

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 43

H. P. 28 House of Representatives, Jan. 21, 1931.

On motion of Mr. Burkett of Portland taken from the table and on further motion same gentleman Referred to the Committee on Taxation and 1,000 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mrs. Day of Gorham.

STATE OF MAINE

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

AN ACT Relating to Taxation of Billboards and Outdoor
Advertising.

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

Section 1. Chapter twelve is hereby amended by adding thereto the following sections to be numbered as follows:

'Sect. 100. Application for license; contents. A person, firm, or corporation shall not display any advertisement and shall not erect any billboard or other structure designed and intended for the display of advertising matter thereon when either contains more than six square feet upon real property other than upon property in near proximity to the place where the goods advertised are manufactured or offered for sale, or whereon the business advertised is carried on until such person, firm, or corporation shall secure from the secretary of state a license covering such advertisement or advertising space. The application for such license shall be in writing signed by the applicant upon blanks furnished by the secretary of state, and shall state: (1) the location of the property upon which it is proposed to display such advertisement; (2) the population of the city, incorporated village, or town within which the same is to be displayed; (3) the distance between such advertisement and any state highway, railroad, or rail-

way track, public park, or navigable water, from which such advertisement may be readable; (4) the size and a general description of such advertisement.

Sect. 101. Fee; issuance of license. The fee for such license shall be three cents for each square foot. The square feet contained in any advertisement shall include all of the space within a line drawn around the outer edge of such advertisement, or if such advertisement is upon, attached to, or a part of any billboard, frame, net-work, transparency, or other form of construction, such line shall be the outer edge of such construction and each surface or space displaying any name, work, symbol, character, picture, or letter shall be construed to be an advertisement. Upon receipt of such application and fee, the secretary of state may issue a license for each such advertisement or advertising space, as is hereinafter provided, which license shall permit the holder thereof to display such advertisement until the first day of January next following the date thereof, and each such advertisement shall show the number of such license and date of expiration.

Sect. 102. Terms of license. The secretary of state, if the kind, size and location of such advertisement, billboard or other structure meets with his approval, may issue to any person, firm or corporation owning or leasing any space for advertising purposes, a license authorizing the use of such space for such purpose, upon payment by such person, firm, or corporation of a fee determined as herein provided, which license shall state the location and size of such surface and shall be in force until the first day of January next following the date thereof. Such space shall plainly show the number of such license and the date of expiration. Any advertisement placed upon any such surface shall be exempt from the payment of any license fee during the period for which such space is so licensed.

Sect. 103. Exceptions. The provisions of sections one hundred to one hundred ten, inclusive, shall not require any license from any town, city, or incorporated village in this state for any advertisement owned by it and advertising its industries and maintained at either public or private expense, and shall not apply to signs and other devices on or in the rolling stock, station, subways or structures of or used by common carriers, and shall not apply to highway light house

signs, with or without advertising, located at places of danger, provided the written consent of the state highway commission is obtained both as to location and plan of style of erection.

Sect. 104. Location of advertisements and signs. Advertisements and signs shall not be displayed within fifty feet of any public park, playground, square or cemetery, except upon the walls of a building in which the goods advertised are offered for sale or the business advertised is conducted, and except signs erected by the state, or a town or city, which solely indicate highway directions, traffic regulations and dangerous places.

Sect. 105. Bond required of non-residents. A license shall not be granted to a person, firm or corporation having his or its principal place of business outside the state, for the display of any advertisement or the erection of any billboard or other structure designed and intended for the display of advertising matter after January first, nineteen hundred thirty-two, until such person, firm or corporation has furnished and filed with the secretary of state a bond satisfactory to said secretary, running to the state, in such sum as said secretary shall determine, conditioned to observe, obey and fulfill all requirements of law and the regulations and orders of said secretary relating to the display of advertisements, and otherwise conditioned as said secretary may determine. Such bond shall remain in full force and effect so long as any obligation to the state remains unsatisfied.

Sect. 106. Secretary of state may cause removal or change in location of advertisement. The secretary of state may order the removal or change in location of any advertisement when in the opinion of said secretary such advertisement obstructs a clear view along any highway, and said secretary may order the removal of any advertisement displayed contrary to the provisions of law as to licensing thereof. If the person, firm or corporation in control of or owning any advertisement which has been ordered removed or changed in its location, shall not remove such advertisement within thirty days after such order of removal or change has been sent to such person, firm or corporation by said secretary by registered mail, said secretary may cause such advertisement to be removed and the expense of such removal may be collected from the person, firm or corporation owning or controlling the same in an ac-

tion on this statute, or from the sureties on the bond which such person, firm or corporation has filed.

Sect. 107. Removal of advertisements or signs. The state highway department, selectmen of towns and aldermen of cities shall remove or cause to be removed any advertisement or sign displayed contrary to the provisions of section one hundred four.

Sect. 108. Definition, "display." The word "display" as used in sections one hundred to one hundred ten, inclusive, and in other laws of the state relating to advertisements and signs, shall mean erecting, maintaining, pasting, painting or posting any advertisement or sign out of doors or erecting or maintaining any billboard or other structure designed and intended for the display of advertising matter where the same may be seen by the public, or allowing any such advertisement, billboard or other structure, erected, or displayed either before or after January first, nineteen hundred thirty-two to remain exposed in whole or in part to public view, and shall include the act itself and the causing of such act to be done. The obligation to pay license fees required by law shall apply and be in force for such time as such advertisement or sign or any part thereof remains visible and so long as any board or structure or any part thereof erected or built for the purpose of displaying advertising matter thereon, remains exposed to public view.

Sect. 109. Names and addresses of persons displaying advertisements. All advertisements and all billboards and structures designed for the display of advertising matter thereon shall show the name and post office address of the person, firm or corporation displaying such advertisements or owning or leasing such billboards and structures.

Sect. 110. Penalty. A person who erects, maintains, displays or allows to remain in view an advertisement, sign, billboard or any structure designed for the display of advertising matter contrary to the provisions of sections one hundred to one hundred ten, inclusive, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Sect. 2. This act shall take effect, and licenses shall be required on and from January first, nineteen hundred thirty-two.