

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2035

S. P. 658

In Senate, January 6, 1978

Referred to the Committee on Judiciary. Sent down for concurrence and Ordered printed.

MAY M. ROSS, Secretary

Sponsored by Senator Carpenter of Aroostook.

Cosponsor: Senator Speers of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

**AN ACT to Provide for Specific Liability for Persons or Corporations Contributing to a
Public Nuisance.**

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

Sec. 1. 17 MRSA § 2706, is repealed and the following enacted in its place:

§ 2706. Civil violation and abatement of nuisance

Whoever erects, causes or continues a public or common nuisance, as described in this chapter or at common law, where no other punishment or forfeiture is specially provided by this chapter, shall be deemed to have committed a civil violation for which a forfeiture of not more than \$10,000 may be adjudged for each day that nuisance shall continue to exist. The court with or without forfeiture may order that nuisance to be discontinued or abated, and issue a warrant therefor as provided.

Sec. 2. 17 MRSA § 2802, 1st sentence, is amended to read:

The erection, continuance or use of any building or place for the exercise of a trade, employment or manufacture which, by noxious exhalations, offensive smells or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals, or of the public; causing or permitting abandoned wells or tin mining shafts to remain unfilled or uncovered to the injury or prejudice of others; causing or suffering any offal, filth or noisome substance to collect, or to remain in any place to the prejudice of others; obstructing or impeding, without legal authority, the passage of any navigable

river, harbor or collection of water; corrupting or rendering unwholesome or impure the water of a river, stream or pond; unlawfully diverting it from its natural course or state, to the injury or prejudice of others; **causing or permitting an infestation of any insect pest;** and the obstructing or encumbering by fences, buildings or otherwise, of highways, private ways, streets, alleys, commons, common landing places or burying grounds are **public** nuisances within the limitations and exceptions mentioned.

STATEMENT OF FACT

This bill adds insect infestations to the list of miscellaneous public nuisances, and increases the penalty for permitting a public nuisance to exist.