

MAINE STATE LEGISLATURE

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REPORT
of The
INTERIM HIGHWAY BEAUTIFICATION COMMITTEE
To The
103RD LEGISLATURE

MAY, 1967

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Members
of the
Highway Beautification Committee

Rep. Harrison L. Richardson, Chairman

Rep. Malcolm Fortier

Mrs. Hubert H. Hauck

Mr. David H. Stevens

Mr. Edward F. Cox

Mr. Joseph A. Kilbride

Mr. Richard Glass

Col. Parker Hennessey

Mr. Edgar A. Linton

May 11, 1967

To the Honorable Senate and
House of Representatives
of the 103rd Legislature

Pursuant to the Senate Order creating an Interim
Study Committee to study the subject matter of "An Act
Relating to Outdoor Advertising", L.D. 1715, and
determine:

"Whether the best interest of the State would be
served by the enactment of such or similar legislation
designed to implement the beautification of Federal
Aid Highways?,"

We herewith submit our report.

Respectfully,

/s/ Harrison L. Richardson, Chairman
Highway Beautification Committee

HLR:w

The Interim Committee on Highway Beautification held one public hearing and met in executive session on several occasions in an attempt to prepare legislation necessary to bring the State of Maine into line with the Highway Beautification Act of 1965. Because of the failure of the Federal Government to establish suitable standards for compliance and because of the present confused situation in Washington, it is the recommendation of the Committee that the 103rd Maine Legislature at this time enact legislation declaring a moratorium on billboard construction until September 1, 1969.

The Highway Beautification Act of 1965 represents a commendable effort on behalf of the present administration to enhance the roadside appearance of highways and roads throughout the United States. Unfortunately, the Highway Beautification Act of 1965 has proven to be unacceptable in many specific areas. Rep. John C. Kluczynski, D-Illinois, Chairman of the Subcommittee on Roads of the House Public Works Committee, has indicated in several messages to representative state officials that the entire program is under review and that any state failing to act prior to the deadline proposed by the Act of 1965, will not be penalized. Until such time as the Congress completes the extensive review now under way and until such time as standards for compliance are announced, it would appear contrary to the best interests of the State of Maine to make any attempt to make basic changes in our present billboard regulation law.

Because continued billboard construction will substantially increase the cost of compliance with the Federal Act as finally enacted, your Committee feels that a moratorium on billboard construction is essential.

Attached hereto is proposed legislation to effect a moratorium.

HARRISON L. RICHARDSON
Chairman

AN ACT To Prohibit the Erection of Certain Advertising Devices.

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

Whereas, the Highway Beautification Act of 1965, Public Law 89-285 declares the erection and maintenance of outdoor advertising signs, displays and devices in areas adjacent to the Interstate and Primary Highway Systems should be controlled to protect public investment, promote safety and preserve natural beauty; and

Whereas, the Act provides that each State shall have effective control on or before January 1, 1968 or be penalized by loss of Federal-Aid; and

Whereas, Congress is considering revision of the Federal Act and has temporarily suspended the penalty clause in the Act; and,

Whereas, any legislation we now enact for effective control may create hardship; and,

Whereas, erection of an increased number of new advertising devices may create hardship and excessive public expense if said devices are subsequently removed; 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:

R.S. T. 32 § 2765 Additional. Title 32 of the Revised Statutes is amended by adding a new section numbered 2765, to read as follows:

§ 2765. MORATORIUM ON NEW OUTDOOR ADVERTISING SIGNS.

1. Legislative Purpose. It is hereby declared to be the purpose of the Legislature to place the State in a position to receive its full and just share of Federal-Aid Highway Funds to be apportioned by

Congress and to this end control the existing and future use and maintenance of advertising devices in areas adjacent to the Interstate and Primary Highways in order to promote the public investment; to promote the safety and recreational value of public travel; to broaden the economic well being and general welfare; to preserve and enhance the natural scenic beauty; and to afford the Legislature the opportunity to consider legislation to control advertising devices at its next Special Session or next Regular Session, whichever comes first, which will comply with national criteria without incurring additional and unnecessary expense to the State by prohibiting the erection of new advertising devices in the interim, since compensation may have to be paid for the removal of such advertising in order to comply with said national criteria.

2. Advertising Devices Prohibited. No outdoor advertising structure, device or display, authorized under Title 32, M.R.S.A., Sections 2751 through 2764 shall be erected and maintained within 660 feet of the nearest right-of-way boundary line of any portion of the primary highway system except as follows:

- a. Those lawfully in existence and erected on the effective date of this Act.
- b. Directional and 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 to provide for the safety of persons using such highways.
- c. On-premise signs as described or defined in 32 M.R.S.A., 2762, Subsection 2.
- d. Advertising signs located in areas zoned industrial or commercial under authority of and in accordance with applicable laws.
- e. Advertising signs located in the compact or built-up section of any town or city.

3. Penalty. Any person, firm or corporation violating this Act shall be subject to the penalty provided in 32 M.R.S.A., Section 2764.

4. Expiration of Act. This Act shall be and remain in force and effect until September 1, 1969 unless repealed. Any portion of Title 32, M.R.S.A., Sections 2751 through 2762 as they apply to the erection of new advertising devices described in Section 2 which are inconsistent with this Act shall be temporarily suspended for the duration of this Act. Upon the expiration of this Act however, all such provisions shall again become of full force and effect unless repealed or amended prior to said date.