

MAINE STATE LEGISLATURE

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CHAPTER 39

OUTDOOR ADVERTISERS

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§ 2751. Display defined

The word "display", as used in this chapter 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 2751 to 2761 and section 2764, but they shall not be painted upon or an-

nexed to any rock or tree and are subject to regulation and supervision by the State Highway 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 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 this chapter.

R.S.1954, c. 23, § 146; 1955, c. 279, § 1; 1961, c. 332, § 1.

§ 2752. Applicability of regulations

Except for outdoor advertising in areas adjacent to the interstate system, 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 bylaws or ordinances. The application for a permit under section 2754, when such outdoor advertising is to be located outside the compact or built up section of any municipality, shall contain a certificate stating that the proposed structure, device or display is in conformity with existing municipal ordinances. Any person, firm or corporation who shall erect, maintain or display outdoor advertising in a city or town contrary to the zoning ordinances thereof shall be subject to the penalties of section 2764 and the commission may require such structure, device or display to be removed. The compact or built up section of any town or city, for the purposes of this section, shall be the territory thereof contiguous to any way which is built up with buildings devoted to business or dwelling purposes which are situated less than 150 feet apart for a distance of at least $\frac{1}{4}$ of a mile.

R.S.1954, c. 23, § 147; 1955, c. 279, § 2; 1959, c. 256; 1961, c. 332, § 2.

§ 2753. License; fee

No person, firm or corporation shall 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

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place for carrying on business other than outdoor advertising until such person, firm or corporation shall have secured from the State Highway Commission, in this chapter called the "commission," a license to engage in the business of outdoor advertising. The fee for such license shall be the sum of \$100 per year for any person, firm or corporation engaging or continuing in the business of outdoor advertising for direct profit through rentals or compensation for the erection, maintenance or display of painted bulletins, poster panels or other outdoor advertising devices upon real property; \$25 per year for any person, firm or corporation erecting or maintaining, not for direct profit through rentals or compensation, displays of 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; except that the license fee for not exceeding 5 signs, none of which is more than 20 square feet in area, shall be \$5 per year. All fees for such licenses shall be payable annually in advance.

R.S.1954, c. 23, § 137.

§ 2754. Permits

No person, firm or corporation shall 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. 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, devices or displays shall not exceed 10 in number, and such structures, devices or displays shall be within 1,000 feet of the building wherein the goods advertised are manufactured or sold or the business or profession advertised is carried on or practiced, except that if such building is not adjacent to a public way designated by state or federal highway route numbers, said structures, devices or displays shall be within 300 feet from the junction of the nearest such highway and the traveled way, public or private, constituting the approach to said building, and such signs shall not exceed 2 in number or 200 square feet in total area. None of such signs shall be of an area greater than 100 square feet or shall endanger the safety of persons using the highways.

None of such structures, devices or displays exempted in this section shall be:

1. **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; nor

2. **Thirty-three feet of center line.** Within 33 feet of the center line of any such highway if the right-of-way as laid out is less than 33 feet from the center line of any such highway; nor

3. **Twenty feet from outside edge.** 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.

Subsections 2 and 3 shall not apply to such structures, devices or displays permanently set and in existence September 1, 1957.

R.S.1954, c. 23, § 138; 1955, c. 38; c. 279, § 3; 1957, c. 267, § 1; c. 397, § 22.

§ 2755. —Fees

The fees for such permits shall be \$2.50 for each panel, bulletin or sign the area of which does not exceed 100 square feet, and \$4.50 for each panel, bulletin or sign the area of which exceeds 100 square feet but does not exceed 300 square feet, and \$5 for each panel, bulletin or sign the area of which exceeds 300 square feet but does not exceed 700 square feet and \$7 for each panel, bulletin or sign the area of which exceeds 700 square feet but does not exceed 900 square feet. The area of a panel, bulletin or sign shall include all finish mouldings but not lattice work or base trim used only for ornamental purposes. A fee shall 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. All fees for such permits shall be payable annually in advance.

R.S.1954, c. 23, § 139.

§ 2756. Applications

Applications for licenses and permits shall be made to the commission and shall be accompanied by the fees applicable thereto. They shall be in writing upon forms furnished by the commission, shall contain the full name and post-office address of appli-

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cant 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 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 this chapter, 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.

R.S.1954, c. 23, § 140.

§ 2757. Disposition of fees; expenses of commission

The fees collected under this chapter shall be paid over by the commission to the Treasurer of State and deposited in the General Highway Fund. All the costs and expenses of the commission incurred in administering this chapter shall be paid out of such amounts as the Legislature may appropriate for administrative costs of the commission.

R.S.1954, c. 23, § 141.

§ 2758. 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, at a point where it would obstruct or interfere with a view of a train or any vehicle on the intersecting or joining highway or railroad; 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 would 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 consent of such owner or lessee; or whose area shall exceed 900 square feet; or which, in whole or in part, in its operation shall move or simulate motion, or has any animated or moving parts, or which contains, includes or is illuminated by any flashing intermittent or moving light or lights

or which uses lighting in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main-traveled way, 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, or which is or shall be painted upon or annexed to any rock or tree or any other natural features 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.

R.S.1954, c. 23, § 142; 1957, c. 267, § 2; 1959, c. 339, § 1.

§ 2759. Powers of commission

The commission is authorized to employ, subject to the Personnel Law, clerical or other assistants required for the administration of this chapter; to make and enforce orders and regulations for the enforcement of this chapter; 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. The commission may file in the Superior Court a complaint seeking a mandatory decree ordering the removal of any outdoor advertising structure, device or display erected or maintained in violation of any of the provisions of this chapter. The Superior Court shall have jurisdiction of any such proceeding.

R.S.1954, c. 23, § 143; 1957, c. 267, § 3; 1961, c. 317, § 33.

§ 2760. Removal of structures

When in its judgment the public safety requires it, the commission may order a hearing for the removal of any such out-

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door 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. 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 said structure, device or display. 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 chapter and may recover the expense. The State 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 structure, device or display, the removal of which it shall have ordered under this chapter.

R.S.1954, c. 23, § 144; 1957, c. 267, § 4.

§ 2761. Permits numbered

Permits issued under this chapter 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. Permits to be attached to said structure, device or display shall be furnished by the commission.

R.S.1954, c. 23, § 145.

§ 2762. Restrictions on interstate system

No person shall erect or maintain 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:

1. 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.

2. 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

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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.

1961, c. 332, § 3.

3. 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 commission as of April 1, 1961, or subsequently established or 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 2751, 2753 to 2761 and section 2764.

1961, c. 332, § 3; 1963, c. 98, § 1.

4. 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.

1961, c. 332, § 3.

5. 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.

1961, c. 332, § 3.

6. Limitation. This section shall not affect any advertising sign or advertising structure which was in existence on or before May 26, 1961 on segments of the interstate system within the limits of an incorporated municipality. (1961, c. 332, § 3; 1963, c. 98, § 2.)

1959, c. 339, § 2; 1961, c. 332, § 3; 1963, c. 98, §§ 1, 2.

§ 2763. Agreements with Secretary of Commerce

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 2759, 2760, 2762, 2764 and Title 23, section 1153.

1961, c. 332, § 4.

§ 2764. Penalties

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 sections 2751 to 2762 and 2764 shall be punished by a fine of not less than \$10 nor more than \$100. The display of each sign shall constitute a separate offense. Whoever, after conviction for a violation of any of the provisions of sections 2751 to 2762 and 2764, unlawfully maintains any such advertisement, sign or billboard or structure designed for the display of advertising matter for 10 days after the conviction may be punished by a fine of not more than \$50 for each day upon which such advertisement, sign or billboard or structure designed for display of advertising matter is maintained. The fines and costs imposed and collected under this section shall be paid to the Treasurer of State and deposited in accordance with section 2757.

R.S.1954, c. 23, § 148; 1957, c. 267, § 5; 1959, c. 339, § 3.