



# Maine Forest Products Council

*The voice of Maine's forest economy*

February 5, 2025

Members of the Criminal Justice and Public Safety Committee,

On behalf of the Maine Forest Products Council, we are providing the following comments in an attempt to address some of the questions committee members raised during the public hearing regarding adding brush and yard debris to the definition of litter and the potential of unintended consequences. This bill seeks only to add brush and yard debris to the definition section of [17 MRSA §2263](#). It does not seek to change the enforcement, penalties, or other disposition for violations of the litter law as those are contained in [§2263-A](#) and are not proposed to be amended. Other sections of the existing law cover some of the questions raised and are discussed below.

17 M.R.S. [§2263-A](#) provides what actions are “prohibited” in regard to littering and states “A person may not throw, drop, deposit, discard, dump or otherwise dispose of litter in any manner or amount . . .” We read that to mean that the state of mind or mens rea for the crime is “intentional”. That is why we think that the current statute is adequate to protect against unintended consequences.

If the committee would like to strengthen the existing statute, you could add the word “intentional” to [§2263-A](#) which would have it read “A person may not intentionally throw, drop, deposit, discard, dump or otherwise dispose of litter in any manner or amount . . .”

We would also note that [§2263-A\(C\)\(1\)](#) already provides that “A person may not throw, drop, deposit, discard, dump or otherwise dispose of litter in any manner or amount . . . 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.” That should cover the unintended consequences and the scenario the committee was asking about regarding landowner permission or having brush on your own property.

Further, [§2263-A\(D\)](#) already covers the treatment of litter of debris being spread from an unsecured from a trailer and [§2263-A\(E\)](#) covers the vehicle litter and states “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.” Anyone violating this law would also be subject to a traffic infraction under [Title 29-A, chapter 23, subchapter VI](#). Further, anyone subject to penalties for this subsection would have to “throw” or “discard” the litter from a vehicle, which would be an intentional act.

We thank you for your time and consideration on this important piece of legislation and hope that the committee finds this clarifying.

Sincerely,

Sam Hamilton, Esq.