

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
103rd LEGISLATURE

HOUSE AMENDMENT "A" to S.P. 542, L.D. 1443, Bill, "An Act Relating to Highway Advertising Control."

Amend said Bill by striking out all of the Title and inserting in place thereof the following: 'An Act to Prohibit the Erection of Certain Advertising Devices.'

Further amend said Bill by striking out everything after the Title and inserting in place thereof the following:

'Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Highway Beautification Act of 1965, Public Law 89-285, declares the erection and maintenance of outdoor advertising signs, displays and devices in areas adjacent to the Interstate and Primary Highway Systems should be controlled to protect public investment, promote safety and preserve natural beauty; and

Whereas, the Act provides that each state shall have effective control on or before January 1, 1968 or be penalized by loss of federal aid; and

Whereas, Congress is considering revision of the Federal Act and has temporarily suspended the penalty clause in the Act; and

Whereas, any legislation we now enact for effective control may create hardship; and

Whereas, erection of an increased number of new advertising devices may create hardship and excessive public expense if said devices are subsequently removed; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for

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the preservation of the public peace, health and safety; now, therefore,

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

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. Moratorium on new outdoor advertising signs

1. Legislative purpose. It is declared to be the purpose of the Legislature to place the State in a position to receive its full and just share of Federal-Aid Highway Funds to be apportioned by Congress and to this end control the existing and future use and maintenance of advertising devices in areas adjacent to the Interstate and Primary Highways in order to promote the public investment; to promote the safety and recreational value of public travel; to broaden the economic well-being and general welfare; to preserve and enhance the natural scenic beauty; and to afford the Legislature the opportunity to consider legislation to control advertising devices at its next special session or next regular session, whichever comes first, which will comply with national criteria without incurring additional and unnecessary expense to the State by prohibiting the erection of new advertising devices in the interim, since compensation may have to be paid for the removal of such advertising in order to comply with said national criteria.

2. Advertising devices prohibited. No outdoor advertising structure, device or display, authorized under sections 2751 to 2764 shall be erected and maintained within 660 feet of the nearest right-of-way boundary line of any portion of the primary highway system, except as follows:

A. Those lawfully in existence and erected on the effective date of this Act.

B. Directional and other official signs or notices erected and maintained by the State Highway Commission for the purpose of directing the movement of or control of traffic or intended to provide for the safety of persons using such highways.

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C. On-premise signs as described or defined in section 2762, subsection 2.

D. Advertising signs located in areas zoned industrial or commercial under authority of and in accordance with applicable laws.

E. Advertising signs located in the compact or built-up section of any town or city.

3. Penalty. Any person, firm or corporation violating this Act shall be subject to the penalty provided in section 2764.

4. Expiration of Act. This Act shall be and remain in force and effect until September 1, 1969 unless repealed. Any portion of sections 2751 to 2762 as they apply to the erection of new advertising devices described in subsection 2 which are inconsistent with this Act shall be temporarily suspended for the duration of this Act. Upon the expiration of this Act, all such provisions shall again become of full force and effect unless repealed or amended prior to said date.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.'

Filed by Mr. Richardson of Cumberland.

Reproduced and distributed under the direction of the Clerk of the House.

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