

# MAINE STATE LEGISLATURE

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EIGHTY - FIFTH      LEGISLATURE

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**Legislative Document**

**No. 44**

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H P. 29                      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.

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STATE OF MAINE

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

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AN ACT for the Taxation of Billboards and 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. License to engage or continue in outdoor advertising. No person, firm or corporation shall engage or continue in the business of outdoor advertising for direct profit through rentals or other compensation received for the erection, maintenance or display of painted bulletins, poster panels, billboards or other advertising devices, until such person, firm or corporation shall have secured from the chief of the state highway police a license to engage in the business of outdoor advertising. The fee for such license shall be the sum of one hundred dollars (\$100) per year, payable annually in advance on the first day of July.

Sect. 2. Application for permits. No person, firm or corporation licensed under the provisions of section one of this act shall erect or maintain any outdoor advertising structure, device or display, outside of the compact or built-up portion of any city or town, until a permit for the erection thereof shall have been obtained from the chief of the state highway police. Application for such permit shall be in writing signed by the applicant, or his duly authorized agent, upon blanks

to be furnished by the chief of the state highway police in such form as he may prescribe. Each application shall have attached thereto the written consent of the owner of the property on which such structure, device or display is to be erected or maintained. The fee for such permit shall be as provided in section four of this act, payable upon the granting of such permit and annually thereafter on the first day of July. Application shall be made in like manner for permits to maintain all existing outdoor advertising structures, devices or displays and, unless permits are obtained therefor and the permit fees as provided in said section four are paid, the same shall be removed in accordance with section seven of this act.

Sect. 3. Advertisers not licensed. No person, firm or corporation not engaged in the business of outdoor advertising for direct profit shall erect, maintain or continue to maintain any outdoor advertising structure, device or display, outside of the compact or built-up portion of any city or town, other than upon property within two hundred feet of the place where the goods advertised are manufactured or offered for sale, or where the business advertised is carried on until a permit shall have been obtained therefor from the chief of the state highway police, and their permit fees as provided by section four of this act shall have been paid. Applications for such permit shall be made in the manner provided by section two hereof.

Sect. 4. Fees for permits. The fees for said permits shall be as follows:

For each bulletin, panel, billboard or sign containing three hundred square feet or less of advertising space, three dollars (\$3.00); for each bulletin, panel, billboard or sign containing more than three hundred square feet, and less than six hundred square feet of advertising space, six dollars (\$6.00); for each bulletin, panel, billboard or sign containing six hundred square feet and less than nine hundred square feet of advertising space, nine dollars (\$9.00); and no sign shall be erected which shall contain more than nine hundred square feet of advertising space.

When both sides of such bulletin, panel, billboard or sign are used for advertising purposes, fees as above provided shall be payable for each side.

Sect. 5. Issuance of permits: Upon receipt of an application as set forth in section two hereof and the required per-

mit fee, the chief of the state highway police shall cause to be issued a permit for the erection or continued maintenance of the outdoor advertising structure, device or display named in said application, which permit shall state the size of such structure, device or display, and the location upon which it is to be erected or maintained, and shall be in force until the first day of July next following the date thereof. Any advertisement displayed upon any such structure or device shall be exempted from the payment of any other permit fee during the period covered by such permit. Provided, however, that the chief of the state highway police may refuse to issue a permit for any one or more of the following causes:

(a) If the structure, device or display is within one hundred yards (100) of any public park, state forest, play ground or cemetery.

(b) If such structure, device or display is within the established limits of the highway or within one hundred feet of the center of the travelled part of any highway, except upon the walls of the building in which the goods advertised are offered for sale or the business is conducted, and except signs solely indicating highway directions, traffic regulations and traffic dangers.

(c) If the structure, device or display is within five hundred (500) feet of any intersecting highway or within five hundred (500) feet of any entering highway upon the side thereof, or if such structure, device or display is so situated in any other respect as to endanger travel upon the highway by obscuring the free view thereof.

(d) If said structure, device or display is for any cause damaging or detrimental to the lawful use of the highway.

Sect. 6. Bond required from out of state licensees. The license shall not be granted to any 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 sign, billboard, bulletin or other structure designed and intended for the display of advertising matter until such person, firm or corporation shall have furnished and filed with the chief of the state highway police in such sum as said chief shall determine, conditioned that such licensee shall fulfill all the requirements of the law and the regulation and orders of said chief relating to the display of advertisements. Such

bond shall remain in full force and effect so long as any obligations of such licensee to the state shall remain unsatisfied.

Sect. 7. Removal and relocation of boards. Upon violation of the terms of the permit, or if any of the causes for which the permit could have been refused as set forth in section five hereof shall appear, or if the advertising device is otherwise unlawfully erected or maintained, then the chief of the state highway police may order the removal or relocation of any bulletin, panel, billboard, or other advertising device. If the person, firm or corporation in control of or owning any bulletin, panel, billboard or other advertising device which has been ordered removed or relocated as provided in this section shall not remove the same within thirty days after such order of removal or relocation has been sent to such person, firm or corporation by said chief of the state highway police by registered mail, said chief may cause such bulletin, panel, billboard or other advertising device to be removed or relocated and the expense of such removal or relocation may be collected from the person, firm or corporation owning or controlling the same in an action of debt based upon the provisions of this act or from the sureties upon the bond which such person, firm or corporation has filed.

Sect. 8. Permits within built-up or compact portions of cities and towns. Within the compact or built-up portions of cities, towns and villages the municipal officers shall exercise the powers and duties in this act conferred upon the chief of the state highway police. The fees for permits for advertising devices of different sizes erected or maintained within such compact or built-up portions shall be established by the municipal officers. The fees so established may be less, but shall not exceed the fees set forth in section four hereof for signs of the same size. The provisions of section six hereof shall apply, except that the bond therein referred to shall run to the city or town.

Sect. 9. Exemptions from application of the law. This act shall not require any license or permit for any advertising sign containing six (6) square feet or less, from any city, town, quasi-municipal corporation, church or ecclesiastical society in this state for any advertisement owned by it, advertising its industries or attractions and maintained at either private or public expense.

Any such advertising sign, however, may be removed by the chief of the state highway police in the manner provided in section seven hereof if such sign in the opinion of the chief of the state highway police is, for any cause, damaging or detrimental to the lawful use of the highway.

Sect. 10. Definition of terms; time limit of responsibility. The word "display" as used in this act and in other laws of the state relating to advertisements and signs shall mean erect, ing, maintaining, painting and 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 advertisements, billboard or other structure erected or displayed, either before or after passage of this act, 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 the license or permit fees required by law shall apply and be in force for such time as such advertisement or sign or any part thereof shall remain visible, and as long as any bulletin, panel, billboard or other advertising device or any part thereof shall remain exposed to public view.

Signs erected and maintained for the sole purpose of safeguarding, facilitating, and protecting travel along the highway by the state, any political sub-division thereof, or the state highway commission, and guide posts and guide boards authorized by statute are not advertising signs within the meaning of this act.

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

Sect. 11. All advertisements to be signed. All bulletins, billboards, panels or other advertising devices shall show thereon the name of the person, firm or corporation displaying the same.

Sect. 12. Fees. All fees for licenses and permits according to the provisions of sections one and four of this act are hereby imposed for revenue and shall be paid by the chief of the state highway police into the state treasury, as collected.

The expenses of administering this act shall be paid by said treasury on order of the chief of the state highway police out of the funds so collected and the balance thereof shall be divided in the month of January each year among the municipalities in which billboards or other structures used for advertising purposes are located, each municipality to receive the amount collected by said chief of the highway police for licenses and permits, less its proportion of the cost of administering this act. Such proportion to be the same percentage of such cost as the amount received for permits in each municipality bears to the entire amount received.

Sect. 13. The fees for licenses and permits prescribed by this act shall be in lieu of all other taxes, license fees or excises for advertising or carrying on the business of advertising by means of billboards and other structures.

Sect. 14. Penalty. Any person, firm, or corporation who shall erect, maintain, display or allow to remain in view any bulletin, billboard, panel or other advertising device contrary to the provisions of this act shall be fined not more than one hundred dollars (\$100) for each such device so displayed. Each day that such violation continues shall be treated as a separate violation of this act. Municipal courts within their several jurisdictions shall have power to try and punish violations of this act.

Sect. 15. Appeals. Any person, firm or corporation aggrieved by any decision of the chief of the state highway police or municipal officers hereunder may within thirty days from the date of such decision petition any justice of the supreme judicial or superior court sitting in term time or vacation for a review of said decision.

Sect. 16. If any section, clause or provision of this act shall be held to be unconstitutional or invalid, such determination shall not be held to affect any other section, clause or provision of this act.

Sect. 17. Repeal of inconsistent laws. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.