

MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 644

H. P. 1136

House of Representatives, Feb. 10, 1933.

On motion of Mr. Littlefield of Alfred taken from the table and on further motion same gentleman referred to Committee on Maine Publicity. Sent up for concurrence. 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Littlefield of Alfred.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-
THREE

AN ACT Concerning the Licensing of Motor Vehicle Junk Yards.

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

Section 1. Definitions. "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, 2 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 2 or more motor vehicles.

Sec. 2. Certificate of approval of location to be obtained. 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. Hearing on application to be held. Upon receipt of an application for such certificate of approval, the mayor, selectmen or town man-

ager, as the case may be, shall assign a hearing upon such application, to be held not less than 2 or more than 4 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 in 2 conspicuous places 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.

Sec. 4. License fee. Each applicant shall pay a license fee therefor to said secretary of state of \$25 if the land used or to be used for such yard or business shall be 5 acres or less, and \$50 if such land shall be more than 5 acres. No such license shall be effective for more than 1 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 29 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. 5. Dealer to notify state of cars bought. Any person holding a license issued in accordance with the provisions of this act shall certify to the said secretary of state upon the purchase by him of any motor vehicle the serial and engine numbers of same, and if he receives notice that they were stolen cars, shall not dispose of them.

Sec. 6. Appeal. 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. 7. Penalty. Any person who shall violate any provision of section 2 or section 4 of this act shall be punished by a fine of not less than \$25.00 nor more than \$100 or by imprisonment for not more than 90 days or by both such fine and imprisonment.