

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FIRST LEGISLATURE

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**Legislative Document**

**No. 1096**

S. P. 393

In Senate, February 6, 1963

Referred to Committee on Legal Affairs. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Porteous of Cumberland.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

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### AN ACT Relating to Automobile Junk Yards.

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

**Sec. 1. R. S., c. 100, § 137, amended.** The last sentence of section 137 of chapter 100 of the Revised Statutes is amended to read as follows:

‘It is declared that such automobile graveyards are a nuisance and are properly subject to ~~police~~ regulation and control.’

**Sec. 2. R. S., c. 100, § 138, amended.** Section 138 of chapter 100 of the Revised Statutes is amended to read as follows:

‘**Sec. 138. Establishment and maintenance of automobile junk yards.** No automobile junk yard or “automobile graveyard” so called, where 3 or more un-serviceable, discarded, worn-out or junked automobiles or bodies or engines thereof are gathered together, shall be established, operated or maintained, or permitted by the owner of any land to be established, operated or maintained, without first obtaining a nontransferable permit to do so from the municipal officers of the ~~city or town~~ municipality wherein said yard is to be established, operated or maintained, or from the county commissioners of the county in which said yard is to be established, operated or maintained in an unorganized township, which permit shall be valid only until the first day of the year following.’

**Sec. 3. R. S., c. 100, § 139, amended.** The first sentence of section 139 of chapter 100 of the Revised Statutes is amended to read as follows:

‘Municipal officers or county commissioners as provided for in section 138 shall, before granting a permit to establish, operate or maintain such automobile junk

yard, hold a public hearing, notice of which shall be posted at least 7 days prior to and not more than 14 days prior to said hearing, in not less than ~~3~~ 2 public places in said ~~city or town municipality~~ or unorganized territory, and in one newspaper of general circulation in said ~~city or town municipality~~ or unorganized territory wherein such yard is to be established, operated or maintained.'

**Sec. 4. R. S., c. 100, § 140, amended.** Section 140 of chapter 100 of the Revised Statutes is amended to read as follows:

**'Sec. 140. Limiting on granting permits for initial establishment.** No permit shall be granted for such automobile junk yard to be established within an unreasonable distance, and in no case less than 500 feet, from any state or state aid highway now or hereafter designated as such highway by the State Highway Commission, if within view from said highway, except upon condition that the area to be occupied by said automobiles or parts thereof be kept entirely screened to ordinary view by those passing upon said highway, by natural objects or well constructed and properly maintained fences at least 6 feet high, acceptable to said municipal officers or county commissioners and so specified in said permit; ~~nor.~~ **No permit shall be granted** if said area is within a radius of 300 feet of any public park, public playground, public bathing beach, school, church or cemetery, ~~which shall have been established prior to the establishment of such yard~~ and which is within ordinary view thereof; ~~except that the provisions of this.~~ **This section and section 141 shall not be mandatory when such junk yard is located in the built-up portions of any city, town, or village as defined by section 113 of chapter 22; provided further, that the municipality.** The municipal officers may in their discretion insert ~~like or lesser~~ **more stringent** restrictions, limitations and conditions in a permit to establish an automobile junk yard adjacent to any public way, road or street in the built-up portion of the ~~city, town or village, but shall impose no more stringent restrictions, limitations or conditions~~ **municipality.** The municipal officers may stipulate reasonable conditions to be attached to the permit covering operation, use and other matters. Violation of any of the conditions, restrictions or limitations shall be cause for revoking said permit.'

**Sec. 5. R. S., c. 100, § 141, amended.** Section 141 of chapter 100 of the Revised Statutes is amended to read as follows:

**'Sec. 141. If within 100 feet of a highway.** Notwithstanding ~~the provisions of~~ section 139, no permit shall be granted for such automobile junk yard to be established within 100 feet of any state or state aid highway, except upon compliance with ~~the provisions of~~ section 140 and upon payment of an annual fee of \$500 to the ~~city or town municipality~~, or to the county treasurer for the use of the county in the case of unorganized territory, within which limits the automobile junk yard is to be established, operated or maintained.'

**Sec. 6. R. S., c. 100, § 143, amended.** Section 143 of chapter 100 of the Revised Statutes is amended to read as follows:

**'Sec. 143. Penalty.** Whoever violates any provision of sections 137 to 144 shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$100 nor more than \$500, ~~or by imprisonment for not more than 90 days,~~

or by both, and it shall be the duty of the State Police as well as local and county officers of the law to enforce the provisions of said sections. ~~In case of default in payment of the fine imposed herein, the violator shall be punished by imprisonment for not more than 90 days.~~ Each day that the violation continues shall constitute a separate offense.'