

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

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Legislative Document

No. 1059

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H. P. 832

House of Representatives, February 10, 1965

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

JEROME G. PLANTE, Clerk

Presented by Mr. Cottrell of Portland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-FIVE

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AN ACT Relating to Junk Yards.

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

**Sec. 1. R. S., T. 30, § 2451, amended.** Section 2451 of Title 30 of the Revised Statutes is amended to read as follows:

‘§ 2451. Purpose

~~Automobile junk~~ Junk yards ~~or~~ and so-called “auto graveyards” have been steadily expanding and frequently encroach upon highways. These junk yards and graveyards have become a nuisance and a menace to safe travel on public ways, often detracting the attention of drivers of motor vehicles because it appears cars are parked on the highway or that an accident has occurred. It is declared that such junk yards and automobile graveyards are a nuisance and are properly subject to regulation and control.’

**Sec. 2. R. S., T. 30, § 2451-A, additional.** Title 30 of the Revised Statutes is amended by adding a new section 2451-A to read as follows:

‘§ 2451-A. Definition

“Junk yard” as used in this subchapter shall mean a yard or field used as a place of storage in which there is displayed to the public view old, discarded, worn-out or junked plumbing and heating supplies and appliances, including but not limited to stoves and refrigerators, or old, discarded or junked lumber.’

**Sec. 3. R. S., T. 30, § 2452, amended.** Section 2452 of Title 30 of the Revised Statutes is amended to read as follows:

‘§ 2452. Establishment and maintenance

No automobile junk yard or "automobile graveyard" so called, where 3 or more unserviceable, discarded, worn-out or junked automobiles or bodies or engines thereof are gathered together **or junk yard**, 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 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. 4. R. S., T. 30, § 2453, amended.** Section 2453 of Title 30 of the Revised Statutes is amended to read as follows :

**§ 2453. Hearings**

Municipal officers or county commissioners as provided for in section 2452 shall, before granting a permit to establish, operate or maintain such automobile junk yard **or 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 2 public places in said municipality or unorganized territory, and in one newspaper of general circulation in said municipality or unorganized territory wherein such yard is to be established, operated or maintained. Before the municipal authorities or county commissioners, as provided for in section 2452, shall post or publish notice of a hearing, they shall collect from the applicant for said permit a fee of \$10 plus the costs of posting and publishing said notice.'

**Sec. 5. R. S., T. 30, § 2454, amended.** Section 2454 of Title 30 of the Revised Statutes is amended to read as follows :

**§ 2454. Limitations on permits for initial establishment**

No permit shall be granted for such automobile junk yard **or junk yard** to be established within an unreasonable distance, and in no case less than 600 feet, from any state or state aid highway now or hereafter designated as such highway by the State Highway Commission, or county road, if within view from said highway, except upon condition that the area to be occupied by said automobiles or parts thereof, **or junk**, 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. 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, and which is within ordinary view thereof. This section and section 2455 shall not be mandatory when such junk yard is located in the built-up portions of any municipality. The municipal officers may in their discretion insert more stringent restrictions, limitations and conditions in a permit to establish an automobile junk yard, **or junk yard**, adjacent to any public way, road or street in the built-up portion of the municipality. The municipal officers may stipulate reasonable conditions to be attached to the permit covering operation, use and other matters. Viola-

tion of any of the conditions, restrictions or limitations shall be cause for revoking said permit.'

**Sec. 6. R. S., T. 30, § 2455, amended.** Section 2455 of Title 30 of the Revised Statutes is amended to read as follows:

**‘§ 2455. Proximity to state highway**

Notwithstanding section 2453, no permit shall be granted for such automobile junk yard, **or junk yard**, to be established within 100 feet of any state or state aid highway, or county road, except upon compliance with section 2454 and upon payment of an annual fee of \$500 to the 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, **or junk yard**, is to be established, operated or maintained.'

**Sec. 7. R. S., T. 30, § 2456, amended.** Section 2456 of Title 30 of the Revised Statutes is amended to read as follows:

**‘§ 2456. Limitations on permits for existing establishments**

No permit shall be granted for such automobile junk yard, **or junk yard**, established prior to January 1, 1943 and on said date maintained or operated, unless said yard shall conform to section 2454.'

**Sec. 8. R. S., T. 30, § 2457, amended.** Section 2457 of Title 30 of the Revised Statutes is amended to read as follows:

**‘§ 2457. Provisions regarding nuisances unaffected**

Nothing contained in this subchapter shall be construed as in any way repealing, invalidating or abrogating Title 17, section 2802, or limiting the right of prosecutions thereunder, and violation of this subchapter in the establishment, maintenance or operation of any such automobile junk yard, **or junk yard**, shall constitute prima facie evidence that said yard is a nuisance as therein defined.'