

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1335

H.P. 946

House of Representatives, April 13, 1995

**An Act to Amend Laws Pertaining to On-premises Signs by Allowing for Changeable Signs.**

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MADORE of Augusta.  
Cosponsored by Representatives: DAGGETT of Augusta, GUERRETTE of Pittston,  
MITCHELL of Vassalboro, Senator: BUSTIN of Kennebec.

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

2  
3       **Sec. 1. 23 MRSA §1914, sub-§6**, as repealed and replaced by  
4 1981, c. 318, §4, is amended to read:

6       **6. On-premise signs prohibited.** An on-premise sign shall ~~be~~  
7 is prohibited if it:

8  
9       A. Attempts or appears to attempt to direct the movement of  
10 traffic or ~~which~~ interferes with, imitates or resembles any  
11 official traffic sign, signal or device;

12  
13       B. Prevents the driver of a vehicle from having a clear and  
14 unobstructed view of official signs and approaching or  
15 merging traffic;

16  
17       C. Contains, includes or is illuminated by a flashing,  
18 intermittent or moving light or lights;

19  
20       D. Uses lighting in any way unless the light is in the  
21 opinion of the commissioner effectively shielded as to  
22 prevent beams or rays of light from being directed at any  
23 portion of the public way or is of such intensity or  
24 brilliance as to cause glare or impair the vision of the  
25 operator of any motor vehicle or as to otherwise interfere  
26 with any driver's operation of a motor vehicle; or

27 ~~E. Moves or has any animated or moving parts.~~

28  
29       E. In an animated sign. For the purposes of this  
30 subsection, "animated sign" means a sign that manifests  
31 either kinetic or illusionary motion occasioned by natural,  
32 manual, mechanical, electrical or other means and includes  
33 the following:

34  
35       (1) Naturally energized signs, which are those signs  
36 whose motion is activated by wind or other atmospheric  
37 impingement. Wind-driven signs include flags, banners,  
38 pennants, streamers, spinners, metallic disks or other  
39 similar devices designed to move in the wind;

40  
41       (2) Mechanically energized signs, which are those  
42 signs manifesting a repetitious preprogrammed physical  
43 movement or rotation in either one or a series of  
44 planes activated by means of mechanically based drives;  
45 and

46  
47       (3) Electrically energized signs, which are those  
48 illuminated signs whose motion or visual impression of  
49 motion is activated primarily by electrical means.  
50 Electrically energized animated signs are either  
51 flashing signs or illusionary movement signs.  
52

2           A flashing sign is an illuminated sign that exhibits a  
4           preprogrammed repetitious cyclical interruption of  
6           illumination from one or more sources in which the  
8           duration of the period of illumination is either the  
          same as or less than the duration of the period of  
          darkness and in which the intensity of illumination  
          varies from 0 to 100 percent during the programmed  
          cycle.

10           An illusionary movement sign is an illuminated sign  
12           that exhibits the illusion of movement by means of a  
14           preprogrammed repetitious sequential switching action  
16           in which illuminated elements of the sign are turned on  
18           or off to visually simulate the impression of motion  
          characteristic of chasing, running, blinking,  
          oscillating, twinkling, scintillating or expanding and  
          contracting light patterns.

20           This subsection does not apply to changeable signs. For the  
22           purpose of this subsection, changeable signs are those signs  
24           in which the message may be changed, electronically or  
26           mechanically, by the appearance of complete substitution or  
28           replacement of one display by another but in which the  
30           appearance of movement during message display or of messages  
32           appearing to move across the display face is not present.  
34           Changeable signs include manually activated signs and  
36           electrically activated signs. Manually activated signs are  
38           those signs whose alphabetic, pictographic or symbolic  
40           informational content can be changed or altered by manual  
42           means. Electrically activated signs are those signs whose  
          alphabetic, pictographic or symbolic informational content  
          can be changed or altered on a fixed display surface  
          composed of electrically illuminated or mechanically driven  
          changeable segments. Electrically activated signs include  
          fixed message electronic signs in which the basic  
          informational content has been preprogrammed to include only  
          certain types of information projection, such as time,  
          temperature, predictable traffic conditions or other events  
          subject to prior programming, and computer controlled  
          variable message electronic signs in which the information  
          content can be changed or altered by means of  
          computer-driven electronic impulses.

44           The acceptable rate of change for changeable signs is  
46           determined by multiplying by .3 the time that the average  
48           motorist, traveling at 85th-percentile speed, takes to  
50           travel from the point at which the sign's message is first  
          legible to the point at which the motorist passes the sign.  
          The rate of change must allow for the entire message to be  
          seen once in that time period.

## STATEMENT OF FACT

2

4       This bill clarifies the types of animated or moving signs  
that are prohibited and exempts from the prohibition those signs  
on which the display or message, although electronically  
6 illuminated or mechanically driven, does not appear to move.  
This bill also establishes an acceptable rate of change for the  
8 display of permitted signs.