

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 498

H.P. 373

House of Representatives, February 1, 2005

### An Act To Amend the Laws Relating to Changeable Signs

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Reference to the Committee on Transportation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative GLYNN of South Portland.

Cosponsored by Representatives: COLLINS of Wells, MARLEY of Portland, McKENNEY of Cumberland.

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

2  
4       **Sec. 1. 23 MRSA §1914, sub-§11-A**, as enacted by PL 2001, c. 268, §3, is amended to read:

6       **11-A. Changeable signs.** Notwithstanding subsection 6,  
8 paragraphs C and E, changeable signs are not prohibited as long  
10 as the sign complies with all the terms of this subsection. The  
12 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~~  
14 has adopted an ordinance pursuant to paragraph I.

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

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

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

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

34           (4) "Message" means a communication conveyed by means  
36 of a visual display of text.

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

42           (6) "Time and temperature sign" means a changeable  
44 sign that electronically or mechanically displays the  
time and temperature by the complete substitution or  
46 replacement of a display showing the time with a  
display showing the temperature.

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

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

2                   (2) Must change as rapidly as technologically  
3                   practicable, with no phasing, rolling, scrolling,  
4                   flashing or blending; and

6                   (3) May consist only of alphabetic or numeric text on  
7                   a plain background and may not include any graphic,  
8                   pictorial or photographic images.

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

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

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

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

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

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

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

34                  H. The size, intensity of illumination and acceptable rate  
35                  of change between the time display and the temperature  
36                  display of a time and temperature sign must comply with  
37                  rules, policies or guidelines adopted by the Department of  
38                  Transportation. Rules adopted pursuant to this section are  
39                  routine technical rules as defined in Title 5, chapter 375,  
40                  subchapter ~~II~~-A 2-A. Time and temperature signs erected  
41                  prior to September 29, 1995 need not comply with those  
42                  rules, policies or guidelines.

44                  I. A municipality may adopt an ordinance that is more or  
45                  less stringent than the minimum standards established in  
46                  this subsection and in rules adopted by the Commissioner of  
47                  Transportation to implement this subsection. A municipality  
48                  that adopts an ordinance with provisions that differ from  
49                  statewide standards shall administer and enforce that  
50                  ordinance. A municipality may not adopt an ordinance that

2 regulates changeable signs located on land adjacent to any  
3 portion of the interstate highway system.

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#### 5 **SUMMARY**

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7 This bill authorizes a municipality to adopt an ordinance to  
8 regulate changeable signs within that municipality except for  
changeable signs located on interstate corridors.