MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document **No. 1715**

S. P. 677
The Committee on Judiciary suggested.

Presented by Senator Cahill of Somerset.

In Senate, January 17, 1966

EDWIN H. PERT, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED SIXTY-SIX

AN ACT Relating to Outdoor Advertising.

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

Sec. 1. R. S., T. 32, § 2751, amended. Section 2751 of Title 32 of the Revised Statutes is amended to read as follows:

'**§ 2751. Definitions and construction**

The word "display," as used in this chapter 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 2751 to 2761 and section 2764, but they shall not be painted upon or annexed to any rock or tree and are subject to regulation and

supervision by the State Highway 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 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 this chapter. **"Interstate system" means those portions of the Maine Turnpike and the state highway system incorporated in the National System of Interstate and Defense Highways, as officially designated, or as may hereafter be so designated, by the State Highway Commission. "Primary system" means that portion of the state highway system which the State Highway Commission has by official designation incorporated into the Federal-Aid Primary System, or as may hereafter be designated by the commission.**

"The right of way boundaries" shall mean:

1. Established by State Highway Commission. The right-of-way limit line as established by the State Highway Commission layout of interstate highways and as defined by monuments.

2. Established by State Highway Commission, county commissioners or municipal officers. The right-of-way limit line as established by the State Highway Commission, county commissioners or municipal officers for such highways incorporated in the primary system as the same may be defined by monuments and in the absence of such definition shall be deemed to extend 33 feet each side of the center line of the traveled way.'

Sec. 2. R. S., T. 32, § 2752, amended. Section 2752 of Title 32 of the Revised Statutes is amended to read as follows:

'§ 2752. **Applicability of regulations**

~~Except for outdoor advertising in areas adjacent to the interstate system, these~~ **These** regulations shall not apply to outdoor advertising in the compact or built-up section of any town or city **except in areas adjacent to the interstate and primary systems,** but such advertising is subject to regulation by town or city bylaws or ordinances. The application for a permit under section 2754, when such outdoor advertising is to be located outside the compact or built-up section of any municipality, shall contain a certificate stating that the proposed structure, device or display is in conformity with existing municipal ordinances. Any person, firm or corporation who shall erect, maintain or display outdoor advertising in a city or town contrary to the zoning ordinances thereof shall be subject to the penalties of section 2764 and the commission may require such structure, device or display to be removed. 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~~ 200 feet apart for a distance of at least ¼ of a mile.'

Sec. 3. R. S., T. 32, § 2762, repealed and replaced. Section 2762 of Title 32 of the Revised Statutes is repealed and the following sections enacted in place thereof:

'§ 2762. Restrictions

No person shall erect or maintain within 660 feet of the nearest right-of-way boundary line of any portion of the interstate system, including ramps and interchange areas or any portion of the primary system any advertising sign or advertising structures or devices of any kind. As used in this section "advertising signs or advertising structures or devices" shall mean any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard and other things designed, intended or used to advertise and visible from the main-travelled way of the interstate and primary systems including ramps and interchange areas.

§ 2762-A. Exceptions

Section 2762 shall not apply to the following:

1. Official signs. Directional or other official signs or notices erected and maintained by the State Highway Commission for the purpose of directing the movement or control of traffic or intended exclusively to provide for the safety of persons using such highways, or those erected in accordance with the rules and regulations of the State Highway Commission promulgated under section 2759.

2. On-premise signs.

A. Interstate system. Signs which advertise the sale or lease of property or the activity being conducted upon the real property where the signs are located. Not more than one such sign advertising the sale or lease of the same property may be permitted which is visible to traffic proceeding in any one direction on any portion of the interstate system, including ramps and interchange areas. Not more than one such sign advertising activities being conducted upon the real property where the sign is located which is visible to traffic proceeding in any one direction on any portion of the interstate system, including ramps and interchange areas, may be permitted more than 50 feet from the building, structure or permanently emplaced fixture where the goods advertised are sold or the business or profession advertised is carried on. No sign shall exceed 20 feet in length, width or height, or 150 square feet in area, including border and trim, but excluding supports, and no sign that displays any trade name which refers to or identifies any service rendered or product sold, or otherwise handled, may be permitted unless the name of the advertised activity is displayed as conspicuously as such trade name; except that this sentence shall not apply to signs located not more than 50 feet from the building, structure or permanently emplaced fixture where the goods advertised are sold, or the business or profession advertised is carried on.

B. Primary system. Signs upon the property which advertise the real property for sale, rent or lease or the activity being conducted upon the real property whereon the goods so advertised are manufactured or sold or the business or profession so advertised is carried on or practiced, provided such structures, devices or displays shall not exceed 10 in number, and 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.

3. Areas adjacent to interstate and primary systems.

A. Interstate system. Advertising signs or advertising structures or devices in areas adjacent to segments of the interstate system which traverse commercial or industrial areas legally designated as such by incorporated municipalities on or before September 21, 1959. Advertising signs or advertising structures or devices in urban areas as established by the commission as of April 1, 1961, or subsequently established or enlarged, adjacent to segments of the interstate system which traverse commercial or industrial areas legally designated as such within the September 21, 1959 boundaries of incorporated municipalities. The commission shall regulate outdoor advertising in industrial and commercial areas as set forth in this subsection under sections 2751, 2753 to 2761, 2763 and 2764.

B. Primary system. Advertising signs, advertising structures or devices in areas adjacent to segments of the primary system which traverse commercial or industrial areas legally zoned as such by incorporated municipalities on or before the effective date of this Act. Advertising signs, advertising structures or devices in urban areas as established by the commission on or before the effective date of this Act, or subsequently established or enlarged and adjacent to segments of the primary system which traverse commercial or industrial areas legally zoned as such by incorporated municipalities after the effective date of this Act.

C. Regulations, limitations on interstate and primary systems. The commission shall promulgate rules and regulations to control outdoor advertising in industrial and commercial areas in accordance with the provisions set forth in this chapter under sections 2751, 2753 to 2761, 2763 and 2764.

§ 2762-B. Limitations

No sign shall be permitted which:

1. Unofficial traffic signs. Attempts or appears to attempt to direct the movement of traffic or which interferes with, imitates or resembles any official traffic sign, signal or device;

2. Obstruction of view. Prevents the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic;

3. Illumination. Contains, includes or is illuminated by any flashing, intermittent or moving light or lights;

4. **Impairment of vision. Uses lighting in connection therewith unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main-travelled way of the interstate system, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle;**

5. **Moving parts. Moves or has any animated or moving parts;**

6. **On natural objects. Is erected or maintained upon trees or painted or drawn upon rocks or other natural features.'**

Sec. 4. R. S., T. 32, § 2763, amended. Section 2763 of Title 32 of the Revised Statutes is amended to read as follows:

'§ 2763. Agreements with Secretary of Commerce

The State Highway Commission is authorized to enter into agreements with the Secretary of Commerce of the United States to control outdoor advertising in accordance with national standards and ~~sections 2759, 2760, 2762, 2764 and Title 23, section 1153~~ **this chapter.'**

Sec. 5. R. S., T. 32, § 2765, additional. Title 32 of the Revised Statutes is amended by adding a new section 2765, to read as follows:

'§ 2765. Taking, removal, disposal, compensation and condemnation

1. **Interest in nonconforming signs. The State Highway Commission shall acquire on behalf of the State by gift, purchase or condemnation all right, title, leasehold or any interest in signs that are nonconforming to this chapter as follows:**

A. **Those lawfully erected in areas adjacent to the interstate system by virtue of being in existence on or before May 26, 1961;**

B. **Those adjacent to the interstate system the right-of-way of which was acquired prior to July 1, 1956;**

C. **Those adjacent to the interstate system and outside incorporated municipalities where the land use as of September 21, 1959 was legally established as commercial or industrial.**

2. **Other signs. The State Highway Commission on behalf of the State shall acquire by gift, purchase or condemnation, all right, title, leasehold or any interest in other signs which do not conform to this chapter.**

3. **Maintenance. The State Highway Commission on behalf of the State shall acquire by gift, purchase or condemnation the property right to maintain all signs, which are not in conformity with this chapter.**

4. **Compensation. Just compensation shall be paid upon the removal of the following nonconforming outdoor advertising signs, displays and devices:**

A. **Those enumerated in subsections 1 and 2;**

B. Those lawfully in existence on the effective date of this Act;

C. Those lawfully on any highway made a part of the interstate or primary systems on or after the effective date of this Act;

D. Those lawfully erected on or after the effective date of this Act.

5. Procedure. The purchase, condemnation, negotiation, assessment of damage and appeal procedures shall be in accordance with this section and Title 23, sections 153 to 159.'