

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE

1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 1

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1955

Sec. 151. Manslaughter; license to be revoked.

Applied in *State v. DeBery*, 150 Me. 28, 103 A. (2d) 523.

Sec. 151-A. Driving to endanger.—No person shall drive any vehicle upon a way in such a manner as to endanger any person or property. (1955, c. 96, § 2.)

Sec. 157. Owner and renter of motor vehicles to be jointly and severally liable for damages.—The owner of a motor vehicle engaged in the business of renting motor vehicles, with or without drivers, who rents any such vehicle, with or without a driver, to another, otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, permitting the renter to operate the vehicle upon the public ways, shall be jointly and severally liable with the renter for any damages caused by the negligence of the latter in operating the vehicle and for any damages caused by the negligence of any person operating the vehicle by or with the permission of the person so renting the vehicle from the owner, except that the foregoing provisions shall not confer any right of action upon any passenger in any such rented vehicle as against the owner, but nothing herein contained shall be construed to prevent the introduction as a defense of contributory negligence to the extent to which such defense is allowed in other cases. (R. S. c. 19, § 128. 1955, c. 370, § 3.)

Effect of amendment.—The 1955 amendment extended the application of this section to owners of vehicles rented with drivers.

Sec. 158. Owner of rented motor vehicles to keep a record of the renter.—Every person engaged in the business of renting motor vehicles with or without drivers who shall rent any such vehicle with or without a driver, otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, shall maintain a record of the identity of the person to whom the vehicle is rented, including a record of his license, and the exact time the vehicle is the subject to such rental or in possession of the person renting and having the use of the vehicle, and every such record shall be open to inspection by any officer, and it shall be a misdemeanor for any such owner to fail to make or have in possession or to refuse an inspection of the record required in this section. If the secretary of state prescribes a form for the keeping of the record provided for in this section, the owner shall use said form, which shall be carried in the vehicle at all times during the period of lease or hire as aforesaid and while being used on the highways in this state. (R. S. c. 19, § 129. 1955, c. 370, § 4.)

Effect of amendment.—The 1955 amendment extended the application of this section to owners of vehicles rented with drivers. It also deleted the words "a public record and" before the word "open" in line eight, and added to the last sentence the requirement that the form be carried in the vehicle.

Sec. 161. Effect of revoking registration, license or right to operate; number plates not transferable; plates to be properly displayed.

Operating motor vehicle after void revocation of license.—Where revocation of defendant's license by secretary of state under § 150 of this chapter was void defendant could not be convicted under this section of operating a motor vehicle after his license had been revoked. *State v. DeBery*, 150 Me. 28, 103 A. (2d) 523.

Chapter 23.

State Highway Department.

Objective. Rules of Construction.

Sec. 2. Rules of construction.—The rules of construction in section 22

of chapter 10 shall apply to this chapter. The word "maintenance" shall include the restoring of reconstructed and improved highways to their condition when improved and shall be applicable only to highways to the improvement of which the state has contributed or shall hereafter contribute, except as elsewhere herein provided. The word "commission" shall mean the state highway commission. The word "highway" shall mean all of the right of way that may have been laid out by the state, county or town. The word "town" shall include cities, towns, organized plantations and unincorporated townships, except as herein otherwise indicated. The words "municipal officers" shall also include county commissioners having jurisdiction over highways in unincorporated townships. The word "valuation" shall mean the valuation last made by the state tax assessor. The word "section" shall refer to this chapter, unless otherwise indicated. As used in this chapter, and all amendments and additions thereto, unless otherwise defined therein, the words "compact or built up section" shall mean a section of the highway where structures are nearer than 200 feet apart for a distance of $\frac{1}{4}$ of a mile. (R. S. c. 20, § 2. 1951, c. 158, § 1; c. 321, § 1. 1955, c. 22.)

Effect of amendment.—The 1955 amendment inserted the words "unless otherwise defined therein" and substituted the word "structures" for the word "buildings" in the last sentence.

Powers and Duties of Commission. Controlled Access Highways. Condemnation Proceedings.

Sec. 19. Location, alteration, discontinuance and drainage of state and state aid highways.

Wherever, on or along public highways, ditches or drains have existed for a period of 20 years or longer, which cause water to be flowed away from the highway, there shall be a conclusive presumption that easements for such flowage from such ditches or drains exist, but only to the extent of the original flowage. This paragraph shall not apply in the cases protected by section 103 of chapter 46. (1951, c. 321, § 2. 1955, c. 305.)

Effect of amendment.—The 1955 amendment added the above paragraph at the end of this section. As the first and second paragraphs were not changed, they are not set out.

Sec. 22. Proceedings on damage claims.—Whenever the commission shall change the grade of any state or state aid highway as provided in this chapter, to the injury of an owner of adjoining land, he may within 6 months after completion of the work according to the records of the commission apply to the commission in writing for a determination and assessment of his damages; and if the commission is unable to settle such damages at what it deems a reasonable amount, the commission or interested parties may apply to the joint board in writing for a determination and assessment of the damages. The proceedings shall then be the same as in condemnation cases. (1951, c. 321, § 2. 1955, c. 424, § 1.)

Effect of amendment.—The 1955 amendment deleted the words "alter, widen or" before the word "change" in line two, and inserted the words "according to the records of the commission" in line four.

Sec. 36. Construction of entrances to highways regulated.—It shall be unlawful to construct or maintain any driveway, entrance or approach within the right-of-way of any state or state aid highway which lies outside of the compact or built up section, so called, without a written permit from the state highway commission, or if within the compact or built up section, so called, without a written permit from the proper town officials, and such right-of-way shall be deemed the full width of the right-of-way as laid out by the state, county or the town. The commission and towns are authorized and directed to make such rules and regulations as to design, location and construction of driveways, entrances and approaches on said highways as will adequately protect and promote the safety

of the traveling public, but the commission and the towns shall in no case deny reasonable ingress and egress to property abutting the highway except on limited access highways. No permit shall be required for any existing driveway, entrance or approach unless the grade or location of the same is changed, but if any driveway, entrance or approach is changed in location or grade or improved, a permit shall be required. If any existing driveway, entrance or approach is changed in degree or kind of use, a permit shall be required.

Whoever violates any of the foregoing provisions or the rules and regulations made under authority thereof shall be punished by a fine of not more than \$100. (1951, c. 332. 1953, c. 154. 1955, c. 334.)

Effect of amendment.—The 1955 amendment added the last sentence to the first paragraph.

**Construction: State Aid Highways. System Established.
Procedure. Town Appropriations. Apportionments
of State Aid.**

Sec. 44. Appropriations by towns desiring state aid.—If any town desires state aid, as provided by this chapter, for the building or permanent improvement of one or more of its state, or state aid highways, such town may raise and appropriate in addition to the amounts regularly raised and appropriated for the care of ways, highways and bridges the following amounts on account of which state aid shall be paid:

Towns having a valuation of \$400,000 or less may appropriate any amount not exceeding \$300; towns having a valuation of over \$400,000 and not over \$1,600,000 may appropriate any amount not exceeding \$533; towns having a valuation of over \$1,600,000 and not over \$2,000,000 may appropriate an amount not exceeding \$600; and towns having a valuation of over \$2,000,000 and not over \$6,000,000 may appropriate in addition to the sum of \$600 an additional sum of \$66 for each \$400,000 or fraction thereof valuation in excess of \$2,000,000; towns having a valuation of over \$6,000,000 and not over \$8,000,000 may appropriate not exceeding \$1,333, and towns having a valuation of over \$8,000,000 may appropriate in addition to the sum of \$1,333 an additional sum not exceeding \$133 for each additional \$2,000,000 or fraction thereof of additional valuation. (R. S. c. 20, § 25. 1945, c. 128, § 1. 1955. c. 20, § 1.)

Effect of amendment.—The 1955 amendment, which became effective on its approval, February 28, 1955, changed the second paragraph by doubling the amount of valuation in each instance.

Sec. 46. Apportionment to each town.—The commission, from the fund provided for the improvement of state aid roads, shall to each town which has conformed to the provisions of sections 44 and 45, for each dollar so appropriated, apportion the following amounts: to each town having a valuation of \$400,000, or less, \$3.50 for each dollar appropriated by said town; to each town having a valuation of over \$400,000 and not over \$1,600,000, \$2 for each dollar appropriated by said town; to each town having a valuation of over \$1,600,000 and not over \$2,000,000, \$1.75 for each dollar appropriated by said town; to each town having a valuation of over \$2,000,000 and not over \$2,400,000, \$1.55 for each dollar appropriated by said town; to each town having a valuation of over \$2,400,000 and not over \$2,800,000, \$1.35 for each dollar appropriated by said town; to each town having a valuation of over \$2,800,000 and not over \$3,200,000, \$1.20 for each dollar appropriated by said town; to each town having a valuation of over \$3,200,000 and not over \$3,600,000, \$1.10 for each dollar so appropriated by said town; and to each town having a valuation of over \$3,600,000, \$1 for each dollar so appropriated by said town. The money appropriated by towns applying for state aid as hereinbefore provided, with the amount apportioned by the commission as hereinbefore provided, shall constitute a joint fund for the construction and improve-

ment of the state or state aid highways in such towns. (R. S. c. 20, § 27. 1945, c. 128, § 3 1953, c. 221. 1955, c. 20, § 2.)

Effect of amendment.—The 1955 amendment, which became effective on its approval, February 28, 1955, changed this section by doubling the amount of valuation in each instance.

Sec. 47. Repealed by Public Laws 1955, c. 424, § 2.

Third class designations rescinded.—“All third class designations are hereby rescinded.” Section 4 of the repealing act provides:

Sec. 55. Joint fund for state aid construction used with town road improvement fund.—If any town desires that the whole or any portion of the joint fund provided in sections 44, 46 and 49 shall be applied to the construction of unimproved state aid, 3rd class or 4th class highways within its boundaries in combination with the town road improvement fund, the same may be so applied at the discretion of the commission; and all state aid joint funds so transferred shall be expended in accordance with the provisions of sections 60 to 65, inclusive. Roads constructed under the provisions of this section shall be maintained by the towns. (1951, c. 359, § 1. 1955, c. 424, § 7.)

Effect of amendment.—The 1955 amendment inserted the reference to § 49.

Special Legislative Appropriations; Construction.

Sec. 59. Repealed by Public Laws 1955, c. 424, § 3.

Town Road Improvement Fund.

Sec. 60. Town road improvement fund.

Appropriations.—P. L. 1955, c. 436, § 8 provides: “Beginning with the fiscal year ending June 30, 1956, there is hereby appropriated annually from the general highway fund the sum of \$500,000 to the town road improvement fund. This appropriation shall be in addition to any other appropriation for the town road improvement fund made by the 97th legislature.”

Sec. 62. Expenditures.—The expenditures of this fund shall not exceed the sum of \$6,000 in any 1 mile. The various towns shall assume and pay any cost or damages arising from any change in location, grade or drainage. (1945, c. 371, § 1. 1947, c. 329, § 2. 1953, c. 329. 1955, c. 17.)

Effect of amendment.—The 1955 amendment substituted “\$6,000” for “\$3,000” in the first sentence, and deleted from the second sentence a provision as to furnishing “all local road material, including rocks, sand, gravel, etc.”

Maintenance: State Highways. Snow Removal. Secondary Federal Aid Projects. Compact Sections.

Sec. 68. Maintenance and snow removal on state highways.

The maintenance provisions of sections 66, 67, 68, 79, 80, 82 and 87 shall not apply to those compact or built up sections of state highway in cities or towns whose population according to the last U. S. census exceeds 5,000 inhabitants, except as hereinafter provided for maintenance of secondary federal aid projects, and the snow removal provisions shall not apply to those compact or built up sections and “compact areas” as determined by the commission, in which compact sections are intermittent and separated by a short interval or intervals of sections that are not compact of state highway in cities or towns whose population according to the last U. S. census exceeds 2,000 inhabitants. (R. S. c. 20, § 46. 1945, c. 334, § 2. 1949, c. 18, § 3; c. 349, § 29. 1951, c. 158, § 2. 1955, c. 46.)

Effect of amendment.—The 1955 amendment inserted the provision as to “compact areas” in the last paragraph. As the rest of the section was not changed by the amendment, only the last paragraph is set out.

Maintenance: Third Class Highways.

Secs. 74-75. Repealed by Public Laws 1955, c. 424, § 3.

Third class designations rescinded.— third class designations are hereby rescinded. Section of the repealing act provides: "All rescinded."

Maintenance: Highways Constructed with Special Appropriations.

Secs. 76-78. Repealed by Public Laws 1955, c. 424, § 3.

Third class designations rescinded.— "All third class designations are hereby rescinded." Section 4 of the repealing act provides: "All rescinded."

Snow Removal.

Sec. 79. Winter routes cleared of snow.

Third class designations rescinded.— P. L. 1955, c. 424, § 4, provides: "All third class designations are hereby rescinded."

Sec. 82. Towns to be reimbursed; snow fences; appeal.—Towns, organized plantations and unincorporated townships, having a valuation of more than \$400,000 which clear 2nd and 3rd class highways and town ways to the satisfaction of the commission and when necessary apply sand, gravel or other materials to a width of not less than 7 feet through the center of the road within a reasonable length of time after surface of the road becomes slippery, shall be reimbursed for the cost thereof to the extent of \$65 per mile on the highways or town ways designated as provided in section 79.

Towns, organized plantations and unincorporated townships having a valuation of \$400,000 or less, which clear said highways and town ways to the satisfaction of said commission, and when necessary apply sand, gravel or other materials to a width of not less than 7 feet through the center of the road within a reasonable length of time after surface of the road becomes slippery, on the highways and town ways designated as provided in section 79 shall bear 50% of the cost thereof not to exceed \$35 per mile and reimbursement shall be made to said towns, plantations and townships accordingly.

The state or the town shall not be liable for accidents while the road surface is covered with snow or ice.

All payrolls for the season's snow removal work, on routes designated in section 79, are to be received at the office of the commission monthly, on or before the 15th day of each month, and a final payroll on or before May 1st, following the winter in which this work is done. The provisions of this paragraph shall not apply to towns, organized plantations and unincorporated townships having a valuation of more than \$400,000.

(1955, c. 19.)

Effect of amendment.—The 1955 amendment substituted in the first paragraph "more than \$400,000" for "\$200,000 or more," in the second paragraph "\$400,000 or less" for "less than \$200,000," and in

the fourth paragraph "more than \$400,000" for "\$200,000 or more." As the rest of the section was not changed by the amendment, only the first four paragraphs are set out.

Installations.

Sec. 89. Installations in state or state aid highways forbidden.—No person shall install, erect or construct, or cause to be installed, erected or constructed any such installations as buildings, gasoline pumps or other fixtures, excepting only the installations or other property devoted to the public use of any public utility or district and underground pipe lines, in, upon or near any state or state aid highway, located as follows:

- I.** Within the full width of the right of way of any state or state aid highway as laid out by the state, the county or the town; or
- II.** Within 33 feet of the center line of any such highway. This provision shall not apply to installations or other property in existence on August 6, 1949; or
- III.** Within 20 feet from the outside edge of any of the paved portion of any such highway having more than 2 travel lanes and having a total paved portion in excess of 24 feet in width. This provision shall not apply to installations or other property in existence on September 1, 1955.
(1955, c. 346.)

Effect of amendment.—The 1955 amendment rewrote the first paragraph to appear as shown above. As the second paragraph was not changed, it is not set out.

Roadside Improvement.

Sec. 97. Construction and maintenance of picnic areas, etc.—The commission is authorized to construct along state and state aid highways roadside picnic areas, roadside springs, scenic turnouts or other landscaping where in the opinion of the state highway commission it may seem advisable and place distinguishing signs upon the same; and the commission is further authorized to use for the maintenance of the same such funds as are now available for maintenance of state and state aid highways. (1951, c. 327, § 1. 1953, c. 153. 1955, c. 27.)

Effect of amendment.—The 1955 amendment deleted the former second sentence, which limited the cost of constructing the projects provided for in this section.

Bridge Construction: State Aid and Third Class Roads.

Bridges on third class ways.—P. L. 1955, c. 424, § 5, provides: "Any bridges on the third class ways, which have not been reconstructed under the "Bridge Act," so called, and are not now maintained by the state, may be reconstructed under the provisions of sections 108 to 116, inclusive, and sections 120 to 122, inclusive, of chapter 23 of the revised statutes."

Sec. 109. Apportionment of cost.—The cost of construction of a bridge built or rebuilt under the provisions of sections 108 to 116, inclusive, section 118 and sections 120 to 122, inclusive, shall be divided as follows: when the cost of said construction makes a tax rate of $2\frac{1}{2}$ mills or less on the valuation of the town last made by the state tax assessor, 45% by the town, 30% by the county in which said town is located and 25% by the state; when the tax rate determined as above is 5 mills, the cost shall be borne as follows: 40% by the town, 30% by the county and 30% by the state; when the tax rate determined as above is $7\frac{1}{2}$ mills, the cost shall be borne as follows: 35% by the town, 30% by the county and 35% by the state; when the tax rate determined as above is 10 mills, the cost shall be borne as follows: 30% by the town, 30% by the county and 40% by the state; when the tax rate determined as above is 15 mills, the cost shall be borne as follows: 25% by the town, 30% by the county and 45% by the state; when the tax rate determined as above is 20 mills, the cost shall be borne as follows: 20% by the town, 30% by the county and 50% by the state; when the tax rate determined as above is 30 mills, the cost shall be borne as follows: 15% by the town, 30% by the county and 55% by the state; when the tax rate determined as above is 40 mills, the cost shall be borne as follows: 12% by the town, 30% by the county and 58% by the state; when the tax rate determined as above is 50 mills, the cost shall be borne as follows: 10% by the town, 30% by the county and 60% by the state. For intermediate tax rates the percentage of cost to be borne by the town and State shall be proportional, computed to the nearest tenth of 1%. When the tax rate determined as above is over 50 mills, the town shall pay a fixed sum, equivalent to $\frac{1}{2}$ of 1% of its state valuation, the county 30% of the cost of construc-

tion and the State the balance. The cost of reconstruction of a bridge owned and maintained wholly by the county, but located in a town or organized plantation, shall be borne as follows: 50% by the county and 50% by the state.

(1955, c. 20, § 3.)

Effect of amendment.—The 1955 amendment, which became effective on its approval, February 28, 1955, changed the first paragraph by halving the tax rate in each instance. In the next to last sentence

of the first paragraph it changed "1%" to "½ of 1%." As the rest of the section was not changed by the amendment, only the first paragraph is set out.

Sec. 110. Plans and specifications, award of contracts, requisition of amounts due from town and county; advertising; bidding; bonds; money how raised.—The commission shall prepare all engineering plans and specifications for materials, construction and workmanship which it considers necessary for the complete construction of the bridge structure, approaches and for maintenance of traffic and, as soon as practicable after being advised that the municipal officers are authorized to raise the town's share of the estimated cost of such construction, shall requisition the county and city or town for their respective portions of the estimated cost of construction as provided in section 109, and except as otherwise provided in this section, advertise for bids for the construction of the bridge in 2 or more public newspapers printed wholly or in part in the state, also in 1 public newspaper printed wholly or in part in the county in which the proposed work is to be done, if any such newspaper is so printed in such county; such advertisement shall state the place where the bidders may examine or obtain the plans and specifications, and the time and place where the bids for such work will be received by the commission. Each bidder must accompany his bid with a cashier's check or a certified check or a United States postal money order, payable to the treasurer of state, for an amount which the commission considers sufficient to guarantee that if the work is awarded to him he will contract with the commission for its due execution; such checks or money orders shall be returned to the respective unsuccessful bidders. The check or money order of the successful bidder shall be returned to him upon the execution and delivery to the commission of his contract and his bond with sufficient sureties, in terms satisfactory to the commission for the due execution of such work. All bids so submitted shall be publicly opened, read and posted at the time and place stated in such advertisement. The commission shall have the right to reject any and all bids if in its opinion good cause exists therefor, but otherwise it shall award the contract to the lowest responsible bidder. Any town may submit bids for bridge construction within its limits and shall be subject to all requirements prescribed for other contractors, except that no bond need be required of it. The commission may provide for the construction of the bridge on a day labor basis, or with approval of the governor and council, by contract without advertising for bids. The commission shall have full power in all matters relating to the furnishing of bonds by the successful bidders for the completion of their work and fulfilling of their contracts. These bonds shall protect fully the state, county and town from all liability arising from damage or injury to persons or property as a result of the contractor's operations. The county commissioners of any county where a bridge is built or rebuilt in any unorganized township are authorized and required to assess upon said township such sums as may be required to build or rebuild said bridge according to the last state valuation. This expense shall be added to their assessment on said township for repairs authorized by section 65 of chapter 89, which assessment shall create a lien upon said township for the amount thereof as effectually as is now provided in relation to repairs on county roads. The portion of such expense to be assessed in any one year shall be determined by the county commissioners, but in no case shall the total expense be distributed over a period of more than 5 years. That portion of said assessment which is for building or rebuilding said bridge as aforesaid shall be set down in the assessment in distinct items in a

separate column and shall be enforced as is provided in section 66 of chapter 89. (1955, c. 405, § 29.)

Effect of amendment.—The 1955 amendment changed the second and third sentences of the first paragraph so as to allow a bidder to give a cashier's check or postal money order as guarantee, the sec-

tion having formerly allowed a certified check only. As the second paragraph was not changed by the amendment, it is not set out.

Bridge Maintenance: State Aid and Third Class Roads.

Sec. 118. Maintenance of bridges built or rebuilt.—All costs of maintenance of bridges built or rebuilt under the provisions of sections 108 to 116, inclusive, and sections 120 to 122, inclusive, shall be borne entirely by the State. The provisions of this section shall also apply to the maintenance of the bridge between Machiasport and East Machias, and all the 22 bridges built under the "Works Program Flood Relief Program." (R. S. c. 20, § 94. 1947, c. 365. 1955, c. 313.)

Effect of amendment.—The 1955 amendment added at the end of this section the words "and all the 22 bridges built under

the 'Works Program Flood Relief Program.'

General Highway Fund.

Sec. 131. General highway fund defined.

Appropriation for town road improvement fund.—P. L. 1955, c. 436, § 8, provides: "Beginning with the fiscal year ending June 30, 1956, there is hereby appropriated annually from the general highway

fund the sum of \$500,000 to the town road improvement fund. This appropriation shall be in addition to any other appropriation for the town road improvement fund made by the 97th legislature."

Miscellaneous Financial Provisions.

Sec. 135. Towns having money to become available from state for road or bridge work may anticipate expenditure.—Any town to which, under any legislative enactment or resolve, money will become available for road and bridge work at the beginning of the fiscal year, may, at any time preceding the commencement of the fiscal year for which such appropriation is made, anticipate the expenditure of any appropriation for repair or improvement of a highway or bridge, by arranging to finance such work from funds of the town, or otherwise, prior to the date when such appropriation will become available, with the advice and consent of the commission. Provided, however, that the commission may at any time, from appropriate funds, reimburse towns for expenditures previously made for the improvement of state aid roads under the supervision of the commission in the usual manner for the improvement of state aid highways, and that such reimbursements in any year shall not exceed the apportionments made to such towns for the improvement of state aid roads under existing statutes.

The towns are hereby authorized to make such anticipations as are approved by the commission for a period of not more than one year beyond the biennium for which state aid funds have been allocated. No new anticipation shall be allowed until former anticipations have been reimbursed in full. (R. S. c. 20, § 109. 1947, c. 255. 1955, c. 434.)

Effect of amendment.—The 1955 amendment added the second paragraph. It also changed the first paragraph by deleting from the proviso the words "provided such expenditures have been made with the

consent of the commission and under its supervision" and inserting in place thereof the words "under the supervision of the commission in the usual manner for the improvement of state aid highways."

Outdoor Advertising.

Sec. 138. Permits.—No person, firm or corporation shall erect or maintain upon real property any outdoor advertising structure, device or display, including those now or hereafter existing, until a permit for the erection or maintenance of such structure, device or display shall have been obtained from the commission. The provisions of this section shall not apply to outdoor advertising structures, devices or displays upon the property whereon the goods so advertised are manufactured or sold or the business or profession so advertised is carried on or practiced, or which advertise the real property upon which the same may be for sale or for rent, provided that such structures, devices or displays shall not exceed 10 in number, and provided that such structures, devices or displays shall be within 1,000 feet of the building wherein the goods advertised are manufactured or sold or the business or profession advertised is carried on or practiced, except that if such building is not adjacent to a public way designated by state or federal highway route numbers, said structures, devices or displays shall be within 300 feet from the junction of the nearest such highway and the travelled way, public or private, constituting the approach to said building, and such signs shall not exceed 2 in number or 200 square feet in total area and provided further, that none of such signs shall be of an area greater than 100 square feet or shall endanger the safety of persons using the highways. (R. S. c. 20, § 112. 1951, c. 302, § 1. 1955, c. 38; c. 279, § 3.)

Effect of amendments.—Both of the 1955 amendments substituted “1,000” for “300” in line eleven. The second 1955 amendment also deleted the words “or a total area of 250 square feet,” formerly appearing after the word “number” in line ten.

Sec. 146. “Display” defined.—The word “display” as used in sections 137 to 148, inclusive, and in other laws of the state relating to advertisements and signs shall mean erecting, maintaining, pasting, painting and posting any advertisement or sign out of doors or erecting or maintaining any billboard or other structure designed and intended for the display of advertising matter where the same may be seen by the public or allowing any such advertisement, billboard or other structures, erected or displayed either before or after July 6, 1935, to remain exposed, in whole or in part, to public view, and shall include the act itself and the causing of such act to be done. The obligation to pay license and permit fees required by law shall apply and be in force for such time as such advertisement or sign or any part thereof shall remain visible and as long as any board or structure or any part thereof erected or built for the purpose of displaying advertising matter thereon shall remain exposed to public view. Warning or directional signs upon or near highways erected by the state or political subdivisions thereof or other signs erected or intended exclusively for the safety of persons using such highways, or temporary signs or posters for political or agricultural fair purposes, shall not be deemed to be outdoor advertising structures, devices or displays within the meaning of sections 137 to 148, inclusive, but they shall not be painted upon or annexed to any rock or tree and are subject to regulation and supervision by the commission to prevent or remove whatever will injuriously affect any public interest or endanger the safety of persons using any highway. Signs or posters located on railroad property and intended for display to the public using such railroad, and signs erected, maintained or displayed under the provisions of any statute, and directional signs erected by authority of the commission upon designs determined by it and not exceeding 48 inches in length and 9 inches in width, except in cases where the commission shall decide that a larger directional sign is necessary for control of traffic, designating places of interest within 20 miles of the location of said sign shall not be deemed outdoor advertising structures, devices or displays within the meaning of sections 137 to 148, inclusive. (R. S. c. 20, § 120. 1955, c. 279, § 1.)

Effect of amendment.—The 1955 amendment deleted the words “welfare or convenience” formerly appearing after the word “safety” in line fifteen.

Sec. 147. Limitation.—These regulations shall not apply to outdoor advertising in the compact or built up section of any town or city but such advertising is subject to regulation by town or city by-laws or ordinances. The compact or built up section of any town or city, for the purposes of this section, shall be the territory thereof contiguous to any way which is built up with buildings devoted to business or dwelling purposes which are situated less than 150 feet apart for a distance of at least $\frac{1}{4}$ of a mile. (R. S. c. 20, § 121. 1951, c. 302, § 2. 1955, c. 279, § 2.)

Effect of amendment.—The 1955 amendment substituted the words “dwelling purposes which” for the words “where the dwelling houses” in line six.

Sec. 149. Restrictions on signs and billboards adjacent to turnpikes.—In order to better safeguard the interests and investments of the state and its people in the state turnpike system, to afford a greater measure of protection to the users of the turnpike by elimination of dangerous hazards, to best maintain the turnpikes for the welfare of society and to prevent the unrestricted use of signs and advertising structures and devices immediately adjacent to them, no person shall erect or maintain within 500 feet of the nearest right-of-way boundary line of any state turnpike any advertising sign or advertising structures or devices of any kind intended for display to the traffic thereon. As used in this section “advertising sign or advertising structure or device” shall be deemed to mean any advertising structure, sign, picture, word or device for the advertisement thereon or thereby of any commodity, service or thing. The provisions of this section shall not apply to outdoor advertising structures, devices or displays upon the property whereon the goods so advertised are manufactured or sold, or the business or profession so advertised is carried on or practiced, or which advertise the real property upon which the same may be for sale or for rent, provided that such structures shall not exceed 10 in number or a total area of 250 square feet, and provided that such structures, devices or displays shall be within 300 feet of the building wherein the goods advertised are manufactured or sold, or the business or profession advertised is carried on or practiced. Any person violating the provisions of this section shall be guilty of a misdemeanor. (1947, c. 279. 1955, c. 230.)

Effect of amendment.—The 1955 amendment added the words “intended for display to the traffic thereon” at the end of the first sentence.

Chapter 24.

Aviation.

Sec. 13. Registration certificates.

IV. Exemptions.

B. an aircraft registered under the laws of a foreign country and not engaged in air commerce within the state; (1955, c. 161)

C. an aircraft not engaged in air commerce within the state which is owned by a nonresident and registered in another state, or otherwise qualified therein; (1953, c. 59. 1955, c. 161)

F. an individual piloting any aircraft registered under the laws of a foreign country and not engaged in air commerce within the state; (1955, c. 161)

G. a nonresident not engaged in air commerce and piloting aircraft in this state who is registered in another state, or otherwise qualified therein; (1953, c. 58. 1955, c. 161)

Effect of amendment.—The 1955 amendment added the words “and not engaged in air commerce within the state” at the end of paragraphs B and F, and the words “or otherwise qualified therein” at the end of paragraphs C and G, of subsection IV. Only the paragraphs changed by the amendment are set out.