

**SOLID WASTE ORDINANCE
of the
TOWN OF MOUNT DESERT**

**ENACTED MAY 6, 2014
Revised and Enacted May 8, 2018**

SECTION 1: AUTHORITY

This Ordinance is created under the authority granted to the Town of Mount Desert (hereinafter the “Town”) by Title 38 M.R.S.A., §1301 et seq. (the Maine Hazardous Waste, Septage and Solid Waste Management Act) and the Town’s home rule authority pursuant to the Maine Constitution and 30-A M.R.S. § 3001 et seq.

SECTION 2: PURPOSE

- 2.1. To protect the health, safety and general well-being of the citizens of the Town.
- 2.2. To enhance and maintain the quality of the environment, conserve natural resources and prevent water and air pollution by providing a comprehensive, rational and effective means of regulating the disposal of solid waste.
- 2.3 To recognize that the use of single use plastic bags typically provided by vendors is not an environmentally sound use of resources and residents of and visitors to the Town are striving to use alternate means such as reusable cloth bags and other reusable items to collect and transport their goods.
- 2.4. To encourage and expand solid waste recycling and waste reduction.
- 2.5. To control solid waste in the Town by establishing limitations, prohibiting certain acts generating solid waste and to enforce the provisions of this Ordinance.
- 2.6. To control the costs of solid waste management to the taxpayers of the Town.

SECTION 3: DEFINITIONS

3.1. Terms used in this Ordinance that are defined in 38 M.R.S.A. §1303-C as may be amended from time to time, shall have the meaning prescribed in §1303-C and that meaning shall be controlling, notwithstanding any contrary definition in the Ordinance or in any dictionary. The §1303-C definitions are set forth in Appendix A to this Ordinance; Appendix A shall be updated regularly (at least annually). Any word not otherwise defined shall have its customary dictionary meaning.

This Ordinance provides the following definitions:

Acceptable Waste - solid waste (as defined herein) that is capable of processing at the Town's designated processing facility and/or otherwise handled by the Town's solid waste collection service.

Authorized Individual - means any person, partnership, corporation or other entity that either owns, rents, leases (on a permanent or temporary basis) a dwelling or operates a commercial establishment in Town.

Agricultural Solid Wastes - wastes produced from the raising of plants and animals for food, including manure, plant stalks, hulls and leaves.

Ash - residue, including cinders and fly ash from the burning of solid fuels for cooking and heating, and from on-site incineration of refuse materials.

Bulky Objects - abandoned vehicles, stoves and refrigerators, large furniture, tree trunks, stumps and brush.

Commercial Solid Wastes - wastes that originate in wholesale, retail, or service establishments, such as office buildings, stores, markets, theaters, hotels and warehouses.

Construction and Demolition Debris (CDD) - solid waste resulting from construction, remodeling, repair, and demolition of structures, and as specifically defined in 38 MRS § 1303-C (see Appendix A attached).

EMR - Eastern Maine Recycling located in Southwest Harbor, Maine, is a licensed solid waste transfer station that also provides solid waste recycling services.

Fiberight dba Coastal Resources of Maine, LLC - Fiberight is a licensed facility located in Hampden, Maine, licensed by the Maine DEP for solid waste processing.

Garbage - every accumulation of waste (animal, vegetable, and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including but not by way of limitation, used food containers and all putrescible or easily decomposable waste animal or vegetable matter that is likely to attract flies or rodents), except (in all cases) any matter included in the definition of bulky waste, construction and demolition debris, dead animals, hazardous waste, rubbish or stable matter.

Green Wood - land clearing debris that is reasonably free of soil material and rock and bark, shavings, slash, and plant and vegetable matter from gardens and landscapes.

Hazardous Waste/ Universal Waste – shall be as defined by 38 M.R.S. §1303-C (Appendix A attached).

Industrial Waste - wastes generally discarded from industrial operations or derived from manufacturing processes but not including a) hazardous waste or b) special waste which by reason of its composition, characteristics or other properties is not ordinarily acceptable for disposal at sites licensed for disposal of municipal solid waste. Excluded special waste shall include, but not be limited to friable asbestos and oil-contaminated soil.

Municipal Wastes - the combined residential and commercial wastes generated within the Town.

Non-Resident - a person who does not reside in or pay property taxes to the Town.

Refuse – a broad term and is synonymous with “solid waste” and shall be defined as any of a wide variety of solid materials as well as some liquids in containers, which are discarded or rejected as being spent, useless, worthless, or in excess.

Resident - a person who resides in or occupies a residential property and/or pays property taxes to the Town.

Residential Waste - waste generated in houses, apartments and other dwelling units, including paper, cardboard, beverage and food cans, plastics, food wastes, and glass containers.

Sewerage Treatment Wastes - screenings, grease, scum and grit from the Town of Mount Desert Publicly Owned Treatment Works.

Solid Waste—waste as defined in 38 MRS § 1303-C (see Appendix A attached).

Special Wastes- waste as defined in 38 MRSA 1303-C (see Appendix A attached)

Tipping Fee - the fee charged to the Town by a facility such as EMR or, Fiberight, etc. for transport or disposal of solid waste.

Unacceptable Waste - solid waste of a type that municipalities are authorized to regulate under 38 MRS § 1305, as amended, and that are prohibited at EMR (for transport to the Town's designated acceptable waste processing facility) or at that designated waste processing facility.

Wood Waste - means brush, lumber, bark, wood chips, shavings, slabs, edgings, slash, sawdust, and wood from production rejects that are not mixed with other solid or liquid waste. For the purpose of this definition, "lumber" is entirely made of wood and is free from metal, plastics, and coatings. Wood Waste does not include painted wood or pressure treated wood. These would be included with Construction and Demolition Debris, as defined. Wood Waste also does not include Green Wood, as defined.

SECTION 4: REGULATED ACTIVITY

4.1. The accumulation, collection, transportation and disposal of acceptable wastes and unacceptable wastes generated within the Town shall be regulated in the following manner:

4.1.1 All acceptable waste generated within the Town shall be deposited roadside at locations designated by the Town in appropriate containers and collected by the Town or appropriate licensed commercial hauler.

4.1.2 All unacceptable waste, including hazardous waste, special waste, universal waste, CDD waste, hot loads, and certain wood wastes, shall be subject to the

Materials Disposal Restrictions set forth in Section 4.3 below and shall be handled by licensed firms and deposited at licensed facilities out of Town consistent with Section 4.2 below. Violations of this Section 4 shall be subject to enforcement under Section 8 and related provisions of this Ordinance.

4.2. General Requirements

4.2.1. All solid waste shall be handled and disposed in accordance with this Ordinance.

4.2.2. The Board of Selectmen shall have the authority to restrict or modify the disposal of all types and volumes of solid waste, if deemed in the best interests of the Town.

4.2.3. No person, partnership or corporation, shall dispose of any refuse on any public property or roads except as allowed by this ordinance.

4.3. Materials Disposal Restrictions

The following waste materials or containers of waste materials as described below shall not be handled or disposed within the boundaries of the Town:

4.3.1. Materials classified as hazardous waste in 38 MRS § 1303-C (see Appendix A attached) unless:

- Within a Town sanctioned public collection event or effort, if handled by a person or firm licensed to handle and transport hazardous waste and if disposed at a facility licensed for hazardous waste disposal outside the Town; or
- Handled and transported by a commercial entity licensed to handle and transport hazardous waste if taken to a licensed facility outside the Town.

4.3.2. Materials classified as universal waste by 38 MRS § 1303-C (see Appendix A attached) unless:

- Within a Town sanctioned public collection event or effort, if handled by a person or firm licensed to handle and transport universal waste and if disposed at a facility licensed for universal waste disposal outside the Town; or

- Handled and transported by a commercial entity licensed to handle and transport universal waste if taken to a licensed facility outside the Town.

4.3.3. Ash at a combustible temperature or other hot loads.

4.3.4. Trees, limbs of trees, or tree trunks more than 4 inches in diameter and/or 3 feet in length or stumps except by a commercial entity licensed to handle and transport woody waste and disposed at a licensed wood waste facility outside the Town

4.3.5. All Commercial Demolition Debris as defined herein, except by a commercial entity licensed to handle such CDD waste if disposed at a licensed facility outside the Town.

4.3.6. All Special Waste as defined herein, except by a commercial entity licensed to handle Special Waste if disposed at a licensed facility for disposal of Special Waste outside the Town

4.3.7. All Green Wood and Wood Waste as defined herein, except by a commercial entity licensed to handle such Wood Waste if disposed at a licensed facility outside the Town.

SECTION 5: HANDLING AND DISPOSAL OF SOLID WASTE

Authorized Individuals (including Residents) shall handle and dispose of acceptable solid waste by only one of the following methods:

5.1. Town-provided collection service:

Materials disposed at curbside are limited to solid waste acceptable to the Town's contracted transfer station or solid waste processing facility. Materials must be placed in secured bags, secured containers and/or secured receptacles adequate to prevent loss of control of the solid waste. Those disposing of the solid waste are responsible for picking up and cleaning up of unsecured solid waste regardless of the cause.

Curbside solid waste collection occurs by summer and winter schedules promulgated by the Town. Solid waste must be at curbside by 7 AM on the scheduled day to ensure pick up.

5.2. Authorized Individuals at the Town of Mount Desert area designated at EMR.

5.3. Hire a Private Hauler.

Authorized Individuals may contract at their cost with a private hauler for disposal of acceptable solid waste. All waste collected by private haulers shall be delivered to EMR and credited to the Town's guaranteed annual tonnage.

5.4 Town Sponsored Solid Waste Disposal at EMR

Authorized Individuals have a Town sponsored solid waste disposal account at EMR allowing up to two thousand (2,000) pounds of solid waste annually per Town physical address delivered by the Authorized Individual or their private licensed hauler. Authorized Individuals shall be responsible for all costs associated with a private hauler. This allowance provides for the disposal of all solid waste; particularly green wood, bulky objects allowed by EMR and CDD (construction and demolition debris) except special, hazardous and universal waste. This allowance may expire at such time the inhabitants of the Town choose to eliminate the practice.

SECTION 6: FEES

Authority: The Town Meeting may establish fees for solid waste disposal to promote recycling and improve the efficiency of the management of solid waste and to support the cost of solid waste collection and disposal.

SECTION 7: LICENSES

7.1 No person, firm or corporation shall transport on a commercial basis any acceptable waste for disposal outside the Town without obtaining a license to transport such waste within the Town from the Town Manager. The license shall be in effect for 24 (twenty-four) months from date of issue and must be renewed on or before its expiration date.

7.2. Any person, firm or corporation required by this Ordinance to obtain an annual license shall make application to the Town Manager. A nonrefundable license application fee as determined by the Board of Selectmen shall accompany each application. The fee structure shall be reviewed every two (2) years by the Town

Manager or designee with a recommendation being made by the Town Manager or designee to the Board of Selectmen as to its appropriateness or if it should be changed. The existing fee or any changes to it shall go into effect July 1 of each new fiscal year. A copy of the application form is available from the Town Office.

7.3. The application shall contain all information required by it, including, but not limited to, a description of the activity/activities engaged in, e.g., collection and transport of acceptable, recyclable/storable and/or unacceptable waste; types and estimated amount(s) of waste handled in each service area and; a description of the facility/facilities operated and used. The applicant's signature on the application verifies the applicant's intended compliance with this Ordinance. Incomplete applications will not be processed.

7.4. Licenses shall not be transferable.

7.5. All licenses shall expire two (2) years from the date of issue unless revoked or suspended sooner in accordance with the provisions of this Ordinance.

7.6. In the event that the Town Manager denies a license application, the applicant shall be notified of the reasons for the denial of the license. The applicant may appeal the Town Manager's decisions to the Board of Selectmen.

7.7. Suspension and Revocation

Any license issued may be suspended or revoked by the Town Manager for cause, including the following reasons:

- a. Violation of this Ordinance;
- b. Violation of any provision of any state or local law, ordinance, code or regulation which relates directly to the provisions of this Ordinance;
- c. Violation of any license condition(s); and
- d. Falsehoods, misrepresentations or omissions in the license application.

Suspension or revocation of a license may be appealed to the Board of Selectmen.

SECTION 8: VIOLATIONS & PENALTIES

8.1. Disposal generally prohibited; disposal of rubbish, garbage, solid waste and debris on public or private property:

No person shall throw or place or cause to be thrown or placed upon any premises located within the limits of the Town any rubbish, garbage, solid waste or debris of any kind, except in full conformance with this Ordinance, nor shall any owner or occupant of any such premises suffer any such rubbish, garbage, solid waste or debris to remain on said premises after receiving notice from the Chief of Police or Code Enforcement Officer or their designees. Any person or persons so failing to remove any such rubbish, garbage, solid waste or debris for a period of seven days after receipt of said notice shall be subject to enforcement.

8.2 Limited Exemption:

Disposal of rubbish, garbage, solid waste and debris during the Spring Clean-up Week shall not constitute a violation of this Ordinance and shall not be subject to enforcement.

8.3. Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of the provisions of this ordinance shall be subject to enforcement and liable to the remedies, fines, and civil penalties as stated below in Sections 8.4, 8.5 and 8.6.

8.4. Monetary penalties may be assessed on a per-day basis and are civil penalties. The minimum penalty for a specific violation is \$100, and the maximum penalty is \$2,500.

8.5. Municipal Costs of Enforcement: In addition to the foregoing penalty provisions, any person violating any provision of this ordinance shall be liable to reimburse the Town for costs of enforcement including reasonable attorney fees and court costs. The Town is also authorized to seek and obtain equitable relief.

8.6. Violations of this ordinance shall also be enforced under the provisions of the Maine anti-littering statute at 17 M.R.S. §§ 2264-A, 2264-B, and 2264-C, as may be amended from time to time. A copy of those laws is attached as Appendix B and shall be updated as those laws are amended.

SECTION 9: SPECIAL COLLECTION EFFORTS

9.1. The Board of Selectmen or designee may authorize seasonal or other solid waste collection efforts in addition to those described in this ordinance. Such

events shall be advertised by the Town so as to inform as many residents as practical.

SECTION 10: SEVERABILITY

If any section, sentence, clause, or phrase of this Ordinance shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

SECTION 11: EFFECTIVE DATE; SUNSET

This Ordinance shall become effective upon the date of enactment for a period not to exceed 15 years, unless amended or repealed prior to the expiration of this 15 year period.

SECTION 12: AMENDMENT

This Ordinance may be amended in the same manner as any other Ordinance of the Town.

ADOPTED by Annual Town Meeting this 8th day of May 2018.

Claire Woolfolk, Town Clerk

Attest: A true copy

Appendix A

38 M.R.S.A. § 1303-C

§ 1303-C. Definitions

Effective: July 1, 2012

As used in this chapter or in chapter 24,¹ unless the context otherwise indicates, the following terms have the following meanings.

1. Repealed. Laws 1995, c. 656, § A-19.

1-A. Biomedical waste. “Biomedical waste” means waste that may contain human pathogens of sufficient virulence and in sufficient concentrations that exposure to it by a susceptible human host could result in disease or that may contain cytotoxic chemicals used in medical treatment.

1-B. Repealed. L. 2005, c. 612, § A-21, eff. Jan. 1, 2007.

1-C. Bypass. “Bypass” means any solid waste that is destined for disposal, processing or beneficial use at a solid waste facility but that cannot be disposed of, processed or beneficially used at that facility because of the facility’s malfunction, insufficient capacity, inability to process or burn, downtime or any other comparable reason.

2. Repealed. Laws 1989, c. 890, § B-225.

2-A. Class I liquid. “Class I liquid” means any liquid having a flash point below 100° Fahrenheit.

2-B. Class II liquid. “Class II liquid” means any liquid having a flash point at or above 100° Fahrenheit and below 140° Fahrenheit.

3. Closing reserve fund. “Closing reserve fund” means a fund created for the purpose of financing the closing and maintenance after closing of a waste facility.

4. Commercial hazardous waste facility. “Commercial hazardous waste facility” means:

A. A waste facility that handles hazardous wastes generated off the site of the facility; or

B. A facility that, in the handling of a waste generated off the site, generates hazardous waste.

5. Commercial landfill facility. “Commercial landfill facility” means a commercial solid waste facility that is used for the burial of solid waste.

6. Commercial solid waste disposal facility. “Commercial solid waste disposal facility” means a solid waste disposal facility except as follows:

A. Deleted. Laws 2007, c. 338, § 2.

A-1. Repealed. Laws 2005, c. 612, § 2, eff. Jan. 1, 2007.

A-2. A solid waste facility that is owned by a public waste disposal corporation under section 1304-B, subsection 5:

(1) As long as the public waste disposal corporation controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility; and

(2) If the facility is a solid waste landfill, the facility accepts only waste that is generated within the State unless the commissioner finds that the acceptance of waste that is not generated within the State provides a substantial public benefit pursuant to section 1310-AA, subsection 1-A;

B. Deleted. Laws 2007, c. 338, § 2.

B-1. Repealed. Laws 2005, c. 612, § 2, eff. Jan. 1, 2007.

B-2. A solid waste facility that is owned by a municipality under section 1305:

(1) As long as the municipality controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility; and

(2) If the facility is a solid waste landfill, the facility accepts only waste that is generated within the State unless:

(a) The commissioner finds that the acceptance of waste that is not generated within the State provides a substantial public benefit pursuant to section 1310-AA, subsection 1-A; and

(b) Acceptance of waste that is not generated within the State is approved by a majority of the voters of the municipality by referendum election;

C. Deleted. Laws 2007, c. 338, § 2.

C-1. Repealed. Laws 2005, c. 612, § 2, eff. Jan. 1, 2007.

C-2. A solid waste facility that is owned by a refuse disposal district under chapter 17:

(1) As long as the refuse disposal district controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility; and

(2) If the facility is a solid waste landfill, the facility accepts only waste that is generated within the State unless the commissioner finds that the acceptance of waste that is not generated within the State provides a substantial public benefit pursuant to section 1310-AA, subsection 1-A;

D. Beginning January 1, 2007, a solid waste facility owned and controlled by the Department of Administrative and Financial Services, Bureau of General Services under chapter 24;

D-1. Repealed. Laws 2005, c. 612, § 2, eff. Jan. 1, 2007.

E. A solid waste facility owned and controlled by a single entity that:

(1) Generates at least 85% of the solid waste disposed of at a facility, except that the facility may accept from other sources, on a nonprofit basis, an amount of solid waste that is no more than 15% of all solid waste accepted on an annual basis; or

(2) Is an owner of a manufacturing facility that has, since January 1, 2006, generated at least 85% of the solid waste disposed of at the solid waste facility, except that one or more integrated industrial processes of the manufacturing facility are no longer in common ownership, and those integrated industrial

processes will continue to generate waste that will continue to be disposed of at the solid waste facility. This exemption only applies if the source and type of waste disposed of at the solid waste facility remains the same as that previously disposed of by the single entity.

For the purposes of this paragraph, “single entity” means an individual, partnership, corporation or limited liability corporation that is not engaged primarily in the business of treating or disposing of solid waste or special waste. This paragraph does not apply if an individual partner, shareholder, member or other ownership interest in the single entity disposes of waste in the solid waste facility. A waste facility receiving ash resulting from the combustion of municipal solid waste or refuse-derived fuel is not exempt from this subsection solely by operation of this paragraph.

For purposes of this paragraph, “integrated industrial processes” means manufacturing processes, equipment or components, including, but not limited to, energy generating facilities, that when used in combination produce one or more manufactured products for sale; or

F. A private corporation that accepts material-separated, refuse-derived fuel as a supplemental fuel and does not burn waste other than its own.

For purposes of this subsection, “waste that is generated within the State” includes residue and bypass generated by incineration, processing and recycling facilities within the State or waste whether generated within the State or outside of the State if it is used for daily cover, frost protection or stability or is generated within 30 miles of the solid waste disposal facility.

7. Repealed. Laws 1999, c. 525, § 2, eff. June 17, 1999.

A. to F. Repealed. Laws 1999, c. 525, § 2, eff. June 17, 1999.

8. Construction and demolition debris. “Construction and demolition debris” means debris resulting from construction, remodeling, repair, and demolition of structures. It excludes asbestos and other special wastes.

9. Contingency reserve fund. “Contingency reserve fund” means a fund maintained for the purpose of meeting unexpected contingencies in the operation of a waste facility.

10. Conveyance. “Conveyance” means any aircraft, watercraft, vehicle or other machine used for transportation on land, water or in the air.

11. Repealed. Laws 1989, c. 890, § B-225.

12. Disposal. “Disposal” means the discharge, deposit, dumping, spilling, leaking or placing of hazardous, biomedical or solid waste, waste oil, refuse-derived fuel, sludge or septage into or on land, air or water and the incineration of solid waste, refuse-derived fuel, sludge or septage so that the hazardous, biomedical or solid waste, waste oil, refuse-derived fuel, sludge or septage or a constituent of the hazardous, biomedical or solid waste, waste oil, refuse-derived fuel, sludge or septage may enter the environment or be emitted into the air, or discharged into waters, including ground waters.

13. Generation. “Generation” means the act or process of producing hazardous, biomedical or solid waste, waste oil, sludge or septage.

13-A. Repealed. Laws 1991, c. 520, § 4.

14. Handle. “Handle” means to store, transfer, collect, separate, salvage, process, recycle, reduce, recover, incinerate, dispose of or treat.

15. Hazardous waste. “Hazardous waste” means a waste substance or material, in any physical state, designated as hazardous by the board under section 1319-O. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or part or constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

15-A. Hazardous waste incinerator. “Hazardous waste incinerator” means an enclosed device using controlled flame combustion to thermally break down hazardous waste.

15-B. Host community. “Host community” means any town, township or city that is the geographic site of a solid waste disposal facility or any immediately contiguous town, township or city if such town, township or city can demonstrate to the department that it incurs a direct financial impact related to any necessary development or maintenance of infrastructure or to any necessary provision of services as a result of the location or operation of that solid waste disposal facility.

16. Incineration facility. “Incineration facility” means a facility where municipal solid waste or refuse-derived fuel is disposed of through combustion, including combustion for the generation of heat, steam or electricity.

17. Inert fill. “Inert fill” means clean soil material, rocks, bricks, and cured concrete, which are not mixed with other waste, and which are not derived from an ore mining activity.

18. Land clearing debris. “Land clearing debris” means solid wastes resulting from the clearing of land and consisting solely of brush, stumps, soil material and rocks.

19. Manifest. “Manifest” means the form used for identifying the quantity, composition and the origin, routing and destination of hazardous waste during its transport.

19-A. Material-separated, refuse-derived fuel. “Material-separated, refuse-derived fuel” means a binder-enhanced, pelletized, solid fuel product made from the combustible fraction of a municipal solid waste stream that has been processed to remove the recyclable material before combustion. The product may not contain more than 6% by weight of plastic, metal, glass or food waste. In addition, the production of material-separated, refuse-derived fuel may not exceed 40% by weight of the total municipal solid waste stream from which it was derived.

19-B. Primary sand and gravel recharge area. “Primary sand and gravel recharge area” has the same meaning as in section 562-A, subsection 16-B.

19-C. Repealed. Laws 2011, c. 655, § GG-8, eff. July 1, 2012.

20. Recyclable. “Recyclable” means possessing physical and economic characteristics that allow a material to be recycled.

21. Recycle. “Recycle” means to recover, separate, collect and reprocess waste materials for sale or reuse other than use as a fuel for the generation of heat, steam or electricity.

22. Recycling. “Recycling” means the collection, separation, recovery and sale or reuse of materials that would otherwise be disposed of or processed as waste or the

mechanized separation and treatment of waste, other than through combustion, and the creation and recovery of reusable materials other than as a fuel for the generation of electricity.

23. Refuse-derived fuel. “Refuse-derived fuel” means municipal solid waste which has been processed prior to combustion to increase the heat input value of the waste.

24. Regional association. “Regional association” means 2 or more municipalities that have formed a relationship to manage the solid waste generated within the participating municipalities and for which those municipalities are responsible. The relationship must be formed by one or more of the following methods:

A. Creation of a refuse disposal district under chapter 17;²

B. Creation of a nonprofit corporation that consists exclusively of municipalities and is organized under Title 13, chapter 81³ or Title 13-B, for the purpose, among other permissible purposes, of owning, constructing or operating a solid waste disposal facility, including a public waste disposal corporation under section 1304-B, or whose members contract for the disposal of solid waste with a solid waste disposal facility, including, but not limited to, a qualifying facility as defined in Title 35-A, section 3303;

C. Creation of a joint exercise of powers agreement under Title 30-A, chapter 115;⁴ or

D. Contractual commitment.

For the purposes of this chapter, a regional association and the entities described in paragraphs B and C may include counties and quasi-municipal corporations as members provided the counties or quasi-municipal corporations, when acting by themselves within their own jurisdictions, are capable of exercising all of the powers of the regional association.

25. Residue. “Residue” means waste remaining after the handling, processing, incineration or recycling of solid waste including, without limitation, front end waste and ash from incineration facilities.

25-A. Responsible party. For the purposes of subchapter II-A⁵ only, “responsible party” means any or all of the following persons:

A. The owner or operator of an uncontrolled tire stockpile; and

B. Any person who owned or operated an uncontrolled tire stockpile from the time any tire arrived at that stockpile.

26. Resource recovery. For the purposes of section 1304-B only, “resource recovery” means the recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes.

27. Septage. “Septage” means waste, refuse, effluent, sludge and any other materials from septic tanks, cesspools or any other similar facilities.

27-A. Significant ground water aquifer. “Significant ground water aquifer” has the same meaning as in section 562-A, subsection 19-A.

28. Site. “Site” means the same or geographically contiguous property which may be divided by a public or private right-of-way, provided that the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered site property.

28-A. Sludge. “Sludge” means nonhazardous solid, semisolid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or wet process air pollution control facility or any other waste having similar characteristics and effect. The term does not include industrial discharges that are point sources subject to permits under the federal Clean Water Act, 33 United States Code, Section 1342 (1999).

29. Solid waste. “Solid waste” means useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including, but not limited to, rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material and landscape refuse, but does not include hazardous waste, biomedical waste, septage or agricultural wastes. The fact that a solid waste or

constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.

30. Solid waste disposal facility. “Solid waste disposal facility” means a solid waste facility for the incineration or landfilling of solid waste or refuse-derived fuel. Facilities that burn material-separated, refuse-derived fuel, either alone or in combination with fuels other than municipal solid waste or refuse-derived fuels, are not solid waste disposal facilities.

31. Solid waste facility. “Solid waste facility” means a waste facility used for the handling of solid waste, except that the following facilities are not included:

A. A waste facility that employs controlled combustion to dispose of waste generated exclusively by an institutional, commercial or industrial establishment that owns the facility;

B. Lime kilns; wood chip, bark and hogged fuel boilers; kraft recovery boilers and sulfite process recovery boilers, which combust solid waste generated exclusively at the facility; and

C. An industrial boiler that combusts mixed paper, corrugated cardboard or office paper to generate heat, steam or electricity if:

(1) The mixed paper, corrugated cardboard or office paper would otherwise be placed in a landfill;

(2) The market value of the mixed paper, corrugated cardboard or office paper as a raw material for the manufacture of a product with recycled content is less than its value to the facility owner as a fuel supplement;

(3) The mixed paper, corrugated cardboard or office paper is combusted as a substitute for, or supplement to, fossil or biomass fuels that constitute the primary fuels combusted in the industrial boiler; and

(4) The boiler combusts no other forms of solid waste except as provided in this subsection.

32. Solid waste landfill. “Solid waste landfill” means a waste disposal facility for the disposal of solid waste on or in land. This term does not include land spreading sites used in programs approved by the department.

32-A. Solid waste processing facility. “Solid waste processing facility” means a land area, structure, equipment, machine, device, system or combination thereof, other than an incineration facility that is operated to reduce the volume or change the chemical or physical characteristics of solid waste. “Solid waste processing facility” includes but is not limited to a facility that employs shredding, baling, mechanical and magnetic separation or composting or other stabilization technique to reduce or otherwise change the nature of solid waste.

33. Source separation. “Source separation” means the preparation of materials for recycling by separation from wastes at the point of generation.

34. Special waste. “Special waste” means any solid waste generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, that may disrupt or impair effective waste management or threaten the public health, human safety or the environment and requires special handling, transportation and disposal procedures. Special waste includes, but is not limited to:

- A. Oil, coal, wood and multifuel boiler and incinerator ash;
- B. Industrial and industrial process waste;
- C. Waste water treatment plant sludge, paper mill sludge and other sludge waste;
- D. Debris and residuals from nonhazardous chemical spills and cleanup of those spills;
- E. Contaminated soils and dredge spoils;
- F. Asbestos and asbestos-containing waste;
- G. Sand blast grit and nonliquid paint waste;
- H. Deleted. Laws 1989, c. 869, § A-5.

I. High and low pH waste;

J. Spent filter media and residue; and

K. Other waste designated by the board, by rule.

35. State waste management and recycling plan. “State waste management and recycling plan” means the plan adopted by the former Maine Waste Management Agency pursuant to chapter 24, subchapter 2,⁶ subsequent plans developed by the former State Planning Office pursuant to Title 5, former section 3305, subsection 1, paragraph N and the department pursuant to section 2122 and may also be referred to as “state plan.”

36. Storage. “Storage” means the containment of hazardous wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of the hazardous wastes.

37. Substantially expand. “Substantially expand” means the expansion of an existing licensed hazardous waste facility by more than 25%, as measured by volume of waste or affected land area, from the date of its initial licensed operation.

38. Transport. “Transport” means the movement of hazardous or solid waste, waste oil, sludge or septage from the point of generation to any intermediate points and finally to the point of ultimate disposition. Movement of hazardous waste on the site where it is generated or on the site of a licensed waste facility for hazardous waste is not “transport.” Movement of waste oil on the site where it is generated or on the site of a licensed waste oil dealer’s facility is not “transport.”

39. Treatment. “Treatment” means any process, including but not limited to incineration, designed to change the character or composition of any hazardous waste, waste oil or biomedical waste so as to render the waste less hazardous or infectious.

39-A. Uncontrolled tire stockpile. “Uncontrolled tire stockpile” means an area or location, whether or not licensed, where used motor vehicle tires are or were handled, stored or disposed of in such a manner as to present a significant fire hazard or a threat to public health or to the quality of a classified body of surface

water or a significant sand and gravel aquifer or fractured bedrock aquifer as defined in section 1310-N, subsection 2-A.

39-B. Used oil. “Used oil” means waste oil, as defined in subsection 42.

39-C. Used oil collection center. “Used oil collection center” means a site or facility where used oil is accepted from the public and collected or stored in an aboveground tank for recycling.

40. Waste facility. “Waste facility” means any land area, structure, location, equipment or combination of them, including dumps, used for handling hazardous, biomedical or solid waste, waste oil, sludge or septage. A land area or structure does not become a waste facility solely because:

A. It is used by its owner for disposing of septage from the owner’s residence;

B. It is used to store for 90 days or less hazardous wastes generated on the same premises;

C. It is used by individual homeowners or lessees to open burn leaves, brush, deadwood and tree cuttings accrued from normal maintenance of their residential property, when such burning is permitted under section 599, subsection 3; or

D. It is used by its residential owner to burn highly combustible domestic, household trash such as paper, cardboard cartons or wood boxes, when such burning is permitted under section 599, subsection 3.

41. Waste management. “Waste management” means purposeful, systematic and unified control of the handling and transportation of hazardous, biomedical or solid waste, waste oil, sludge or septage.

42. Waste oil. “Waste oil” means a petroleum-based or synthetic oil that, through use or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties. Waste oil that exhibits hazardous wastes characteristics, or has been contaminated with hazardous wastes in excess of quantities normally occurring in waste oil, is subject to the provisions of this chapter dealing with hazardous wastes.

43. Waste oil dealer. “Waste oil dealer” means any person in the business of transporting or handling more than 1,000 gallons of waste oil for the purpose of resale in a calendar month. A person who collects or stores waste oil on the site of generation, whether or not for the purpose of resale, is not a waste oil dealer.

44. Waste reduction. “Waste reduction” means an action that reduces waste at the point of generation and may also be referred to as “source reduction.”

45. Waste resulting from agricultural activities. “Waste resulting from agricultural activities” means wastes which result from agricultural activities defined in section 361-A, subsection 1-B, which are returned to the soils as fertilizers and includes waste pesticides when generated by a farmer in his own use, provided that he triple rinses each emptied pesticide container in accordance with departmental rules and disposes of the pesticide residues in a manner consistent with the disposal instructions on the pesticide label.

46. Wood wastes. “Wood wastes” means brush, stumps, lumber, bark, woodchips, shavings, slabs, edgings, slash and sawdust, which are not mixed with other waste.

47. Yard wastes. “Yard wastes” means grass clippings, leaves and other vegetal matter other than wood wastes and land clearing debris.

Credits

1989, c. 585, § E, 4; 1989, c. 794, § 2; 1989, c. 869, §§ A-3 to A-5; 1989, c. 878, § H-7, eff. April 20, 1990; 1989, c. 890, § B-225; 1989, c. 929, § 5; 1991, c. 72, §§ 1, 2, eff. May 6, 1991; 1991, c. 220, §§ 6-10, eff. May 31, 1991; 1991, c. 321; 1991, c. 492, §§ 1, 2; 1991, c. 517, § A-1, eff. June 28, 1991; 1991, c. 520, § 4; 1993, c. 355, §§ 46, 47, eff. June 16, 1993; 1993, c. 378, § 4, eff. June 16, 1993; 1993, c. 383, §§ 33, 34; 1993, c. 424, §§ 1, 2; R.R.1993, c. 1, § 131; 1993, c. 732, §§ A-7, A-8, eff. April 20, 1994; 1995, c. 462, §§ A-76, A-90, eff. July 3, 1995; 1995, c. 465, § A-12, eff. July 3, 1995; 1995, c. 573, §§ 1, 2; 1995, c. 625, § C-5, eff. April 8, 1996; 1995, c. 656, §§ A-19 to A-21; R.R.1995, c. 2, § 111; 1997, c. 393, § B-9, eff. June 5, 1997; 1997, c. 602, § 1, eff. March 17, 1998; 1999, c. 334, § 10; 1999, c. 393, § 1; 1999, c. 525, §§ 1, 2, eff. June 17, 1999; 2001, c. 247, § 1; 2005, c. 612, §§ 1, 2; 2007, c. 338, §§ 1, 2; 2007, c. 406, § 1; 2007, c. 414, § 1; 2007, c. 583, § 1; 2011, c. 206, § 20, eff. June 3, 2011; 2011, c. 655, §§ GG-7 to GG-9, eff. July 1, 2012.

Notes of Decisions (4)

Footnotes

¹ 38 M.R.S.A. § 2101 et seq.

² 38 M.R.S.A. § 1701 et seq.

³ 13 M.R.S.A. § 901 et seq.

⁴ 30-A M.R.S.A. § 2201 et seq.

⁵ 38 M.R.S.A. § 1316 et seq.

⁶ 38 M.R.S.A. § 2121 et seq.

38 M. R. S. A. § 1303-C, ME ST T. 38 § 1303-C

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Appendix B

17 M.R.S.A. Ch. 80, Refs & Annos

Chapter 80, Litter Control, was enacted by Laws 1971, c. 405, § 1.

17 M.R.S.A. § 2261

§ 2261. Title

Currentness

This chapter shall be known and may be cited as the “Maine Litter Control Act.”

Credits

1971, c. 405, § 1.

Notes of Decisions (2)

17 M. R. S. A. § 2261, ME ST T. 17 § 2261

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated

Title 17. Crimes (Refs & Annos)

Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2262

§ 2262. Purposes

Currentness

It is declared and recognized that the proliferation and accumulation of litter discarded throughout this State endangers the free utilization and enjoyment of a clean and healthful environment by the people and constitutes a public health hazard; and recognizing that there has been a collective failure on the part of government, business and the public to accept, plan for and accomplish effective litter control, there is enacted the “Maine Litter Control Act.”

Credits

1971, c. 405, § 1.

17 M. R. S. A. § 2262, ME ST T. 17 § 2262

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2263

§ 2263. Definitions

Currentness

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. “Disposable package” or “container” means any and all packages or containers used for the purpose of containing a product sold or held out for sale for human or animal consumption.

1-A. Repealed. Laws 1989, c. 878, § B-12, eff. April 20, 1990.

1-B. Department. “Department” means the Department of Agriculture, Conservation and Forestry.

1-C. Commercial purpose. “Commercial purpose” means for the purpose of economic gain.

1-D. Abandoned ice-fishing shack. “Abandoned ice-fishing shack” means a temporary structure used for ice fishing and left on property not owned by the person owning the structure without permission of the landowner for more than 15 days after the inland waters on which the shack or structure was located are closed to ice fishing.

2. Litter. “Litter” means all waste materials including, but not limited to, bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, offal, except waste parts or remains resulting from the normal field dressing of lawfully harvested wild game or the lawful use of waste parts or remains of wild game as bait, feathers, except feathers from live birds while being transported, abandoned ice-fishing shacks, old automobiles or parts of automobiles or similar refuse, or disposable packages or containers thrown or deposited as prohibited in this chapter, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing.

3. “Litter receptacle” means a container of suitable size which is clearly identified with a sign, symbol or other device as a place where the public may dispose of litter.

4. Vehicle. “Vehicle” means every vehicle which is self-propelled and designed for carrying persons or property or which is used for the transportation of persons, except motorcycles, farm implements and snowmobiles.

4-A. Commercial vehicle. “Commercial vehicle” means a vehicle owned or used by a business, corporation, association, partnership, or the sole proprietorship of any entity conducting business for a commercial purpose.

5. “Person” means any person, firm, partnership, association, corporation or organization of any kind whatsoever.

6. “Public place” means any area that is used or held out for use by the public

whether or not owned or operated by public or private interests.

7. “Trailer” means any vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle.

8. “Watercraft” means any type of vessel, boat or craft used or capable of being used as a means of transportation on water.

Credits

1971, c. 405, § 1; 1973, c. 194; 1973, c. 235, § 1; 1975, c. 739, §§ 3 to 6; 1989, c. 820, §§ 2, 3, eff. April 10, 1990; 1989, c. 878, § B-12, eff. April 20, 1990; 1993, c. 144, §§ 3, 4; 1995, c. 667, § A-37, eff. April 11, 1996; 2001, c. 667, § A-33, eff. April 11, 2002.

Notes of Decisions (1)

17 M. R. S. A. § 2263, ME ST T. 17 § 2263

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2263-A

§ 2263-A. Littering

Currentness

1. Prohibited acts. A person may not throw, drop, deposit, discard, dump or otherwise dispose of litter in any manner or amount:

A. In or on public highway, road, street, alley, public right-of-way or other

public lands, except in a container or receptacle or on property that is designated for disposal of garbage and refuse by the State or its agencies or political subdivisions;

B. In freshwater lake, river, stream, tidal or coastal water or on ice over the water. When any litter is thrown or discarded from a watercraft, a person is in violation of this section if that person is:

- (1) The operator of the watercraft, unless it is a watercraft being used for the carriage of passengers for hire; or
- (2) The person actually disposing of the litter.

This paragraph does not prohibit persons who fish, lobster or otherwise harvest from the water from returning to the water harvested products, bait and similar materials that naturally originate in the water;

C. In or on any private property, unless:

- (1) Prior consent of the owner has been given; and
- (2) The litter is not a public nuisance or in violation of any state law or local rule;

D. From a trailer or vehicle that is constructed, loaded or uncovered in such a way that the load may drop, sift, leak or otherwise escape. This paragraph applies to vehicles or trailers carrying trash, rubbish or other materials that may be construed as “litter”; or

E. From a vehicle. When any litter is thrown or discarded from a vehicle, a person is in violation of this section if that person is:

- (1) The operator of the vehicle, unless it is a vehicle being used for the

carriage of passengers for hire; or

(2) The person actually disposing of the litter.

In addition to any penalty under section 2264-A, violation of this subsection is a traffic infraction under Title 29-A, chapter 23, subchapter VI.¹

A record of a violation of this subsection must be forwarded to the Secretary of State who, in accordance with Title 29-A, section 2607, shall add the violation to the department's point system. The violation is counted in determining an individual's total points under the point system of the Department of the Secretary of State, Bureau of Motor Vehicles.

2. Commercial purpose presumed. For the purposes of this chapter, if a person dumps litter from a commercial vehicle, that person is presumed to have dumped the litter for a commercial purpose.

Credits

2003, c. 452, § I-32, eff. July 1, 2004.

Footnotes

1

29-A M.R.S.A. § 2601, et seq.

17 M. R. S. A. § 2263-A, ME ST T. 17 § 2263-A

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2264

§ 2264. Repealed. Laws 2003, c. 452, § I-33, eff. July 1, 2004

Currentness

17 M. R. S. A. § 2264, ME ST T. 17 § 2264

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2264-A

§ 2264-A. Penalties

Effective: September 28, 2011

Currentness

Unless otherwise indicated, a person who disposes of litter in violation of this chapter commits a civil violation for which the following 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 \$500 and not more than \$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 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 \$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.

Credits

1989, c. 820, § 5, eff. April 10, 1990; 1993, c. 140, § 1; 2003, c. 452, §§ I-34 to I-37, eff. July 1, 2004; 2011, c. 208, § 4.

17 M. R. S. A. § 2264-A, ME ST T. 17 § 2264-A

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2264-B

§ 2264-B. Penalty options

Effective: September 28, 2011

Currentness

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:

1. Removal of litter. Remove the litter dumped in violation of section 2264-A;

2. Cost of cleanup. Pay the owner of the property treble the owner's cost of clean up or removal of the litter;

3. Damages. Pay the person 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;

4. Public service. Perform public service relating to the removal of litter, or to the restoration of an area polluted by litter, dumped in violation of section 2264-A; and

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.

Credits

1989, c. 820, § 5, eff. April 10, 1990; 2003, c. 452, §§ I-38, I-39, eff. July 1, 2004; 2007, c. 651, § 21, eff. April 18, 2008; 2009, c. 424, § 1; 2011, c. 208, §§ 5, 6.

17 M. R. S. A. § 2264-B, ME ST T. 17 § 2264-B

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2264-C

§ 2264-C. Forfeiture

Currentness

All conveyances, including aircraft, watercraft, vehicles, vessels, containers or cranes that are used, or attempted to be used, to dump more than 1,000 pounds or more than 100 cubic feet of litter in violation of section 2264-A are subject to

forfeiture as provided in Title 15, chapter 517.¹

Credits

1989, c. 820, § 5, eff. April 10, 1990; 2003, c. 452, § I-40, eff. July 1, 2004.

Footnotes

1

15 M.R.S.A. § 5821 et seq.

17 M. R. S. A. § 2264-C, ME ST T. 17 § 2264-C

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2265

§ 2265. Repealed. Laws 1989, c. 820, § 6, eff. April 10, 1990

Currentness

17 M. R. S. A. § 2265, ME ST T. 17 § 2265

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2266

§ 2266. Repealed. Laws 1989, c. 820, § 7, eff. April 10, 1990

Currentness

17 M. R. S. A. § 2266, ME ST T. 17 § 2266

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2267

§ 2267. Repealed. Laws 1989, c. 820, § 8, eff. April 10, 1990

Currentness

17 M. R. S. A. § 2267, ME ST T. 17 § 2267

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2267-A

§ 2267-A. Submerged motor vehicles, snowmobile and watercraft in waters of
the State

Effective: September 12, 2009

Currentness

The following provisions apply when a motor vehicle is submerged or partially submerged in waters of the State or when a snowmobile or watercraft is submerged in the inland waters of the State.

1. Definition. When used in this section the term “motor vehicle” means any self-propelled vehicle designed to carry persons or property or used to transport persons, except snowmobiles and watercraft. The term “watercraft,” when used in this section, means any type of craft placed on the inland waters of the State, whether used as a means of transportation or for other purposes.

2. Notice of submerged vehicle, snowmobile or watercraft to be given to department. The owner of any motor vehicle that becomes submerged or partially submerged in the waters of the State shall immediately, by the fastest means of communication, notify the Commissioner of Inland Fisheries and Wildlife of the event and the location of the vehicle. The owner of a snowmobile or watercraft that becomes submerged in the inland waters of the State for more than 24 hours shall notify the commissioner as provided in this subsection.

The commissioner shall, upon receiving notice of a submerged or partially submerged vehicle in the waters of the State or a submerged snowmobile or watercraft in the inland waters of the State, notify the Chief of the State Police, the Commissioner of Environmental Protection and any municipality or public utility that regulates the uses of the waters as a source of public water supply pursuant to Title 22, sections 2641 to 2648.

3. Owner legally liable to remove vehicle, snowmobile or watercraft. The owner of the vehicle is legally liable to remove any motor vehicle submerged or partially submerged in the waters of the State and pay any damages resulting from the submersion or removal. The vehicle must be removed within 30 days of the submersion or partial submersion or within 30 days of “ice out” in the body of water unless the commissioner determines that the vehicle creates a health or safety hazard. If the commissioner determines that the vehicle creates a health or safety hazard the commissioner shall order the owner to remove the vehicle immediately. If the owner fails to remove the vehicle upon order of the commissioner, the commissioner shall, in writing, request the court to direct the owner to remove the vehicle immediately. The owner of a snowmobile or watercraft that is submerged in the inland waters of this State for longer than 24 hours shall remove the snowmobile or watercraft in accordance with this subsection.

4. Financial responsibility. A conviction or adjudication of any person for a

violation of this section constitutes a violation of state law relative to motor vehicles to which Title 29-A, chapter 13¹ applies.

5. Penalties. A violation of this section is a civil violation for which a forfeiture of \$200 may be adjudged. In addition to a forfeiture, or instead of a forfeiture, the judge may direct the person convicted to remove the vehicle, snowmobile or watercraft.

6. Rules. The commissioner may, in accordance with the provisions of Title 5, chapter 375,² adopt any rules necessary to carry out the purposes of this chapter.

Credits

1981, c. 578; 1995, c. 65, § A-52, eff. May 11, 1995; 2001, c. 536, § 3, eff. March 18, 2002; 2009, c. 340, § 26.

Footnotes

1

29-A M.R.S.A. § 1551 et seq.

2

5 M.R.S.A. § 8001 et seq.

17 M. R. S. A. § 2267-A, ME ST T. 17 § 2267-A

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2268

§ 2268. Enforcement

Currentness

Every law enforcement officer in the State, including but not limited to State Police, county sheriffs and their deputies, municipal police, wardens of the Department of Inland Fisheries and Wildlife, wardens of the Department of Marine Resources, rangers of the Division of Forestry and liquor inspectors of the Department of Public Safety shall have authority to enforce this chapter.

Political subdivisions of the State may offer rewards for information which lead to the conviction of violators of this chapter.

Credits

1971, c. 405, § 1; 1973, c. 460, § 18; 1973, c. 513, § 22; 1973, c. 537, § 20; 1975, c. 739, § 13.

17 M. R. S. A. § 2268, ME ST T. 17 § 2268

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2269

§ 2269. Repealed. Laws 2003, c. 452, § I-41, eff. July 1, 2004

Currentness

17 M. R. S. A. § 2269, ME ST T. 17 § 2269

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2269-A

§ 2269-A. Litter receptacles; selection and placement

Currentness

1. Procure, place and maintain litter receptacles. A person who owns or operates an establishment or public place in which litter receptacles are required by this chapter shall procure, place and maintain receptacles at the person's own expense in accordance with this chapter.

2. Required placement. Litter receptacles as defined in section 2263 must be placed at all public places or establishments that serve the public, including, but not limited to: campgrounds, trailer parks, drive-in restaurants, gasoline service stations, parking lots, shopping centers, grocery store parking lots, parking lots of major industrial firms, marinas, boat launching areas, boat moorage and fueling stations, beaches and bathing areas, school grounds and business district sidewalks. The number of receptacles required is as follows:

A. For a campground or trailer park for transient habitation, one receptacle at each public rest room facility;

B. For a drive-in restaurant, parking lot, shopping center, grocery store parking lot or parking lot of a major industrial firm, one receptacle, plus one additional receptacle for each 200 parking spaces in excess of 50 spaces;

C. For a gasoline service station, one receptacle per gasoline pump island;

D. For a marina, boat launching area or boat moorage and fueling station, one receptacle at each location;

E. For a beach or bathing area, one receptacle at each public rest room facility;

F. For school grounds, one receptacle at each playground area and one at each school bus loading zone; and

G. For business district sidewalks, one receptacle per 1,000 feet of sidewalk curbing.

3. Exception; remote forest campsites. Remote forest campsites operated by the Department of Agriculture, Conservation and Forestry pursuant to Title 12, chapter 220, subchapter 2, are not considered public places or establishments that serve the public if they are designated as “carry-in and carry-out” sites from which users are expected to remove litter and other material upon their departure.

4. Penalties. A person who operates a business of a type described in this section commits a civil violation for which a fine of \$10 for each violation may be adjudged if that person:

A. Fails to place the litter receptacles on the premises in the numbers required;
or

B. Fails to comply within 10 days of being notified by registered letter by the Department of Agriculture, Conservation and Forestry that that person is in violation.

Each day a violation continues is a separate offense.

Credits

2003, c. 452, § I-42, eff. July 1, 2004.

17 M. R. S. A. § 2269-A, ME ST T. 17 § 2269-A

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2270

§ 2270. Responsibility for maintenance of litter receptacles

Currentness

Responsibility for the removal of litter from litter receptacles placed at parks, beaches, campgrounds, trailer parks and other publicly owned public places shall remain upon those state and local agencies performing litter removal, and removal of litter from litter receptacles placed upon privately owned public places shall remain the responsibility of the owner of said premises.

Credits

1971, c. 405, § 1.

17 M. R. S. A. § 2270, ME ST T. 17 § 2270

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2271

§ 2271. Local regulations

Currentness

Municipalities of this State may adopt more stringent ordinances, laws or

regulations dealing with subject matter of this chapter. Any less restrictive ordinances, laws or regulations now in effect dealing with the subject matter of this chapter and the minimum standards which it establishes are declared invalid and of no force and superseded by this chapter on September 23, 1971.

Credits

1971, c. 405, § 1; 1971, c. 622, § 61, eff. March 15, 1972.

17 M. R. S. A. § 2271, ME ST T. 17 § 2271

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2272

§ 2272. Promiscuous dumping prohibited

Currentness

No person shall deposit household garbage, leaves, clippings, prunings or gardening refuse in any litter receptacle.

Persons violating the provisions of this section are liable for the same penalties as provided for violation of section 2264-A.

Credits

1975, c. 739, § 15; 2003, c. 452, § I-43, eff. July 1, 2004.

17 M. R. S. A. § 2272, ME ST T. 17 § 2272

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2273

§ 2273. Penalty warning signs

Currentness

Within the limits of its budget, the Department of Transportation may erect one sign within each 100 miles of state highway mileage in each county, warning motorists of the penalties for littering or asking for their cooperation in keeping the highways clean. One such sign shall be located within a reasonable distance of all state highway entry points into this State from other states or countries. If the state highway leads to or from an international border crossing point, the sign shall be bilingual.

Credits

1975, c. 739, § 15.

17 M. R. S. A. § 2273, ME ST T. 17 § 2273

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2274

§ 2274. Fines, distribution

Currentness

All fines levied and collected for violations of this chapter shall be distributed as follows:

If the fine resulted from a complaint by a law officer of a state agency which receives a major share of its financial support from dedicated revenue, the fine, less court costs, shall be reimbursed to that agency; or

If the fine resulted from a complaint of a law officer of a state agency supported primarily by a General Fund appropriation, the fine, less court costs, shall be reimbursed to the department to be used in an anti-litter educational program and shall be in addition to other General Fund money appropriated for that purpose.

Credits

1975, c. 739, § 15; 1989, c. 878, § B-13, eff. April 20, 1990.

17 M. R. S. A. § 2274, ME ST T. 17 § 2274

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)

17 M.R.S.A. § 2275

§ 2275. Driver license and registration procedures

Currentness

The Bureau of Motor Vehicles shall include a summary of this chapter with each reregistration and new vehicle operator license issued.

The Bureau of Motor Vehicles shall include a summary of this chapter in the next revision and printing of the driver license information materials.

Credits

1975, c. 739, § 15; 1989, c. 878, § B-14, eff. April 20, 1990; 1991, c. 837, § A-45, eff. April 8, 1992.

17 M. R. S. A. § 2275, ME ST T. 17 § 2275

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature

**Maine Revised Statutes Annotated
Title 17. Crimes (Refs & Annos)
Chapter 80. Litter Control (Refs & Annos)**

17 M.R.S.A. § 2276

§ 2276. Local regulations

Currentness

Municipalities of this State may adopt more stringent ordinances, laws or regulations dealing with the subject matter of this chapter. Any less restrictive ordinances, laws or regulations now in effect dealing with the subject matter of this chapter and the minimum standards which it establishes are declared invalid and of no force and superseded by this chapter on its effective date.

Credits

1975, c. 739, § 15.

17 M. R. S. A. § 2276, ME ST T. 17 § 2276

Current with emergency legislation through Chapter 453 of the 2013 Second Regular Session of the 126th Legislature