

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 1117

S. P. 539

In April, April 5, 1941.

Reported by Senator Hildreth of Cumberland from Committee on Maine
Publicity and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relating to Automobile Junk Yards.

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

Sec. 1. Statement of purpose. Whereas, automobile junk yards, or so-called "auto graveyards", have been steadily expanding and frequently encroach upon highways; and

Whereas, these graveyards have become a nuisance and a menace to safe travel on public ways, often detracting the attention of drivers of motor vehicles because it appears cars are parked on the highway, or that an accident has occurred it is hereby declared that such automobile graveyards are properly subject to police regulation and control.

Sec. 2. Establishment and maintenance of automobile junk yards, regulated. No automobile, junk yard, or "automobile graveyard", so-called, where 3 or more unserviceable, discarded, worn-out or junked automobiles, or bodies or engines thereof are gathered together, shall be established, operated or maintained, or permitted by the owner of any land to be established, operated or maintained, without first obtaining a non-transferable permit so to do from the municipal officers of the city or town wherein said yard is to be established, operated or maintained, or from the county commissioners of the county in which said yard is to be established, operated

or maintained in an unorganized township, which permit shall be valid only until the 1st day of the year following.

Sec. 3. Hearings. Municipal officers or county commissioners as provided for in section 2 shall, before granting a permit to establish, operate or maintain such automobile junk yard, hold a public hearing, notice of which shall be posted at least 7 days prior to and not more than 14 days prior to said hearing, in not less than 3 public places in said city or town or unorganized township, and in one newspaper of general circulation in said city or town, or unorganized township wherein such yard is to be established, operated or maintained. Before the municipal authorities or county commissioners as provided for in section 2 shall post or publish notice of a hearing they shall collect from the applicant for said permit a fee of \$10 plus the costs of posting and publishing said notice.

Sec. 4. Limitations on granting permits for initial establishment. No permit shall be granted for such automobile junk yard to be established within an unreasonable distance, and in no case less than 500 feet, from any state or state aid highway now or hereafter designated as such highway by the state highway commission, if within view from said highway, except upon condition that the area to be occupied by said automobiles or parts thereof be kept entirely screened to ordinary view by those passing upon said highway, by natural objects, or well constructed and properly maintained fences at least 6 feet high, acceptable to said municipal officers or county commissioners and so specified in said permit; nor if said area is within a radius of 300 feet of any public park, public playground, public bathing beach, school, church or cemetery, which shall have been established prior to the establishment of such yard and which is within ordinary view thereof; except that this section and section 5 shall not apply to any such yard located in the compact or built-up portions of any city, town, or village, as defined by section 69 of chapter 29 of the revised statutes of Maine, as now amended.

Sec. 5. Limitations on granting permits for initial establishment if within 100 feet of a highway. Furthermore and notwithstanding the provisions of section 3, no permit shall be granted for such automobile junk yard to be established within 100 feet of any public highway previously designated as such except upon compliance with the provisions of section 4 and upon payment of an annual fee of \$500 to the city or town or unorganized township within which limits the automobile junk yard is to be established, operated or maintained.

Sec. 6. Limitations on granting permits for existing establishments.

After January 1, 1943, no permit shall be granted for such automobile junk yard established prior to said effective date and on said date maintained or operated, unless said yard shall conform to the provisions of section 4 of this act.

Sec. 7. Penalty. Whoever violates any provision of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$100 nor more than \$500, and it is hereby made the duty of the state police as well as local and county officers of the law to enforce the provisions of this act. In case of default in payment of the fine imposed herein, the violator shall be punished by imprisonment for not more than 90 days.

Sec. 8. P. L., 1933, c. 106, not affected. Nothing herein contained shall be construed as in any way repealing, invalidating or abrogating the provisions of chapter 106 of the public laws of 1933, or limiting the right of prosecutions thereunder, and violation of the provisions hereof in the establishment, maintenance or operation of any such automobile junk yard shall constitute prima facie evidence that said yard is a nuisance as therein defined.

Sec. 9. P. L., 1937, c. 198, repealed. Chapter 198 of the public laws of 1937 is hereby repealed.

Sec. 10. Validity. All sections, sentences, clauses and phrases of this act are hereby declared to be independent and severable, and the invalidity or unconstitutionality of one shall not be held to affect another or others.