

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1462

H.P. 954

House of Representatives, April 3, 2025

An Act to Promote Artisans and the Creative Economy

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script, reading "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HEPLER of Woolwich.
Cosponsored by Senator BEEBE-CENTER of Knox and
Representatives: BRENNAN of Portland, CARLOW of Buxton, CROCKETT of Portland,
DILL of Old Town, MORRIS of Turner.

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

2 Sec. 1. 30-A MRSA §3015 is enacted to read:

3 **§3015. Regulation of vending of expressive matter**

4 **1. Expressive matter defined.** For the purposes of this section, "expressive matter"
5 means materials or objects created by a vendor with expressive content, including written
6 material, such as newspapers, books or writings, and including visual art, such as paintings,
7 prints, photography or sculpture. "Expressive matter" includes the activity of performance
8 artists whether or not the artist seeks a monetary donation. "Expressive matter" does not
9 include materials or objects that are essentially commercial in content, any expression that
10 is related solely to the economic interests of the speaker and its audience and expression
11 that does no more than propose a commercial transaction.

12 **2. Municipal ordinances; permissible restrictions.** A municipality may not adopt
13 or enforce any ordinance or regulation that prohibits the vending of expressive matter,
14 except that a municipality may adopt restrictions regulating the time, place and manner of
15 the vending of expressive matter if the restrictions are:

16 A. Directly related to health, safety or welfare concerns;

17 B. Necessary to ensure the public's use and enjoyment of natural resources and
18 recreational opportunities;

19 C. Necessary to prevent an undue concentration of commercial activity that
20 unreasonably interferes with the scenic and natural character of a park owned or
21 operated by the municipality;

22 D. Limitations on hours of operation that are not unduly restrictive;

23 E. Necessary to maintain sanitary conditions; or

24 F. Necessary to ensure compliance with the federal Americans with Disabilities Act of
25 1990 and other disability access standards.

26 **3. Existing ordinance or regulation.** This section may not be construed to require a
27 municipality to adopt a new ordinance or regulation pertaining to the vending of expressive
28 matter if the municipality has an existing ordinance or regulation that substantially
29 complies with the requirements in this section.

30 **SUMMARY**

31 This bill provides that a municipality may not adopt or enforce any ordinance or
32 regulation that prohibits the vending of expressive matter, except a municipality may adopt
33 restrictions regulating the time, place and manner of the vending of expressive matter if the
34 restrictions meet certain conditions. "Expressive matter" is defined as materials or objects
35 created by a vendor with expressive content, including written material, such as
36 newspapers, books or writings, and visual art, such as paintings, prints, photography or
37 sculpture.