

# MAINE STATE LEGISLATURE

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NEW DRAFT

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EIGHTY-FOURTH LEGISLATURE

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House Document

No. 802

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H. P. 1729      House of Representatives, March 29, 1929.

Reported by a minority of the Committees on Judiciary and Maine Publicity jointly. On motion of Mr. Williamson both reports tabled pending acceptance of either. New draft ordered printed.

CLYDE R. CHAPMAN, Clerk.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-NINE

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AN ACT for the Regulation and Control of Outdoor  
Advertising.

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

Section 1. *Application for permits.* No person, firm or  
2 corporation shall erect or maintain any outdoor advertising  
3 structure, device or display, outside of the compact or  
4 built-up portion of any city or town, until a permit for the  
5 erection thereof shall have been obtained from the chief  
6 of the state highway police. Application for such permit  
7 shall be in writing signed by the applicant or his duly au-

8 thORIZED agent, upon blanks to be furnished by the chief of  
9 the state highway police in such form as he may prescribe.  
10 Each application shall have attached thereto the written  
11 consent of the owner of the property on which such struc-  
12 ture, device or display is to be erected or maintained. The  
13 fee for such permit shall be as provided in section three of  
14 this act, payable upon the granting of such permit and  
15 annually thereafter on the first day of July. Application  
16 shall be made in like manner for permits to maintain all  
17 existing outdoor advertising structures, devices or displays  
18 and, unless permits are obtained therefor and the permit  
19 fees as provided in said section three are paid, the same  
20 shall be removed in accordance with section six of this act.

Sect. 2. Outdoor advertising structures, devices or dis-  
2 plays outside of the compact or built-up portions of cities  
3 or towns shall not require a permit if within two hundred  
4 feet of the place where the goods advertised are manufac-  
5 tured or offered for sale, or where the business advertised  
6 is carried on. Within the compact or built-up portions of  
7 cities or towns, the municipal officers may designate the  
8 distance from such places within which a permit shall not  
9 be required. Outside of the compact or built-up portions  
10 of cities or towns, advertising structures, devices or displays  
11 containing not over six square feet of advertising space  
12 upon property thereon offered for sale shall not require a  
13 permit. Within the compact or built-up portions of cities  
14 or towns, rules and regulations for outdoor advertising

15 structures, devices or displays of this nature may be estab-  
16 lished by the municipal officers thereof.

Sect. 3. *Fees for permits.* The fees for said permits  
2 shall be as follows:

For each bulletin, panel, bill-board or sign containing three  
2 hundred (300) square feet or less of advertising space, one  
3 dollar (\$1); for each bulletin, panel, bill-board or sign con-  
4 taining more than three hundred (300) square feet and less  
5 than six hundred (600) square feet, of advertising space,  
6 two dollars (2);

For each bulletin, panel, bill-board or sign containing more  
2 than six hundred (600) square feet and less than nine hun-  
3 dred (900) square feet of advertising space, three dollars  
4 (\$3); and no sign shall be erected which shall contain more  
5 than nine hundred (900) square feet of advertising space.

When both sides of such bulletin, panel, bill-board or sign  
2 are used for advertising purposes, fees as above provided  
3 shall be payable on each side.

Sect. 4. *Issuance of permits.* Upon receipt of an appli-  
2 cation as set forth in section one hereof and the required  
3 permit fee, the chief of the state highway police shall cause  
4 to be issued a permit for the erection or continued main-  
5 tenance of the outdoor advertising structure, device or dis-  
6 play named in said application, which permit shall state the  
7 size of such structure, device or display, and the location  
8 upon which it is to be erected or maintained, and shall be  
9 in force until the first day of July next following the date

10 thereof. Any advertisement displayed upon any such struc-  
11 ture or device shall be exempted from the payment of any  
12 other permit fee during the period covered by such permit.  
13 Provided, however, that the chief of the state highway  
14 police may refuse to issue a permit for any one or more of  
15 the following causes:

(a) If the structure, device or display is within one hun-  
2 dred (100) yards of any public park, play ground or ceme-  
3 tery;

(b) If such structure, device or display is within the  
2 established limits of the highway or within fifteen (15)  
3 feet of the outside line of any highway, except upon the  
4 walls of the building in which the goods advertised are  
5 offered for sale or the business is conducted, and except  
6 signs solely indicating highway directions, traffic regulations  
7 and traffic dangers.

(c) If such structure, device or display is so situated in  
2 any other respect as to endanger travel upon the highway  
3 by obscuring the free view thereof, or is for any cause  
4 damaging, dangerous or detrimental to the lawful use of  
5 the highway.

Sect. 5. *Removal and relocation of boards.* Upon viola-  
2 tion of the terms of the permit or if any of the causes for  
3 which the permit could have been refused as set forth in  
4 section four hereof shall appear, or if the advertising device  
5 is otherwise unlawfully erected or maintained, then the chief  
6 of the state highway police may order the removal or relo-

7 cation of any bulletin, panel, bill-board, or other advertising  
8 device. If the person, firm or corporation in control of or  
9 owning any bulletin, panel, bill-board or other advertising  
10 device which has been ordered removed or relocated as pro-  
11 vided in this section shall not remove the same within thirty  
12 days after such order of removal or relocation has been  
13 sent to such person, firm or corporation by said chief of the  
14 state highway police by registered mail, said chief may cause  
15 such bulletin, panel, bill-board or other advertising device  
16 to be removed or relocated and the expense of such removal  
17 or relocation may be collected from the person, firm or  
18 corporation owning or controlling the same in an action of  
19 debt based upon the provisions of this act.

Sect. 6. *Permits within built-up or compact portions of*  
2 *cities and towns.* Within the compact or built-up portions  
3 of cities, towns and villages the municipal officers shall  
4 exercise the powers and duties in this act conferred upon the  
5 chief of the state highway police. The fees for permits for  
6 advertising devices of different sizes erected or maintained  
7 within such compact or built-up portions shall be established  
8 by the municipal officers. The fees so established may be  
9 less, but shall not exceed the fees set forth in section three  
10 hereof for signs of the same size.

Sect. 7. *Exemptions from application of the law.* This  
2 act shall not require any license or permit for any advertis-  
3 ing sign containing six (6) square feet or less, from any  
4 city, town, quasi-municipal corporation, church or ecclesi-

5 astical society in this state for any advertisement owned by  
6 it, advertising its industries or attractions and maintained  
7 at either private or public expense.

Any such advertising sign, however, may be removed by  
2 the chief of the state highway police in the manner pro-  
3 vided in section five hereof if such sign in the opinion of  
4 the chief of the state highway police is, for any cause,  
5 damaging or detrimental to the lawful use of the highway.

Sect. 8. *Definition of terms; time limit of responsibility.*

2 The word "display" as used in this act and in other laws of  
3 the state relating to advertisements and signs shall mean  
4 erecting, maintaining, painting and posting any advertise-  
5 ment or sign out of doors, or erecting or maintaining any  
6 bill-board or other structure designed and intended for the  
7 display of advertising matter where the same may be seen  
8 by the public, or allowing any such advertisements, bill-  
9 board or other structure erected or displayed, either before  
10 or after passage of this act, to remain exposed in whole or  
11 in part to public view, and shall include the act itself and  
12 the causing of such act to be done. The obligation to pay  
13 the permit fees required by law shall apply and be in force  
14 for such time as such advertisement or sign or any part  
15 thereof shall remain visible, and as long as any bulletin,  
16 panel, bill-board or other advertising device or any part  
17 thereof shall remain exposed to public view.

Signs erected and maintained for the sole purpose of safe-  
2 guarding, facilitating, and protecting travel along the high-

3 way by the state, any political sub-division thereof, or the  
4 state highway commission, and guide posts and guide boards  
5 authorized by statute are not advertising signs within the  
6 meaning of this act.

The chief of the state highway police may order the placing  
2 of directional signs of such design as he shall determine not  
3 exceeding twenty (20) inches in length and six (6) inches  
4 in width to designate places of interest, to be posted without  
5 expense to the state at the junction of roads in the town  
6 where the place is located and in adjoining towns.

The compact or built-up portion of any city, town or  
2 village shall mean the territory of a city, town or village  
3 contiguous to any way, which is built up with structures  
4 devoted to business, or where the dwelling houses are  
5 situated less than one hundred and fifty feet apart for a  
6 distance of at least one-quarter of a mile.

Sect. 9. *All advertisements to be signed.* All bulletins,  
2 bill-boards, panels or other advertising devices shall show  
3 thereon the name of the person, firm or corporation dis-  
4 playing the same.

Sect. 10. *Penalty.* Any person, firm, or corporation who  
2 shall erect, maintain, display or allow to remain in view  
3 any bulletin, bill-board, panel or other advertising device  
4 contrary to the provisions of this act shall be fined not more  
5 than one hundred dollars (\$100) for each such device so  
6 displayed. Municipal courts within their several jurisdic-



7 tions shall have power to try and punish violators of this  
8 act.

Sect. 11. Any person, firm or corporation aggrieved by  
2 any decision of the chief of the state highway police here-  
3 under may within thirty days from the date of such decision  
4 petition any justice of the supreme judicial or superior court  
5 sitting in term time or vacation for a review of said decision.

Any person, firm or corporation aggrieved by any decision  
2 of the municipal officers hereunder may within thirty days  
3 from the date of such decision petition the chief of the  
4 state highway police or any justice of the supreme judicial  
5 or superior court sitting in term time or vacation, for a  
6 review of said decision, and from the decision of the chief  
7 of the state highway police upon such petition a further  
8 appeal shall lie as in manner provided for appeals from the  
9 decision of the chief of the state highway police.

Sect. 12. *Repeal of inconsistent laws.* Section one hun-  
2 dred thirteen of chapter twenty-four of the revised statutes  
3 of nineteen hundred and sixteen, chapter one hundred eighty-  
4 eight of the public laws of nineteen hundred and twenty-  
5 five as amended by chapter one hundred sixty of the public  
6 laws of nineteen hundred and twenty-seven, and all other  
7 acts inconsistent herewith are hereby repealed.