

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE
3, SECTION 164, SUBSECTION 6.**

K.J. Printing Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TENTH LEGISLATURE

1981

F. Any higher amount which does not exceed twice the pecuniary gain derived from the crime by the convicted organization.

Effective September 18, 1981

CHAPTER 318

S. P. 427 — L. D. 1249

AN ACT to Bring the Maine Traveler Information Services Act into Conformity with the United States Constitution.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, on December 22, 1980, the United States Court of Appeals for the First Circuit declared the Maine Traveler Information Services Act unconstitutional to the extent that it prohibits noncommercial speech by means of highway signs; and

Whereas, the absence of legislation controlling outdoor advertisements is detrimental to the preservation of scenic resources and is hazardous to highway users; and

Whereas, the absence of legislation controlling off-premises commercial outdoor advertising may render the State vulnerable to the imposition of a penalty of a reduction of 10% in its federal highway funds, pursuant to the provisions of the Federal Highway Beautification Act, United States Code, Title 23, Section 131(d); and

Whereas, the absence of legislation authorizing the Commissioner of Transportation to continue the compensated removal of off-premises commercial outdoor advertising signs, which began in the fall of 1979 and on which over \$2,000,000 of federal and state funds have been expended, jeopardizes the state's ability to obtain the federal funding necessary to complete the removal program; and

Whereas, the absence of legislation controlling off-premises commercial outdoor advertising may render the State vulnerable to having to repay all federal funds thus far provided for the compensated removal of commercial signs, which funds constitute 75% of the amount thus far expended; and

Whereas, although the State has taken an appeal of the decision of the First Circuit to the United States Supreme Court, the appeal may be terminated at any time, at which point the State will be without any legislation controlling or authorizing the removal of off-premises commercial outdoor advertising signs; 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. 23 MRSA §§ 1901 to 1912, as enacted by PL 1977, c. 494, § 1 and as amended, are repealed and the following enacted in their place:

§ 1901. Legislative findings

The Legislature of this State makes the following findings of fact.

1. **Tourist industry.** A large and increasing number of tourists has been coming to Maine and, as a result, the tourist industry is one of the important sources of income for Maine citizens, with an increasing number of persons directly or indirectly dependent upon the tourist industry for their livelihood.

2. **Information discrimination.** Very few convenient means exist in the State to provide information on available public accommodations, commercial services for the traveling public and other lawful businesses and points of scenic, historic, cultural, educational and religious interest. Provision of those facilities can be a major factor in encouraging the development of the tourist industry in Maine.

3. **Scenic resources.** Scenic resources of great value are distributed throughout the State, and have contributed greatly to its economic development by attracting tourists, permanent and part-time residents and new industries and cultural facilities.

4. **Preservation of scenic resources.** The scattering of outdoor advertising throughout the State is detrimental to the preservation of those scenic resources, and so to the economic base of the State, and is also not an effective method of providing information to tourists about available facilities.

5. **Proliferation of outdoor advertising.** The proliferation in number, size and manner of outdoor advertising is hazardous to highway users.

§ 1902. Policy and purposes

To promote the public health, safety, economic development and other aspects of the general welfare, it is in the public interest to provide tourists and travelers with information and guidance concerning public accommodations, facilities, commercial services and other businesses and points of scenic, cultural, historic, educational, recreational and religious interest. To provide this information and guidance, it is the policy of the State and the purpose of this chapter to:

1. **Official information centers; signs.** Establish and maintain official information centers and a system of official business directional signs;
2. **Information publications.** Provide official directories, guidebooks, maps and other tourist and traveler information publications;
3. **Control outdoor advertising.** Prohibit and control the indiscriminate use of outdoor advertising; and
4. **Protection of scenic beauty.** Enhance and protect the natural scenic beauty of the State.

§ 1903. Definitions

As used in this chapter, unless the context otherwise indicates, the following words have the following meanings.

1. **Commissioner.** "Commissioner" means the Commissioner of Transportation.
2. **Erect.** "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish.
3. **Interstate system or interstate highway.** "Interstate system" or "interstate highway" means any state highway which is or does become part of the national system of interstate or defense highways, as described in the United States Code, Title 23, section 103(d) and amendments thereto or replacements thereof.
4. **Logo.** "Logo" means a single or multicolored symbol or design used by a business as a means of identifying its products or services.
5. **Maintain.** "Maintain" means to allow to exist.
6. **Motor vehicle.** "Motor vehicle" means a self-propelled vehicle capable of legal operation on the traveled portion of the state highways.
7. **Official business directional sign.** "Official business directional sign" means a sign erected and maintained in accordance with this chapter, to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services for the traveling public and points of scenic, historical, cultural, recreational, educational and religious interest. Other information may be displayed by means of logos authorized pursuant to section 1910.
8. **On-premise sign.** "On-premise sign" means a sign which is erected and maintained according to the standards set forth in section 1914 upon the same real property that the business, facility or point of interest is located or an approach sign as permitted by section 1914, subsection 10. The signs shall only advertise the business, facility or point of interest conducted thereon or the sale, rent or lease of the property upon which it is located.

9. **Person.** "Person" means an individual, corporation, joint venture, partnership or any other legal entity.

10. **Primary system or primary highway.** "Primary system" or "Primary highway" means any state highway which is or does become part of the federal aid primary system, as described in the United States Code, Title 23, section 103(b) and amendments thereto and replacement thereof.

10-A. **Private way.** "Private way" means a private road, driveway or public easement as defined in section 3021.

11. **Public way.** "Public way" means any road capable of carrying motor vehicles, including, but not limited to, any state highway, municipal road, county road, unincorporated territory road or other road dedicated to the public.

12. **Residential directional sign.** "Residential directional sign" means an off-premise sign erected and maintained by an individual to indicate the location of his residence.

13. **Secondary system or secondary highway.** "Secondary system" or "secondary highway" means any state highway, but which is not part of the interstate or primary systems.

14. **Sign.** "Sign" means any structure, display, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity or place and is visible from any public way. It does not include the flag, pennant or insignia of any nation, state or town. Whenever dimensions of a sign are specified they shall include frames.

15. **State highway or highway.** "State highway" or "highway" means any public way which is so designated by this Title, including interstate, primary and secondary highways.

16. **Traffic control sign or device.** "Traffic control sign or device" means an official route marker, warning sign, sign directing traffic to or from a community, bridge, ferry or airport, or sign regulating traffic, which has been erected by officers having jurisdiction over the public way and these signs shall be exempt from the requirements of this chapter.

17. **Visible.** "Visible" means capable of being seen without visual aid by a person of normal visual acuity.

§ 1904. Travel Information Advisory Council

1. **Creation.** The Travel Information Advisory Council is created. The commissioner shall cooperate with the council by providing necessary assistance.

2. **Powers and duties.** The Travel Information Advisory Council shall advise the commissioner on rules relating to the determination of location, size, color

and lettering for official business directional signs and on all other matters necessary and appropriate for the administration of this chapter.

3. **Membership.** The Travel Information Advisory Council shall have 8 members as follows: One representing the lodging industry, one representing the restaurant industry, one representing the recreational industry, one representing the Keep Maine Scenic Committee, one representing agriculture, one representing environmental organizations, one representing nonprofit historical and cultural institutions and one representing the general public. The members shall be appointed by the Governor, one of whom he shall designate as chairman. The 8 initially appointed members shall be appointed as of the effective date of this chapter, with 4 appointed for one-year terms, and 4 appointed for 2-year terms. New members shall be appointed annually thereafter to 2-year terms. If a vacancy occurs prior to the expiration of a term, that vacancy shall be filled for the remainder of that term. Meetings shall be held at the call of the chairman or at the call of more than $\frac{1}{2}$ of the membership. Members of the council, except state employees, shall receive \$25 per day for their services at meetings and all members shall receive necessary traveling expenses for attending all meetings of the council. All council expenses shall be paid from the fund established by section 1919.

§ 1905. Official tourist information centers

To the extent funds are available or contracts can be entered into, the commissioner shall establish official tourist information centers near the principal entrance points into the State, as determined by the commissioner, and at such other locations as the commissioner deems appropriate in order to provide information about public accommodations, facilities, commercial services and other businesses for the traveling public, and points of scenic, historic, cultural, recreational, educational and religious interest.

§ 1906. Official business directional signs

1. **Erection and maintenance.** The commissioner, with the advice of the Travel Information Advisory Council, shall designate locations for and erect official business directional signs licensed under this chapter. The official business directional signs shall be furnished and preserved by the applicant thereafter and shall conform to regulations issued by the commissioner with the advice of the Travel Information Advisory Council. Such regulations shall be consistent with section 1910.

2. **Agreements with municipalities.** The commissioner may enter into such contractual or other arrangements as he may consider appropriate under the circumstances with any municipality of this State providing for the erection within that municipality of official business directional signs which may be distinctive to that municipality for the administration of such official business directional signs, or for any other matter arising under this chapter which the commissioner considers appropriate to be administered by that municipality. Any such arrangement or agreement and all actions taken in accordance with such

arrangement or agreement shall be with the advice of the Travel Information Advisory Council and shall comply with this chapter and with the regulations adopted pursuant thereto.

§ 1907. Published information

To the extent funds are available or contracts are entered into, the commissioner shall provide directories, guidebooks, maps and other published information, showing the location of routes and available public accommodations, facilities, commercial services for the traveling public and other businesses and points of scenic, recreational, historic and cultural interest. He may include in those guidebooks, and other published materials, paid advertising, identified as such, and shall make them available to visitors and to the general public at information centers and booths, service stations and garages, hotels, motels and restaurants, historical attractions and educational facilities, and such other places as he may find desirable. The commissioner shall cooperate with other state, federal and local agencies that provide information to travelers in the administration of this section.

§ 1908. Regulation of outdoor advertising

No person may erect or maintain signs visible to the traveling public from a public way except as provided in this chapter.

§ 1909. Eligibility for official business directional signs

Lawful businesses and points of interest and cultural, historic, recreational, educational and religious facilities are eligible for official business directional signs, subject to this chapter and to rules promulgated by the commissioner with the advice of the Travel Information Advisory Council, and to any federal law, rule or regulation affecting the allocation of federal highway funds or other funds to or for the benefit of the State or any agency or subdivision thereof.

§ 1910. Types and arrangements of signs

Subject to this chapter, the commissioner, with the advice of the Travel Information Advisory Council, shall regulate the size, shape, color, lighting, manner of display and lettering of official business directional signs. These regulations shall require uniformity among signs in accordance with the following minimum requirements: Signs shall be of uniform sizes; uniform colors shall be specified for each type of service and facility; lettering shall be of a uniform type; logos shall not exceed a uniform size; and posts shall be of a uniform size, shape and color. A symbol may be specified for each type of eligible service of facility for inclusion upon official business directional signs.

§ 1911. Number and location of signs

1. Location limited. Official business directional signs shall only be located in those vicinities where the traveler must change direction from one public way to

another to reach the business, facility or point of interest.

2. Number limited. Notwithstanding section 1918, the commissioner shall not issue more than 6 licenses for official business directional signs for any one place of business, facility or point of interest eligible therefor under section 1909, not more than one such official business sign shall be visible to traffic moving in any one public way leading toward the place of business, facility or point of interest nor shall any license be issued for a sign located more than 10 miles radius from the place of business, facility or point of interest, nor shall more than 2 licenses be issued to any one place of business, facility or point of interest for signs of the maximum size specified under section 1910.

3. Waiver of requirements. The commissioner may waive the specific requirements of this section if an applicant for a license can show unusual hardship due to conditions of topography, access or other physical characteristics.

§ 1912. Permitted locations

In adopting regulations relating to locations for official business directional signs, the commissioner shall take into consideration such factors as the effect upon highway safety, the convenience of the traveling public and the preservation of scenic beauty.

When appropriate, because of the number of signs at one location, the signs shall be displayed in tiers or on panels. Subject to the traffic safety regulations adopted by the commissioner for the purposes of this chapter, the commissioner shall also specify by regulation the general types of locations where such posts, signs or panels may be erected and maintained, and the size, shape, lighting and other characteristics of the panels and posts, including the locations of signs thereon.

Sec. 2. 23 MRSA § 1913, as repealed and replaced by PL 1979, c. 477, § 7, is repealed.

Sec. 3. 23 MRSA § 1913-A is enacted to read:

§ 1913-A. Categorical signs

1. Types of signs. The following signs may be erected and maintained without license or permit under this chapter as follows:

A. Signs of a duly constituted governmental body, a soil and water conservation district or regional planning district;

B. Signs located on or in the rolling stock of common carriers, except those which are determined by the commissioner to be circumventing the intent of this chapter. Circumvention shall include, but not be limited to, signs which are continuously in the same location or signs that extend beyond the height, width or length of the vehicle;

C. Signs on registered and inspected motor vehicles, except those which are determined by the commissioner to be circumventing the intent of this chapter. Circumvention shall include, but not be limited to, signs which are continuously in the same location or signs that extend beyond the height, width or length of the vehicle;

D. Signs, with an area of not more than 260 square inches, identifying stops or fare zone limits of motor buses;

E. Signs showing the place and time of service or meetings of religious and civic organizations, in the municipality or township. Each religious or civic organization may erect no more than 4 signs. No sign may exceed in size 24 inches by 30 inches;

F. Memorial signs or tablets;

G. Hand-held or similar signs not affixed to the ground or buildings; and

H. Signs bearing political messages relating to an election, primary or referendum, provided that these signs may not be placed within the right-of-way prior to 6 weeks before the election, primary or referendum to which they relate and must be removed by the candidate or political committee not later than one week thereafter.

2. Types of signs outside the right-of-way. The following signs may be erected and maintained outside of the public right-of-way without license or permit under this chapter as follows:

A. Signs erected by a public, civic, philanthropic, charitable or religious organization announcing an auction, public supper, lawn sale, campaign or drive or other like event or soliciting contributions;

B. Signs erected by fairs and expositions within the county where the activity is located;

C. Signs bearing religious messages and signs showing the time and place of services or meetings of religious and civic organizations;

D. Signs erected by nonprofit historical and cultural institutions. Each institution, which has certified its nonprofit status with the commissioner, may erect not more than 2 signs with a surface area not to exceed 50 square feet per sign; and

E. Signs bearing political messages.

3. Regulations. The commissioner may promulgate regulations and orders, including prohibitions, to protect highway safety and implement the intent of this chapter.

The signs referred to in this section shall be subject to regulation, including prohibition, as set forth in section 1922.

4. **Zones.** The commissioner may promulgate regulations permitting signs, including signs bearing commercial messages, in any zone or area of the State, together with regulations concerning the dimensions, construction, illumination and other characteristics of such signs if the Attorney General certifies to the commissioner that the United States Supreme Court has determined that signs in such zones or areas must be permitted.

5. **Prohibited practices.** None of the signs referred to in this section may be erected or maintained on any traffic control signs or devices, public utility poles or fixtures or upon any trees. None of these signs may be painted or drawn upon rocks or other natural features.

6. **Interstate system.** None of the signs referred to in this section, other than signs conforming with subsection 1, paragraphs B and C, may be located within the right-of-way limits of the interstate system or within 660 feet of the nearest edge of the interstate system and erected in such a fashion that the message may be read from the interstate highway.

Sec. 4. 23 MRSA §§ 1914 - 1925, as enacted by PL 1977, c. 494, § 1 and as amended, are repealed and the following enacted in their place:

§ 1914. On-premise signs

1. **License and permit.** No license or permit may be required for an on-premise sign.

2. **Number.** On-premise signs on any one property shall not exceed 10 in number, except in the case of more than one business, facility or point of interest being conducted on one property, signs for each business, facility or point of interest shall not exceed 10 in number.

3. **Location.** On-premise signs shall be located within 1,000 feet of the principal building where the business or facility is carried on or practiced or within 1,000 feet of the point of interest. Storage areas, warehouses and other auxiliary structures and fixtures are not deemed to be buildings where the business, facility or point of interest is carried on or practiced.

4. **Location, relation to public way.** No on-premise signs may be permitted:

A. Within 33 feet of the center line of any public way if the highway is less than 66 feet in width;

B. Within 20 feet from the outside edge of the paved portion of any public way with more than 2 travel lanes and a total paved portion in excess of 24 feet in width; or

C. Within the full width of the right-of-way of any public way.

Paragraphs A and B shall not apply to signs erected before September 1, 1957.

5. Interstate highways. Not more than one on-premise sign, advertising the sale or lease of the property, may be permitted on land adjacent to any portion of the interstate system, including ramps and interchange areas, which is visible therefrom.

Not more than one on-premise sign visible from any portion of the interstate system including ramps and interchange areas, may be permitted more than 50 feet from the principal building or structure where the business, facility or point of interest is carried on.

No on-premise advertisement, located more than 50 feet from the principal building or structure where the business, facility or point of interest advertised is carried on, may exceed 20 feet in length, width or height or 150 square feet in area, including border and trim, but excluding supports.

Any on-premise sign located more than 50 feet from the principal structure where the business, facility or point of interest is carried on that displays any trade name which refers to or identifies any service rendered or product sold shall display the name of the advertised business, facility or point of interest as conspicuously as such trade name.

6. On-premise signs prohibited. An on-premise sign shall be prohibited if it:

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 a flashing, intermittent or moving light or lights;

D. Uses lighting in any way unless the light is in the opinion of the commissioner effectively shielded as to prevent beams or rays of light from being directed at any portion of the public way or is of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle or as to otherwise interfere with any driver's operation of a motor vehicle; or

E. Moves or has any animated or moving parts.

7. Signs erected on natural features. No on-premise sign may be permitted which is erected or maintained upon trees or painted or drawn upon rocks or other natural features.

8. Height. The maximum height of on-premise signs shall be 25 feet above the ground level of land upon which it is located or if the sign is affixed to or is

part of a building, the maximum is 10 feet above the roof of the building.

9. Jurisdiction by local authority in compact or built-up sections. Administration of this chapter by the Department of Transportation shall not apply to on-premise advertisements located in compact or built-up sections, the administration of which shall be the responsibility of local authority. In compact or built-up areas adjacent to the interstate, the Department of Transportation shall be responsible for the administration of this section. The "compact or built-up section" of any town or city shall be the territory contiguous to any highway which is built up with buildings devoted to business or dwelling purposes which are situated less than 200 feet apart for a distance of at least 1/4 of a mile.

10. Approach signs. Any business or facility whose principal building, or a point of interest, which is located on a private way more than 1,000 feet from the nearest public way, or is not visible to traffic from the nearest public way, may erect no more than 2 approach signs with a total surface area not to exceed 100 square feet per sign. These signs are to be located outside the public right-of-way limits within 300 feet of the junction of the public and private ways.

§ 1915. Compensation

1. Payment of compensation. Compensation shall be paid for the removal of any sign lawfully erected as of January 1, 1978, and which is visible from the interstate or primary systems, except no compensation may be paid if such sign is exempt as provided in section 1913-A and no compensation may be paid for the removal of signs subject to immediate removal pursuant to section 1924, subsection 3.

2. Procedures. The purchase, condemnation, negotiation, assessment of damage and appeal procedures shall be in accordance with this section and sections 153 through 159.

3. Acceptance of federal funds. The commissioner may accept any allotment of funds by the United States, or any agency thereof, appropriated to carry out the United States Code, Title 23, section 131 and amendments thereto or replacements thereof. Any such funds will be applied to effectuate this chapter.

4. Availability of federal funds. No sign may be required to be compensated if the federal share of the compensation to be paid under this section is not available.

5. Removal pursuant to other law. Nothing in this section may provide compensation for the removal of signs which are lawfully removed pursuant to any other statute, regulation, ordinance or resolution of any governmental entity having jurisdiction.

6. Maintenance of lawfully erected signs. Any sign lawfully erected as of January 1, 1978, in accordance with section 1924, subsections 1 and 2 may be maintained until removed by the commissioner under subsection 7 or by section 1916.

7. Removal of signs for which compensation is paid. The commissioner shall remove a sign for which compensation is to be paid under this section when title to such sign is acquired by the State pursuant to section 154.

§ 1916. Removal of signs by amortization

1. Exclusions. This section shall not apply to:

- A. Signs for which compensation is paid under section 1915;
- B. On-premise signs as provided in section 1914;
- C. Exempt signs under section 1913-A;
- D. Signs licensed under this chapter;
- E. Signs to be removed under section 1917; and
- F. Signs subject to immediate removal pursuant to section 1924, subsection 3.

2. Six years amortization. Any sign lawfully erected as of January 1, 1978, may be maintained in accordance with section 1924 for 6 years after that date in order to amortize the value thereof. The owner of the sign shall remove the sign within 30 days of a receipt of a final order specified in subsection 3.

3. Procedure for notice, hearing, appeal. The procedure for notice, hearing and appeal is as follows.

A. The commissioner shall send to the sign owner notice by certified mail, return receipt requested, that a sign is to be removed pursuant to subsection 2.

Such notice shall be a final order if not appealed under paragraph B.

If the identity of such owner is not known or reasonably ascertainable by the commissioner, such notice may instead be sent to the owner of the land on which the sign is placed.

B. The person owning or controlling the sign may, within 30 days of his receipt of the notice to remove, appeal the order of removal to the commissioner and receive a hearing thereon, with a record made of the hearing. The commissioner shall render a decision within 60 days of the hearing. If no appeal is taken from the commissioner's decision, it shall be a final order. Any person aggrieved by the decision of the commissioner made subsequent to the hearing

may, within 30 days of the receipt of notice of such decision, appeal to the Superior Court in the county where the sign is located. The appeal shall not be de novo and shall be subject to the Maine Rules of Civil Procedure, Rule 80b. For the purposes of this section, "person aggrieved" shall include the person owning or controlling the sign and any other person who is a resident of the county where the sign is located. A final judgment of a court shall be a final order for purposes of subsection 2.

§ 1917. Removal of unlawful signs

1. Notice to remove. The owner of a sign which was or is unlawfully erected or maintained either prior to or after the effective date of this chapter shall be in violation of this chapter until the sign is removed. The owner of the sign shall remove the sign within 30 days of receipt of a notice to remove, sent by certified mail, return receipt requested, by the commissioner. If the identity of such owner is not known or reasonably ascertainable by the commissioner, such notice may instead be sent to the owner of the land on which the sign is placed.

2. Commissioner to remove sign. If the owner fails to remove the sign as required, the commissioner shall remove the sign at the expense of the owner without any further notice or proceeding and may recover the expense of this removal from the owner.

3. Interpretation of chapter. Nothing in this chapter may be interpreted to alter, abridge or in any way interfere with any duty or obligation of a sign owner to remove signs which were nonconforming and illegal prior to January 1, 1975, under the United States Code, Title 23, section 131, as enacted by Public Law 89-285, 89 Congress S. 2084, the "Agreement for carrying out National Policy relative to Control of Outdoor Advertising in Areas adjacent to the National System of Interstate and Defense Highways and the Federal-Aid Primary System" dated December 27, 1967, and as amended on January 3, 1968, executed by and between the United States of America and the State of Maine, under the Maine Revised Statutes, Title 32, sections 2711 to 2723.

The intent of this subsection is to preclude any presumption that this chapter is intended to extend the period of use of any sign which became nonconforming and illegal before January 1, 1975, under the state agreement of December 27, 1967, as amended January 3, 1968, and Title 32, sections 2711 to 2723.

4. Compensation subject to litigation. Whenever the compensation to be paid for removal of any sign is the subject of litigation, pending the litigation such sign shall be removed as provided in subsections 1 and 2.

5. Summary removal of illegal signs within the public right-of-way. Signs which are erected in nonconformance with this chapter and which are within the limits of any public right-of-way shall be subject to immediate removal by the commissioner.

§ 1918. Applications licensing of official business directional signs

1. **Submitting applications.** Any person who is eligible under section 1909 for an official business directional sign may submit to the commissioner a written application therefor, on a form prescribed by the commissioner. The application shall set forth the name and address of the applicant, the name, nature and location of the business, the location where an official business directional sign is desired and such other information as the department may require. The applicant shall tender with the application the standard license fee stated in section 1919 for each sign requested.

2. **Granting licenses.** Following receipt of an application for an official business directional sign, the commissioner shall approve or disapprove the application. The commissioner shall not approve an application unless the requested location conforms to the regulations of the commissioner adopted pursuant to this chapter. The granting of licenses for official business directional signs on the interstate systems by the commissioner is contingent upon any requirement precedent to such approval, such as the concurrence of federal officials.

If the application is approved, the commissioner shall issue the license. If it is not approved, the commissioner shall return the application and fee, stating the reasons for refusal and giving the applicant an opportunity to correct any defects or to be heard, within 30 days, by the commissioner. Upon written request by the applicant, the commissioner shall hear the matter and notify the applicant of his findings and decision. Any person aggrieved by the decision of the commissioner may, within 30 days of receipt of the notice thereof, appeal to the Superior Court in the county where the sign is proposed to be located. The appeal shall not be de novo and shall be pursuant to the Maine Rules of Civil Procedure, Rule 80b.

§ 1919. Fees

An applicant for an official business directional sign shall pay to the commissioner an initial license fee not to exceed \$30 for each sign, and an annual renewal fee not to exceed \$30. The amount of each fee shall be determined for each year by the commissioner in advance of such year and shall approximate to the extent practicable the amount computed by dividing the cost of the administration of the official business directional sign program by the number of signs in existence in the prior licensing year.

The fees so collected by the commissioner shall be deposited with the Treasurer of State and appropriated to carry out this chapter. Such funds shall not lapse but shall remain a continuing carrying account.

§ 1920. Penalty

Any person, firm, corporation or other legal entity who shall erect, maintain or display a sign contrary to and in violation of this chapter, or the rules and regulations promulgated by the commissioner, shall be punished by a fine of not more than \$100 together with the cost of removal of the signs. The unlawful

maintenance or display of each sign or advertising structure for any one day shall constitute a separate offense.

In addition to other penalties, the commissioner may, in the name of the state, institute any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate any violation of this chapter, or any orders or the rules and regulations issued or promulgated hereunder.

§ 1921. Start of enforcement

To provide for the orderly implementation of this chapter, the State shall be divided by the commissioner into traveler information service areas which shall correspond to the Maine highway districts. The commissioner may implement the removal of signs for which compensation is paid on an area by area basis, provided all signs from which compensation is paid shall be removed within 4 years from the effective date of this chapter if federal funds are sufficient under section 1915.

§ 1922. Local ordinance

This chapter shall not supersede the provisions of any other statute, regulation, ordinance or resolution, the requirements of which are more strict than those of this chapter and not inconsistent therewith, whether such ordinance, bylaw, regulation, resolution or statute was enacted before or after the effective date of this chapter. It shall not be inconsistent with this chapter if such statute, regulation, ordinance or resolution prohibits official business directional signs.

§ 1923. Agreements with United States

The commissioner is authorized, empowered and directed to enter into agreements with the United States or its agencies and subdivisions to control signs in accordance with national standards, this chapter and the best interests of the State. Nothing in this chapter may abridge any agreements with the United States in force on the effective date of this chapter.

§ 1924. License or permits under repealed Title 32, chapter 38

1. License. Any license issued pursuant to repealed Title 32, section 2713, shall remain in effect for 6 years from January 1, 1978, provided a licensee shall apply annually and pay the annual fee to the commissioner provided in repealed Title 32, section 2713. This subsection shall not allow the erection of any sign, pursuant to that license, after January 1, 1978, nor shall this subsection allow the maintenance of any sign removed pursuant to sections 1915 and 1916.

2. Fee permit. Any permit for which a fee is paid and which is issued pursuant to repealed Title 32, section 2714, shall remain in effect until the sign for which it is issued is removed pursuant to this chapter, provided a permittee shall apply annually and pay the annual fee to the commissioner provided in repealed Title 32, section 2714.

3. Existing directional signs. Upon implementation of this chapter, the commissioner may remove, or require to be removed, any existing directional sign erected and maintained pursuant to section 1153, Title 32, section 2722 prior to its repeal, and any sign erected and maintained pursuant to Title 32, section 2715 prior to its repeal, which does not qualify as an on-premise sign as defined by section 1914, no later than 6 years after January 1, 1978.

§ 1925. Administration of chapter

The commissioner shall administer this chapter with the advice of the Travel Information Advisory Council. The commissioner may employ, subject to the Personnel Law, clerical and other assistants required for the administration of this chapter. The commissioner may delegate to personnel of the Department of Transportation the authority to administer this chapter. The commissioner may promulgate rules to administer the various provisions of this chapter that are consistent with the provisions thereof. The commissioner may execute contracts and other agreements to carry out the purposes of this chapter.

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

Effective May 26, 1981

CHAPTER 319

H. P. 591 — L. D. 669

AN ACT to Require that Coverage for Alcoholism Treatment be Offered as an Option in Group Health Insurance Policies.

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

Sec. 1. 24 MRSA § 2329 is enacted to read:

§ 2329. Coverage for treatment of alcoholism

1. Coverage required to be made available. Every nonprofit hospital and medical service organization which issues group health care contracts providing coverage for hospital care to residents of this State shall make available coverage for treatment of alcoholism provided by licensed or certified treatment facilities, provided that the facility providing the treatment has contracted with the nonprofit hospital or medical service organization under terms and conditions which the organization deems satisfactory to its membership.

2. Contract. The group contract making available coverage for the treatment