

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 877

H.P. 627

House of Representatives, February 2, 1999

An Act to Clarify Public Nuisance Descriptions.

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative COLWELL of Gardiner.
Cosponsored by Senator GOLDTHWAIT of Hancock and
Representatives: BERRY of Livermore, BOUFFARD of Lewiston, McALEVEY of
Waterboro, McDONOUGH of Portland, MUSE of South Portland, NORBERT of Portland,
POVICH of Ellsworth, TRACY of Rome.

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

4 **Sec. 1. 17 MRSA §2802**, as amended by PL 1997, c. 683, Pt. A,
§7, is further amended to read:

6 **§2802. Miscellaneous nuisances**

8 The erection, continuance or use of any building or place
10 for the exercise of a trade, employment or manufacture that, by
noxious exhalations, offensive smells or other annoyances,
12 becomes injurious and dangerous to the health, comfort or
property of individuals or of the public; causing or permitting
14 abandoned wells or tin mining shafts to remain unfilled or
uncovered to the injury or prejudice of others; causing or
16 suffering any offal, filth or noisome substance to collect or to
remain in any place to the prejudice of others; obstructing or
18 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, pond or
20 aquifer; imprudent operation of a watercraft as defined in Title
12, section 7801, subsection 11-A; unlawfully diverting the water
22 of a river, stream, pond or aquifer from its natural course or
state to the injury or prejudice of others; and the obstructing
24 or encumbering by fences, buildings or otherwise of highways,
private ways, streets, alleys, commons, common landing places or
26 burying grounds are nuisances within the limitations and
exceptions mentioned. Any places where one or more old,
28 discarded, worn-out or junked motor vehicles as defined in Title
29-A, section 101, subsection 42, or parts thereof, are gathered
30 together, kept, deposited or allowed to accumulate, in such
manner or in such location or situation either within or without
32 the limits of any highway, as to be unsightly, detracting from
the natural scenery or injurious to the comfort and happiness of
34 individuals and the public, and injurious to property rights, are
public nuisances. Any automobile graveyard, as defined in Title
36 30-A, section 3752, is considered a public nuisance if the person
38 who establishes, operates or maintains the automobile graveyard
does so without a permit. Notwithstanding any other provision of
law, a person who violates the provision in this section
40 regarding automobile graveyards is guilty of a Class E crime.

42 **SUMMARY**

44 This bill clarifies that automobile graveyards are a public
46 nuisance and that a person who establishes, operates or maintains
an automobile graveyard without a permit commits a Class E crime.