

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1535

H. P. 1179

House of Representatives, March 26, 1979

Referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hughes of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Amend the Maine Traveler Information Services Law.

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

Sec. 1. 20 MRSA § 804, as last amended by PL 1969, c. 590, § 26-A, is further amended to read:

§ 804. School bus shelters

School bus shelters for school children, when approved by the school committee of the town in which they are located may ~~notwithstanding the 50 feet from the nearer line of the traveled way provision of Title 32, section 2716~~ be placed or maintained outside the right-of-way and at least 33 feet from the center line of any highway and carry not more than 2 panels on the sides thereof for the identification of sponsors. ~~No such panel shall exceed 32 square feet or extend beyond the sides of such shelter and at least 60% of its area must be devoted to public service, safety or other noncommercial use~~ Each such shelter shall, to the satisfaction of the school committee, be constructed of steel or other durable material, with concrete floor raised above ground level, kept clean, well painted or otherwise suitably maintained at all times and kept free from snow, or the committee may order its removal.

Sec. 2. 23 MRSA § 1903, sub-§ 8, as enacted by PL 1977, c. 494, § 1, is amended to read:

8. On-premise sign. "On-premise sign" means a sign which is ~~located~~ **erected and maintained according to the standards set forth in section 1914** upon the same real property that the business, facility or point of interest is located **or an approach sign as permitted by section 1914, subsection 10. The signs shall only advertise the business, facility or point of interest conducted thereon or the sale, rent or lease of the property upon which it is located.**

Sec. 3. 23 MRSA § 1903, sub-§ 10-A is enacted to read:

10-A. Private way. "Private way" means a private road, driveway or public easement as defined in section 3021.

Sec. 4. 23 MRSA § 1903, sub-§ 16, as enacted by PL 1977, c. 494, § 1, is amended to read:

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 **community**, bridge, ferry or airport, or sign regulating traffic, which has been erected by officers having jurisdiction over the public way **and these signs shall be exempt from the requirements of this chapter.**

Sec. 5. 23 MRSA § 1910, 2nd sentence, as enacted by PL 1977, c. 494, § 1, is amended to read:

Such regulations shall require uniformity among signs in accordance with the following minimum requirements: No sign shall exceed in size ~~16~~ **20** inches by ~~72~~ **84** 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.

Sec. 6. 23 MRSA § 1913, as amended by PL 1977, c. 696, § 196, is repealed and the following enacted in its place:

§ 1913. Categorical signs

1. Types of signs. The following signs may be erected and maintained without license or permit under this chapter as follows:

A. Signs of a duly constituted governmental body, a soil and water conservation district or regional planning district;

B. Signs located on or in the rolling stock of common carriers, except those which are determined by the commissioner to be circumventing the intent of this chapter. Circumvention shall include, but not be limited to, signs which are continuously in the same location or signs that extend beyond the height, width or length of the vehicle;

C. 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, signs which are continuously in the same location or signs that extend beyond the height, width or length of the vehicle;

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

E. Signs showing the place and time of service or meetings of churches and civic organizations in the municipality or township. Each church or civic organization may erect no more than 4 signs. No sign shall exceed in size 24 inches by 30 inches;

F. 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 these signs are located within the municipality or township where the activity is located. The date of this event is to be conspicuously posted on each sign;

G. Memorial signs or tablets;

H. Signs erected by fairs and expositions within the county where the activity is located. These signs may be erected and maintained for 3 weeks before this event. The date of the event is to be conspicuously posted on each sign;

I. Signs erected for an election, primary or referendum. These signs shall be erected no sooner than 3 weeks before the date of the election, primary or referendum and shall be removed no later than one week after that date; and

J. Signs erected outside of the public right-of-way by nonprofit historical and cultural institutions. Each institution, who has certified its nonprofit status with the commissioner, may erect no more than 2 signs with a surface area not to exceed 50. square feet per sign.

2. Regulation. The commissioner is authorized to promulgate regulations and orders, including prohibitions, for any sign or category of signs which are deemed to be contrary to highway safety or to the intent of this chapter.

The signs referred to in subsection 1 shall be subject to regulation, including prohibition, as set forth in section 1922.

3. Prohibited practices. None of the signs referred to in subsection 1 shall be erected or maintained on any traffic control signs or devices, public utility poles or fixtures or upon any trees. None of these signs shall be painted or drawn upon rocks or other natural features.

4. Interstate system. None of the signs referred to in subsection 1, other than signs conforming with the provisions of subsection 1, paragraphs B and C, shall be located within the right-of-way limits of the interstate system or within 660 feet of the nearest edge of the interstate system and erected in such a fashion that the message may be read from the interstate highway.

Sec. 7. 23 MRSA § 1914, sub-§ 3, as enacted by PL 1977, c. 494, § 1, is amended to read:

3. Location. On-premise signs shall be located within 1,000 feet of the principal building where the business or facility ~~or point of interest~~ is carried on or practiced ~~or within 1,000 feet of the point of interest.~~ **Storage areas, warehouses and other auxiliary structures and fixtures shall not be deemed to be buildings where the business, facility or point of interest is carried on or practiced.**

Sec. 8. 23 MRSA § 1914, sub-§ 4, as enacted by PL 1977, c. 494, § 1, is amended to read:

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; ~~or~~

C. Within the full width of the right-of-way of any public way.

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

Sec. 9. 23 MRSA § 1914, sub-§ 5, 2nd, 3rd and 4th ¶¶, as enacted by PL 1977, c. 494, § 1, are amended to read:

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 principal building or structure ~~or permanently-emplaced fixture~~ where the business, facility or point of interest is carried on.

No on-premise sign advertisement located more than 50 feet from the **principal** building ~~or 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 **principal** 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.

Sec. 10. 23 MRSA § 1914, sub-§ 10 is enacted to read:

10. Approach signs. Any business or facility whose **principal** building, or a point of interest, which is located on a private way more than 1,000 feet from the nearest public way, or is not visible to traffic from the nearest public way, may erect no more than 2 approach signs with a total surface area not to exceed 100 square feet per sign. These signs are to be located outside the public right-of-way limits within 300 feet of the junction of the and private ways.

Sec. 11. 23 MRSA § 1915, sub-§ 6, as enacted by PL 1977, c. 494, § 1, is amended to read:

6. Maintenance of lawfully erected signs. Any sign lawfully erected as of the effective date of this Act in accordance with section 1924, **subsections 1 and 2** may be maintained until removed by the commissioner under subsection 7 **or by section 1916**.

Sec. 12. 23 MRSA § 1917, sub-§ 1, first sentence, as enacted by PL 1977, c. 494, § 1, is amended to read:

The owner of a sign which ~~was erected and maintained without a license after the effective date of this chapter, or was or is~~ unlawfully erected or maintained **either** prior to **or after** the effective date of this chapter shall be in violation of this chapter until the sign is removed.

Sec. 13. 23 MRSA § 1917, sub-§ 2, as enacted by PL 1977, c. 494, § 1, is amended to read:

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 preceeding **and may recover the expense of this removal from the owner**.

Sec. 14. 23 MRSA § 1917, sub-§ 5 is enacted to read:

5. Summary removal of illegal signs within the public right-of-way. Signs which are erected in nonconformance with this chapter and which are within the limits of any public right-of-way shall be subject to immediate removal by the commissioner.

Sec. 15. 23 MRSA § 1924, sub-§ 3, as amended by PL 1977, c. 696, § 200, is further amended to read:

3. Existing directional signs. ~~The~~ Upon implementation of this chapter, 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 **prior to its repeal, and any sign erected and maintained pursuant to Title 32, section 2715 prior to its repeal, which does not qualify as an on-premise sign as defined by section 1914** provided any such sign shall be removed no later than 6 years after January 1, 1978 ~~unless it meets all requirements of an official business directional sign under this chapter~~.

STATEMENT OF FACT

This bill proposes to make some administrative and technical adjustments to the Maine Traveler Information Services law, more commonly known as the Billboard Law. These changes have been identified as a result of over a year's administrative experience with the law, comments offered at public hearings held

in Presque Isle, Bangor, Lewiston and Portland in June of 1978 for the adoption of regulations for the Official Business Directional Sign Program, and advice offered by members of the Travel Information Advisory Council. Though there are 15 sections of this bill, the basic framework of the Billboard Law remains unchanged. In particular this bill will not alter the compensation and amortization programs for the removal of off-premise signs or significantly change the erection of on-premise and official business directional signs. Signs presently deemed to be exempt would be reclassified as "categorical signs." These signs would not require a license or permit but would be subject to regulation by the Department of Transportation.