

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1704

S. P. 671

The Committee on Judiciary suggested.

Presented by Senator Norris of Oxford.

In Senate, January 17, 1966

EDWIN H. PERT, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SIX

AN ACT Relating to Junkyards and Auto Graveyards.

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

**Sec. 1. R. S., T. 30, § 2451, amended.** The 2nd sentence of section 2451 of Title 30 of the Revised Statutes, as amended by section 1 of chapter 285 of the public laws of 1965, is further amended to read as follows:

'These junkyards and graveyards have become a nuisance and a menace to safe travel on public ways, often ~~detracting~~ **distracting** the attention of drivers of motor vehicles because it appears cars are parked on the highway or that an accident has occurred.'

**Sec. 2. R. S., T. 30, § 2451-B, repealed and replaced.** Section 2451-B of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 285 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 2451-B. Definitions

1. Automobile graveyard. "Automobile graveyard" as used in this subchapter shall mean a yard, field or other area used as a place of storage for 3 or more unserviceable, discarded, worn-out or junked motor vehicles as defined in Title 29, section 1, subsection 7, or parts thereof.

2. Junkyard. "Junkyard" as used in this subchapter shall mean a yard, field or other area used as a place of storage for:

A. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;

B. Discarded, scrap and junked lumber;

C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and,

D. Garbage dumps, waste dumps and sanitary fills.

3. Interstate system. "Interstate system" as used in this subchapter shall mean those portions of the Maine Turnpike and the state highway system incorporated in the National System of Interstate and Defense Highways, as officially designated, or as may hereafter be so designated, by the State Highway Commission.

4. Primary system. "Primary system" as used in this subchapter shall mean that portion of the state highway system which the State Highway Commission has by official designation incorporated into the Federal-Aid Primary System, or as may hereafter be designated by the commission.

5. Highway. "Highway" as used in this subchapter shall mean any public way.'

Sec. 3. R. S., T. 30, §§ 2452-2455, repealed and replaced. Sections 2452 to 2455 of Title 30 of the Revised Statutes, as amended by sections 3 to 6 of chapter 285 of the public laws of 1965, are repealed and the following enacted in place thereof:

§ 2452. Establishment and maintenance

No "automobile graveyard" or "junkyard" 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 from the municipal officers of the municipality wherein said automobile graveyard or junkyard is to be established, operated or maintained, or from the county commissioners of the county in which said automobile graveyard or junkyard is to be established, operated or maintained in an unorganized territory which permit shall be valid only until the first day of the year following.

§ 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 graveyard or junkyard, hold a public hearing, notice of which shall be posted at least 7 and not more than 14 days prior to said hearing, in not less than 2 public places in said municipality or unorganized territory wherein such automobile graveyard or junkyard is to be established, operated or maintained. The municipal officers or county commissioners as provided for in section 2452 shall give written notice of said application to the State Highway Commission by sending a copy of said application not less than 7 and not more than 14 days prior to said hearing, which notice shall be sent by registered mail.

§ 2454. Limitations on permits

1. Highways other than the Interstate and Primary Systems. No permit shall be granted for an automobile graveyard or junkyard within 600 feet from the nearest edge of the right-of-way of any highway, except those highways

incorporated in the Interstate and Primary Systems, if within view from said highway, and except those automobile graveyards or junkyards which shall be kept entirely screened to ordinary view at all times from the said highway by natural objects, plantings or fences which shall be well constructed and properly maintained at a minimum height of 6 feet and acceptable to the municipal officers or county commissioners as provided for in section 2452 and in accordance with the rules and regulations promulgated by the State Highway Commission and so specified in said permit. This subsection shall supersede subsection 2, paragraph B where the automobile graveyard or junkyard is so located as to be within the exemption from screening set forth in subsection 2, paragraph B.

2. Interstate and Primary Systems. No permit shall be granted for an automobile graveyard or junkyard within 1,000 feet of the nearest edge of the right-of-way of any highway incorporated in the Interstate or Primary System, if within view from said highway, except the following:

A. Those automobile graveyards or junkyards which are screened by natural objects, plantings or fences which shall be well constructed and properly maintained at a minimum height of 6 feet and acceptable to the municipal officers or county commissioners as provided for in section 2452 and in accordance with the rules and regulations promulgated by the State Highway Commission and so specified in said permit, or

B. Those automobile graveyards or junkyards located within areas which have been lawfully zoned for industrial use and located more than 600 feet but less than 1,000 feet from the nearest edge of the right-of-way.

3. Public facilities. No permit shall be granted for an automobile graveyard or junkyard within 300 feet of any public park, public playground, public bathing beach, school, church or cemetery and which is within ordinary view therefrom.

4. Proximity. No permit shall be granted for an automobile graveyard or junkyard within 100 feet of any highway if within view from said highway except those entirely screened to ordinary view at all times from said highway by natural objects, plantings or fences as hereinbefore provided and the payment of an annual fee as provided in section 2455.

5. Rules and regulations. No permit shall be granted for an automobile graveyard or junkyard that is not in conformity with the rules and regulations promulgated under section 2459; however, municipal officers or county commissioners as provided for in section 2452 may in their discretion apply more stringent restrictions, limitations and conditions in any permit for an automobile graveyard or junkyard adjacent to any highway. Municipal officers may stipulate reasonable conditions which shall be attached to the permit covering the operation, use and other related matters.

#### § 2455. Permit fees

The municipal officers or county commissioners as provided for in section 2452 shall collect in advance from the applicant for said permit a fee in accordance with the following schedule:

A. Ten dollars for each permit for an automobile graveyard or junkyard located more than 100 feet from any highway, plus the cost of posting and publishing said notice.

B. Five hundred dollars for each permit for an automobile graveyard or junkyard located within 100 feet from any highway, plus the cost of posting and publishing said notice.'

Sec. 4. R. S., T. 30, § 2458, repealed and replaced. Section 2458 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

‘§ 2458. Violation

1. Penalties. Whoever violates any provision of this subchapter or the rules and regulation of the State Highway Commission promulgated under section 2459 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 this subchapter. Each day that the violation continues shall constitute a separate offense.

2. Revocation or suspension of permit. Violation of any condition, restriction or limitation inserted in a permit by the municipal officers or county commissioners as provided for in section 2452 shall be cause for revocation or suspension of said permit by the same authority which issued such permit. No permit shall be revoked or suspended without a hearing and notice to the owner or the operator of the automobile graveyard or junkyard. Notice of hearing shall be sent to the owner or operator by registered mail not less than 7 nor more than 14 days before the hearing and such notice shall state the time and the place of hearing. The notice of hearing shall contain a statement describing the alleged violation of any conditions, restrictions or limitations inserted in the permit.'

Sec. 5. R. S., T. 30, §§ 2459 and 2460, additional. Title 30 of the Revised Statutes is amended by adding 2 new sections 2459 and 2460 to read as follows:

‘§ 2459. Rules and regulations

In the interest of uniformity and to establish guide lines for the municipal officers and county commissioners as provided for in section 2452 in the matter of adequate screening, the State Highway Commission shall make rules and regulations to establish minimum standards for screening of automobile graveyards and junkyards.

§ 2460. Relocation, removal, disposal, compensation and condemnation

If the State Highway Commission determines that topography of the land adjacent to any portion of a highway incorporated in the Interstate or Primary Systems will not permit adequate screening, as required in sections 2451 to 2460, or that adequate screening would not be economically feasible, it may acquire by gift, purchase or condemnation such interests in property as may be necessary to secure the relocation, removal or disposal of such automobile graveyards or junkyards.

Just compensation shall be paid the owner for the relocation, removal or disposal of the following automobile graveyards and junkyards:

1. In existence. Those lawfully in existence on the effective date of this Act and located in areas adjacent to any portion of a highway incorporated in the Interstate or Primary Systems;
2. On certain highways. Those lawfully along any highway made a part of the Interstate or Primary Systems on or after the effective date of this Act; and,
3. To be established. Those lawfully established on or after the effective date of this Act.

The purchase, condemnation, negotiation, assessment of damage and appeal procedures shall be in accordance with this section and Title 23, sections 153 to 159.'

**Sec. 6. Application.** Permits granted prior to the effective date of this Act shall continue in effect until December 31, 1966.