

MAINE STATE LEGISLATURE

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CHAPTER 15
PROTECTION OF HIGHWAYS

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ARTICLE 1. GENERAL PROVISIONS

§ 1151. Unauthorized signs or marks forbidden

No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official

traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or so interferes with the effectiveness of any official traffic-control device or any railroad sign or signal as to endanger the public, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information or promoting highway safety and of a type that cannot be mistaken for official signs. Any person, firm, corporation or political subdivision of the State, while working on, under, over or immediately adjacent to any highway may erect temporary warning or directional signs or signals for the purpose of safeguarding or protecting its workmen and facilitating and protecting travel along the highway by the traveling public.

Every such prohibited sign, signal or marking is declared to be a public nuisance and the authority having jurisdiction over the highway may order the same removed and, if not removed within 48 hours after receipt of the notice, is empowered to remove the same or cause it to be removed.

R.S.1954, c. 23, § 151; 1961, c. 119, § 2.

§ 1152. Advertising restricted; turnpikes

In order to better safeguard the interests and investments of the State and its people in the state turnpike system, to afford a greater measure of protection to the users of the turnpike by elimination of dangerous hazards, to best maintain the turnpikes 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 500 feet of the nearest right-of-way boundary line of any state turnpike any advertising sign or advertising structures or devices of any kind intended for display to the traffic thereon. As used in this section, "advertising sign or advertising structure or device" shall be deemed to mean any advertising structure, sign, picture, word or device for the advertisement thereon or thereby of any commodity, service or thing. This section shall not apply to outdoor advertising structures, devices or displays upon the property whereon the goods so advertised are manufactured or sold, or the business or profession so advertised is carried on or practiced, or which advertise the real property upon which the same may be for sale or for rent, provided such structures shall not exceed 10

in number or a total area of 250 square feet, and provided such structures, devices or displays shall be within 300 feet of the building wherein the goods advertised are manufactured or sold, or the business or profession advertised is carried on or practiced. Any person violating this section shall be guilty of a misdemeanor.

R.S.1954, c. 23, § 149; 1955, c. 230.

§ 1153. —Highways; jurisdiction; removal

No person shall post, erect, display or maintain or cause to be posted, erected, displayed or maintained any sign, billboard, panel, placard, poster, notice or other advertising device in, upon or above any public highway, or so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways, or otherwise so situated as to prevent the safe use, or obstruct the maintenance of the public highway. Such public highway shall be deemed the full width of the road as laid out by the State, county or the town, and in any case shall be deemed to extend 33 feet each side of the center line of the traveled or built up portion of the way.

This section shall not apply to the State or to any political subdivision thereof or to signs erected or maintained with the approval of the commission solely for the purpose of safeguarding, facilitating or protecting travel along the highway. The commission may authorize the placing of directional signs of such design as it shall determine, not exceeding 48 inches in length and 9 inches in width to designate places of interest, to be posted without expense to the State at the junction of roads. Any person, firm or corporation, while working on, under, over or immediately adjacent to any highway, may erect temporary warning or directional signs or signals for the purpose of safeguarding or protecting its workmen and facilitating and protecting travel along the highway by the traveling public.

Any person found guilty of violating this section shall be punished by a fine of not less than \$5 nor more than \$500. Whoever after conviction of such violation unlawfully maintains any such sign, billboard, panel, placard, poster, notice or other advertising device for 10 days after such conviction may be punished by a further fine of not more than \$50 for each day upon which such sign, billboard, panel, placard, poster, notice or other advertising device is maintained. The State Police shall remove all signs, billboards, panels, placards, posters, notices or other advertising devices existing within the limits of the highway in violation hereof.

R.S.1954, c. 23, § 150; 1961, c. 119, § 1; 1963, c. 402, § 26.

ARTICLE 2. GUIDEPOSTS

§ 1201. Recreational areas on turnpike system

In order to guide the users of the state turnpike system to the exit leading therefrom to the major recreational areas of the State, there shall be erected and maintained at strategic points on the rights-of-way beside the lanes of traffic approaching the said exits, separate descriptive and directional signs of such design that each sign will be conspicuous and readable when traveling at the maximum lawful speed. The commission shall erect and maintain said signs on the state constructed and maintained interstate system and the Maine Turnpike Authority shall erect and maintain said signs on the highways constructed by said authority; and said State and authority shall cause the wording of said signs to be sufficiently descriptive of the area to identify it clearly to the traveling public. Nothing in this section shall require the commission to erect signs which are not in accordance with the Manual for Signing and Pavement Marking of the National System of Interstate and Defense Highways, this manual having been adopted by the American Association of State Highway Officials and approved by the U. S. Department of Commerce, Bureau of Public Roads.

The major recreational areas of the State are:

1. Kittery to Portland Beaches;

2. Portland and Casco Bay Region: Such sign shall be constructed and maintained on the Maine Turnpike no more than 7 miles southerly from exit 7 and shall be worded as follows:

Portland and Casco Bay Region—Exit 7;
1959, c. 258.

3. Sanford Region: Such sign shall be constructed and maintained on the Maine Turnpike about $\frac{1}{2}$ distance northerly between the Kittery and Sanford exits and shall be worded as follows:

Sanford—Recreational Lake Region—Exit 2;
1961, c. 251, § 3.

4. Bethel Area: Such sign shall be constructed and maintained on the Maine Turnpike no more than 7 miles southerly from exit 7 and shall be worded as follows:

Bethel-Recreation Area—Exit 11;
1963, c. 282.

5. **Sebago Lake**—Raymond—Bridgton Area;
1959, c. 258.

6. **Sebago Lake, West Shore:** Such sign shall be constructed and maintained on the Maine Turnpike no more than 7 miles southerly from exit 7 and shall be worded as follows:

Sebago Lake

West Shore

Exit 7;

1959, c. 258.

7. **Coastal Route One (Falmouth exit);**

8. **Andover-Rumford Area:** Such sign shall be constructed and maintained on the Maine Turnpike no more than 3 miles southerly from exit 12 and shall be worded as follows:

Andover-Rumford Recreation Area—Exit 12;

1963, c. 347, § 1.

9. **Belgrade Lakes Region:** Such sign shall be constructed and maintained on the Maine Turnpike as close as possible to 6 miles southerly from the Belgrade Interchange on Interstate 95 and shall direct traffic to use the Belgrade Interchange;

1957, c. 419; 1963, c. 126.

10. **Boothbay Harbor Region.** Such sign shall be constructed and maintained on the Maine Turnpike in the vicinity of York and shall be worded as follows:

Boothbay Harbor Region—Exit 9;

1963, c. 231.

11. **Mid-Coastal Area (Route 3—Augusta to Belfast);**

12. **Acadia Trail (Route 3—Belfast to Bar Harbor):** Such sign shall be constructed and maintained on the Maine Turnpike no more than 7 miles southerly from Augusta exit;

1959, c. 258.

13. **Mooshead Lake Region;**

14. **Katahdin Park Area & Aroostook County;**

15. **Hancock & Washington County Coastal Areas, including Bar Harbor and Passamaquoddy;**

16. **Acadia National Park—Route 3—Exit 15;**

1961, c. 251, § 3-A.

17. Washington County: Such sign shall be constructed and maintained on the Maine Turnpike no more than 10 miles southerly from the Augusta exit and shall be worded as follows:

Most Easterly Point in the U. S.—Washington County—Exit 15;

1963, c. 347, § 2.

18. Arnold Highway to Quebec, Routes 201–201A;

1957, c. 427.

19. Rangeley—Recreation and Ski Areas—Exit 12;

1961, c. 251, § 4.

20. Sugar Loaf Mountain: Such sign shall be constructed and maintained on the Maine Turnpike no more than 2 miles southerly from exit 12;

1959, c. 258.

21. Bath Area: Such sign shall be constructed and maintained on the Maine Turnpike no more than 7 miles southerly from exit 9;

1959, c. 258.

22. Damariscotta-Pemaquid Region: Such sign shall be constructed and maintained on the Maine Turnpike no more than 7 miles southerly from exit 9 and shall be worded as follows:

Damariscotta-Pemaquid Region—Exit 9;

1963, c. 269.

23. Lewiston-Auburn: Such sign shall be constructed and maintained on the Maine Turnpike no more than one mile southerly from exit 9;

1959, c. 258.

24. Winthrop Lakes Region (Exit 13): Such signs shall be constructed and maintained on the Maine Turnpike at exit 13, known as Lewiston exit.

1959, c. 258.

In the absence of a specific recreational area, the commission on the State constructed and maintained interstate system and the Maine Turnpike Authority on the highways constructed by said authority may erect, situated near an exit, suitable signs at the exit designating motel, hotel and restaurant areas.

1957, c. 419; c. 427; 1959, c. 258; 1961, c. 251, §§ 1–3, 3-A, 4; c. 417, §§ 45, 46; 1963, cc. 126, 231, 269, 282; c. 347, §§ 1, 2.

§ 1202. Rivers, streams, lakes and mountains

The commission is authorized and directed to place suitable markers, similar to those used in other states, along the state highways commencing with United States Route Number 1, designating the names of contiguous rivers, lakes, streams and other bodies of water and adjacent mountains.

The commission is authorized to use any funds available for the construction of state highways and bridges and for the maintenance of the same for carrying out this section.

R.S.1954, c. 23, § 103.

§ 1203. Cities and towns

Suitable markers shall be placed by the commission on all trunk line roads and all state aid roads, designating the point of entry and exit to and from the several cities and towns along the lines of said highways.

The cost to the State for carrying out this section shall be paid from funds available for the maintenance of state and state aid highways.

R.S.1954, c. 23, § 104.

§ 1204. Form, height and design

On all state and state aid highways, all guideposts shall be of such reasonable form, height and design as the commission shall designate and shall be erected only upon approval of the commission.

R.S.1954, c. 23, § 105.

ARTICLE 3. GRADE CROSSINGS

§ 1251. Erection of warning signs

There shall be placed and thereafterward maintained warning signs on every highway or other way within the State approaching a crossing at grade of such highway or other way and the tracks of a railroad. Such signs shall be placed on each side of such crossing at such distances as shall be determined upon by the Public Utilities Commission and the State Highway Commission which 2 commissions are required, and vested with authority, to cause to be located and maintained such warning signs. In the compact parts of cities and towns where the conditions mentioned

in Title 35, section 1178, exist and are observed and at all other places where in the judgment of the 2 said commissions such signs are unnecessary, no such warning signs need be erected.

R.S.1954, c. 23, § 90.

§ 1252. Signs to be clearly visible; removal of obstructions

The signs referred to in section 1251 shall be of such size, design and color as shall be established by an order or orders of the Public Utilities Commission. Such signs shall be placed in conspicuous locations beside the highway at a distance of not less than 300 feet from the nearest rail of such crossing unless local conditions in the judgment of the 2 commissions named in section 1251 make it reasonable to cause such signs to be located at a lesser distance from said nearest rail. Such locations shall always be kept clear so that such signs shall be plainly visible, and for this purpose the municipal officers of the several towns in which such signs are located are authorized and required, either upon their own motion or when requested by the Public Utilities Commission or by the State Highway Commission, from time to time, to cut down, trim or remove all bushes, trees or other obstructions which may impair the view of any such signs.

R.S.1954, c. 23, § 91.

§ 1253. State pays expense

The expense of the erection and maintenance of each warning sign mentioned in sections 1251 and 1252 shall be borne by the State and paid out of any highway funds not otherwise appropriated.

R.S.1954, c. 23, § 92.

§ 1254. Penalties; jurisdiction

Whoever unlawfully removes, injures or tampers with any warning, caution or directional sign, described in sections 59, 1251 and 1252, shall be punished by a fine of not less than \$10 nor more than \$50.

R.S.1954, c. 23, § 93; 1963, c. 402, § 25.

ARTICLE 4. OVERPASSES

§ 1301. Clearance markings

The commission shall mark all overpasses on all state and state aid highways, and on all other highways for which state funds are provided by law, with the height of the clearance of such overpass and such markings shall be maintained so as to be clearly visible for a distance of 200 feet on the highway. The same requirements shall apply to highway bridges when the vertical underclearance is limited by the portal, bracing or other structural members. This section shall apply only when the vertical clearance is less than 14 feet 6 inches. The clearance indicated is to be the normal summer clearance. Such overpasses not indicated herein shall be marked by the municipalities in which the same shall be found and in accordance with the standards for marking set forth.

R.S.1954, c. 23, § 37.

ARTICLE 5. TRAFFIC CONTROL

§ 1351. Installation of signals, devices and signs

The commission may make and shall enforce rules and regulations relating to traffic control and the installation and maintenance of traffic control signals, devices, signs and markings on all state, state aid and federal aid highways. The commission may be consulted by and shall without charge advise municipal officers and road commissioners on the subject of traffic control.

The commission shall have authority to install and maintain traffic control signals, warning, regulatory, directional and informational signs and markings, on all state and state aid highways and highways constructed under its direction with federal funds, when, in its opinion, such signs, signals and markings are necessary for public safety and convenience.

On all designated state and state aid highways, the location, form and character of informational, directional, regulatory and warning signs and traffic control signals and devices, erected by towns, shall be subject to approval of the commission.

On any highway or street constructed with federal aid in any town, the location, form and character of informational, directional, regulatory and warning signs, curb and pavement or other markings, and traffic signals, installed or placed by any public

authority or other agency, shall be subject to the approval of the commission with the concurrence of the Public Roads Administration.

The commission is authorized and directed to establish a system of numbering all classes of highways which, in its opinion, is necessary for public convenience, and to publish maps from time to time showing the highways so numbered.

On all designated state and state aid highways the commission may prohibit other than one-way traffic when in its opinion such prohibition is necessary for public safety.

Nothing contained in this section shall be construed to apply to the installation or maintenance of signals, devices, signs, lights or warnings at approaches to railroad crossings.

The issuance of any order or rule and regulation may be proved by submitting a copy thereof signed by any member of the commission and duly notarized.

Whoever violates any order or rule and regulation of the commission issued under authority of this section shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.

R.S.1954, c. 23, § 28; 1961, c. 395, § 11.

SUBCHAPTER II

INSTALLATIONS AND OBSTRUCTIONS

Sec.

1401. Installations restricted.

1402. Removal of obstructions.

§ 1401. Installations restricted

No person shall install, erect or construct, or cause to be installed, erected or constructed any such installations as buildings, gasoline pumps or other fixtures, excepting only the installations or other property devoted to the public use of any public utility or district and underground pipe lines, in, upon or near any state or state aid highway, located as follows:

1. Within right of way. Within the full width of the right of way of any state or state aid highway as laid out by the State, the county or the town; or

2. **Within 33 feet of center line.** Within 33 feet of the center line of any such highway. This provision shall not apply to installations or other property in existence on August 6, 1949; or

3. **Within 20 feet from outside edge of certain highways.** Within 20 feet from the outside edge of any of the paved portion of any such highway having more than 2 travel lanes and having a total paved portion in excess of 24 feet in width. This provision shall not apply to installations or other property in existence on September 1, 1955.

Any person found guilty of violating this section shall be punished by a fine of not less than \$5 nor more than \$500, and whoever after conviction of such violation unlawfully maintains any such installations as buildings, gasoline pumps or other fixtures for 30 days after such conviction may be punished by a further fine of not more than \$50 for each day upon which such installations as buildings, gasoline pumps or other fixtures are maintained.

R.S.1954, c. 23, § 89; 1955, c. 346.

§ 1402. Removal of obstructions

When logs, lumber or other obstructions, without necessity, are left within the limits of any highway right-of-way under the supervision and maintenance of, or construction by the commission, it may cause them to be removed, and shall not be liable for loss or damage thereof, unless occasioned by design or gross negligence. When no one appears to pay for the expense and trouble of removal, the commission may sell at public auction so much thereof as is sufficient for that purpose, including charges of sale. The person through whose neglect or willful default they were left may be prosecuted as for a nuisance.

R.S.1954, c. 23, § 32.