

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1564

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H.P. 1164

House of Representatives, March 13, 2001

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### **An Act to Amend the Laws Affecting Changeable Message Signs.**

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Submitted by the Department of Transportation pursuant to Joint Rule 204.  
Reference to the Committee on Transportation suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative FISHER of Brewer.  
Cosponsored by Senator SAVAGE of Knox.

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

4 **Sec. 1. 23 MRSA §1914, sub-§6, ¶¶C and E,** as amended by PL  
1995, c. 390, §1, are further amended to read:

6 C. Contains, includes or is illuminated by a flashing,  
intermittent or moving light or lights, except as provided  
8 in subsection ~~11~~ 11-A;

10 E. Moves, has any animated or moving parts or has the  
appearance of movement, except as provided in subsection ~~11~~  
12 11-A.

14 **Sec. 2. 23 MRSA §1914, sub-§11,** as amended by PL 1999, c. 123,  
§1, is repealed.

16 **Sec. 3. 23 MRSA §1914, sub-§11-A** is enacted to read:

18 11-A. Changeable signs. Notwithstanding subsection 6,  
20 paragraphs C and E, changeable signs are not prohibited as long  
22 as the sign complies with all the terms of this subsection. The  
24 Department of Transportation shall administer the provisions of  
this subsection unless the municipality in which the sign is  
located and the Department of Transportation have agreed in  
writing that the municipality shall oversee that particular sign.

26 A. As used in this subsection, unless the context otherwise  
28 indicates, the following terms have the following meanings.

30 (1) "Changeable sign" means an on-premise sign  
32 created, designed, manufactured or modified in such a  
way that its message may be electronically, digitally  
34 or mechanically altered by the complete substitution or  
replacement of one display by another on each side.

36 (2) "Color" includes black, white and all shades of  
38 gray.

40 (3) "Display" means that portion of the surface area  
of a changeable sign that is, or is designed to be or  
42 is capable of being periodically altered for the  
purpose of conveying a message.

44 (4) "Lot of record" means a lot for which the deed was  
legally recorded, or which was created by a plan  
46 legally recorded, in the registry of deeds for the  
county where the lot is located. Contiguous lots of  
48 record in the same ownership are considered one lot.

2           (5) "Message" means a communication conveyed by means  
of a visual display of text.

4           (6) "Sign assembly" means the display, border, trim  
and all supporting apparatus, including posts, columns,  
6           pedestals and foundation.

8           (7) "Time and temperature sign" means a changeable  
sign that electronically or mechanically displays the  
10           time and temperature by the complete substitution or  
replacement of a display showing the time with a  
12           display showing the temperature.

14           B. The display on each side of a changeable sign:

16           (1) May be changed no more than once every 20 minutes;

18           (2) Must change as rapidly as technologically  
practicable, with no phasing, rolling, scrolling,  
20           flashing or blending;

22           (3) May consist only of alphabetic or numeric text on  
a plain background and may not include any graphic,  
24           pictorial or photographic images; and

26           (4) Is limited to no more than 2 colors, one of which  
must consistently be used for the background and the  
28           other of which must consistently be used for the text.

30           C. The display may comprise no more than 50% of the surface  
area of a changeable sign.

32           D. No more than one changeable sign with 2 sides is allowed  
34           per lot of record.

36           E. Changeable signs may not be located so that the message  
is readable from a controlled-access highway or ramp.

38           F. The highest point of the display of a changeable sign  
40           may not exceed a height of 25 feet above either the  
centerline of the nearest public way or actual ground level  
42           adjacent to the sign, whichever is lower.

44           G. Changeable message board signs existing in accordance  
with the requirements of former subsection 11 continue to  
46           exist if the signs:

48           (1) Are reasonably incapable of being modified or  
reprogrammed to comply with this section as amended; and  
50

2                   (2) Are not replaced, substantially rebuilt,  
reconstructed or repaired beyond routine maintenance.

4                   H. The size, intensity of illumination and acceptable rate  
6 of change between the time display and the temperature  
8 display of a time and temperature sign must comply with  
10 rules, policies or guidelines adopted by the Department of  
12 Transportation. Rules adopted pursuant to this section are  
routine technical rules as defined in Title 5, chapter 375,  
subchapter II-A. Time and temperature signs erected prior  
to September 29, 1995 need not comply with those rules,  
policies or guidelines.

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### SUMMARY

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18                   This bill imposes changes to the use of electronic, digital  
20 or mechanical changeable signs. The bill increases the frequency  
22 that messages change from every 4 hours to every 20 minutes and  
prohibits flashing, rolling, scrolling or blending. It requires  
that changes in sign text must be limited to alphabetic or  
numeric text and prohibits pictures. The bill also makes color  
and sign dimension requirements.