.

#### STATEMENT OF FACT

Prosecutions under the litter control laws are difficult because there are very rarely witnesses to illegal dumping. This bill allows the State to examine the illegally dumped litter to determine the owner of the litter. If this information is sufficient to prove that the defendant owned or controlled the litter, this creates a rebuttable presumption that the defendant illegally dumped the litter. The defendant may rebut the presumption by presenting evidence that the defendant did not dump the litter or by presenting evidence that someone else was responsible for the litter.