

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 146**

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H. P. 102

House of Representatives, January 12, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Whitson of Portland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT Relating to Actions to Stay or Prevent Public Nuisances.**

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

**Sec. 1. R. S., T, 17, § 2701, amended.** Section 2701 of Title 17 of the Revised Statutes is amended by adding a new paragraph to read as follows:

Any person or group of persons, without showing special or peculiar damage, may maintain an action to stay or prevent a common and public nuisance, provided that before the commencement of the hearing in said action the plaintiff shall be required to give sufficient security according to Rule 65 of the Maine Rules of Civil Procedure. Upon a showing that such a nuisance exists, the court shall enter an appropriate order under section 2702 and shall award to the prevailing party his costs of suit, including reasonable attorney's fees.

**Sec. 2. R. S., T, 17, §§ 2803 & 2804, repealed.** Sections 2803 and 2804 of Title 17 of the Revised Statutes are repealed.

STATEMENT OF FACT

A bill which would enable individuals to seek injunctive relief against public nuisances without showing special damages is the purpose of the above legislation.