

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the One Hundredth Legislature

**1961**

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## Chapter 332

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

**Emergency preamble.** Whereas, Title 23, U. S. Code, Section 131, paragraph (c) provides that any state which enters into an agreement with the Secretary of Commerce of the United States for the control of out-door advertising devices adjacent to the right-of-way of certain sections of the Interstate System will receive additional federal funds for the construction of the Interstate System to the extent of  $\frac{1}{2}$  of 1% of the cost of construction of those sections; and

Whereas, the State of Maine would receive approximately \$700,000 under section 131, paragraph (c) referred to above if it entered into such an agreement with the Secretary of Commerce of the United States; and

Whereas, under the terms of section 131, paragraph (c) such an agreement must be entered into prior to July 1, 1961; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. R. S., c. 23, § 146, amended.** Section 146 of chapter 23 of the Revised Statutes, as amended by section 1 of chapter 279 of the public laws of 1955, is further amended to read as follows:

**'Sec. 146. "Display" defined.** The word "display" as used in sections 137 to 148 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 July 6, 1935, 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 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 sections 137 to ~~147~~ 147 and section 148, 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 within 20 miles of the location of said sign shall not be deemed outdoor advertising structures, devices or displays within the meaning of sections 137 to 148.'

**Sec. 2. R. S., c. 23, § 147, amended.** The first sentence of section 147 of chapter 23 of the Revised Statutes is amended to read as follows:

'Except for outdoor advertising in areas adjacent to the interstate system, ~~These~~ these regulations shall not apply to outdoor advertising 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. 3. R. S., c. 23, § 147-A, amended.** Section 147-A of chapter 23 of the Revised Statutes, as enacted by section 2 of chapter 339 of the public laws of 1959, is amended to read as follows:

**'Sec. 147-A. Restrictions on interstate system.** ~~Prior to the effective date of laws enacted by the 1960 Legislature no~~ No person shall erect or maintain ~~in the rural area~~ 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. As used in this section "advertising signs or advertising structures or devices" 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, traffic on the main-travelled 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, structure or permanently emplaced fixture where the goods advertised are sold or the business or profession advertised is carried on. No sign shall exceed 20 feet in length, width or height, or 150 square feet in area, including border and trim, but excluding supports, and no sign that displays any trade-name which refers to or identifies any service rendered or product sold, or otherwise handled, may be permitted unless the name of the advertised activity is displayed as conspicuously as such trade-name; except that this sentence shall not apply to signs located not more than 50 feet from the building, structure or permanently emplaced fixture where the goods advertised are sold, or the business or profession advertised is carried on.

No such sign shall be permitted which:

- A. Attempts or appears to attempt to direct the movement of traffic or which interferes with, imitates or resembles any official traffic sign, signal or device.
- B. Prevents the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.
- C. Contains, includes or is illuminated by any flashing, intermittent or moving light or lights.
- D. Uses lighting in connection therewith unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main-travelled way of the interstate system, 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.
- E. Moves or has any animated or moving parts.
- F. Is erected or maintained upon trees or painted or drawn upon rocks or other natural features.

~~III. Signs in urban areas. Advertising signs or advertising structures or devices in the area contiguous to or near the interstate system, including ramps and interchanges, which is within the urban areas of municipalities.~~

III. Areas adjacent to interstate system. Advertising signs or advertising structures or devices in areas adjacent to segments of the interstate system which traverse commercial or industrial areas legally designated as such by incorporated municipalities on or before September 21, 1959. Advertising signs or advertising structures or devices in urban areas as established by the State Highway Commission as of April 1, 1961, or subsequently enlarged, adjacent to segments of the interstate system which traverse commercial or industrial areas legally designated as such by incorporated municipalities after September 21, 1959. The commission shall regulate outdoor advertising in industrial and commercial areas as set forth in this subsection under sections 137 to 146 and section 148.

IV. Outside incorporated municipalities. Advertising signs or advertising structures or devices outside incorporated municipalities where the land use as of September 21, 1959, was legally established as commercial or industrial.

~~IV.~~ V. Right-of-way acquired prior to 1956. Any portion of the interstate system for which the right-of-way was initially acquired prior to July 1, 1956.

VI. Municipal ordinances. This section shall not affect any advertising sign or advertising structure on segments of the interstate system within the limits of an incorporated municipality which at the time of passage of this act or hereafter itself regulates or controls outdoor advertising by municipal ordinance.'

Sec. 4. R. S., c. 23, § 147-B, additional. Chapter 23 of the Revised Statutes is amended by adding a new section, to be numbered 147-B, to read as follows:

'Sec. 147-B. Agreements. The State Highway Commission is authorized to enter into agreements with the Secretary of Commerce of the United States to control outdoor advertising in accordance with national standards and sections 143, 144, 147-A, 148 and 150.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Effective May 26, 1961

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## Chapter 333

### AN ACT to Exempt Industrial Disposal Systems from Property Tax.

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

R. S., c. 91-A, § 10, sub-§ VI, ¶ E, additional. Subsection VI of section 10 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955, is amended by adding a new paragraph E to read as follows:

'E. Industrial disposal systems that produce no by-products which are marketed or used in the process of production.'

Effective September 16, 1961

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## Chapter 334

### AN ACT Classifying Certain Surface Waters in Lincoln County.

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

R. S., c. 79, § 15, amended. Section 15 of chapter 79 of the Revised Statutes, as amended, is further amended under the caption "Lincoln County from the Town Line Between Edgecomb and Boothbay to the Knox County Boundary," by adding after subsection XIII, the following subsections:

'XIV. Tidal waters not otherwise classified bordering the Town of Boothbay—Class B-1.

XV. Tidal waters not otherwise classified bordering the Town of Boothbay Harbor—Class B-1.

XVI. Tidal waters bordering the Town of Boothbay Harbor northerly of a line drawn due east from the point of land off Commercial Street nearest McFarland Island—Class B-2.

XVII. Tidal waters not otherwise classified bordering the Town of Southport—Class B-1.'

Effective September 16, 1961