

MAINE STATE LEGISLATURE

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INLAND FISHERIES AND WILDLIFE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 94, L.D. 112, Bill, "An Act To Discourage Illegal Dumping in the State"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 12 MRSA §10157, sub-§7, ¶D, as enacted by PL 2003, c. 655, Pt. B, §36 and affected by §422, is amended to read:

D. Review and make recommendations regarding programs administered by other agencies. The commissioner shall coordinate all reviews; and

Sec. 2. 12 MRSA §10157, sub-§7, ¶E, as enacted by PL 2003, c. 655, Pt. B, §36 and affected by §422, is amended to read:

E. Conduct an organizational review of the advisory board every 5 years. This review must be designed to provide the information necessary to ascertain whether the advisory board has the membership required by subsection 1 and the advisory board is fulfilling its duties. If the review indicates that the advisory board does not have the correct representational membership, a subcommittee of the members of the advisory board must be convened to recommend to the commissioner appropriate changes. At any time, the advisory board may recommend to the commissioner ways to improve the advisory board's membership or function, and the commissioner shall act upon those recommendations; and

Sec. 3. 12 MRSA §10157, sub-§7, ¶F is enacted to read:

F. Establish a protocol to contact and work with the courts to identify public service opportunities for a person who has violated a litter law under Title 17, section 2264-A.

Sec. 4. 17 MRSA §2264-A, as amended by PL 2003, c. 452, Pt. I, §§34 to 37 and affected by Pt. X, §2, is further amended to read:

COMMITTEE AMENDMENT

1 §2264-A. Penalties

2 Unless otherwise indicated, a person who disposes of litter in violation of this chapter
3 commits a civil violation for which the following ~~forfeitures~~ fines apply.

4 **1. Disposal of 15 pounds or less or 27 cubic feet or less of litter.** A person who
5 disposes of 15 pounds or less or 27 cubic feet or less of litter commits a civil violation for
6 which a fine of not less than \$100 and not more than \$500 may be adjudged.

7 **1-A. Disposal of 15 pounds or less or 27 cubic feet or less of litter; subsequent**
8 **offenses.** A person who violates subsection 1 after having previously violated subsection
9 1 commits a civil violation for which a fine of not less than ~~\$200~~ \$500 and not more than
10 ~~\$500~~ \$1,000 may be adjudged.

11 **2. Disposal of more than 15 pounds or more than 27 cubic feet of litter.** A
12 person who disposes of more than 15 pounds or more than 27 cubic feet of litter commits
13 a civil violation for which ~~a fine of not less than \$200 and not more than \$500 may be~~
14 ~~adjudged.~~ the court:

15 A. Shall impose a fine of not less than \$500;

16 B. Shall suspend the person's motor vehicle operator's license for a period of not less
17 than 30 days or more than one year. Notwithstanding paragraph F, the court shall
18 suspend all licenses and permits issued under Title 12, Part 13, subpart 4 and
19 recreational vehicle registrations and certificates issued to that person under Title 12,
20 Part 13, subpart 6 for a period of not less than 30 days or more than one year;

21 C. Shall require the person to pay a party sustaining damages arising out of a
22 violation of this subsection treble the actual damages or \$200, whichever amount is
23 greater, plus the injured party's court costs and attorney's fees if action results in a
24 civil proceeding;

25 D. Shall require the person to perform not less than 100 hours of public service
26 relating to the removal of litter or to the restoration of an area polluted by litter
27 disposed of in violation of this section. The court shall consult with the
28 Commissioner of Inland Fisheries and Wildlife to determine if there is an opportunity
29 for public service that may improve landowner and sportsman relations;

30 E. When practical, shall require the person to remove the litter dumped in violation
31 of this subsection; and

32 F. May suspend any license, permit, registration or certification issued by a state
33 agency or municipality to the person. A professional license, permit, registration or
34 certification required for that person to operate or establish a business or necessary
35 for the person's primary source of employment may not be suspended unless the
36 items dumped were related to the person's profession or occupation.

37 **2-A. Disposal of more than 15 pounds or more than 27 cubic feet of litter;**
38 **subsequent offenses.** A person who violates subsection 2 after having previously
39 violated subsection 2 commits a civil violation for which the penalty provisions under
40 subsection 2 apply except for subsection 2, paragraph A, and a fine of not less than \$500
41 and not more than \$1,000 may \$2,000 must be adjudged.

1 employment unless the items dumped were related to the person's profession or
2 occupation.

3 7. It provides that the Department of Inland Fisheries and Wildlife's Landowners and
4 Sportsmen Relations Advisory Board shall establish a program to work with courts to
5 identify public service opportunities for violators of litter control laws that could improve
6 landowner and sportsman relations.

FISCAL NOTE REQUIRED
(See Attached)



125th MAINE LEGISLATURE

LD 112

LR 119(02)

An Act To Discourage Illegal Dumping in the State

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

Minor revenue increase - General Fund

Minor cost increase - Highway Fund

Correctional and Judicial Impact Statements

The collection of additional fines may increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the Department of Secretary of State associated with updating the driver license database can be absorbed with additional staff and within existing budgeted resources.