

MAINE STATE LEGISLATURE

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Sixty-Sixth Legislature.

HOUSE.

No. 33.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-THREE.

AN ACT to amend Section 5 of Chapter 17 of the Revised
Statutes relating to Nuisances.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows:*

SECTION 1. Section five of chapter seventeen of the
2 Revised Statutes is hereby amended, so that said section
3 shall read as follows:

4 Section 5. The erection, continuance or use of any
5 building or place for the exercise of a trade, employment,
6 or manufacture, which, by noxious exhalations, offensive
7 smells, or other annoyances, becomes injurious and danger-
8 ous to the health, comfort, or property of individuals or
9 of the public; the causing or suffering any offal, filth, or
10 noisome substance to collect, or to remain in any place

11 to the prejudice of others; the obstructing or impeding,
12 without legal authority, the passage of any navigable
13 river, harbor, or collection of water; the corrupting, or
14 rendering unwholesome, or impure, the water of a river,
15 stream, or pond; the unlawfully diverting it from its
16 natural course or state, to the injury or prejudice of
17 others; and the obstructing or encumbering by fences,
18 buildings, or otherwise, highways, private ways, streets,
19 alleys, commons, common landing places, or burying-
20 grounds, are nuisances within the limitations and excep-
21 tions hereafter mentioned; any fence, or other structure
22 in the nature of a fence, unnecessarily exceeding six feet
23 in height, maliciously kept and maintained for the purpose
24 of annoying the owners or occupants of adjoining property,
25 shall be deemed a private nuisance.'

This amendment is an exact copy of the statute of Massachusetts, chapter 348 of the year 1887.

(The entire statute is found in the 148th Massachusetts Report, page 369, and the second section is omitted here as unnecessary; all its requirements being provided in our Revised Statutes chapter 17.)

The statute is held constitutional and applies as well to existing structures subsequently maintained as to those afterwards erected.

Rideout vs Knox, 148 Mass., 368; *Smith vs. Morse*, 148 Mass., 407; *Rice vs. Moorehouse*, 150 Mass., 482.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,)
February 3, 1893.)

Reported by Mr. BIRD of Portland, from Committee on Judiciary,
and ordered printed under joint rules.

W. S. COTTON, *Clerk.*