

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 94 - L.D. 112

An Act To Discourage Illegal Dumping in the State

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

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:

§2264-A. Penalties

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

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

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

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

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

3. Disposal of more than 500 pounds or more than 100 cubic feet of litter for a commercial purpose. A person who disposes of more than 500 pounds or more than 100

cubic feet of litter for a commercial purpose is subject to the penalties under Title 38, section 349.

Sec. 5. 17 MRSA §2264-B, first ¶, as amended by PL 2003, c. 452, Pt. I, §38 and affected by Pt. X, §2, is further amended to read:

In addition to the fines imposed in section 2264-A, subsections 1 and 1-A, the court may order a person adjudicated to have violated section 2264-A, subsection 1 or subsection 1-A to:

Sec. 6. 17 MRSA §2264-B, sub-§5, as amended by PL 2009, c. 424, §1, is further amended to read:

5. License suspension. Surrender the person's motor vehicle operator's license, a license or permit issued to that person under Title 12, Part 13, subpart 4 or a recreational vehicle registration or certificate issued to that person under Title 12, Part 13, subpart 6 for a period not exceeding 30 days. The court may suspend an operator's license for any violation of section 2264-A, subsection 1 or subsection 1-A that involves the use of a motor vehicle.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor