

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 643

S. P. 334

In Senate, February 19, 1935.

On motion by Senator Hussey of Kennebec referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT to Provide for Licenses and Permits for Outdoor Advertising.

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

Sec. 1. License; fee. No person, firm or corporation shall, after the 1st day of January next following the effective date of this act, engage or continue in the business of outdoor advertising for direct profit through rentals or compensation received for the erection, maintenance or display of painted bulletins, poster panels, or other outdoor advertising devices, upon real property, until such person, firm or corporation shall have secured from the state highway commission, hereinafter called commission, a license to engage in the business of outdoor advertising. The fee for such license shall be the sum of \$10 per year, payable annually in advance.

Sec. 2. Permits. No person, firm or corporation shall after the 1st day of January next following the effective date of this act erect or maintain upon real property any outdoor advertising structure, device or display, including those now or hereafter existing, until a permit for the erection or maintenance of such structure, device or display shall have been obtained from the commission. The provisions of this section shall not apply to outdoor advertising structures, devices or displays upon or within 200 feet of the building wherein the goods advertised are manufactured or sold

or the business or profession advertised is carried on or practiced, or which advertise the real property upon which the same may be for sale or for rent, provided that such structures, devices or displays shall not exceed 2 in number and that neither shall be of an area greater than 100 square feet or shall endanger the safety of persons using the highways.

Sec. 3. Fees. The fees for such permits shall be at the rate of 2 cents per square foot of the area of each panel bulletin or sign, and shall be payable annually in advance but such annual fee shall in no case be less than \$1. A fee shall be paid for each side of each panel, bulletin or sign used or intended to be used for advertising, and each panel, bulletin or sign of a series shall require a permit and the payment of a separate permit fee. The area of any panel, bulletin or sign of irregular shape shall, for the purposes of this section, be that of the smallest rectangle within which it may be inscribed.

Sec. 4. Applications. Applications for licenses and permits shall be made to the commission in November following the passage of this act and in November of each year thereafter and shall be accompanied by the fees applicable thereto as hereinbefore provided. They shall be in writing upon forms furnished by the commission, shall contain the full name and post office address of applicant and such other information as the commission may require, and shall be signed by the applicant or by his, their or its duly authorized agent. Applications for permits shall state also the location of the structure, device or display for which the permit is asked. In December following the filing of such applications, the commission shall examine said applications and if they comply with the provisions of this act shall grant the licenses and permits applied for which shall be effective for 1 year beginning on the 1st day of January next thereafter.

Sec. 5. Disposition of revenue. The fees hereby imposed shall be for revenue for the use of the state and shall be paid to the treasurer of state. He shall deposit them in a separate account and shall pay therefrom, upon orders from the commission, the costs and expenses of administering this act, and annually, beginning in January 1936, shall credit the unexpended balance in said fund at the close of the preceding calendar year to the funds of the state applicable to the beautification of its public highways.

Sec. 6. Bond. No license or permit required by this act shall be granted to a person not residing within this state or to a firm or corporation whose principal place of business is outside this state until such person, firm or

corporation shall have furnished and filed with the commission a bond with surety or sureties, satisfactory to the commission, running to the state, in the sum of \$1,000, and conditioned to observe, obey and fulfill all requirements of the laws of this state and the rules and orders of the commission relating to the display of outdoor advertising. Such bond shall remain in full force and effect as long as any obligations of the principal therein arising under this act and said rules and orders remain unsatisfied.

Sec. 7. Limitation on granting of permits. No permit shall be granted for the erection, construction or maintenance of any outdoor advertising structure, device or display, within a distance of 500 feet of the intersection or junction of a highway with another highway, or with a railway or street railway, at a point where it would obstruct or interfere with a view of a train, street car or other vehicle on the intersecting or joining highway, railroad or street railway; or within 300 feet of any public park, reservation, forest, playground, church, school or cemetery and in public view therefrom; or within 50 feet from the nearer line of the right of way of a public highway and in public view therefrom; or on any public highway, part or other public property; or which in the judgment of the commission is or would be injurious to property in the vicinity thereof, or injuriously affect any public interest, or endanger the safety of persons using any highway; or in a place wherein the erection, construction or maintenance thereof is or shall be prohibited by any municipal ordinance or regulation; or upon real property owned by or leased to a person other than the applicant, except with the written consent of such owner or lessee filed with the commission; or whose area shall exceed 900 square feet; or which, in whole or in part, in its operation shall move or simulate motion, or which is or shall be painted upon or annexed to any rock or tree. No permit shall be granted or renewed for the further maintenance of any billboard, sign or other advertising device unless the front, back, braces, anchors and lattice work thereof are painted and kept in proper condition.

Sec. 8. Powers. The commission is hereby authorized to employ and discharge clerical or other assistants required for the administration of this act, and to fix their compensation; to make and enforce orders and regulations for the enforcement of this act; to prosecute and maintain in the name of the state actions for violations hereof and the recovery of penalties therefor; to revoke any license or permit hereunder for any violation hereof or of any such order or regulation hereunder for any violation hereof or of any such order or regulation hereunder, after hearing of the time and place of which and of the alleged violation or violations not less

than 30 days' written notice shall have been given to the licensee or holder of the permit by registered mail addressed to such licensee or holder at the residence or place of business stated in the application; to prescribe and from time to time to make changes in the forms of applications for licenses and permits and of licenses and permits; to order and cause the removal of any outdoor advertising structure, device or display erected or maintained in violation hereof, or which in its judgment endangers the safety of persons using the highways, and for said purpose to enter upon private property without liability therefor by way of damages, prosecution or otherwise.

Sec. 9. Removal of structure. When in its judgment the public welfare requires it, the commission may summarily and without notice to the licensee or holder of the permit execute such order for the removal of any such outdoor advertising structure, device or display; otherwise it shall cause a copy of said order to be mailed by registered mail to the holder of the permit therefor to the residence or place of business appearing in the application for such permit, or the person, firm or corporation owning or controlling such structure, device or display, and if said order shall not have been complied with within 30 days thereafter, the commission may remove said structure, device or display and recover the expense thereof from the holder of the permit or person, firm or corporation owning or controlling said structure, device or display or from the surety or sureties upon his, their or its bond, filed in accordance with the provisions of this act. The state highway police, and the police officers of any municipality and the peace officers of any county or township shall, at the request of the commission, remove or cause to be removed any such structure, device, or display the removal of which it shall have ordered as aforesaid.

Sec. 10. Permits to be numbered. Permits issued under this act shall bear distinguishing numbers, and any structure, device or display erected, constructed or maintained thereunder shall have upon its face in readily legible form the permit number and the expiration date thereof and the name and postoffice address of the holder of the permit.

Sec. 11. Interpretation of "display"; time limit on obligation to pay fees. The word "display," as used in this act and in other laws of the state relating to advertisements and signs, shall mean erecting, maintaining, pasting, 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 advertisement, billboard or other structure, erected or displayed either before or after the 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 license and 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 board or structure or any part thereof erected or built for the purpose of displaying advertising matter thereon shall remain exposed to public view. Warning or directional signs upon highways for the safety or welfare of persons using such highways, erected, constructed or maintained by the authorities having control of such highways or with their consent, shall not be deemed to be outdoor advertising structures, devices or displays within the meaning of this act.

Sec. 12. Fine. Any person, firm or corporation who shall erect, maintain or display an advertisement, sign or billboard or any structure designed for the display of advertising matter contrary to the provisions of this act shall forfeit and pay the sum of \$100 for each sign so displayed, to be recovered by action at law in the name and for the use of the state.

Sec. 13. Validity. The sections of this act are hereby declared to be independent and severable and the invalidity or unconstitutionality of one shall not be held to affect another or others.

Sec. 14. Effective date. This act shall be in effect on and after the 1st day of November, 1935.