

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

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Legislative Document

No. 2198

H.P. 1560

House of Representatives, January 23, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative CLARK of Brunswick.

Cosponsored by Senator TITCOMB of Cumberland, Representative HOGLUND of Portland  
and Representative MARSH of West Gardiner.

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STATE OF MAINE

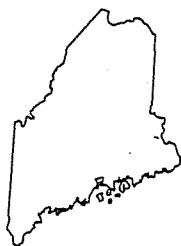
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-TWO

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An Act to Discourage Illegal Dumping of Waste.

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

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Sec. 1. 38 MRSA §423-C is enacted to read:

§423-C. Registered owner's liability for vehicle illegally discharging waste

A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of section 423-A commits a civil violation, except as provided in subsection 4. For purposes of this section, "registered owner" includes a person issued a dealer or transporter registration plate.

1. Report violation; investigation. A person who observes a violation of section 423-A may report the violation to a police officer. If a report is made, the person shall report the time and the location of the violation and the registration plate number and a description of the vehicle involved. The officer shall initiate an investigation of the reported violation and, if possible, contact the registered owner of the motor vehicle involved and request that the registered owner supply information identifying the operator.

2. Summons. The investigating officer may cause the registered owner of the vehicle to be served with a summons for a violation of this section.

3. Registered owner not operator. Except as provided in subsection 4, it is not a defense to a violation of this section that a registered owner was not operating the vehicle at the time of the violation.

4. Defenses. The following are defenses to a violation of this section.

A. If a person other than the owner is convicted of operating the vehicle at the time of the violation in violation of section 423-A, the registered owner may not be found in violation of this section.

B. If the registered owner is a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee and the lessor provides the investigating officer with a copy of the lease agreement containing the information required by Title 29, section 901, the lessee and not the lessor may be charged under this section.

C. If the vehicle is operated using a dealer or transporter registration plate and at the time of the violation the vehicle was operated by a person other than the dealer or transporter and if the dealer or transporter provides the investigating officer with the name and address of the

2 person who had control over the vehicle at the time of the  
3 violation, that person and not the dealer or transporter may  
4 be charged under this section.

5 D. If a report that the vehicle was stolen is given to a  
6 law enforcement officer or agency before the violation  
7 occurs or within a reasonable time after the violation  
8 occurs, the registered owner may not be charged under this  
9 section.

10 5. Violation. A person who violates this section commits a  
11 civil violation for which a forfeiture of not less than \$50 or  
12 more than \$250 may be adjudged.

### 16 STATEMENT OF FACT

17 Under current law, a person may not discharge sewage,  
18 garbage or other pollutants from a motor vehicle into inland or  
19 coastal waters. The purpose of this bill is to establish the  
20 liability of the registered owner of a vehicle involved in such a  
21 violation in instances when the vehicle and the registration  
22 plate number can be identified, but the driver can not be  
23 identified.

24 This bill is modeled on legislation establishing a  
25 registered vehicle owner's liability for that vehicle illegally  
26 passing a school bus, enacted in the First Regular Session of the  
27 115th Legislature.  
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