

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 375

7 S.P. 136

In Senate, January 31, 1985

8 Referred to the Committee on Local and County Government and  
9 ordered printed. Sent down for concurrence.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Maybury of Penobscot.

Cosponsored by Representative Ruhlin of Brewer.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT to Clarify Municipal Authority over  
18 Automobile Graveyards and Junkyards.  
19

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

22 30 MRSA §2454, sub-§5, as enacted by PL 1965, c.  
23 481, §3, is amended to read:

24 5. Rules. No permit ~~shall~~ may be granted for an  
25 automobile graveyard or junkyard that is not in con-  
26 formity with the rules and ~~regulations~~ promulgated  
27 under section 2459; municipal officers or county com-  
28 missioners as provided for in section 2452 may in  
29 their discretion apply more stringent restrictions,  
30 limitations and conditions in any permit for an auto-  
31 mobile graveyard or junkyard adjacent to any highway.  
32 ~~Municipal officers may stipulate reasonable condi-~~  
33 ~~tions which shall be attached to the permit covering~~  
34 ~~the operation, use and other related matters. The mu-~~  
35 ~~nicipal officers, as a condition of approval, may~~  
36 consider such other standards as they determine rea-

1 sonable, including, but not limited to, effect on  
2 ground water and surface water; conformance with  
3 state and federal hazardous waste regulations; fire  
4 safety; traffic safety; levels of noise which can be  
5 heard outside the premises; compliance with all local  
6 ordinances and regulations; and distance from exist-  
7 ing residential or institutional uses. If the munic-  
8 ipal officers determine that the proposed automobile  
9 graveyard or junkyard does not comply with any of  
10 these criteria, they may deny the application. In  
11 approving an application, the municipal officers may  
12 attach conditions relating to hours of operation,  
13 pollution control, erosion and sedimentation, waste  
14 disposal, sewage disposal, traffic safety, fire safe-  
15 ty and screening from the highway and adjacent prop-  
16 erties.

17 Nothing in this subchapter may be construed as a  
18 preemption of the field of automobile graveyard and  
19 junkyard regulation by municipalities in exercise of  
20 the home rule authority granted in chapter 201-A.

21 STATEMENT OF FACT

22 This bill is in response to recent Law Court de-  
23 cisions which interpreted the authority of municipal  
24 officers in permitting for automobile graveyards and  
25 junkyards as being limited solely to location and de-  
26 sign criteria. While municipal officers may apply  
27 more stringent restrictions and impose conditions on  
28 the operation of those facilities, the court has  
29 rules that they cannot deny a permit application for  
30 any reason other than a failure to satisfy the loca-  
31 tion and design criteria under the Maine Revised  
32 Statutes, Title 30, section 2454, subsections 1 to 4.

33 This bill allows municipal officers to apply ad-  
34 ditional criteria to a proposed automobile graveyard  
35 or junkyard when granting approval. Such additional  
36 criteria include ground water and surface water pol-  
37 lution considerations, conformance to state and fed-  
38 eral hazardous waste rules, fire safety, traffic  
39 safety, noise control and conformance with other lo-  
40 cal ordinances and regulations.

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