

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1750

S.P. 667

In Senate, December 30, 2005

An Act To Amend Certain Transportation Laws

Submitted by the Department of Transportation pursuant to Joint Rule 204.

Received by the Secretary of the Senate on December 28, 2005. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAMON of Hancock.

Cosponsored by Representative MARLEY of Portland and

Senator: SAVAGE of Knox, Representative: McKENNEY of Cumberland.

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

2 **Sec. 1. 23 MRSA §708, sub-§3**, as enacted by PL 1991, c. 481,
4 §2, is amended to read:

6 **3. Exceptions.** Exceptions from the provisions of this
8 section are permitted only when:

10 A. Federal laws, rules and regulations take precedence over
 these provisions; ~~or~~

12 B. The commissioner determines that there is a compelling
14 safety interest that can not be addressed by any other
 method; or

16 C. The commissioner determines that a lighting installation
18 is related to a department project of state and regional
 significance and is supported by municipalities directly
20 affected by the installation.

22 **Sec. 2. 23 MRSA §1912-B, first ¶**, as amended by PL 1995, c.
 663, §1, is further amended to read:

24 Pursuant to rules adopted under this section, the
26 commissioner may authorize the placement of logo signs within the
 right-of-way of the interstate system. A logo sign may not be
28 larger than existing service information signs permitted on the
 interstate highway. Logo signs may be installed only on portions
30 of the interstate highway that are rural in character or on
 certain connector highways where it is necessary to establish
 continuity for logo signs erected on the Maine Turnpike. A logo
32 sign may include only logos for gas, food, lodging and, camping
 and attractions. Applications from at least 3 qualified
34 businesses must be approved before installation of a logo sign
 panel at an exit. Logos for 2 or more types of service may be
36 displayed on the same sign panel. More than one logo sign panel
 may be installed at an exit only when 3 or more qualified
38 businesses are available for each of 2 or more types of service.
 The number of logo sign panels at an exit may not exceed one for
40 each type of service or a total of 4 5 for all types of
 services. Rules adopted under this section must regulate the
42 size, shape, manner and location of logo signs and must describe
 the procedure for applying to the department for permission to
44 erect a logo sign and the criteria used by the department to
 select among applicants. The commissioner shall establish an
46 initial-fee fees for the production and placement of a logo sign
 and an annual fee fees to cover the maintenance costs. ~~Fees~~
48 ~~charged-must-approximate-direct-costs.~~

2 **Sec. 3. 23 MRSA §1914, sub-§11-A, ¶B,** as amended by PL 2005,
c. 195, §1, is further amended to read:

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

6 (1) May be changed no more than once every 20 minutes,
unless the municipality in which the sign is located
8 adopts an ordinance to the contrary and notifies the
Department of Transportation in writing of that
10 ordinance. If a municipal ordinance is adopted, the
municipality is responsible for the administration of
12 that ordinance;

14 (2) Must change as rapidly as technologically
practicable, with no phasing, rolling, scrolling,
16 flashing or blending, unless the municipality in which
the sign is located adopts an ordinance to the contrary
18 and notifies the Department of Transportation in
writing of that ordinance. If a municipal ordinance is
20 adopted, the municipality is responsible for the
administration of that ordinance. Notwithstanding this
22 subparagraph, a municipality may not adopt an ordinance
that allows the sign to flash; and

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

28 **Sec. 4. 29-A MRSA §2054, sub-§2, ¶C,** as amended by PL 2005, c.
30 314, §12, is further amended to read:

32 C. The use of amber lights on vehicles is governed by the
following.

34 (1) A vehicle engaged in highway maintenance or in
36 emergency rescue operations by civil defense and public
safety agencies and a public utility emergency service
38 vehicle may be equipped with auxiliary lights that emit
an amber light.

40 (2) A wrecker must be equipped with a flashing light
42 mounted on top of the vehicle in such a manner as to
emit an amber light over a 360° angle. The light must
44 be in use on a public way or a place where public
traffic may reasonably be anticipated when servicing,
46 freeing, loading, unloading or towing a vehicle.

48 (3) A vehicle engaged in snow removal or sanding
operations on a public way must be equipped with and
50 display ~~at least 2~~ an auxiliary lights ~~mounted on the~~

2 ~~highest--practical--point--on--the--vehicle--and--provide~~
3 ~~light that provides~~ visible light coverage over a 360'
4 ~~range. The lights~~ light must emit an amber beam of
5 ~~light,--be-at-least-6-inches-in-diameter~~ and be equipped
6 ~~with a~~ blinking attachments or strobe light function
7 ~~and have sufficient intensity to be visible at 500 feet~~
8 ~~in normal daylight. In-lieu-of-the-lights-specified,--a~~
9 ~~vehiele--may--be--equipped--with--at--least--one--auxiliary~~
10 ~~rotating-flashing-light-having-4-inch-sealed-beams-and~~
11 ~~showing-amber-beams-of-light-over-a-360'--range-or-an~~
12 ~~amber-strobe,--or-combination-of-strobes,--that-emits-at~~
13 ~~a-minimum-a-beam-of-1,000,000-candlepower-and-provides~~
14 ~~visible-light-coverage-over-a-360'--range.~~ When the
15 left wing of a plow is in operation and extends over
16 the center of the road, an auxiliary light must show
17 the extreme end of the left wing. That light may be
18 attached to the vehicle so that the beam of light
19 points at the left wing. The light illuminating the
20 left wing may be controlled by a separate switch or by
21 the regular lighting system and must be in operation at
22 all times when the vehicle is used for plowing snow on
public ways.

24 (4) A vehicle equipped and used for plowing snow on
25 other than public ways may be equipped with an
26 auxiliary rotary flashing light that must be mounted on
27 top of the vehicle in such a manner as to emit an amber
28 beam of light over a 360' angle, or an amber strobe, or
29 combination of strobes, that emits at a minimum a beam
30 of 50 candlepower and provides visible light coverage
31 over a 360' range. The light may be in use on a public
32 way only when the vehicle is entering the public way in
33 the course of plowing private driveways and other
34 off-highway locations.

36 (5) A rural mail vehicle may be equipped with
37 auxiliary lights.

38 (a) The lights used to the front must be white or
39 amber, or any shade between white and amber.

42 (b) The lights used to the rear must be amber or
43 red, or any shade between amber and red.

44 (c) The lights, whether used to the front or
45 rear, must be mounted at the same level and as
46 widely spaced laterally as possible.

48 (d) The lights, whether used to the front or
49 rear, must flash simultaneously.

2 (e) The lights must be visible from a distance of
at least 500 feet ~~under~~ in normal ~~atmospheric~~
4 ~~conditions-at-night~~ daylight.

6 (6) A vehicle used or provided by a contract security
company to assist in traffic control and direction at
8 construction or maintenance sites on a public way may
be equipped with auxiliary lights. Effective July 1,
10 1996, the auxiliary lights must be amber. Prior to
July 1, 1996, the auxiliary lights must be green or
12 amber.

14 (7) A Department of Public Safety vehicle operated by
a motor carrier inspector may be equipped with
16 auxiliary lights that emit an amber light.

18 (8) A vehicle used by an animal control officer
appointed pursuant to Title 7, section 3947 may be
20 equipped with auxiliary lights that emit a flashing
amber light.

22 (9) A refuse, garbage or trash business vehicle used
by an individual to transport refuse, garbage and trash
24 may be equipped with auxiliary lights that emit a
flashing amber light.
26

28

SUMMARY

30

This bill makes the following changes to the laws governing
32 transportation.

34 1. It allows for an exception to outdoor luminaire
requirements if the Commissioner of Transportation determines
36 that the lighting is related to a Department of Transportation
project of state and regional significance and is supported by
38 municipalities directly affected by the installation.

40 2. This bill allows for attractions to be included on logo
signs on the interstate highway system and allows for logo signs
42 on certain connector highways where it is necessary to establish
continuity for logo signs erected on the Maine Turnpike.
44

46 3. It requires local administration of municipal ordinances
adopted regarding changeable signs.

48 4. It adds language to and removes requirements from the
provisions of the auxiliary light statute to reflect current
50 technology.