

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1429

H.P. 993

House of Representatives, March 22, 2005

**An Act To Amend the Laws Governing the Size, Placement and Use
of Certain On-premises Signs**

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative LERMAN of Augusta.
Cosponsored by Representative: CRAVEN of Lewiston.

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

2
4 **Sec. 1. 23 MRSA §1914, sub-§5,** as repealed and replaced by PL 1981, c. 318, §4, is amended to read:

6 **5. Interstate highways.** Not more than one ~~en-premise~~
7 on-premises sign, advertising the sale or lease of the property,
8 may be permitted on land adjacent to any portion of the
9 interstate system, including ramps and interchange areas, ~~which~~
10 that is visible therefrom.

12 Not more than one ~~en-premise~~ on-premises sign visible from any
13 portion of the interstate system, including ramps and interchange
14 areas, may be permitted more than 50 feet from the principal
15 building or structure where the business, facility or point of
16 interest is carried on.

18 No ~~en-premise~~ on-premises advertisement, located more than 50 ~~150~~
19 feet from the principal building or structure where the business,
20 facility or point of interest advertised is carried on, may
21 exceed 20 feet in ~~length,~~ length or width or 25 feet in height or
22 ~~150~~ 250 square feet in area, including border and trim, but
23 excluding supports.

24 Any ~~en-premise~~ on-premises sign located more than 50 feet from
25 the principal structure where the business, facility or point of
26 interest is carried on that displays any trade name ~~which that~~
27 refers to or identifies any service rendered or product sold
28 ~~shall~~ must display the name of the advertised business, facility
29 or point of interest as conspicuously as such trade name.

32 **Sec. 2. 23 MRSA §1914, sub-§11-A.** as enacted by PL 2001, c.
33 268, §3, is amended to read:

34 **11-A. Changeable signs.** ~~Notwithstanding--subsection--6,~~
35 ~~paragraphs--C--and--E,~~ Changeable signs are not
36 prohibited as long as the sign complies with all the terms of
37 this subsection. The Department of Transportation shall
38 administer the provisions of this subsection unless the
39 municipality in which the sign is located and the ~~Department of~~
40 ~~Transportation~~ department have agreed in writing that the
41 municipality shall oversee that particular sign.

44 A. As used in this subsection, unless the context otherwise
45 indicates, the following terms have the following meanings.

46 (1) "Changeable sign" means an ~~en-premise~~ on-premises
47 sign created, designed, manufactured or modified in
48 such a way that its message may be electronically,
49 digitally or mechanically altered by the complete
50 substitution or replacement of one display by another
51 on each side.

2 (2) "Display" means that portion of the surface area
4 of a changeable sign that is, or is designed to be or
is capable of being periodically altered for the
purpose of conveying a message.

6 (3) "Lot of record" means a lot for which the deed was
8 legally recorded, or which that was created by a plan
legally recorded, in the registry of deeds for the
10 county where the lot is located. Contiguous lots of
record in the same ownership are considered one lot.

12 (4) "Message" means a communication conveyed by means
14 of a visual display of text.

16 ~~(5) -- "Sign assembly" means the display, border, trim
and all supporting apparatus, including posts, columns,
18 pedestals and foundation.~~

20 (6) "Time and temperature sign" means a changeable
sign that electronically or mechanically displays the
22 time and temperature by the complete substitution or
replacement of a display showing the time with a
24 display showing the temperature. b! 2001, c. 268, @3
(new). ?b

26 B. The display on each side of a changeable sign, may
28 change as rapidly as technologically practicable and the
signs are allowed to function to their complete capability
30 as designed.

32 ~~(1) -- May be changed no more than once every 20 minutes;~~

34 ~~(2) -- Must change as rapidly as technologically
practicable, with no phasing, rolling, scrolling,
36 flashing or blending; and~~

38 ~~(3) -- May consist only of alphabetic or numeric text on
a plain background and may not include any graphic,
40 pictorial or photographic images.~~

42 ~~C. -- The display may comprise no more than 50% of the surface
area of a changeable sign.~~

44 ~~D. -- No more than one changeable sign with 2 sides is allowed
46 per lot of record.~~

48 ~~E. -- Changeable signs may not be located so that the message
is readable from a controlled access highway or ramp.~~

50 ~~F. -- The highest point of the display of a changeable sign
52 may not exceed a height of 25 feet above either the~~

centerline of the nearest public way or actual ground level adjacent to the sign, whichever is lower.

G. Changeable message board signs existing in accordance with the requirements of former subsection 11 continue to exist if the signs:

(1) Are reasonably incapable of being modified or reprogrammed to comply with this section as amended; and

(2) Are not replaced, substantially rebuilt, reconstructed or repaired beyond routine maintenance.

H. The size, intensity of illumination and acceptable rate of change between the time display and the temperature display of a time and temperature sign must comply with rules, policies or guidelines adopted by the Department of Transportation. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. Time and temperature signs erected prior to September 29, 1995 need not comply with those rules, policies or guidelines.

I. An urban compact area or municipality as defined in section 754 may not restrict the use or content of an on-premises changeable sign beyond that indicated in this section.

SUMMARY

This bill changes the placement, size and height restrictions on certain freestanding, on-premises signs viewed from a controlled highway. This bill also eliminates restrictions on changeable signs.