

§2741. Common nuisances; jurisdiction to abate

1. Common nuisances. The following are common nuisances.

A. All places used as houses of ill fame or for the illegal sale or keeping of intoxicating liquors or scheduled drugs or resorted to for lewdness or gambling; [PL 2003, c. 452, Pt. I, §45 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. All houses, shops or places where intoxicating liquors are sold for tipping purposes; and [PL 2003, c. 452, Pt. I, §45 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. All places of resort where intoxicating liquors are kept, sold, given away, drunk or dispensed in any manner not provided for by law. [PL 2003, c. 452, Pt. I, §45 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. I, §45 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Superior Court jurisdiction. The Superior Court has jurisdiction, upon information filed by the Attorney General or the district attorney or upon complaint filed by not fewer than 7 legal voters of that county setting forth any of the facts contained in this section, to restrain, enjoin or abate a common nuisance as set out in subsection 1 and an injunction for those purposes may be issued by the court. A dismissal of an information or complaint does not prevent action upon any information or complaint subsequently filed covering the same subject matter.

[PL 2003, c. 452, Pt. I, §45 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Injunction or order. The injunction or order to restrain, enjoin or abate the common nuisance forever runs against the building or other place or structure, except that, upon motion of an owner filed not sooner than 6 months from the date of the injunction or order, the Superior Court may remove or modify the injunction or order upon a showing by the owner, by a preponderance of evidence, that the nuisance has abated.

[PL 2003, c. 452, Pt. I, §45 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Trafficking or furnishing scheduled drugs. For purposes of this subchapter, proof by a preponderance of evidence that an owner or occupant of a building or other place or structure, or any part thereof, has trafficked in or furnished at the building, place or structure, or any part thereof, any scheduled drug as defined by Title 17-A, chapter 45 on 2 or more occasions within a 3-year period is sufficient to prove that the building, place or structure is a common nuisance.

[PL 2003, c. 452, Pt. I, §45 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Keeping, allowing or maintaining common nuisance. A person who keeps, allows or maintains a building, place or structure declared by the Superior Court to be a common nuisance upon the filing of information commits a Class E crime.

[PL 2003, c. 452, Pt. I, §45 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

6. Default in payment of fine. A person who defaults in payment of a fine imposed under this section commits a separate Class E crime.

[PL 2003, c. 452, Pt. I, §45 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

7. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[PL 2003, c. 452, Pt. I, §45 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1981, c. 279, §9 (AMD). PL 1993, c. 98, §1 (AMD). PL 1995, c. 66, §2 (AMD). PL 2003, c. 452, §145 (RPR). PL 2003, c. 452, §X2 (AFF).

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