

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 873

H. P. 1336 House of Representatives, March 18, 1931.

Reported by a Majority of the Committee on Taxation, On motion of Mrs. Day of Gorham majority and minority reports tabled pending acceptance of either and 500 copies ordered printed.

CLYDE R. CHAPMAN, Clerk.

New Draft of H. P. 29, L. D. 44.

STATE OF MAINE

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

AN ACT for the Taxation of Billboards and the Regulation
and Control of Outdoor Advertising.

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

Section 1. Excise provided for. No person, firm or corporation shall erect or maintain any outdoor advertising structure or device other than upon property within two hundred feet of the place where the property or goods advertised are manufactured or offered for sale, or where the business advertised is carried on until such person, firm or corporation shall have paid an excise which shall be in lieu of all other taxes, municipal or state, on said structure or device to the city, town or plantation in which such advertising structure or device is to be erected or maintained and shall have received a receipt therefor and the permit provided for in section two thereof. The payment of said excise shall cover the period from date of the payment thereof to the first day of April next succeeding.

Sec. 2. At the time of the payment of the excise provided for in section one hereof, the person, firm or corporation paying the same shall file in duplicate with the treasurer of the city, town or plantation collecting the same, on blanks to be

prepared and furnished by the chief of the state highway police, complete information respecting the location, size and design of said advertising structure or device and the name of the owner of the land on which it is to be erected or maintained. If said advertising structure or device is to be erected or maintained within the compact or built-up portion of any city or town as hereinafter described, a permit for the erection or maintenance thereof shall be issued by the treasurer, subject to the regulations of said city or town. If said advertising structure or device is to be erected or maintained outside of the compact or built-up portion of said city or town, the treasurer shall forward the duplicate of said application with the amount of the tax paid endorsed thereon, to the chief of the state highway police.

Sec. 3. Permits to be issued. Upon receipt of the duplicate of the application as provided for in the preceding section, the chief of the state highway police shall issue a permit therefor, on blanks to be provided by him, provided however, that no permits shall be issued for any advertising structure or device in, upon, or above any public highway or so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways, or otherwise so situated as to prevent safe use of the highway. If said chief of the state highway police refuses to issue said permit, he shall notify the treasurer of the city or town collecting said tax, who shall thereupon cause the same to be refunded to the applicant.

Sec. 4. Amount of tax. The excise hereinbefore provided shall be as follows: one and one-half cents per square foot of advertising space of each advertising structure or device. In no case shall the excise for any one advertising structure or device be less than three dollars. When both sides of said advertising structure or device are used for advertising purposes, the excise as above provided shall be payable for each side thereof.

Sec. 5. Removal of boards. The chief of the state highway police may order the removal of any advertising structure or device which does not comply with the terms of this act. If the person, firm or corporation in control of or owning any advertising structure or device which has been ordered removed as provided in this section shall not remove the same

within thirty days after such order of removal 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 advertising structure or device to be removed and the expense of such removal may be collected from the person, firm or corporation owning and controlling the same in an action of debt based upon the provisions of this act.

Sec. 6. 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.

Sec. 7. Exemptions from applications of the law. This act shall not require any permit for any advertising structure or device 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.

Sec. 8. Limitation. Signs erected and maintained for the sole purpose of safe-guarding, facilitating and protecting travel along the highway of the state, any political sub-division thereof, or the state highway commission, and guide posts and guide boards authorized by statute are not advertising structures or devices 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.

Sec. 9. Identification of advertisers. All bulletins, billboards, panels, or other advertising devices shall show thereon the name of the person, firm or corporation displaying the same.

Sec. 10. Penalty. Any person, firm or corporation who shall erect, maintain, display or allow to remain in view of any advertising structure or device without first paying the excise as herein provided shall be punished by a fine of not more than one hundred dollars (\$100) for each such advertising structure or device. Each day that such violation continues shall be treated as a separate violation of this act.