

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1417

S.P. 571

In Senate, April 1, 2025

**An Act to Strengthen the Authority of Local Officials to Enforce
Provisions Regarding Dangerous and Nuisance Properties that
Constitute a Threat to Public Health and Safety**

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LIBBY of Cumberland.
Cosponsored by Representative: WADSWORTH of Hiram.

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

2 **Sec. 1. 14 MRSA §6326, sub-§2, ¶D**, as enacted by PL 2013, c. 521, Pt. B, §1 and
3 affected by §2, is amended to read:

4 D. The mortgaged premises are deteriorating so as to constitute a threat to public health
5 or safety as described in Title 22, section 461 or 1561;

6 **Sec. 2. 14 MRSA §6326, sub-§2, ¶G**, as enacted by PL 2013, c. 521, Pt. B, §1 and
7 affected by §2, is amended to read:

8 G. A code enforcement officer, local health officer or other public official has made a
9 determination or finding that the mortgaged premises are abandoned or unfit for
10 occupancy;

11 **Sec. 3. 17 MRSA §2851, sub-§2-A**, as enacted by PL 2017, c. 136, §1, is amended
12 to read:

13 **2-A. Standard.** To adjudge a building to be a nuisance or dangerous, the municipal
14 officers or county commissioners, acting through a building official, code enforcement
15 officer, local health officer or fire chief, must find that the building is structurally unsafe,
16 unstable or unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or
17 occupancy to which it is put; constitutes a hazard to health or safety because of inadequate
18 maintenance, dilapidation, obsolescence or abandonment or a condition described in Title
19 22, section 461 or 1561; or is otherwise dangerous to life or property.

20 **Sec. 4. 17 MRSA §2859, sub-§1**, as amended by PL 2019, c. 557, §4, is further
21 amended to read:

22 **1. Commencement of action.** A municipality, acting through its building official,
23 code enforcement officer, local health officer, fire chief or municipal officers, or the county
24 commissioners shall file a verified complaint setting forth such facts as would justify a
25 conclusion that a building is dangerous, as described in section 2851, and shall state in the
26 complaint that the public health, safety or welfare requires the immediate removal of that
27 building. The municipality or the county may seek a writ of attachment of the property on
28 which the building is located in accordance with Title 14, chapter 507 and the Maine Rules
29 of Civil Procedure.

30 **Sec. 5. 22 MRSA §252**, as amended by PL 2007, c. 598, §4, is further amended to
31 read:

32 **§252. Penalties**

33 A person who intentionally or knowingly violates any provision of section 451, ~~454-A,~~
34 ~~461~~ or 462, or of rules adopted pursuant to those sections, or neglects or refuses to obey
35 any order or direction of any local health officer authorized by those provisions, the penalty
36 for which is not specifically provided, or intentionally or knowingly interferes with any
37 person or thing to prevent the execution of those sections or of the rules, commits a civil
38 violation for which a fine of not more than \$500 may be adjudged. The District Court has
39 jurisdiction of all offenses under these sections. Enforcement of section 454-A and 461,
40 including abatement of an unsafe or unhealthful condition of a property, must be in
41 accordance with Title 17, chapter 91, subchapter 4 or Title 30-A, section 3106-B.

1 **Sec. 6. 22 MRSA §454-A, sub-§2, ¶F**, as enacted by PL 2007, c. 598, §7, is
2 amended to read:

3 F. After consulting with the commissioner or the commissioner's designee or the
4 municipality, order the suppression and removal of nuisances and conditions suspected
5 of posing or found to pose a public health threat;

6 **Sec. 7. 22 MRSA §461**, as amended by PL 1989, c. 487, §9, is further amended to
7 read:

8 **§461. Notice to owner to clean premises; expenses on refusal**

9 The local health officer, when satisfied upon due examination, that a cellar, room,
10 tenement, property or building in the town, occupied as a dwelling place, has become, by
11 reason of want of cleanliness or other cause, unfit for such purpose and a cause of sickness
12 to the occupants or the public, may issue, in consultation with the municipality or
13 department, a notice in writing to such occupants, or the owner or the owner's agent, or any
14 one of them, requiring the premises to be put into a proper condition as to cleanliness, or,
15 if they see fit, requiring the occupants to quit the premises within such time as the local
16 health officer ~~may deem~~ determines reasonable. If the persons so notified, or any of them,
17 neglect or refuse to comply with the terms of the notice, the local health officer may cause
18 the premises to be properly cleansed at the expense of the owner, or may close the premises,
19 and the same ~~shall~~ may not be again occupied as a dwelling place until put in a proper
20 sanitary condition in accordance with Title 17, chapter 91, subchapter 4 or Title 30-A,
21 section 3106-B. If the owner thereafter occupies or knowingly permits the same to be
22 occupied without putting the same in proper sanitary condition, the owner shall forfeit not
23 less than \$10 nor more than \$50 for each day that the premises remain unfit following
24 written notification that the premises are unfit.

25 **Sec. 8. 22 MRSA §1561**, as corrected by RR 2021, c. 2, Pt. B, §93, is amended to
26 read:

27 **§1561. Removal of private nuisance**

28 When any source of filth whether or not the cause of sickness is found on private
29 property and determined to be potentially injurious to health, the owner or occupant thereof
30 shall, within 24 hours after notice from the local health officer, at the owner's or occupant's
31 own expense, remove or discontinue it. If the owner or occupant neglects to do so or
32 unreasonably delays doing so, the owner or occupant forfeits a sum not exceeding \$300.
33 The local health officer shall cause the nuisance to be removed or discontinued, and all
34 expenses thereof must be repaid to the town by the owner or occupant or by the person who
35 caused or permitted it. Enforcement of this section must be in accordance with Title 17,
36 chapter 91, subchapter 4 or Title 30-A, section 3106-B.

37 **Sec. 9. 25 MRSA §2361, sub-§1-A**, as amended by PL 2011, c. 365, §8, is further
38 amended to read:

39 **1-A. Municipal enforcement.** Effective December 1, 2010, duly appointed fire chiefs
40 or their designees, municipal building officials and code enforcement officers, when
41 authorized by their respective municipal employer, may use enforcement authority under
42 Title 17, chapter 91, subchapter 4 or Title 30-A, section 3106-B or may bring a civil action
43 in the name of the municipality to enforce any of the state laws, duly adopted state rules or
44 local ordinances enacted pursuant to this Part and Title 10, chapter 1103; and

Sec. 10. 30-A MRSA §3758-A, sub-§2, as enacted by PL 2003, c. 312, §14, is amended to read:

2. Municipal authority. Municipal officers or their designees may enforce the provisions of this subchapter pursuant to:

A. The enforcement of land use laws and ordinances under section 4452;

B. The litter control provisions of Title 17, chapter 80; or

C. The abatement of nuisance and dangerous buildings provisions of Title 17, chapter 91;

D. The cleanliness and source of filth provisions in Title 22, section 461 and 1561; or

E. For subject property that is abandoned, the abandoned property provisions of section 3106-B.

SUMMARY

This bill expands the authority of local municipal health and code enforcement officials to enforce laws pertaining to properties that are dangerous, a nuisance or abandoned and constitute a threat to public health or safety.