

# MAINE STATE LEGISLATURE

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

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**Legislative Document**

**No. 1169**

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S. P. 401

In Senate, March 10, 1959

Referred to the Committee on Highways. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Stilphen of Knox.

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### STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

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#### **AN ACT Relating to Outdoor Advertising Devices on the Interstate System.**

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

**Sec. 1. R. S., c. 23, § 142, amended.** Section 142 of chapter 23 of the Revised Statutes, as amended by section 2 of chapter 267 of the public laws of 1957, is further amended to read as follows :

**'Sec. 142. 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, at a point where it would obstruct or interfere with a view of a train or any vehicle on the intersecting or joining highway or railroad; or within 300 feet of any public park, reservation, public forest, public playground, school, church or cemetery and in public view therefrom; or with fifty 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 would 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 any person other than the applicant, except with the consent of such owner or lessee; or whose area shall exceed 900 square feet; or which, in whole or in part, in its operation shall move or simulate motion, **or has any animated or moving parts, or which contains, includes or is illuminated by any flashing intermittent or moving light or lights or which uses lighting in any**

way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main-traveled way, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle, or which is or shall be painted upon or annexed to any rock or tree or any other natural features within the prohibited area. 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 kept in proper condition.'

**Sec. 2. R. S., c. 23, §§ 147-A - 147-D, additional.** Chapter 23 of the Revised Statutes is amended by adding 4 new sections to be numbered 147-A to 147-D, to read as follows:

'**Sec. 147-A. Restrictions on signs and billboards adjacent to the interstate system.** In order to better safeguard the interests and investments of the State and its people in the National System of Interstate and Defense Highways, hereinafter called interstate system, to afford a greater measure of protection to the users of the interstate system by elimination of dangerous hazards, to best maintain the interstate system for the welfare of society and to prevent the unrestricted use of signs and advertising structures and devices immediately adjacent to them, no person shall erect or maintain within 660 feet of the nearest right-of-way boundary line of any portion of the interstate system, including ramps and interchange areas, any advertising sign or advertising structures or devices of any kind which may be visible to the traffic thereon. As used in this section "advertising signs or advertising structure or device" shall mean any outdoor sign, display device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way, including ramps and interchange areas of the interstate system.

This section shall not apply to the following:

**I. Official signs.** Directional or other official signs or notices erected and maintained by the State Highway Commission for the purpose of directing the movement of or control of traffic or intended exclusively to provide for the safety of persons using such highways.

**II. On premise signs.** Signs which advertise the sale or lease of property or activity being conducted upon the real property where the signs are located. Not more than one such sign advertising the sale or lease of the same property may be permitted which is visible to traffic proceeding in any one direction on any portion of the interstate system, including ramps and interchange areas. Not more than one such sign advertising activities being conducted upon the real property where the sign is located which is visible to traffic proceeding in any one direction on any portion of the interstate system, including ramps and interchange areas, may be permitted more than 50 feet from the building wherein the goods advertised or sold or the business or profession advertised is carried on or practiced. No sign shall exceed 20 feet in length, width or height, or 150 square feet in area, including border and trim, but excluding supports, excepting signs not more than 50 feet from the building

wherein the activity is being conducted and advertising activities being conducted upon the real property where the sign is located. No sign that displays any trade name which refers to or identifies any service rendered or protection sold, or otherwise handled, may be permitted unless the name of the advertising activity is displayed as conspicuously as such trade name.

III. Advertising and informational signs and sites. Panels installed and maintained by the State Highway Commission by agreement between the Secretary of the United States Department of Commerce and the State Highway Commission designed to give information in the specific interest of the traveling public. The panels containing individual signs concerning a single activity or place are subject to the following regulations:

- A. No sign may be permitted which is not placed on a panel.
- B. No panel may be permitted to exceed 13 feet in height or 25 feet in length, including border and trim but excluding supports.
- C. No sign may be permitted to exceed 12 square feet in area, and nothing on such sign may be permitted to be legible from any place on the main-traveled way or the ramps or interchange areas of the interstate system.
- D. Not more than one sign concerning a single activity or place may be permitted within any one informational site.
- E. Signs giving information about public places operated by the federal, state or local governments, natural phenomena, historic sites, areas of natural scenic beauty or naturally suited for outdoor recreation, and places for camping, lodging, eating and vehicle service and repair, may be permitted on the informational signs if the activity or place concerned is located within 12 air miles from the informational sign.
- F. No sign may be permitted which moves or has any animated or moving parts.
- G. No sign that displays any trade name which refers to or identifies any service rendered or protection sold, or otherwise handled, may be permitted unless the name of the advertising activity is displayed as conspicuously as such trade name.

Sec. 147-B. Exclusions. Those portions of the interstate system which traverse incorporated municipalities wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control or which traverse other areas where the land use is clearly established by state law as industrial or commercial, and the State Highway Commission and Secretary of the United States Department of Commerce in the exercise of their sound judgment believes that the exclusion of such segments will be consistent with the national policy are exempted from section 147-A.

Section 147-A shall not apply to any portion of the interstate system for which the entire width of the right-of-way was initially acquired prior to July 1, 1956 for the interstate system.

**Sec. 147-C. Cooperation with Federal Government.** The State Highway Commission is authorized and empowered to accept for the State, federal funds apportioned or authorized under "Title 23 U. S. Code, Section 131" and other acts amendatory thereof and supplementary thereto, and to enter into agreements with the Secretary of the United States Department of Commerce under said Title 23.

**Sec. 147-D. Advertising signs adjacent to the interstate system and controlled access highways.** No person, firm or corporation shall use the facilities of a controlled access highway or the interstate system or the right-of-way provided therefor for any purposes connected with the erection and maintenance of any advertising sign or advertising structure or device; and any person, firm or corporation applying for a license or permit for the erection of advertising signs, structures or devices shall certify in writing that lawful means of access are available to the proposed location for the erection and maintenance of the advertising sign or advertising structure or device from other than the facilities of the controlled access highway or the interstate system.'

**Sec. 3. R. S., c. 23, § 148, amended.** Section 148 of chapter 23 of the Revised Statutes, as amended by section 5 of chapter 267 of the public laws of 1957, is further amended to read as follows:

**'Sec. 148. Penalty.** 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 sections 137 to 147, sections 147-A to 147-D and section 148 shall be punished by a fine of not less than \$10 nor more than \$100. The display of each sign shall constitute a separate offense. Whoever, after conviction for a violation of any of the provisions of sections 137 to 147, sections 147-A to 147-D and section 148, unlawfully maintains any such advertisement, sign or billboard or structure designed for the display of advertising matter for 10 days after the conviction may be punished by a fine of not more than \$50 for each day upon which such advertisement, sign or billboard or structure designed for display of advertising matter is maintained. The fines and costs imposed and collected under the provisions of this section shall be paid to the Treasurer of State and deposited in accordance with the provisions of section 141.'