

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 63

H.P. 38

House of Representatives, January 9, 1997

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### An Act Concerning Dangerous Buildings in the Unorganized Territories.

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative AHEARNE of Madawaska.

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

Sec. 1. 17 MRSA §2851, as amended by PL 1979, c. 27, §§1 to 3, is further amended to read:

**§2851. Dangerous buildings**

Whenever the municipal officers shall in the case of a municipality, or the county commissioners in the case of the unorganized or deorganized areas in their county, find that a building or structure or any portion thereof or any wharf, pier, pilings or any portion thereof which that is or was located on or extending from land within the boundaries of the municipality or the unorganized or deorganized area, as measured from low water mark, is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter, adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal shall must be made thereof of that building or structure.

**1. Notice.** The notice shall must be served on the owner and all parties in interest, as defined in Title 14, section 6321, in the same way service of process is made in accordance with the Maine Rules of Civil Procedure.

**2. Notice; how published.** When the name or address of any owner or co-owner is unknown or is not ascertainable with reasonable diligence, then the notice shall must be published once a week for 3 successive weeks prior to the date of hearing in a newspaper generally circulated in the county, or if none, in the state paper.

**3. Order.** The order made by the municipal officers shall or county commissioners must be recorded by the municipal or county clerk, who shall ~~forthwith~~ cause an attested copy to be served upon the owner and all parties in interest in the same way service of process is made in accordance with the Maine Rules of Civil Procedure. If the name or address cannot be ascertained, the clerk shall publish a copy of the order in the same manner as provided for notice in subsection 2.

**4. Proceedings in Superior Court.** In addition to proceedings before the municipal officers, the municipality or the county may seek an order of demolition by filing a complaint

2 in the Superior Court situated in the county where the structure  
is located. The complaint shall must identify the location of  
4 the property and set forth the reasons why the municipality or  
the county seeks its removal. Service of the complaint shall  
6 must be made upon the owner and parties-in-interest in accordance  
with the Maine Rules of Civil Procedure. After hearing before  
8 the court sitting without a jury, the court shall issue an  
appropriate order and, if it requires removal of the structure,  
10 it shall award costs, as authorized by this subchapter to the  
municipality or the county. Appeal from a decision of the  
12 Superior Court ~~shall-be~~ is to the law court in accordance with  
the Maine Rules of Civil Procedure.

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### SUMMARY

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18 Current law provides a procedure by which dangerous  
buildings or other structures that create a public nuisance in  
municipalities may be disposed of by the municipal officers. No  
20 procedure is provided in law for dangerous buildings or other  
structures in the unorganized territories. This bill establishes  
22 a procedure to be conducted by the county commissioners, who  
under current law provide municipal services in the unorganized  
24 territories.