

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-sixth and Eighty-seventh
Legislatures

OF THE

STATE OF MAINE

From April 1, 1933, to April 6, 1935

AND MISCELLANEOUS STATE PAPERS

Published by the Secretary of State, in conjunction
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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-Seventh Legislature

1935

[supplied from page 201 of volume]

letters not less than $\frac{3}{4}$ inch in height the word "Vacationland". The numerals of the register number thereon, except on motor cycle number plates, shall be substantially not less than ~~four~~ 3 inches high. The secretary of state may select and issue a special distinguishing letter, mark, or design for number plates issued to manufacturers and dealers; also for any temporary or other special classes of registration and for use on motor cycles, trucks, trailers, tractors, and side-cars, which are required to be registered under this chapter.'

Approved April 6, 1935.

Chapter 163.

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 or erect, maintain or display any painted bulletins, poster panels or other outdoor advertising devices upon property not their own or not occupied by them as a place for carrying on business other than outdoor advertising 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 \$25 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 \$1 for each panel, bulletin or sign payable annually in advance, except that the fee for such panel, bulletin or sign as shall be required to be relocated as elsewhere provided in this act shall not be payable until so relocated. A fee shall

CHAP. 163

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 aforesaid fees to be in lieu of all other taxes upon each panel, bulletin or sign.

Sec. 4. Application. Applications for licenses and permits shall be made to the commission 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. 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 in effect, unless revoked, until the end of the calendar year in which issued.

Sec. 5. Disposition of fees. The fees collected under the provisions of this act shall be paid over by the commission to the treasurer of state. He shall deposit them in a separate account and shall pay therefrom, upon vouchers from the commission approved by the state controller, the costs and expenses of administering this act, and annually, 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. 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 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, 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 billboard, 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. 7. 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, 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.

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 said structure, device or display and recover the expense thereof from the holder of the permit or person, firm or corporation owning or controlling

CHAP. 163

said structure, device or display, and said commission may remove 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 any such structure, device, or display, the removal of which it shall have ordered as aforesaid.

Sec. 9. 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 post office address of the holder of the permit. Permits, as aforesaid, to be attached to said structure, device or display, shall be furnished by the commission.

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, directional or other signs upon or near highways 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 shall not be deemed outdoor advertising structures, devices or displays within the meaning of this act.

Sec. 11. Limitation. These regulations shall not apply to outdoor ad-

vertising in the compact or built up section of any town or city but such advertising is subject to regulation by town or city by-laws or ordinances.

Sec. 12. 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 this act shall forfeit and pay not less than \$10 nor more than \$100 for each sign so displayed, to be recovered by action at law in the name and for the use of the state to be expended as provided in section 5.

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.

Approved April 6, 1935.

Chapter 164.

AN ACT Relative to Smelt Fishing.

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

R. S., c. 38, § 29, amended. Section 29 of chapter 38 of the revised statutes is hereby amended so that the third paragraph of said section shall read as follows:

'Provided, however, it shall be lawful to catch smelts with the hands for table use only in the family of the person catching the smelts, said smelts not to be caught and sold, in any of the brooks of the state, **flowing directly into tide-water**, during the months of April and May of each year.'

Approved April 6, 1935.

Chapter 165.

AN ACT to Amend the Law Relating to Teachers' Pensions.

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

R. S., c. 19, § 225, amended. Section 225 of chapter 19 of the revised statutes is hereby amended to read as follows:

'Sec. 225. Commissioner of education to formulate rules. The state commissioner of education shall formulate rules and regulations for carrying into effect the provisions of the 6 preceding sections; provided that in case of retirement, voluntary or compulsory, on the part of a teacher, who has reached the age of 55, is needy, dependent, has no other means of support, and has taught the minimum number of years as required by law the