# MAINE STATE LEGISLATURE

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## 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

**Legislative Document** 

No. 480

H.P. 297

House of Representatives, February 7, 2023

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

Reference to the Committee on Transportation suggested and ordered printed.

ROBERT B. HUNT Clerk

R(+ B. Hunt

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

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

- **Sec. 1. 23 MRSA §1903, sub-§6-A** is enacted to read:
- <u>6-A. Noncommercial message.</u> "Noncommercial message" means a message that does not include a business name or logo, but may include a symbol or writing pertaining to a product or service of a business.
- **Sec. 2. 23 MRSA §1913-A, sub-§5, ¶E,** as enacted by PL 2019, c. 228, §2, is amended to read:
  - E. A control-of-access area <u>if the control-of-access</u> area is plainly marked that signs are not allowed. For purposes of this paragraph, "control-of-access area" means an area <u>to which</u> a property owner of abutting land does not have direct access and to which all access is controlled by the Department of Transportation; or
- **Sec. 3. 23 MRSA §1917,** as amended by PL 2019, c. 228, §3, is further amended to read:

### §1917. Removal of unlawful signs

- 1. Notice to remove. The owner of After receiving notice from an agency responsible for maintenance of a public way that a sign that was or is unlawfully erected or maintained either prior to or after October 24, 1977, the owner of the sign is in violation of this chapter until the sign is removed. The owner of the sign shall remove the sign within 14 days of a notice from the agency that has responsibility for the maintenance of that public way unless the sign is a public safety hazard, in which case the sign may be immediately removed. If the identity of such the sign's owner is not known or reasonably ascertainable, such notice may must instead be sent to the owner of the land on which the sign is placed.
- **2. Authority to remove sign.** If the owner fails to remove the sign as required, the department Department of Transportation shall remove the sign if it is on a state or state aid highway that is not in an urban compact municipality and the governing municipality may remove the sign if it is located on a town way or state or state aid highway in an urban compact municipality at the expense of the owner without any further notice or proceeding and may recover the expense of this removal from the owner.
- **3. Interpretation of chapter.** Nothing in this This chapter may not be interpreted to alter, abridge or in any way interfere with any duty or obligation of a sign owner to remove signs that were nonconforming and illegal prior to January 1, 1975, under the United States Code, Title 23, section 131, as enacted by Public Law 89-285, 89 Congress S. 2084, the "Agreement for carrying out National Policy relative to Control of Outdoor Advertising in Areas adjacent to the National System of Interstate and Defense Highways and the Federal-Aid Primary System" dated December 27, 1967, and as amended on January 3, 1968, executed by and between the United States of America and the State of Maine, under the Maine Revised Statutes, Title 32, former sections 2711 to 2723.
- The intent of this subsection is to preclude any presumption that this chapter is intended to extend the period of use of any sign that became nonconforming and illegal before January 1, 1975, under the state agreement of December 27, 1967, as amended January 3, 1968, and Title 32, former sections 2711 to 2723.

- **4. Compensation subject to litigation.** Whenever the compensation to be paid for removal of any sign is the subject of litigation, pending the litigation such the sign shall must be removed as provided in subsections 1 and, 2 and 5.
- 5. Summary removal of illegal or hazardous signs within the public right-of-way. A sign that is erected in nonconformance with this chapter or that is a public safety hazard and that is within the limits of any public right-of-way is subject to immediate removal by the department if the public right-of-way is a state or state aid highway not in an urban compact municipality. The department may remove any sign on any public right-of-way for the purposes of public safety. A sign that is erected in nonconformance with this chapter or that is a public safety hazard and that is within the limits of a town way or a state or state aid highway in an urban compact municipality may be removed by the municipality having jurisdiction over that way or highway.
- If the Department of Transportation or a municipality removes a sign that is not a temporary sign under this subsection, the department or municipality shall notify the owner of the sign of the removal and the reason for the removal. If the owner of the sign cannot be determined, the department or municipality shall send the notice required by this subsection to the owner of the land on which the sign is placed. If the department or a municipality removes a temporary sign under this subsection, the department or municipality shall send with the notice required by this subsection an explanation of how to install a temporary sign that conforms with the requirements of this chapter, if applicable.
- **6. Public safety hazard.** For purposes of this section, "public safety hazard" means a sign placed or constructed in a manner that causes a danger of injury to the public traveling by vehicle, including by causing a glare, preventing light from illuminating the public way, existing as an obstacle in the path of a vehicle or obstructing a driver's view of oncoming traffic.

26 SUMMARY

This bill adds a definition of "noncommercial message" applicable to road signs in control-of-access areas in which signs are not permitted, requires notification to owners of signs removed by certain agencies or municipalities, unless the sign is a public safety hazard, and requires that an owner of a temporary sign that is in violation of the law receive instruction on how to install a sign that complies with the law.