

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

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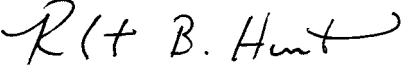
H.P. 297

House of Representatives, February 7, 2023

### **An Act to Clarify Laws Regarding the Placement of Signs on Public Ways**

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Reference to the Committee on Transportation suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative NEWMAN of Belgrade.  
Cosponsored by Senator HARRINGTON of York and  
Representatives: LANDRY of Farmington, SAMPSON of Alfred.

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

2 **Sec. 1. 23 MRSA §1903, sub-§6-A** is enacted to read:

3 **6-A. Noncommercial message.** "Noncommercial message" means a message that  
4 does not include a business name or logo, but may include a symbol or writing pertaining  
5 to a product or service of a business.

6 **Sec. 2. 23 MRSA §1913-A, sub-§5, ¶E,** as enacted by PL 2019, c. 228, §2, is  
7 amended to read:

8 E. A control-of-access area if the control-of-access area is plainly marked that signs  
9 are not allowed. For purposes of this paragraph, "control-of-access area" means an area  
10 to which a property owner of abutting land does not have direct access and to which  
11 all access is controlled by the Department of Transportation; or

12 **Sec. 3. 23 MRSA §1917,** as amended by PL 2019, c. 228, §3, is further amended to  
13 read:

14 **§1917. Removal of unlawful signs**

15 **1. Notice to remove.** ~~The owner of~~ After receiving notice from an agency responsible  
16 for maintenance of a public way that a sign that was or is unlawfully erected or maintained  
17 either prior to or after October 24, 1977, the owner of the sign is in violation of this chapter  
18 until the sign is removed. The owner of the sign shall remove the sign within 14 days of a  
19 notice from the agency that has responsibility for the maintenance of that public way unless  
20 the sign is a public safety hazard, in which case the sign may be immediately removed. If  
21 the identity of such the sign's owner is not known or reasonably ascertainable, such notice  
22 may must instead be sent to the owner of the land on which the sign is placed.

23 **2. Authority to remove sign.** If the owner fails to remove the sign as required, the  
24 ~~department~~ Department of Transportation shall remove the sign if it is on a state or state  
25 aid highway that is not in an urban compact municipality and the governing municipality  
26 may remove the sign if it is located on a town way or state or state aid highway in an urban  
27 compact municipality at the expense of the owner without any further notice or proceeding  
28 and may recover the expense of this removal from the owner.

29 **3. Interpretation of chapter.** ~~Nothing in this~~ This chapter may not be interpreted to  
30 alter, abridge or in any way interfere with any duty or obligation of a sign owner to remove  
31 signs that were nonconforming and illegal prior to January 1, 1975, under the United States  
32 Code, Title 23, section 131, as enacted by Public Law 89-285, 89 Congress S. 2084, the  
33 "Agreement for carrying out National Policy relative to Control of Outdoor Advertising in  
34 Areas adjacent to the National System of Interstate and Defense Highways and the Federal-  
35 Aid Primary System" dated December 27, 1967, and as amended on January 3, 1968,  
36 executed by and between the United States of America and the State of Maine, under the  
37 Maine Revised Statutes, Title 32, former sections 2711 to 2723.

38 The intent of this subsection is to preclude any presumption that this chapter is intended to  
39 extend the period of use of any sign that became nonconforming and illegal before January  
40 1, 1975, under the state agreement of December 27, 1967, as amended January 3, 1968,  
41 and Title 32, former sections 2711 to 2723.

