

# MAINE STATE LEGISLATURE

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(Governor's Bill)

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 1738**

H. P. 1505

House of Representatives, April 29, 1977

Referred to Committee on Business Legislation. Sent up for concurrence and 2,500 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hughes of Auburn.

Cosponsors: Mr. Higgins of Scarborough, Mr. Jackson of Yarmouth,  
Mr. Greenlaw of Stonington.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT Relating to Providing Information Services to Maine Travelers.**

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

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 has been coming to Maine, and as a result the tourist industry is one of the important sources of income for Maine citizens, with an increasing number of persons directly or indirectly dependent upon the tourist industry for their livelihood.

2. Information discrimination. Very 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.

3. Scenic resources. Scenic resources of great value are distributed throughout the State, and have contributed greatly to its economic develop-

ment by attracting tourists, permanent and part-time residents, and new industries and cultural facilities.

4. Preservation of scenic resources. The scattering of outdoor advertising throughout the State is detrimental to the preservation of those scenic resources, and so to the economic base of the State, and is also not an effective method of providing information to tourists about available facilities.

5. Proliferation of outdoor advertising. The proliferation in number, size and manner of outdoor advertising is hazardous to highway users.

#### § 1902. Policy and purposes

To promote the public health, safety, economic development and other aspects of 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 provide this information and guidance, it is the policy of the State and the purpose of this chapter to:

1. Official information centers; signs. Establish and maintain official information centers and a system of official business directional signs;

2. Information publications. Provide official directories, guidebooks, maps and other tourist and traveler information publications;

3. Control outdoor advertising. Prohibit and control the indiscriminate use of outdoor advertising; and

4. Protection of scenic beauty. Enhance and protect the natural scenic beauty of the State.

#### § 1903. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Commissioner. "Commissioner" means the Commissioner of Transportation.

2. Erect. "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish.

3. Interstate system or interstate highway. "Interstate system" or "interstate highway" means any state highway which is or does become part of the national system of interstate or defense highways, as described in the United States Code, Title 13, section 103(d) and amendments thereto or replacements thereof.

4. Logo. "Logo" means a single or multicolored symbol or design used by a business as a means of identifying its products or services.

5. Maintain. "Maintain" means to allow to exist.

6. Motor vehicle. "Motor vehicle" means a self-propelled vehicle capable of legal operation on the traveled portion of the state highways.

7. **Official business directional sign.** "Official business directional sign" means a sign erected and maintained in accordance with this chapter, to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services for the traveling public and points of scenic, historical, cultural, recreational, educational and religious interest.

8. **On-premise sign.** "On-premise sign" means a sign which is located upon the same real property that the business, facility or point of interest is located.

9. **Person.** "Person" means an individual, corporation, joint venture, partnership or any other legal entity.

10. **Primary system or primary highway.** "Primary system" or "primary highway" means any state highway which is or does become part of the federal aid primary system, as described in the United States Code, Title 23, section 103(b) and amendments thereto and replacement thereof.

11. **Public way.** "Public way" means any road capable of carrying motor vehicles, including, but not limited to, any state highway, municipal road, county road, unincorporated territory road or other road dedicated to the public.

12. **Residential directional sign.** "Residential directional sign" means an off-premise sign erected and maintained by an individual to indicate the location of his residence.

13. **Secondary system or secondary highway.** "Secondary system" or "secondary highway" means any state highway, but which is not part of the interstate or primary systems.

14. **Sign.** "Sign" means any structure, display, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity or place and is visible from any public way. It does not include the flag, pennant or insignia of any nation, state or town. Whenever dimensions of a sign are specified they shall include frames.

15. **State highway or highway.** "State highway" or "highway" means any public way which is so designated by this Title, including interstate, primary and secondary highways.

16. **Traffic control sign or device.** "Traffic control sign or device" means an official route marker, warning sign, sign directing traffic to or from a bridge, ferry or airport, or sign regulating traffic, which has been erected by officers having jurisdiction over the public way.

17. **Visible.** "Visible" means capable of being seen without visual aid by a person of normal visual acuity.

#### § 1904. Travel Information Advisory Council

1. **Creation.** The Travel Information Advisory Council is created. The commissioner shall cooperate with the council by providing necessary assistance.

2. Powers and duties. The Travel Information Advisory Council shall advise the commissioner on rules relating to the determination of location, size, color and lettering for official business directional signs and on all other matters necessary and appropriate for the administration of this chapter.

3. Membership. The Travel Information Advisory Council shall have 6 members as follows: One representing the lodging industry, one representing the restaurant industry, one representing the recreational industry, one representing the Keep Maine Scenic Committee, one representing agriculture and one representing environmental organization. The members shall be appointed by the Governor, one of whom he shall designate as chairman. The 6 initially appointed members shall be appointed as of the effective date of this chapter, with 3 appointed for one-year terms, and 3 for two-years terms. New members shall be appointed annually thereafter to 2-year terms. If a vacancy occurs prior to the expiration of a term, that vacancy shall be filled for the remainder of that term. Meetings shall be held at the call of the chairman or at the call of more than  $\frac{1}{2}$  of the membership. Members of the council, except state employees, shall receive \$25 per day for their services at meetings and all members shall receive necessary traveling expenses for attending all meetings of the council. All council expenses shall be paid from the fund established by section 1919.

#### § 1905. Official tourist information centers

To the extent funds are available or contracts can be entered into, the commissioner shall establish official tourist information centers near the principal entrance points into the State, as determined by the commissioner, and at such other locations as the commissioner deems appropriate in order 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.

#### § 1906. Official business directional signs

1. Erection and maintenance. The commissioner, with the advice of the Travel Information Advisory Council, shall designate locations for and erect official business directional signs licensed under this chapter. The official business directional signs shall be furnished and preserved by the applicant thereafter and shall conform to regulations issued by the commissioner with the advice of the Travel Information Advisory Council. Such regulations shall be consistent with section 1910.

2. Agreements with municipalities. The commissioner may enter into such contractual or other arrangements as he may consider appropriate under the circumstances with any municipality of this State providing for the erection within that municipality of official business directional signs which may be distinctive to that municipality for the administration of such official business directional signs, or for any other matter arising under this chapter which the commissioner considers appropriate to be administered by that municipality. Any such arrangement or agreement and all actions taken in accordance with such arrangement or agreement shall be with the advice of the Travel Information Advisory Council and shall comply with this chapter and with the regulations adopted pursuant thereto.

**§ 1907. Published information**

To the extent funds are available or contracts are entered into, the commissioner shall provide directories, guidebooks, maps and other published information, showing the location of routes and available public accommodations, facilities, commercial services for the traveling public and other businesses and points of scenic, recreational, historic and cultural interest. He may include in those guidebooks, and other published materials, paid advertising, identified as such, and shall make them available to visitors and to the general public at information centers and booths, service stations and garages, hotels, motels and restaurants, historical attractions and educational facilities, and such other places as he may find desirable. The commissioner shall cooperate with other state, federal and local agencies that provide information to travelers in the administration of this section.

**§ 1908. Regulation of outdoor advertising**

No person may erect or maintain signs visible to the traveling public from a public way except as provided in this chapter.

**§ 1909. Eligibility for official business directional signs**

Lawful businesses and points of interest and cultural, historic, recreational, educational and religious facilities are eligible for official business directional signs, subject to this chapter and to rules and regulations promulgated by the commissioner with the advice of the Travel Information Advisory Council, and to any federal law, rule or regulation affecting the allocation of federal highway funds or other funds to or for the benefit of the State or any agency or subdivision thereof.

**§ 1910. Types and arrangements of signs**

Subject to this chapter, the commissioner, with the advice of the Travel Information Advisory Council, shall regulate the size, shape, color, lighting, manner of display and lettering of official business directional signs. Such regulations shall require uniformity among signs in accordance with the following minimum requirements: No sign shall exceed in size 16 inches by 72 inches; uniform colors shall be specified for each type of service and facility; lettering size shall be uniform; logos shall not exceed a uniform size; and posts shall be a uniform size, shape and color. An appropriate symbol may be specified for each type of eligible service or facility for inclusion upon official business directional signs.

**§ 1911. Number and location of signs**

1. Location limited. Official business directional signs shall only be located in those vicinities where the traveler must change direction from one public way to another to reach the business, facility or point of interest.

2. Number limited. Notwithstanding section 1918 of this chapter, the commissioner shall not issue more than 4 licenses for official business directional signs for any one place of business, facility or point of interest eligible therefor under section 1909, not more than one such official business sign shall be visible to traffic moving in any one public way leading toward the

place of business, facility or point of interest nor shall any license be issued for a sign located more than 10 miles radius from the place of business, facility or point of interest.

3. Waiver of requirements. The commissioner may waive the specific requirements of this section if an applicant for a license can show unusual hardship due to conditions of topography, access or other physical characteristics.

#### § 1912. Permitted locations

In adopting regulations relating to locations for official business directional signs, the commissioner shall take into consideration such factors as the effect upon highway safety, the convenience of the traveling public and the preservation of scenic beauty.

When appropriate, because of the number of signs at one location, the signs shall be displayed in tiers or on panels. Subject to the traffic safety regulations adopted by the commissioner for the purposes of this chapter, the commissioner shall also specify by regulation the general types of locations where such posts, signs or panels may be erected and maintained, and the size, shape, lighting and other characteristics of the panels and posts, including the locations of signs thereon.

#### § 1913. Exempt signs

The following signs are exempt from the requirements of this chapter:

1. Common carriers. Signs located on or in the rolling stock of common carriers;

2. Motor vehicles. Signs on registered and inspected motor vehicles, except those which are determined by the commissioner to be circumventing the intent of this chapter. Circumvention shall include, but not be limited to, continuously being in the same location or maintaining signs that extend beyond the height, width or length of the vehicle;

3. Stops or fare zone limits of motor buses. Signs, with an area of not more than 260 square inches, identifying stops or fare zone limits of motor buses;

4. Signs pertaining to churches and civic organizations. Signs erected and maintained outside the public right-of-way by a municipality, showing the place and time of services or meetings of churches and civic organizations in the municipality. Not more than 2 such signs may be erected or maintained that are visible by traffic proceeding in any one direction on any one public way;

5. Residential directional signs. Residential directional signs, each of which does not exceed 4 square feet in area, along public ways other than limited-access facilities, but not within the public right-of-way, within the municipality of residence, except that a license under section 1909 is required if the person maintains a business, facility or point of interest at his residence and wishes to indicate its existence on a sign;

6. **Traffic control signs.** Official traffic control signs;

7. **Signs of a governmental body.** Signs of a duly constituted governmental body, a soil and water conservation district or regional planning district, including, but not limited to, boundaries, traffic devices, legal notices and warnings at railroad crossings, except if for a business, facility or point of interest eligible for a license under section 1918;

8. **Public information signs.** Signs displayed for the direction, instruction or convenience of the public, including signs which identify rest rooms, posted area or the like, with a total surface area not exceeding 4 square feet, except for a business, facility, or point of interest eligible for a license under section 1909;

9. **Signs for limited periods.** Signs to be maintained for not more than 3 weeks announcing an auction, public supper, lawn sale, campaign, drive or other like event of a public, civic, philanthropic or religious organization, provided any such sign is located within the municipality where the activity is located;

10. **Memorial signs.** Memorial signs or tablets;

11. **Signs of fairs and expositions.** Signs erected by fairs and expositions for a period not to exceed 6 weeks in any calendar year, provided any such sign is located within the county where the activity is located;

12. **Agricultural products signs.** Signs with a total surface area not to exceed 4 square feet, providing directions to places of business offering for sale agriculture products harvested or produced on the premises where the sale is taking place, provided such sign is located within the municipality where the sale is located; and

13. **On-premise signs.** On-premise signs as provided in section 1914 of this chapter.

#### § 1914. On-premise signs

1. **License and permit.** No license or permit shall be required for an on-premise sign.

2. **Number.** On-premise signs on any one property shall not exceed 10 in number, except in the case of more than one business, facility or point of interest being conducted on one property, signs for each business, facility or point of interest shall not exceed 10 in number.

3. **Location, relation to buildings.** On-premise signs shall be located within 1,000 feet of the building where the business, facility or point of interest is carried on or practiced.

4. **Location, relation to public way.** No on-premise signs shall be permitted:

A. Within 33 feet of the centerline of any public way if the highway is less than 66 feet in width; or



B. Within 20 feet from the outside edge of the paved portion of any public way with more than 2 travel lanes and a total paved portion in excess of 24 feet in width.

Paragraphs A and B shall not apply to signs erected before September 1, 1957.

5. Interstate highways. Not more than one on-premise sign, advertising the sale or lease of the property, shall be permitted on land adjacent to any portion of the interstate system, including ramps and interchange areas which is visible therefrom.

Not more than one on-premise sign visible from 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 business, facility or point of interest is carried on.

No on-premise advertisement located more than 50 feet from the building, structure or permanently emplaced fixture where the business, facility or point of interest advertised is carried on shall exceed 20 feet in length, width or height or 150 square feet in area, including border and trim, but excluding supports.

Any on-premise sign located more than 50 feet from the structure or permanently emplaced fixture where the business, facility or point of interest is carried on that displays any trade name which refers to or identifies any service rendered or product sold shall display the name of the advertised business, facility or point of interest as conspicuously as such trade name.

6. On-premise sign shall be prohibited if it:

A. 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;

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

C. Contains, includes or is illuminated by a flashing, intermittent or moving light or lights;

D. Uses lighting in any way unless the light is in the opinion of the commissioner effectively shielded as to prevent beams or rays of light from being directed at any portion of the public way or is of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle or as to otherwise interfere with any driver's operation of a motor vehicle; or

E. Moves or has any animated or moving parts.

7. Signs erected on natural features. No on-premise sign shall be permitted which is erected or maintained upon trees or painted or drawn upon rocks or other natural features.

8. Height. The maximum height of on-premise signs shall be 25 feet above the ground level of land upon which it is located or if the sign is affixed to or is part of a building, the maximum is 10 feet above the roof of the building.

#### § 1915. Compensation

1. Payment of compensation. Compensation shall be paid for the removal of any sign lawfully erected as of the effective date of this chapter, and which is visible from the interstate or primary systems, except no compensation shall be paid if such sign is exempt as provided in section 1913, and no compensation shall be paid for the removal of signs subject to immediate removal pursuant to section 1924, subsection 3.

2. Procedures. The purchase, condemnation, negotiation, assessment of damage and appeal procedures shall be in accordance with this section and sections 153 through 159.

3. Acceptance of federal funds. The commissioner may accept any allotment of funds by the United States, or any agency thereof, appropriated to carry out the United States Code, Title 23, section 131 and amendments thereto or replacements thereof. Any such funds will be applied to effectuate this chapter.

4. Availability of federal funds. No sign shall be required to be compensated if the federal share of the compensation to be paid under this section is not available.

5. Removal pursuant to other law. Nothing in this section shall provide compensation for the removal of signs which are lawfully removed pursuant to any other statute, regulation, ordinance or resolution of any governmental entity having jurisdiction.

6. Maintenance of lawfully erected signs. Any sign lawfully erected as of the effective date of this Act in accordance with section 1924 may be maintained until removed by the commissioner under subsection 7.

7. Removal of signs for which compensation is paid. The commissioner shall remove a sign for which compensation is to be paid under this section when title to such sign is acquired by the State pursuant to section 154.

#### § 1916. Removal of signs by amortization

1. Exclusions. This section shall not apply to:

- A. Signs for which compensation is paid under section 1915;
- B. On-premise signs as provided in section 1914;
- C. Exempt signs under section 1913;
- D. Signs licensed under this chapter;
- E. Signs to be removed under section 1917; and
- F. Signs subject to immediate removal pursuant to section 1924, subsection 3.

2. Six years amortization. Any sign lawfully erected as of the effective date of this Act may be maintained in accordance with section 1924 for 6 years after that date in order to amortize the value thereof. The owner of the sign shall remove the sign within 30 days of a receipt of a final order specified in subsection 3.

3. Procedure for notice, hearing, appeal.

A. The commissioner shall send to the sign owner notice by certified mail, return receipt requested, that a sign is to be removed pursuant to subsection 2.

Such notice shall be a final order if not appealed under paragraph B.

If the identity of such owner is not known or reasonably ascertainable by the commissioner, such notice may instead be sent to the owner of the land on which the sign is placed.

B. The person owning or controlling the sign may, within 30 days of his receipt of the notice to remove, appeal the order of removal to the commissioner and receive a hearing thereon, with a record made of the hearing. The commissioner shall render a decision within 60 days of the hearing. If no appeal is taken from the commissioner's decision, it shall be a final order. Any person aggrieved by the decision of the commissioner made subsequent to the hearing may, within 30 days of the receipt of notice of such decision, appeal to the Superior Court in the county where the sign is located. The appeal shall not be de novo and shall be subject to the Maine Rules of Civil Procedure, Rule 80b. For the purposes of this section, "person aggrieved" shall include the person owning or controlling the sign and any other person who is a resident of the county where the sign is located. A final judgment of a court shall be a final order for purposes of subsection 2.

#### § 1917. Removal of unlawful signs

1. Notice to remove. The owner of a sign which was erected and maintained without a license after the effective date of this chapter, or was unlawfully erected or maintained prior to the effective date of this chapter shall be in violation of this chapter until the sign is removed. The owner of the sign shall remove the sign within 30 days of receipt of a notice to remove, sent by certified mail, return receipt requested, by the commissioner. If the identity of such owner is not known or reasonably ascertainable by the commissioner, such notice may instead be sent to the owner of the land on which the sign is placed.

2. Commissioner to remove sign. If the owner fails to remove the sign as required by the section 1916, the commissioner shall remove the sign at the expense of the owner without any further notice or proceeding.

3. Interpretation of chapter. Nothing in this chapter 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 illegal prior to January 1, 1975, under the United States Code, Title 23, section 131, as

enacted by Public Law 89-285, 89 Congress S. 2084, 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, under the Maine Revised Statutes, Title 32, 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 non-conforming and illegal before January 1, 1975, under the state agreement of December 27, 1967, as amended January 3, 1968, and Title 32, sections 2711 to 2723.

4. Legality subject of litigation. Whenever the legality of any sign is the subject of litigation, pending the litigation such sign shall be removed as provided in subsections 1 and 2.

#### § 1918. Applications licensing of official business directional signs

1. Submitting applications. Any person who is eligible under section 1909 for an official business directional sign may submit to the commissioner a written application therefor, on a form prescribed by the commissioner. The application shall set forth the name and address of the applicant, the name, nature and location of the business, the location where an official business directional sign is desired and such other information as the department may require. The applicant shall tender with the application the standard license fee stated in section 1919 for each sign requested.

2. Granting licenses. Following receipt of an application for an official business directional sign, the commissioner shall approve or disapprove the application. The commissioner shall not approve an application unless the requested location conforms to the regulations of the commissioner adopted pursuant to this chapter. The granting of licenses for official business directional signs on the interstate systems by the commissioner is contingent upon any requirement precedent to such approval, such as the concurrence of federal officials.

If the application is approved, the commissioner shall issue the license. If it is not approved, the commissioner shall return the application and fee, stating the reasons for refusal and giving the applicant an opportunity to correct any defects or to be heard, within 30 days, by the commissioner. Upon written request by the applicant, the commissioner shall hear the matter and notify the applicant of his findings and decision. Any person aggrieved by the decision of the commissioner may, within 30 days of receipt of the notice thereof, appeal to the Superior Court in the county where the sign is proposed to be located. The appeal shall not be de novo and shall be pursuant to the Maine Rules of Civil Procedure, Rule 80b.

#### § 1919. Fees

An applicant for an official business directional sign shall pay to the commissioner an initial license fee not to exceed \$30 for each sign, and an

annual renewal fee not to exceed \$30. The amount of each fee shall be determined for each year by the commissioner in advance of such year and shall approximate to the extent practicable the amount computed by dividing the cost of the administration of the official business directional sign program by the number of signs in existence in the prior licensing year.

The fees so collected by the commissioner shall be deposited with the Treasurer of State and appropriated to carry out this chapter. Such funds shall not lapse but shall remain a continuing carrying account.

#### § 1920. Penalty

Any person, firm, corporation or other legal entity who shall erect, maintain or display a sign contrary to and in violation of this chapter, or the rules and regulations promulgated by the commissioner, shall be punished by a fine of not more than \$100 together with the cost of removal of the signs. The unlawful maintenance or display of each sign or advertising structure for any one day shall constitute a separate offense.

In addition to other penalties, the commissioner may, in the name of the state, institute any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate any violation of this chapter, or any orders or the rules and regulations issued or promulgated hereunder.

#### § 1921. Start of enforcement

To provide for the orderly implementation of this chapter, the State shall be divided by the commissioner into traveler information service areas which shall correspond to the Maine highway districts. The commissioner may implement the removal of signs for which compensation is paid on an area by area basis, provided all signs from which compensation is paid shall be removed within 4 years from the effective date of this chapter if federal funds are sufficient under section 1915.

#### § 1922. Local ordinance

This chapter shall not supersede the provisions of any other statute, regulation, ordinance or resolution, the requirements of which are more strict than those of this chapter and not inconsistent therewith, whether such ordinance, bylaw, regulation, resolution or statute was enacted before or after the effective date of this chapter. It shall not be inconsistent with this chapter if such statute, regulation, ordinance or resolution prohibits official business directional signs.

#### § 1923. Agreements with United States

The commissioner is authorized, empowered and directed to enter into agreements with the United States or its agencies and subdivisions to control signs in accordance with national standards, this chapter and the best interests of the State. Nothing in this chapter shall abridge any agreements with the United States in force on the effective date of this chapter.

#### § 1924. License or permits under repealed Title 32, chapter 38

1. License. Any license issued pursuant to repealed Title 32, section 2713, shall remain in effect for 6 years from the effective date of this Act,

provided a licensee shall apply annually and pay the annual fee to the commissioner provided in repealed Title 32, section 2714. This subsection shall not allow the erection of any sign, pursuant to that license, after the effective date of this chapter, nor shall this subsection allow the maintenance of any sign removed pursuant to sections 1915 and 1916.

2. Fee permit. Any permit for which a fee is paid and which is issued pursuant to repealed Title 32, section 2713, shall remain in effect until the sign for which it is issued is removed pursuant to this chapter, provided a permittee shall apply annually and pay the annual fee to the commissioner provided in repealed Title 32, section 2713.

3. Existing directional signs. The commissioner may remove, or require to be removed, any existing directional sign erected and maintained pursuant to section 1153 or Title 32, section 2722, provided any such sign shall be removed no later than 6 years after the effective date of this Act unless it meets all requirements of an official business directional sign under this chapter.

#### § 1925. Administration

1. Administration of chapter. The commissioner shall administer this chapter with the advice of the Travel Information Advisory Council. The commissioner may employ, subject to the Personnel Law, clerical and other assistants required for the administration of this chapter. The commissioner may delegate to personnel of the Department of Transportation the authority to administer this chapter. The commissioner may promulgate rules and regulations to administer the various provisions of this chapter that are consistent with the provisions thereof. The commissioner may execute contracts and other agreements to carry out the purposes of this chapter.

2. Effective date. To provide for an orderly transition and administration of this chapter, it shall become effective on January 1, 1978.

Sec. 2. 32 MRSA c. 38, as enacted by PL 1969, c. 257, §1, and as amended, is repealed.

Sec. 3. Appropriation. There is appropriated from the General Fund to the Department of Transportation the sum of \$100,000 for the fiscal year ending June 30, 1978 and the sum of \$100,000 for the fiscal year ending June 30, 1979 to carry out the purposes of this Act. Any unexpended balance shall be carried forward until the purposes of this Act have been accomplished.

#### STATEMENT OF FACT

A large and increasing number of tourists and other travelers have been coming to Maine and, as a result, the tourist industry is one of the largest sources of income for Maine residents, with an increasing number directly or indirectly dependent upon the tourist industry for their livelihood. How-

ever, few convenient facilities 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, recreational, cultural, educational and religious interest. Provisions of those facilities can be a major factor in encouraging the development of the tourist industry in this State.

Maine's scenic resources are unique and of great value. They are distributed throughout the State, and have contributed greatly to economic development, by attracting tourists, permanent and seasonal residents, new industries and cultural facilities. However, the indiscriminate scattering of outdoor advertising throughout the State is detrimental to the preservation of those scenic resources and to the economic base of the State and is not an effective method of providing useful information to tourists about available facilities and services. Similarly, the proliferation of outdoor advertising is hazardous to highway users by distracting their attention from good driving habits. The following is a section by section description of the new chapter 21 of Title 23 which this Act establishes.

Section 1901 states the Legislative findings.

Section 1902 states the policy and purposes of this chapter.

Section 1903 states the definitions which are used throughout this chapter.

Section 1904 provides for the creation of a Travel Information Advisory Council. Such council shall advise the Commissioner of Transportation on all matters related to this Act. The council is made up of individuals representing interests in the State which are vitally concerned with traveler information.

Section 1905 provides that the commissioner may establish tourist information centers, either with federal funds or by contracting with private parties. The purpose of such centers is to provide easily accessible locations throughout the State for dissemination of travel information.

Section 1906, subsection 1, authorizes the erection of official business directional signs. It shall be the responsibility of a business that desires an official business directional sign to maintain the signs for which he is authorized.

Section 1906, subsection 2, provides that the commissioner may agree with a municipality to authorize distinctive signs for a particular municipality provided such signs are consistent with this chapter.

Section 1907 provides that the commissioner shall by agreement with private parties, or otherwise, disseminate information showing the location of facilities of interest to travelers.

Section 1908 prohibits any sign visible from a public way, except as provided by this chapter.

Section 1909 establishes eligibility for official business directional signs.

Section 1910 provides certain minimum requirements for official business directional signs. It also authorizes the commissioner to designate common

symbols for inclusion upon official business directional signs. Such symbols are to be keyed to particular types of facilities.

Section 1911 provides that no one facility or business may have more than 4 official directional signs and that not more than one shall be visible to traffic moving in any one direction on any one highway. However, if there is unusual hardship due to physical characteristics, the commissioner may waive these requirements.

Section 1912 sets forth the considerations the commissioner shall make in establishing locations for official business directional signs.

Section 1913 provides that certain signs are exempt from this chapter. These signs are of minor significance, small size or limited duration. Such signs include bumper stickers, traffic signs, memorial signs, country fair signs and tag sale signs. On-premise signs are exempt.

Section 1914 provides that on-premise signs not regulated at present will not be regulated under this chapter. The only change is that on-premise signs shall, in fact, be upon real estate where the business or facility is located.

Section 1915 provides that compensation will be paid for the removal of signs which are lawfully erected or maintained on the interstate or primary highways of the State. The procedures for removal shall be the same as provided under the Department of Transportation's authority to take land for highway purposes. Since the Federal Government will provide 75% of the funds for the removal of compensated signs, the removal of any sign is conditioned upon receipt of federal funds. This section does not provide for compensation for signs which are removed pursuant to some other state or local general zoning authority.

Section 1916 provides that all other signs which are on roads within the State shall be removed within 6 years. This section allows existing signs that will not be removed by the compensation provisions of this chapter to remain for 6 years from the effective date of this Act. Subsection 3 of this section allows the owner of the sign to contest its removal, after 6 years, through a hearing process before the commissioner.

Section 1917 provides that the commissioner shall notify an owner of a sign which is being maintained illegally that it shall be removed within 30 days. Failure to remove the sign will authorize the commissioner to remove it.

Section 1918 provides the process by which business and facilities who desire official business directional signs shall apply for them. If a sign is not granted, the applicant shall have the opportunity for a hearing before the commissioner.

Section 1919 provides that a fee will be charged for the erection of signs. An annual charge will be assessed for the continued right to maintain these signs. The fees will be used exclusively for the purpose of this chapter.



Section 1920 provides a penalty of \$100 for each day that a sign is maintained in violation of this chapter. The commissioner may also recover the cost of removing an illegal sign.

Section 1921 provides that the commissioner may divide the State into sections to administer this chapter. This allows for a phase-in of official business directional signs on a region by region basis. However, the commissioner will remove all signs for which compensation shall be paid within 4 years of the effective date of this Act.

Section 1922 provides that a municipality or other local authority may establish stricter requirements for traveler information provided they are consistent with this chapter.

Section 1923 authorizes the commissioner to enter into agreements with the Federal Government for the administration of this chapter.

Section 1924 provides that those individuals who pay a fee for licenses and permits under the existing law shall be allowed to keep these licenses and permits provided that the annual fee they now pay is paid to the commissioner. Licenses are limited for 3 years from the effective date of this Act. Permits are limited in duration until either they are compensated or required to be removed after 6 years. Signs for which no fee is paid are subject to immediate removal by the commissioner.

Section 1925 provides the tools the commissioner needs to administer this chapter. Authority is granted to him to issue rules and regulations to administer this chapter. He is authorized to employ personnel to administer this chapter. He may delegate to personnel of the Department of Transportation the authority that he is granted under this chapter.

Section 1926 provides that if any portion of this chapter is found to be invalid by a court the rest of the statute remains valid.