

# MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

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Legislative Document

No. 1

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S. P. 2.

In Senate Jan. 13, 1931.

Referred to Committee on Judiciary. Sent down for concurrence. 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Page of Somerset.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND THIRTY-ONE

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AN ACT concerning the Licensing of Motor Vehicle Junk  
Yards.

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

Section 1. "Motor vehicle junk business" or "motor vehicle junk yard" shall include any business and any place of storage or deposit, whether in connection with another business or not, which displays, or in or upon which there is displayed, to the public view, two or more unregistered motor vehicles which, in the opinion of the secretary of state, or his authorized representative, are unfit for reconditioning for use for highway transportation, or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded material which has been a part of any motor vehicle, the sum of which parts or material shall, in the opinion of said secretary of state, or his authorized representative, be equal in bulk to two or more motor vehicles.

Sec. 2. No person shall establish a motor vehicle junk yard or business unless he shall first obtain and present to the secretary of state a certificate of approval of the location to be used therefor from the mayor of the city or the selectmen or town manager of the town wherein such locations shall be situated, as the case may be, nor unless he shall have obtained a license for such yard or business from said secretary of state.

Sec. 3. Upon receipt of an application for such certificate of approval, the mayor, selectmen or town manager, as the case may be, shall assign a hearing upon such application, to be held not less than two nor more than four weeks from the date of such application within the municipality in which such proposed location is situated. Notice of such hearing shall be given such applicant and by publication once in a newspaper having a circulation within such municipality not less than seven days before the date of such hearing. Such certificate of approval shall not be issued unless such mayor, selectmen or town manager shall, after such hearing, find that no unreasonable depreciation of surrounding property would ensue from the establishment or maintenance of such motor vehicle junk yard or business and that, in his judgment, the best interests of the community require the operation of such yard or business at the location designated. In making such designation the mayor, selectmen or town manager shall take into account the proximity of schools, churches or other places of public gatherings, the sufficiency in number of other similar places in the vicinity and the suitability of the applicant to receive such license. Each such applicant shall pay a fee of ten dollars, together with the costs of publication and expenses of such hearing, to the treasurer of such municipality.

Sec. 4. Upon application by the mayor, selectmen or town manager of the city or town within which any such yard or business is proposed to be located, the secretary of state shall determine whether such certificate of approval should be granted. In such cases, the secretary of state shall assign a hearing, to be held within such municipality not less than three nor more than five weeks from the date of such application. Notice of such hearing shall be given to such applicant and to such mayor, selectmen or town manager by mail, postage prepaid, and by publication once in a newspaper having a circulation within such municipality, not less than seven days before the date of such hearing. Such hearing shall be conducted by said secretary of state or his authorized representative, and such applicant shall pay to said secretary of state or his representative a fee of twenty-five dollars, together with the costs of such notices and the expenses of such hearing.

Sec. 5. The secretary of state or his representative shall examine the location or proposed location of each motor ve-

hicle junk yard or business which has been or may be established and may impose such conditions upon the establishment or maintenance of any such yard or business as he shall deem advisable having regard to the depreciation of surrounding property and the health, safety and general welfare of the public, and no license for any such junk yard or business shall be issued until such conditions shall have been complied with.

Sec. 6. Each applicant for such license shall pay to said secretary of state a fee of twenty-five dollars for the examination of the proposed location of each such motor vehicle junk yard or business and shall pay a license fee therefor to said secretary of state of fifty dollars if the land used or to be used for such yard or business shall be five acres or less, and one hundred dollars if such land shall be more than five acres. No such license shall be effective for more than one year from the date of issue. Each person holding a license issued in accordance with the provisions of this act and a dealer's registration issued in accordance with the provisions of Chapter twenty-nine of the Revised Statutes shall certify to said secretary of state upon the sale by him of any motor vehicle, that, at the time of such sale, such motor vehicle was in suitable condition to be operated upon the highways, or not, as the case may be.

Sec. 7. Any person aggrieved by the decision of said secretary of state or of any mayor, selectmen or town manager, taken pursuant to the provisions of this act, may appeal to the superior court for the county within which the city or town affected is situated, in the same manner as is provided for appeals in civil actions. Upon any such appeal, said Court shall make such order in relation to the action appealed from as it may deem equitable.

Sec. 8. The secretary of state may appoint either permanently or from time to time, one or more representatives, who may make the investigations and hear the parties interested, as required by sections one, four and five of this act, and report his findings and conclusions to the secretary, who may adopt, modify or reject them.

Sec. 9. Any person who shall violate any provision of section two or section six of this act shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned not more than ninety days or be both fined and imprisoned.