

MAINE STATE LEGISLATURE

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(Filing No. H-856)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
108th LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 1505, L.D. 1738, Bill, "AN ACT
Relating to Providing Information Services to Maine Travelers."

Amend the bill by striking out everything after the
enacting clause and inserting in its place the following:

'Sec. 1. 23 MRSA c. 21 is enacted to read:

CHAPTER 21

MAINE TRAVELER INFORMATION SERVICES

§1901. Legislative findings

The Legislature of the State of Maine makes the following
findings of fact:

1. Tourist industry. A large and increasing number of tourists
have been coming to Maine, and as a result, the tourist industry is
an important source of income for Maine citizens, with an increas-
ing number of persons directly or indirectly dependent upon the
tourist industry for their livelihood.

2. Scenic resources. Scenic resources of great value are distri-
buted throughout the State and have contributed greatly to its
economic development by attracting tourists, permanent and part-
time residents, new industries and cultural facilities.

3. Indiscriminate construction of signs. In attempts to attract tourists and non residents to Maine businesses and scenic and cultural attractions, with no official State effort to provide orderly beneficial guidance and assistance for these businesses, thousands of signs have been constructed on roadsides and buildings. These signs may in many instances have the opposite effect from that intended.

4. Information distribution. Few convenient means exist in the State to provide information on available public accommodations, commercial services for the traveling public and other lawful businesses and points of scenic, historic, cultural, educational and religious interest. Provision of those facilities can be a major factor in encouraging the development of the tourist industry in Maine.

§1902. Policy and purposes

To promote the public health, safety, economic development and the general welfare, it is in the public interest to provide tourists and travelers with information and guidance concerning public accommodations, facilities, commercial services and other businesses and points of scenic, cultural, historic, educational, recreational and religious interest. To determinethe best means to provide this information and guidance to Maine people and also to provide for a gradual, orderly implementation of the removal of unsightly signs which may be detrimental to the economy and the well-being of the

public, it is the purpose of this ^{chapter} / to create an Advisory Council to advise the / legislature of the best methods to achieve the purpose stated and to begin to remove unsightly signs and structures.

§1903. Travel Information Advisory Council

1. Creation. There shall be, within the Department of Transportation, a Travel Information Advisory Council. The Commissioner of Transportation shall cooperate with the / Council by providing necessary assistance.

2. Membership. The Travel Information Advisory Council shall have 11 members as follows: one representing the lodging industry, one representing the restaurant industry, one representing the recreational industry, one representing agriculture, one representing an environmental organization, one representing the Keep Maine Scenic Committee, one representing the outdoor advertising industry, one representing a historical or cultural organization and one representing the general public. Two members of the / Council shall be current members of the Legislature consisting of one member from the House of Representatives appointed by the Speaker of the House and one member from the Senate appointed by the President of the Senate. / They shall be appointed by November 1, 1977. These legislative members shall be compensated at the same rate as other members when the Legislature is not in session and shall serve concurrently with their term of office. A vacancy in

the legislative membership shall be filled by the Speaker of the House or President of the Senate respectively.

↳ The Commissioner of Transportation shall be an ex officio member of the council. The non-legislative members shall be appointed by the Governor by November 1, 1977, with 3 appointed for one-year terms, 3 appointed for 2-year terms and 3 appointed for 3-year terms. New members shall be appointed annually thereafter to three-year terms. If a vacancy occurs prior to the expiration of a \leftarrow term, that vacancy shall be filled for the remainder of that term. A chairman shall be chosen at the initial meeting of the ^{council} which shall take place by December 1, 1977. Subsequent meetings shall be called by the chairman or upon affirmative vote of a majority of the members. Members who are not governmental employees shall receive \$35 per day compensation and shall receive necessary travel expenses to attend meetings of the Council. All Council expenses shall be paid from the General Fund.

3. Powers and duties. The Travel Information Advisory Council shall cooperate with the Commissioner and study and prepare a report including consideration of the following issues and other relevant and pertinent subjects coming to its attention.

↳ A. Issues for consideration:

← (1) Determine whether there is a need for official tourist information centers near principal entrance points into the state and at other locations to provide information about public accommodations, facilities, commercial services and other businesses for the traveling public and points of scenic, historic, cultural, recreational, educational and religious interest. If there is a need, determine at which locations and what kind of facility would best provide the stated purpose of this chapter. The determination of need shall be considered both from present need and need assuming that official business directional signs were implemented.

← (2) Determine whether there is a need for and what locations throughout the State and municipalities would benefit by the erection of official business directional signs and what type, size and design of signs would best inform the public of services available consistent with the protection and enhancement of the scenic beauty and character of the State and consistent with existing federal law affecting allocation of federal highway funds or other funds to or for the benefit of the State or any agency or subdivision thereof.

|← (3) Determine what official published information should be made available to visitors and citizens which would offer concise factual information on available business or recreational facilities and points of scenic, cultural or historic interest and how to reach them ~~And~~ determine whether uniform guidebooks, directories or maps should be made available as state publications and how they should be funded and distributed.

|← (4) Determine what additional controls are necessary to limit the indiscriminate use of outdoor advertising. In making this determination, the council shall consider the economic cost and benefits to businesses using this advertising and to the public viewing this advertising. Consideration shall be made of possible improved business identification from alternate methods of advertising and benefits to business and the public derived therefrom. Consideration shall be made of the impact on existing jobs both in the advertising and sign businesses and the possible impact on the level of business activity of those advertising. Examples from municipalities or other states which have implemented regulation of outdoor advertising may be used in showing these impacts. The term "outdoor advertising" shall include all signs and structures whether on or off premises used for advertising products, businesses or scenic attractions.

and their location and as far as is practicable, determine the economic impact on land owners resulting from the removal of signs and structures for which they may be paid a rental or similar fee.

← (5) Determine whether on-premise signs should be further regulated as to size, number and location to better inform the public of the kind and type of business located and to control the present indiscriminate increase in numbers of signs.

B. ~~← s. 5~~

The Advisory Council shall prepare 2 reports. The first report shall be made to the next regular session of the Legislature no later than February 15, 1978. The report shall include the Council's plan to carry out its stated purpose. The Council shall make a 2nd report to the 109th Legislature in January, 1979 making recommendations for legislative action supported by data and information available to it.

C. ~~← s. 5~~

The Advisory Council may hold public hearings to solicit comments on any subject or issue under consideration at locations throughout the State and at hours convenient for the public to attend. Public notice of any hearing shall be made twice within 2 weeks prior to the hearing in daily newspapers of general circulation throughout the State.

§1904. Administration of chapter

of Transportation
The Commissioner/may employ, subject to the Personnel Law,
clerical and other assistants required to assist the Council and
may execute contracts and other agreements to carry out the purposes
of this chapter.

Sec. 2. 32 MRSA §2714, 1st ¶, as amended by PL 1971,
c. 593, §22, is further amended by adding at the end the fol-
lowing new sentence:

The total number of permits issued shall at no time exceed the
number issued as of the effective date of this Act and no per-
mittee may increase the total number of permits he holds on
that date.

Sec. 3. 32 MRSA §2716, sub-§2, ¶D, sub-¶(2), division (b),
as enacted by PL 1969, c. 257, §1, is further amended to read:

(b) Sign structures shall not be spaced less
than 300 feet apart in permitted areas adjacent
to the primary system outside compact or built-up
sections of any municipality and there shall be
no more than one sign structure located in an un-
zoned commercial or industrial area and this sign

structure shall contain no more than 4 panels,

Sec. 4. 36 MRSA §2716, sub-§2, ¶D, sub-¶(2), division (f),
as enacted by PL 1969, c. 257, §1, is amended to read:

(f) On the primary system, other than freeways, said spacing limitation shall not apply in zoned ~~er-unzoned-commercial-and-industrial~~ areas in the compact or built-up sections of cities and towns if said signs are separated by a building or roadway.

Sec. 5. 32 MRSA §2719, sub-§2, as amended by PL 1971, c. 593, §22, is further amended by inserting at the end the following new sentence:

Sign structures in violation of the limitation stated in section 2716, subsection 2, paragraph D, subparagraph (2), division (b) and (f) shall be removed no later than September 1, 1979.

Sec. 6. 32 MRSA §2719, sub-§2, as amended by PL 1971, c. 593, §22, is further amended by inserting at the end the following new paragraphs:

Nothing in this subsection ~~shall be interpreted to alter, abridge or in any way interfere with any duty or obligation of a sign owner to remove signs which were nonconforming and legal prior to January 1, 1975, under the United States Code, Title 23, section 131, as enacted by Public Law 89-285,~~

↳the "Agreement for carrying out National Policy relative to Control of Outdoor Advertising in Areas adjacent to

the National System of Interstate and Defense Highways and the Federal-Aid Primary System" dated December 27, 1967, and as amended on January 3, 1968, executed by and between the United States of America and the State of Maine^{and} under sections 2711 to 2723.

The intent of this subsection is to preclude any presumption that this chapter is intended to extend the period of use of any sign which became nonconforming and illegal before January 1, 1975, under the state agreement of December 27, 1967, as amended January 3, 1968, and sections 2711 to 2723.

Sec. 7. Appropriation. There is appropriated from the General Fund to the Department of Transportation the sum of \$75,000 for the fiscal year ending June 30, 1978 and the sum of \$125,000 for the fiscal year ending June 30, 1979 to carry out the purpose of this Act. Any unexpended balance shall be carried forward until the purpose of this Act has been accomplished.

Statement of Fact

This amendment provides for the prompt removal of sign structures located in unzoned commercial or industrial areas. An estimated 400-500 panels will be removed pursuant to this amendment. Presently, 6 structures with 4 panels each are permitted in each area. This amendment will limit these structures to one per area and requires

that any, in addition to that number, be removed by July, 1979.
The amendment limits the number of ~~permits~~ ^{effective} permits issued to
the total number outstanding on the/date of this Act and prohibits
any ~~licensee~~ permittee from increasing the number he holds.

In addition, the amendment creates an ~~Advisory~~ Council which
shall study and report on the advisability of and the method of
improving present advertising practices in this state so that the
greatest public benefits will result and provide for an orderly
implementation of the recommendations made.

Filed by Mr. Biron of Lewiston.

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

6/27/77

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