

§1316-M. Transportation of tires

1. Examination of license and manifest. A state, county or local law enforcement officer may examine a nonhazardous waste transporter license to determine if it is valid, or a nonhazardous waste manifest to determine whether scrap tires are being transported to a licensed or exempt waste facility. [PL 1995, c. 579, §5 (NEW).]

2. Impoundment. When a law enforcement officer has reasonable grounds to believe that scrap tires are being transported to an unlicensed, nonexempt waste facility, or that scrap tires are being transported to a waste facility without a manifest or license as required by the department's nonhazardous waste transporter rules, the law enforcement officer may impound the vehicle and hold the vehicle until the transporter has fully complied with department rules. [PL 1995, c. 579, §5 (NEW).]

3. Alternative manifest. A law enforcement officer may issue an alternative manifest to the transporter to transport scrap tires to a licensed waste facility. An alternative manifest must include the following information:

- A. The name and location of the waste generator; [PL 1995, c. 579, §5 (NEW).]
- B. The quantity of scrap tires; and [PL 1995, c. 579, §5 (NEW).]
- C. The name and location of the waste facility to which the scrap tires are being transported. [PL 1995, c. 579, §5 (NEW).]

A copy of the alternative manifest prepared by the law enforcement officer and any summons issued to the transporter must be sent to the department.

[PL 1995, c. 579, §5 (NEW).]

4. Transporting without license or manifest; penalties. A person who transports scrap tires without a license or without a manifest as required by department rules commits a Class E crime. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. The minimum fines for transporting scrap tires without a license or without a manifest are as follows:

- A. For a vehicle with a registered gross weight of up to 12,000 pounds, \$500; [PL 2003, c. 452, Pt. W, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- B. For a vehicle with a registered gross weight of between 12,001 and 34,000 pounds, \$2,000; and [PL 2003, c. 452, Pt. W, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- C. For a vehicle with a registered gross weight of over 34,000 pounds, \$4,500. [PL 2003, c. 452, Pt. W, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

This minimum fine may not be suspended, but it may be reduced by the amount of the disposal fee paid by the transporter for disposal of the truckload of tires at a licensed waste facility. Notwithstanding Title 17-A, section 1704, the maximum fine under this subsection is not more than \$10,000 per violation.

[PL 2019, c. 113, Pt. C, §117 (AMD).]

5. Transporting after summons or arrest. A person who, after being issued a summons or arrested for a violation of the license or manifest requirements, transports the scrap tires to an unlicensed, nonexempt waste facility commits a Class D crime. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. Notwithstanding Title 17-A, sections 1704 and 1705, the maximum fine under this subsection is not more than \$25,000 per violation. [PL 2019, c. 113, Pt. C, §118 (AMD).]

SECTION HISTORY

PL 1995, c. 579, §5 (NEW). PL 2003, c. 452, §§W10,11 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2019, c. 113, Pt. C, §§117, 118 (AMD).

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