

HOUSE No. 5943

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 30, 1982.

The committee on Bills in the Third Reading, to whom was referred the Bill increasing the penalties for illegal dumping of rubbish (House, No. 4455), reports recommending that the same be amended by the substitution of the accompanying bill (House, No. 5943).

For the committee,

ALFRED E. SAGGESE, JR.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT INCREASING THE PENALTIES FOR ILLEGAL DUMPING OF TRASH,
REFUSE OR RUBBISH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 16 of chapter 270 of the General Laws is
2 hereby amended by striking out the first paragraph, as amended by
3 chapter 105 of the acts of 1979, and inserting in place thereof the
4 following paragraph: —

5 Whoever places, throws, deposits, discharges or causes to be
6 placed, thrown, deposited or discharged, any trash, refuse, rub-
7 bish, garbage, debris, scrap, waste or any other material of any
8 kind on a public highway or within twenty yards thereof, or on any
9 other public land, or in or upon coastal or inland waters, as defined
10 in section one of chapter one hundred and thirty-one, respectively,
11 or within twenty yards of any such water, or on property of
12 another, shall be punished by a fine of not more than two hundred
13 dollars for the first offense and not more than one thousand dollars
14 for each subsequent offense, and the court may require, in addition
15 thereto, that such person remove, at his own expense, such trash,
16 refuse, rubbish, debris or materials. The permission of the owner of
17 such land to place, throw, deposit or discharge such trash, refuse,
18 rubbish, garbage, debris, scrap, waste or any other material of any
19 kind on his land shall constitute a defense in any trial for such
20 offense.

1 SECTION 2. The last sentence of said section 16 of said chapter
2 270, as appearing in chapter 39 of the acts of 1974, is hereby
3 amended by inserting after the word "agents", in line 8, the
4 words: — ; provided, however, that any person observing a viola-
5 tion of this section may file a petition for issuance of a complaint
6 pursuant to this section with the clerk of the district court having
7 jurisdiction or, in the city of Boston, with the clerk of the Boston
8 municipal court department, and upon determining that probable
9 cause exists therefor, such clerk shall issue such complaint.