

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 39

S. P. 69

In Senate, January 18, 1939.

Referred to Committee on Judiciary. Sent down for concurrence and 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Kennedy of Hancock.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Amending the Law Relating to Outdoor Advertising.

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

Sec. 1. P. L., 1935, c. 163, § 2, amended. Section 2 of chapter 163 of the public laws of 1935 as amended by section 2 of chapter 194 of the public laws of 1937 is hereby further amended to read as follows:

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 the property whereon the goods so advertised are manufactured or sold or the business or profession so 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 10 in number or a total area of 250 square feet, and provided that such structures, devices or displays shall be within 300 feet of the building wherein the goods advertised are manufactured or sold or the business or profession advertised is carried on or practiced, except that if such building is not adjacent to a ~~state or state aid highway~~ **public way designated**

by state or federal highway route numbers said structures, devices or displays shall be within 300 feet from the junction of the nearest such highway, and the travelled way, public or private, constituting the approach to said building, and such signs shall not exceed 2 in number or 200 square feet in total area and provided further that none of such signs shall be of an area greater than 100 square feet or shall endanger the safety of persons using the highways.'

Sec. 2. P. L., 1935, c. 163, § 6, amended. Section 6 of chapter 163 of the public laws of 1935 is hereby amended to read as follows:

'Sec. 6. 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 300 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 the 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, public forest, public playground, school, church or cemetery and in public view therefrom; or within 50 feet from the nearer line of the traveled way of a public highway and in public view therefrom; or on any public highway, park 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 within the prohibited area. No permit shall be granted or renewed for the further maintenance of any bill board, sign or other advertising device unless the front, back, braces, anchors and lattice work thereof are kept in proper condition. ~~Each person, firm or corporation maintaining any structures, devices or displays which are now located within 50 feet from the nearer line of the traveled way of a public highway and in public view therefrom shall relocate said structures, devices or displays in accordance with the provisions of this section; at least 30% of said structures, devices or displays shall be relocated each year and all of said structures, devices or displays shall be relocated within 3 years and 6 months from the effective date of this act.'~~

Sec. 3. P. L., 1935, c. 163, § 8, amended. Section 8 of chapter 163 of the public laws of 1935 is hereby amended to read as follows:

'Sec. 8. Removal of structure. When in its judgment the public safety requires it the commission may order a hearing for the removal of any such outdoor advertising structure, device or display by causing a copy of the order for hearing 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 to the person, firm or corporation owning or controlling such structure, device or display at least 30 days prior to the date of said hearing and if, after due hearing, the said commission shall order said structure, device or display removed and if said order shall not be complied with within 30 days thereafter, the commission may remove **and destroy** 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, and said commission may remove **and destroy** without hearing any structure, device or display for which no application has been filed and permit granted as required by this act and may recover the expense as aforesaid. 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 **and destroyed** any such structure, device or display, the removal of which it shall have ordered as aforesaid.'

Sec. 4. P. L., 1935, c. 163, § 10, amended. Section 10 of chapter 163 of the public laws of 1935 as amended by section 4 of chapter 194 of the public laws of 1937 is hereby further amended to read as follows:

'Sec. 10. Interpretation of "display"; exemptions. 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 structures, 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 or near highways erected by the state or political subdivisions thereof or other signs erected or intended exclusively for the safety, welfare or convenience of persons using such highways, or temporary signs or posters for political or agricultural fair purposes, shall not be deemed to be outdoor advertising structures, devices or displays within the meaning of this act, but they shall not be painted upon or annexed to any rock or tree and are subject to regulation and supervision by the commission to prevent or remove whatever will injuriously affect any public interest or endanger the safety of persons using any highway. Signs or posters located on railroad property and intended for display to the public using such railroad, and signs erected, maintained or displayed under the provisions of any statute, and directional signs erected by authority of the commission upon designs determined by it and not exceeding 48 inches in length and 9 inches in width, except in cases where the commission shall decide that a larger directional sign is necessary for control of traffic, designating places of interest ~~in the town within 20 miles of the location of said sign where the same is placed, or in any adjoining town~~ shall not be deemed outdoor advertising structures, devices or displays within the meaning of this act.'