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Date: (Filing No. S-)

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STATE OF MAINE
SENATE
125TH LEGISLATURE
FIRST REGULAR SESSION

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

Amend the amendment in section 4 in §2264-A by striking out all of subsection 2 (page 2, lines 11 to 36 in amendment) and inserting the following:

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

- A. Shall impose a fine of not less than \$500;
- B. Shall require the person to pay a party sustaining damages arising out of a violation of this subsection treble the actual damages or \$200, whichever amount is greater, plus the injured party's court costs and attorney's fees if action results in a civil proceeding;
- C. Shall require the person to perform not less than 100 hours of public service relating to the removal of litter or to the restoration of an area polluted by litter disposed of in violation of this section. The court shall consult with the Commissioner of Inland Fisheries and Wildlife to determine if there is an opportunity for public service that may improve landowner and sportsman relations;
- D. When practical, shall require the person to remove the litter dumped in violation of this subsection;
- E. May suspend the person's motor vehicle operator's license for a period of not less than 30 days or more than one year, except as provided in paragraph F. Notwithstanding paragraph F, the court shall suspend all licenses and permits issued under Title 12, Part 13, subpart 4 and recreational vehicle registrations and certificates issued to that person under Title 12, Part 13, subpart 6 for a period of not less than 30 days or more than one year; and
- F. May suspend any license, permit, registration or certification issued by a state agency or municipality to the person. A professional license, permit, registration or certification required for that person to operate or establish a business or necessary

SENATE AMENDMENT

1 for the person's primary source of employment may not be suspended unless the
2 items dumped were related to the person's profession or occupation.'

3 **SUMMARY**

4 This amendment changes the suspension of a motor vehicle operator's license for
5 illegal dumping as specified in Committee Amendment "A" from a mandatory penalty to
6 an optional penalty. This amendment also clarifies that a motor vehicle operator's license
7 may not be suspended by the court if it is necessary for the person's primary source of
8 employment unless the dumping was related to the person's operator's license.

9 **SPONSORED BY:** _____

10 (Senator MARTIN)

11 **COUNTY: Kennebec**