

MAINE STATE LEGISLATURE

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yes ✓
June 7, 1966

Lieut. Laurence Pray

Traffic Division - State Police

George C. West, Deputy

Attorney General

Automobile Graveyards and Junk Yards

In your memo of June 2, 1966 you have asked four questions concerning the above subject.

QUESTION NO. 1:

Does the fence or screen establish the boundary of a junk yard or automobile graveyard?

ANSWER NO. 1:

Not necessarily.

OPINION NO. 1:

A fence or screening merely shields a junkyard or automobile graveyard from view. It does not necessarily delineate the boundary. A fence may be needed on only one side. It does not necessarily surround the area. Actually, the permit should delineate the boundaries of the junk yard or automobile graveyards.

QUESTION NO. 2:

Does the use of the word "Highway" under section 2455 mean from the edge of the right of way?

ANSWER NO. 2:

Yes.

OPINION NO. 2:

See 23 M.R.S.A. § 2, wherein it is said, "The word 'highway' shall mean all of the right of way that may have been laid out by the state, county or town."

Also note 30 M.R.S.A. § 2454 where the phrase "nearest edge of the right-of-way" is used.

QUESTION NO. 3:

If an automobile graveyard or junk yard is established 400 feet from the nearest edge of the right-of-way, and the fence is located less than 100 feet from the highway, what fee would be charged for a permit?

ANSWER NO. 3:

See Opinion.

OPINION NO. 3:

I do not see the relevance of this question to the State Police. However, the answer is \$10.00. See 30 M.R.S.A., § 2455 A.

QUESTION NO. 4:

Do the State Highway rules and regulations require the fence to be solid?

ANSWER NO. 4:

See Opinion.

OPINION NO. 4:

The regulations promulgated on May 11, 1966 do not clearly answer this question. One would normally expect the answer to be in the affirmative. Apparently engineers have a method of putting together fences that block out view without being a solid fence. The regulations state "with the spacing to be such that edges overlap enough to present a solid appearance and effectively screen the junk yard from ordinary view." Hence, it looks solid but isn't!

GCW:H

George C. West
Deputy Attorney General