

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 637**

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H. P. 520

House of Representatives, February 12, 1975

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

EDWIN H. PERT, Clerk

Presented by Mrs. Boudreau of Portland.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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### AN ACT Pertaining to the Enactment by Municipalities of Police Power Ordinances Concerning Abandoned Vehicles.

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

30 MRSA § 2151, sub-§ 3, §§ D, E and F are enacted to read:

D. To provide for the removal and disposition of abandoned vehicles. As used herein, an abandoned vehicle shall mean a motor vehicle, trailer or semitrailer or part thereof which:

- (1) Is inoperable and is left unattended on public property for more than 48 hours;
- (2) Has remained illegally on public property for a period of more than 48 hours; or
- (3) Has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.

Such ordinances may provide that the municipality may employ its own personnel, equipment and facilities or hire persons, firms or corporations, who may be independent contractors for the purpose of removing, preserving and storing such abandoned vehicles. Such ordinances shall include procedures for the taking into custody of such abandoned vehicles; procedures for notice to the owners and persons having security interests in such abandoned vehicles; the contents of such notice including the year, model, make and serial number of such abandoned vehicle, where the vehicle is being held, the procedure to reclaim such abandoned vehicles, the time within which to reclaim such vehicle and the cost to be paid to re-

claim such vehicle, the consequences of failure to reclaim which may include a waiver of all right, title and interest in such vehicle and the consent to the sale of such vehicle at public auction; notice procedures when owners or persons having security interests cannot be determined; provisions for appropriate notice to the Motor Vehicle Division of the Secretary of State; provisions for sale at public auction; provisions allowing purchaser to obtain title certificate on presentation of sales receipt from public auction; provisions allowing a demolisher to demolish such abandoned vehicle upon purchase of same at public auction without further need of title certificate; the priority of disposition of the proceeds of the sale at public auction; similar provisions concerning the removal and disposition of such abandoned vehicles as are found in public or commercial parking garages; and notice to the Motor Vehicle Division of the Secretary of State of any such abandoned vehicles as may be demolished.

E. Providing for the immediate removal of any motor vehicle, trailer, semitrailer or part thereof found upon a public street or other public property which constitutes a menace or hazard to safety. The disposition of such vehicles once removed shall be accomplished in accordance with provisions required for the disposition of abandoned vehicles as set forth in paragraph D.

F. Providing for the removal and disposition of any motor vehicle, trailer, semitrailer or part thereof found on private property which is inoperable and which, by virtue of its condition, cannot be economically restored to operable condition, with or without the consent of the owner or person in control of said property when such vehicle is not kept within a fully enclosed building or structure. Such ordinances shall contain provisions for notice to the owner of such property citing the necessity for removal of such vehicles and the time within which removal must be accomplished. Such ordinances shall exempt from the provisions thereof duly licensed junk or scrap metal processing businesses. Furthermore, such ordinances shall contain provisions for the disposition of such vehicles in accordance with provisions required for the disposition of abandoned vehicles in paragraph D.

#### STATEMENT OF FACT

The purpose of this bill is to allow the enactment of comprehensive local ordinances for the removal of abandoned or junked automobiles from public streets, ways or places and from private property.