

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

"Do you favor changing the debt limit of the (insert name of district) from (insert current debt limit) to (insert proposed debt limit)?"

**Sec. 3. 38 MRSA §1256** is enacted to read:

**§1256. Sewer districts; authority to increase debt limits**

**1. Debt limit.** Notwithstanding any provision of its charter to the contrary, a sewer district may increase its debt limit by referendum in accordance with this section. A sewer district is not required to use the procedure provided by this section and may seek to increase its debt limit by any other lawful means, including pursuant to any other means described in its charter or by seeking legislative amendment to its charter.

**2. Referendum.** If a sewer district chooses to increase its debt limit pursuant to this section, the governing body of the sewer district shall propose a new debt limit and submit the proposal for approval at a districtwide referendum. The referendum must be called, advertised and conducted according to the law relating to municipal elections, except the registrar of voters is not required to prepare or the clerk to post a new list of voters. The referendum may be held outside the territory of the district if the usual voting place for persons located within the district is located outside the territory of the district. For the purpose of registering voters, the registrar of voters must be in session on the regular work day preceding the election. The question presented must be in substantially the following form:

"Do you favor changing the debt limit of the (insert name of district) from (insert current debt limit) to (insert proposed debt limit)?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion on the question.

The results must be declared by the governing body of the district and entered upon the district's records. Due certificate of the results must be filed by the clerk with the Secretary of State.

**3. Approval.** A debt limit proposal becomes effective upon its acceptance by a majority of the legal voters within the district voting at the referendum. Failure of approval by the majority of voters voting at the referendum does not prevent subsequent referenda from being held for the same purpose. The costs of referenda are borne by the district.

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

Effective May 20, 2005.

**CHAPTER 193**

**H.P. 728 - L.D. 1075**

**An Act To Expand the Items That May Be Sold by Malt Liquor and Wine Licensees**

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

**Sec. 1. 28-A MRSA §1201, sub-§7, ¶A,** as repealed and replaced by PL 1987, c. 342, §104, is amended to read:

A. Includes:

- (1) Tobacco products;
- (2) Newspapers;
- (3) Greeting cards;
- (4) Paper products;
- (5) Cut flowers and potted flowers;
- (5-A) Glasses, stemware, china and devices designed to open containers of wine and beer;
- (6) A stock of foodstuffs and other consumable products used on the premises in the preparation of food for consumption on or off the premises; and
- (7) Other items equally compatible with a stock of malt liquor or wine; and

See title page for effective date.

**CHAPTER 194**

**H.P. 521 - L.D. 726**

**An Act To Require Legislative Review of Rules Governing Private Schools**

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

**Sec. 1. 20-A MRSA §204** is enacted to read:

**§204. Rules**

A rule authorized or provisionally adopted pursuant to this Title after January 1, 2005 that proposes to regulate private schools is a major substantive rule and subject to legislative review in accordance with Title 5, chapter 375, subchapter 2-A. An amendment to a rule adopted pursuant to this Title prior to January 1, 2005 is considered a major substantive rule when the amendment pertains to private schools, and it is subject to legislative review in accordance with Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## CHAPTER 195

### H.P. 373 - L.D. 498

#### An Act To Amend the Laws Relating to Changeable Signs

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

**Sec. 1. 23 MRSA §1914, sub-§11-A**, as enacted by PL 2001, c. 268, §3, is amended to read:

**11-A. Changeable signs.** Notwithstanding subsection 6, paragraphs C and E, changeable signs are not prohibited as long as the sign complies with all the terms of this subsection. The Department of Transportation shall administer the provisions of this subsection ~~unless the municipality in which the sign is located and the Department of Transportation have agreed in writing that the municipality shall oversee that particular sign.~~

A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Changeable sign" means an on-premise sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally or mechanically altered by the complete substitution or replacement of one display by another on each side.

(2) "Display" means that portion of the surface area of a changeable sign that is, or is designed to be or is capable of being periodically altered for the purpose of conveying a message.

(3) "Lot of record" means a lot for which the deed was legally recorded, or which was created by a plan legally recorded, in the registry of deeds for the county where the lot is located. Contiguous lots of record

in the same ownership are considered one lot.

(4) "Message" means a communication conveyed by means of a visual display of text.

(5) "Sign assembly" means the display, border, trim and all supporting apparatus, including posts, columns, pedestals and foundation.

(6) "Time and temperature sign" means a changeable sign that electronically or mechanically displays the time and temperature by the complete substitution or replacement of a display showing the time with a display showing the temperature.

B. The display on each side of a changeable sign:

(1) May be changed no more than once every 20 minutes, unless the municipality in which the sign is located adopts an ordinance to the contrary and notifies the Department of Transportation in writing of that ordinance;

(2) Must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending, unless the municipality in which the sign is located adopts an ordinance to the contrary and notifies the Department of Transportation in writing of that ordinance. Notwithstanding this subparagraph, a municipality may not adopt an ordinance that allows the sign to flash; and

(3) May consist only of alphabetic or numeric text on a plain background and may not include any graphic, pictorial or photographic images.

C. The display may comprise no more than 50% of the surface area of a changeable sign.

D. No more than one changeable sign with 2 sides is allowed per lot of record.

E. Changeable signs may not be located so that the message is readable from a controlled-access highway or ramp.

F. The highest point of the display of a changeable sign may not exceed a height of 25 feet above either the centerline of the nearest public way or actual ground level adjacent to the sign, whichever is lower.