

MAINE STATE LEGISLATURE

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NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1002, L.D. 1367, Bill, "An Act To Amend the Laws Regarding Junkyards, Automobile Graveyards and Automobile Recycling Businesses"

Amend the bill in section 3 in subsection 1 by striking out all of paragraph A and inserting in its place the following:

'A. "Automobile graveyard" does not include:

(1) An area used for temporary storage of vehicles or vehicle parts by an establishment or place of business that is primarily engaged in doing vehicle repair work to make repairs to render a motor vehicle serviceable. In order for a vehicle's storage to be considered temporary, it must be removed from the site within 180 calendar days of its receipt;

(2) An area used by an automobile hobbyist to store, organize, restore or display antique autos, antique motorcycles, classic vehicles, horseless carriages, reconstructed vehicles, street rods or parts of these vehicles as these vehicles are defined in Title 29-A, section 101 as long as the hobbyist's activities comply with all applicable federal and state statutes and rules and municipal ordinances, other than ordinances that are more restrictive than this subsection regarding the storage of vehicles or vehicle parts that are collected by a hobbyist. For the purposes of this subparagraph, an automobile hobbyist is a person who is not primarily engaged in the business of selling any of those vehicles or parts from those vehicles;

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2 (3) An area used for the parking or storage of
4 vehicles, vehicle parts or equipment intended for use
by a municipality, quasi-municipal entity or state or
federal agency;

6 (4) An area used for the storage of operational farm
8 tractors and related farm equipment, log skidders,
logging tractors or other vehicles exempted from
registration under Title 29-A, chapter 5;

10 (5) An area used for the parking or storage of
12 vehicles or equipment being offered for sale by a
14 dealer, equipment dealer, trailer dealer or vehicle
auction business as defined in Title 29-A, section 851;

16 (6) An area used for the storage of vehicles by an
18 establishment or place of business that is primarily
engaged in business as a new vehicle dealer as defined
in Title 29-A, section 851;

20 (7) An area used for temporary storage of vehicles by
22 an establishment or place of business that is primarily
24 engaged in business as an insurance salvage pool. In
26 order for a vehicle's storage to be considered
temporary under this subparagraph, the vehicle must be
removed from the site within 180 days of receipt of
title by the business; or

28 (8) An area used for the parking or storage of
30 operational commercial motor vehicles, special
32 equipment or special mobile equipment as defined in
34 Title 29-A, section 101 that is temporarily out of
service but is expected to be used by the vehicle or
equipment owner or by an operator designated by the
36 owner. This subsection does not exempt an area used
38 for the parking or storage of equipment or vehicles
that are not operational while stored or parked in the
area.'

40 Further amend the bill in section 4 in subsection 1-A by
42 inserting at the end the following:

44 'A. "Automobile recycling business" does not include:

46 (1) Financial institutions as defined in Title 9-B,
section 131, subsections 17 and 17-A;

48 (2) Insurance companies licensed to do business in the
50 State;

2 (3) New vehicle dealers, as defined in Title 29-A,
section 851, licensed to do business in the State; or

4 (4) That portion of the business premises that is used
for temporary storage of vehicles by an establishment
or place of business that is primarily engaged in
business as an insurance salvage pool. In order for a
vehicle's storage to be considered temporary under this
subparagraph, the vehicle must be removed from the site
within 180 days of receipt of title by the business.'

12 Further amend the bill by inserting after section 6 the
14 following:

16 'Sec. 7. 30-A MRSA §3753, as amended by PL 1993, c. 173, §4,
is further amended to read:

18 **§3753. Permit required**

20 No A person may not establish, operate or maintain an
22 automobile graveyard, automobile recycling business or junkyard
without first obtaining a nontransferable permit from the
24 municipal officers of the municipality in which the automobile
graveyard, automobile recycling business or junkyard is to be
26 located, or from the county commissioners of the county of any
unorganized territory in which the automobile graveyard,
28 automobile recycling business or junkyard is to be located.
Permits issued to an automobile graveyard or junkyard under this
30 section are valid until the first day of the following year;
except that, beginning in calendar year 2004, permits issued to
an automobile graveyard or junkyard under this section are valid
until the first day of October of the following year. Permits
32 issued to an automobile recycling business under this section are
34 valid for 5 years from the date of issuance and are renewable
provided that the permit holder furnishes a sworn statement,
36 annually, on the anniversary date of the granting of the permit,
that the facility complies with the standards of operation
38 applicable at the time of issuance of the permit. A person
operating a business that involves the recycling of automobiles
40 may operate under a permit for an automobile graveyard or a
permit for an automobile recycling business.'

42 Further amend the bill in section 8 in that part designated
44 "~~§3754-A.~~" in subsection 3 in paragraph A in the first and 2nd
lines (page 4, lines 40 and 41 in L.D.) by striking out the
46 following: "facility, including, but not limited to, a" and
inserting in its place the following: 'building.'

Further amend the bill in section 8 in that part designated
2 "~~§3754-A.~~" in subsection 3 in paragraph B in the first line (page
4, line 44 in L.D.) by striking out the following: "public"

Further amend the bill by relettering or renumbering any
6 nonconsecutive Part letter or section number to read
8 consecutively.

10 **SUMMARY**

12 The amendment adds to the areas that are exempt from the
definition of "automobile graveyard" and to the definition of
14 "automobile recycling business." In particular, the amendment
exempts from the definitions new vehicle dealers and insurance
16 salvage pools. The amendment also exempts from the definition of
"automobile graveyard" areas that are used for the parking or
18 storage of operational commercial motor vehicles, special
equipment or special mobile equipment. The amendment also
20 specifies that, beginning in 2004, permits issued to automobile
graveyards or junkyards are valid until October of the following
22 year. The amendment also limits the ban on new permits for
automobile graveyards or junkyards to areas that are located
24 within 300 feet of a public building, public park, public
playground, public bathing beach, school, church or cemetery.

FISCAL NOTE REQUIRED
(See attached)

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 1367

**An Act to Amend the Laws Regarding Junkyards, Automobile
Graveyards and Automobile Recycling Businesses**

LR 1388(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements:

This bill may increase the number of civil suits filed in the court system.