

## CHAPTER 21

## MAINE TRAVELER INFORMATION SERVICES

**§1901. Legislative findings**

The Legislature of this State makes the following findings of fact. [PL 1981, c. 318, §1 (RPR).]

**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.

[PL 1981, c. 318, §1 (RPR).]

**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.

[PL 1981, c. 318, §1 (RPR).]

**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.

[PL 1981, c. 318, §1 (RPR).]

**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.

[PL 1981, c. 318, §1 (RPR).]

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

[PL 1981, c. 318, §1 (RPR).]

## SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1981, c. 318, §1 (RPR).

**§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: [PL 1981, c. 318, §1 (RPR).]

**1. Official information centers; signs.** Establish and maintain official information centers and a system of official business directional signs;

[PL 1981, c. 318, §1 (RPR).]

**2. Information publications.** Provide official directories, guidebooks, maps and other tourist and traveler information publications;

[PL 1981, c. 318, §1 (RPR).]

**3. Control outdoor advertising.** Prohibit and control the indiscriminate use of outdoor advertising;

[PL 2013, c. 529, §1 (AMD).]

**4. Protection of scenic beauty.** Enhance and protect the natural scenic beauty of the State; and

[PL 2013, c. 529, §1 (AMD).]

**5. Preserve public safety.** Ensure that signs are erected in substantial compliance with national standards.

[PL 2013, c. 529, §2 (NEW).]

## SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1981, c. 318, §1 (RPR). PL 2013, c. 529, §§1, 2 (AMD).

### §1903. Definitions

As used in this chapter, unless the context otherwise indicates, the following words have the following meanings. [PL 1981, c. 318, §1 (RPR).]

**1. Commissioner.** "Commissioner" means the Commissioner of Transportation.  
[PL 1981, c. 318, §1 (RPR).]

**1-A. Controlled access highway.** "Controlled access highway" means a highway to which, in the interest of safety and efficiency of operation, abutting property owners have no right of direct access and on which the type and location of all access connections are determined and controlled by the department.

[PL 1993, c. 516, §1 (NEW).]

**1-B. Controlled access bypass.** "Controlled access bypass" means a highway designed to bypass an existing business district and meeting the definition of a controlled access highway.

[PL 1993, c. 516, §1 (NEW).]

**1-C. Agricultural product.**

[PL 2013, c. 529, §3 (RP).]

**2. Erect.** "Erect" means to construct, build, raise, assemble, place, display, affix, attach, create, paint, draw or in any other way bring into being or establish.

[PL 2015, c. 403, §1 (AMD).]

**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.

[PL 1981, c. 318, §1 (RPR).]

**4. Logo.** "Logo" means a single or multicolored symbol or design used by a business as a means of identifying its products or services.

[PL 1981, c. 318, §1 (RPR).]

**5. Maintain.** "Maintain" means to allow to exist.

[PL 1981, c. 318, §1 (RPR).]

**6. Motor vehicle.** "Motor vehicle" means a self-propelled vehicle capable of legal operation on the traveled portion of the state highways.

[PL 1981, c. 318, §1 (RPR).]

**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.

[PL 1981, c. 318, §1 (RPR).]

**8. On-premises sign.** "On-premises sign" means a sign that is erected and maintained according to the standards set forth in section 1914 upon the real property upon which the business, facility or point of interest advertised by the sign is located, a sign licensed pursuant to section 1914, subsection 4 that is within the portion of the public right-of-way that abuts that real property or an approach sign as permitted by section 1914, subsection 10. The sign may advertise only the business, facility or point of interest at, or the sale, rent or lease of, the property upon which it is located.

[PL 2013, c. 529, §4 (AMD).]

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

[PL 1981, c. 318, §1 (RPR).]

**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.

[PL 1981, c. 318, §1 (RPR).]

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

[PL 1981, c. 318, §1 (RPR).]

**10-B. Producer.** "Producer" means a person who produces, cultivates, grows or harvests farm and food products, as defined in Title 7, section 415, subsection 1, paragraph B.

[PL 2013, c. 529, §5 (AMD).]

**10-C. Principal building or structure.** "Principal building or structure" means a building where an advertised business or activity is regularly carried on or practiced or a parking lot or storage or processing area or other structure that is essential and customary to the conduct of the advertised business or activity.

[PL 2013, c. 529, §6 (NEW).]

**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.

[PL 1981, c. 318, §1 (RPR).]

**12. Residential directional sign.**

[PL 1981, c. 576, §1 (RP).]

**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.

[PL 1981, c. 318, §1 (RPR).]

**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.

[PL 1981, c. 318, §1 (RPR).]

**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.

[PL 1981, c. 318, §1 (RPR).]

**15-A. Temporary sign.** "Temporary sign" means a sign bearing a noncommercial message that has been placed within the public right-of-way for a limited period of time.

[PL 2015, c. 403, §2 (NEW).]

**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.

[PL 1981, c. 318, §1 (RPR).]

**16-A. Urban compact municipality.** "Urban compact municipality" has the same meaning as described in section 754, subsection 2, paragraph B.

[PL 2019, c. 228, §1 (NEW).]

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

[PL 1981, c. 318, §1 (RPR).]

#### SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1979, c. 477, §§2-4 (AMD). PL 1981, c. 318, §1 (RPR). PL 1981, c. 576, §1 (AMD). PL 1993, c. 516, §1 (AMD). PL 1997, c. 635, §1 (AMD). PL 2011, c. 115, §1 (AMD). PL 2013, c. 529, §§3-6 (AMD). PL 2015, c. 403, §§1, 2 (AMD). PL 2019, c. 228, §1 (AMD).

#### §1904. Travel Information Advisory Council

**(REPEALED)**

#### SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1981, c. 318, §1 (RPR). PL 1981, c. 576, §2 (AMD). PL 1983, c. 812, §§140,141 (AMD). PL 1989, c. 503, §B99 (AMD). PL 1989, c. 735, §§1,2 (AMD). PL 1991, c. 548, §B2 (AMD). PL 1999, c. 152, §F1 (AMD). PL 2011, c. 344, §26 (RP).

#### §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, with the advice and recommendation of the Director of the State Development Office, 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.

[PL 1983, c. 477, Pt. E, Subpt. 26, §6 (AMD).]

#### SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1981, c. 318, §1 (RPR). PL 1983, c. 477, Pt. E, Subpt. 26, §6 (AMD).

#### §1906. Official business directional signs

**1. Erection and maintenance.** The commissioner shall designate locations for and erect official business directional signs licensed under this chapter. The official business directional signs must be furnished and preserved by the applicant after the erection of the official business directional signs and must conform to rules issued by the commissioner. Such rules must be consistent with section 1910.

[PL 2011, c. 344, §27 (AMD).]

**2. Agreements with municipalities.** The commissioner may:

A. Enter into contractual or other arrangements with any municipality of this State providing for the erection of official business directional signs distinctive to that municipality upon finding that:

- (1) The municipality has in effect an ordinance or regulation establishing a mandatory program of distinctive official business directional signs;
- (2) The ordinance or regulation is administrable and enforceable and will be properly administered and enforced; and
- (3) The ordinance or regulation is consistent with the policy and purposes of this chapter; and [PL 1981, c. 576, §3 (NEW).]

B. Contract or arrange with any municipality for administration by that municipality within its boundaries of any appropriate matter under this chapter. Any contract or arrangement made under this paragraph and any action taken pursuant to it shall comply with the policy and purposes of this chapter. [PL 1981, c. 576, §3 (NEW).]

Whenever any of the conditions set forth in this subsection are no longer being met, the commissioner shall promptly resume the administration of the official business directional sign program under this chapter. The commissioner shall provide written notice of his action to the municipality and may require nonconforming signs to be removed immediately.

[PL 1981, c. 576, §3 (RPR).]

#### SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1981, c. 318, §1 (RPR). PL 1981, c. 576, §3 (AMD). PL 2011, c. 344, §27 (AMD).

#### **§1907. Published information**

**(REPEALED)**

#### SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1981, c. 318, §1 (RPR). PL 1983, c. 477, Pt. E, Subpt. 26, §7 (RP).

#### **§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. [PL 1981, c. 318, §1 (RPR).]

#### SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1981, c. 318, §1 (RPR).

#### **§1908-A. Outdoor advertising; publicly owned bus stops**

A municipality may erect and maintain at a publicly owned bus stop outdoor advertising signs visible to the traveling public from a public way. For purposes of this section, "bus stop" means a place where a public transport bus stops for the purpose of allowing passengers to board or leave the bus. The municipality is responsible for the administration of outdoor advertising signs under this section. Any revenue collected under this section by a municipality must be used for transportation purposes, including, but not limited to, maintenance of a publicly owned bus stop. [PL 2011, c. 114, §1 (NEW).]

#### SECTION HISTORY

PL 2011, c. 114, §1 (NEW).

#### **§1908-B. Outdoor advertising; outdoor athletic facilities**

**1. Signs.** A municipality may build and maintain an advertising sign visible to the traveling public from a public way at an outdoor athletic facility as long as the sign:

- A. Is oriented inward to the persons visiting or using the facility; [PL 2023, c. 214, §1 (NEW).]
  - B. Is secured to a fence, scoreboard or accessory structure; [PL 2023, c. 214, §1 (NEW).]
  - C. Does not exceed the height of the structure on which it is located; and [PL 2023, c. 214, §1 (NEW).]
  - D. Does not exceed 4 feet by 8 feet. [PL 2023, c. 214, §1 (NEW).]
- [PL 2023, c. 214, §1 (NEW).]

**2. Revenue collected.** Revenue collected from advertising fees under this section by a municipality must be used for purposes related to the construction, maintenance, operation or programming of the athletic facility.  
[PL 2023, c. 214, §1 (NEW).]

#### SECTION HISTORY

PL 2023, c. 214, §1 (NEW).

#### §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 adopted by the commissioner 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 of the State or any agency. [PL 2011, c. 344, §28 (AMD).]

#### SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1981, c. 318, §1 (RPR). PL 2011, c. 344, §28 (AMD).

#### §1910. Types and arrangements of signs

Subject to this chapter, the commissioner shall regulate the size, shape, color, lighting, manner of display and lettering of official business directional signs. A symbol may be specified for each type of eligible service or facility for inclusion upon official business directional signs. [PL 2015, c. 403, §3 (AMD).]

#### SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1979, c. 477, §5 (AMD). PL 1981, c. 318, §1 (RPR). PL 1981, c. 576, §4 (AMD). PL 2011, c. 344, §29 (AMD). PL 2015, c. 403, §3 (AMD).

#### §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.  
[PL 1981, c. 318, §1 (RPR).]

**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.  
[PL 1981, c. 576, §5 (AMD).]

**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.  
[PL 1981, c. 318, §1 (RPR).]

**SECTION HISTORY**

PL 1977, c. 494, §1 (NEW). PL 1979, c. 477, §6 (AMD). PL 1981, c. 318, §1 (RPR). PL 1981, c. 576, §5 (AMD).

**§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. [PL 1981, c. 318, §1 (RPR).]

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. [PL 1981, c. 318, §1 (RPR).]

**SECTION HISTORY**

PL 1977, c. 494, §1 (NEW). PL 1981, c. 318, §1 (RPR).

**§1912-A. Official business directional signs on controlled access highways**

**1. Interstate highway.** Official business directional signs are not permitted within the right-of-way of the interstate highway. [PL 1993, c. 516, §2 (NEW).]

**2. Permitted on certain controlled access bypasses.** Official business directional signs are not permitted within the right-of-way of controlled access highways except as provided in this subsection. Official business directional signs are permitted within the right-of-way of a controlled access bypass when the controlled access bypass is part of a route, as designated by its route number, that is not a controlled access highway throughout its length. [PL 1993, c. 516, §2 (NEW).]

**SECTION HISTORY**

PL 1993, c. 516, §2 (NEW).

**§1912-B. Logo signs on the interstate system**

The commissioner may authorize the placement of logo signs within the right-of-way of the interstate system except for that portion owned by the Maine Turnpike Authority. To implement this section, the commissioner shall adopt rules that include provisions that regulate the size, shape and location of logo signs, the application procedure for permission to erect a logo sign, the criteria for selection among applicants, allocation of available logo sign space and fees to produce, place and maintain a logo sign. Notwithstanding Title 5, section 8071, subsection 3, rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Logo signs for exits on the Maine Turnpike are governed by rules adopted pursuant to section 1965, subsection 1, paragraph U. A logo sign may not be larger than existing service information signs permitted on the interstate highway and may include only logos for gas, food, lodging, camping and attractions. [PL 2013, c. 549, §2 (AMD).]

**SECTION HISTORY**

PL 1995, c. 416, §1 (NEW). PL 1995, c. 663, §1 (AMD). PL 2005, c. 482, §2 (AMD). PL 2011, c. 344, §30 (AMD). PL 2013, c. 529, §7 (AMD). PL 2013, c. 549, §2 (AMD).

**§1912-C. Guide signs on the interstate system**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Advance guide sign" means a sign described in the national standards that identifies the principal destinations and routes served by an exit and the distance to that exit. [PL 2013, c. 549, §3 (NEW).]

B. "Authority" means the Maine Turnpike Authority. [PL 2013, c. 549, §3 (NEW).]

C. "College or university" means an accredited institution providing postsecondary education that has authorization to confer a degree in accordance with Title 20-A, chapter 409. [PL 2013, c. 549, §3 (NEW).]

D. "Department" means the Department of Transportation. [PL 2013, c. 549, §3 (NEW).]

E. "Exit directional sign" means an exit sign that repeats the route and destination information that is displayed on an advance guide sign for that exit. [PL 2013, c. 549, §3 (NEW).]

F. "Interchange guide sign" means an advance guide sign or exit directional sign. [PL 2013, c. 549, §3 (NEW).]

G. "Military installation" means a facility that is owned by the Federal Government and is operated by a branch of the United States Armed Forces. [PL 2013, c. 549, §3 (NEW).]

H. "National standard" means the latest version of the Manual on Uniform Traffic Control Devices approved by the United States Department of Transportation, Federal Highway Administration in accordance with 23 United States Code and the latest version of the Guidelines for the Selection of Supplemental Guide Signs for Traffic Generators Adjacent to Freeways published by the American Association of State Highway and Transportation Officials. [PL 2013, c. 549, §3 (NEW).]

I. "Signing agency" means, with respect to signs proposed to be placed along the state-constructed and state-maintained interstate system, the department and, with respect to signs proposed to be placed along the Maine Turnpike, the authority. [PL 2013, c. 549, §3 (NEW).]

J. "State park" means any area of land or an interest in land, with or without improvements, that is designated as a state park, that is acquired by or under the control of the State and that is managed primarily for public recreation or conservation purposes. [PL 2013, c. 549, §3 (NEW).]

K. "Supplemental guide sign" means a sign used to provide information regarding destinations accessible from an exit other than places displayed on an interchange guide sign. [PL 2013, c. 549, §3 (NEW).]

L. "Transportation facility" means a bus, train, air, ship or ferry terminal, a park and ride lot or an intermodal transportation facility. [PL 2013, c. 549, §3 (NEW).]

M. "Veterans, police or firefighters memorial" means a veterans cemetery or a memorial honoring veterans, firefighters or police officers if the cemetery or memorial is maintained and funded by a state or federal agency. [PL 2013, c. 549, §3 (NEW).]

[PL 2013, c. 549, §3 (NEW).]

**2. Authority to place interchange guide signs on the interstate system.** To guide travelers to destinations of local, regional and statewide interest, interchange guide signs and supplemental guide signs may be placed by a signing agency at strategic points on the interstate system beside the traffic lanes approaching an exit if the placement complies with this section and with national standards. All determinations regarding whether the placement of interchange guide signs or supplemental guide signs on the interstate system meets the standards contained in this section must be made by the signing agency.

[PL 2013, c. 549, §3 (NEW).]

**3. Interchange guide signs.** The following provisions apply to interchange guide signs.

A. The primary destination displayed on an interchange guide sign must be the municipality in which the exit is located or the street name or route adjacent to the exit, or both. [PL 2013, c. 549, §3 (NEW).]

B. Unless otherwise allowed by the signing agency, advance guide signs must be placed from 1/2 mile to 2 miles in advance of the exit. [PL 2013, c. 549, §3 (NEW).]

C. In addition to the primary destination, a secondary destination may be displayed on an interchange guide sign. The secondary destination must be selected by the signing agency in accordance with its judgment of how best to serve travelers and must be one of the following:

(1) The municipality with the largest population within 5 miles of the exit that has a highway that is classified as an arterial or major collector providing a direct connection from the exit to the municipality's population center or business district;

(2) A municipality with a population of at least 2,000 that is located within 5 miles of the exit, that has a highway that is classified as an arterial or a major collector providing a connection from the exit to the municipality's population center or business district if a portion of the interstate system passes through that municipality;

(3) A municipality that is located within 10 miles of the exit, that has a highway that is classified as an arterial or major collector providing a direct connection from the exit to the municipality's population center or business district and that has a population of at least 10,000;

(4) Another municipality that is considered a major destination if its inclusion would benefit travelers; or

(5) A major destination, other than a municipality, that is directly connected to the exit if its inclusion would benefit travelers. [PL 2013, c. 549, §3 (NEW).]

D. An interchange guide sign may bear the name of a specific destination if the primary purpose of the exit is to provide access to that destination. [PL 2013, c. 549, §3 (NEW).]  
[PL 2013, c. 549, §3 (NEW).]

**4. Supplemental guide signs.** The purpose of a supplemental guide sign is to provide directional guidance to travelers and not to promote commercial or economic interests. Supplemental guide signs must be limited in number and restricted in location to avoid driver distraction and impairment to traffic.

The following provisions apply to supplemental guide signs.

A. A supplemental guide sign may be used only if it does not conflict or interfere with required signs or with other permitted signs already in place. Whether sufficient space exists for a supplemental guide sign must be determined by the signing agency with reference to national standards. Supplemental guide signs for municipalities and transportation facilities take precedence over supplemental guide signs for other destinations. [PL 2013, c. 549, §3 (NEW).]

B. A supplemental guide sign must be located in advance of the exit that provides the most direct or convenient route to the destination, except that the signing agency may allow a different location if there is more than one exit in the municipality or if another location is warranted to facilitate traffic. [PL 2013, c. 549, §3 (NEW).]

C. A supplemental guide sign for a destination is permitted only if there are sufficient signs off the interstate highway to direct travelers from the interstate highway to the destination with minimal confusion. [PL 2013, c. 549, §3 (NEW).]

D. A sign for a destination that meets the criteria for logo signs under section 1912-B or in rules adopted pursuant to section 1965, subsection 1, paragraph U is not eligible to be placed as a supplemental guide sign under this section unless that destination's name is readily recognized as the principal attraction in a major recreational area as described in subsection 5, paragraph C and

it is necessary to include it on a supplemental guide sign to avoid traveler confusion. [PL 2013, c. 549, §3 (NEW).]

[PL 2013, c. 549, §3 (NEW).]

**5. Destinations qualifying for supplemental guide signs.** The following destinations may appear on a supplemental guide sign:

A. A college or university that:

- (1) Is located within 15 miles of an exit and has an enrollment of 300 or more students attending classes on site; or
- (2) Has an enrollment of 1,000 or more students attending classes on site; [PL 2013, c. 549, §3 (NEW).]

B. A national park or state park that:

- (1) Is located within 10 miles of an exit and has a minimum annual attendance of 25,000 recorded visitors; or
- (2) Is between 10 and 120 miles from an exit and has a minimum annual attendance of 75,000 recorded visitors; [PL 2013, c. 549, §3 (NEW).]

C. A major recreational area that is a geographic region that is served by a highway that is classified as an arterial or a major collector. The geographic region must:

- (1) Contain a beach or lake access that is open to the public, allows swimming for all ages, provides parking for more than 100 vehicles, has rest rooms on or adjacent to the beach or lake access and, with respect to a beach, maintains lifeguards on duty during July and August;
- (2) Contain a ski area open to the public that:
  - (a) Has a minimum vertical drop of 1,000 feet with 40 or more maintained trails; or
  - (b) Is within 10 miles of the exit, has a minimum vertical drop of 200 feet with 10 or more maintained trails and has an aerial lift servicing groomed trails; or
- (3) Have generated at least 1% of the State's total sales subject to the taxes under Title 36, section 1811 on the value of liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15, prepared food and rental of living quarters in any hotel, rooming house or tourist or trailer camp over the previous 3 years and must offer recreational opportunities of sufficient traffic significance to warrant signs in accordance with criteria developed by the signing agency; [PL 2013, c. 549, §3 (NEW).]

D. A military installation to which at least 2,000 employees and military personnel are permanently assigned, as long as the distance from the applicable exit to the installation does not exceed one mile for every 200 employees and military personnel permanently assigned to the installation; [PL 2013, c. 549, §3 (NEW).]

E. A municipality that qualifies for but has not been included on an interchange guide sign; [PL 2013, c. 549, §3 (NEW).]

F. A transportation facility if signs for the facility significantly benefit the transportation system; and [PL 2013, c. 549, §3 (NEW).]

G. A veterans, police or firefighters memorial that is located within 20 miles of an exit. [PL 2013, c. 549, §3 (NEW).]

[PL 2013, c. 549, §3 (NEW).]

#### SECTION HISTORY

PL 2013, c. 549, §3 (NEW).

**§1913. Categorical signs****(REPEALED)**

## SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1977, c. 696, §196 (AMD). PL 1979, c. 477, §7 (RPR). PL 1981, c. 311, §§1,2 (AMD). PL 1981, c. 318, §2 (RP). PL 1981, c. 576, §6 (RP).

**§1913-A. Categorical signs**

**1. Signs within the public right-of-way.** The following signs may be erected and maintained within the public right-of-way without license or permit as long as they conform to applicable provisions of this Title and rules adopted pursuant to this Title:

A. Signs bearing noncommercial messages erected by a duly constituted governmental body, a soil and water conservation district or a regional planning district; [PL 2015, c. 403, §4 (AMD).]

B. Signs located on or in the rolling stock of common carriers, except those that are determined by the commissioner to be circumventing the intent of this chapter. Circumvention includes, but is not limited to, signs that are continuously in the same location or signs that extend beyond the height, width or length of the vehicle; [PL 2013, c. 529, §8 (AMD).]

C. Signs on registered and inspected motor vehicles, except those that are determined by the commissioner to be circumventing the intent of this chapter. Circumvention includes, but is not limited to, signs that are continuously in the same location or signs that extend beyond the height, width or length of the vehicle; [PL 2013, c. 529, §8 (AMD).]

D. Signs with an area of not more than 260 square inches identifying stops or fare zone limits of motor buses; [PL 2013, c. 529, §8 (AMD).]

E. [PL 2015, c. 403, §4 (RP).]

F. [PL 2015, c. 403, §4 (RP).]

G. Hand-held signs not affixed to the ground or buildings; [PL 2015, c. 403, §4 (AMD).]

H. [PL 2015, c. 403, §4 (RP).]

I. Adopt-A-Highway Program signs allowed under section 1117; and [PL 2015, c. 403, §4 (AMD).]

J. [PL 2015, c. 403, §4 (RP).]

K. [PL 2015, c. 403, §4 (RP).]

L. Temporary signs placed within the public right-of-way for a maximum of 12 weeks per calendar year, except that a temporary sign may not be placed within the public right-of-way for more than 6 weeks from January 1st to June 30th or for more than 6 weeks from July 1st to December 31st. A temporary sign may not be placed within 30 feet of another temporary sign bearing the same or substantially the same message. A temporary sign may not exceed 4 feet by 8 feet in size. A sign under this paragraph must include or be marked with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the date the sign was erected within the public right-of-way. [PL 2019, c. 594, §1 (AMD).]

[PL 2019, c. 594, §1 (AMD).]

**2. Types of signs outside the right-of-way.**

[PL 2015, c. 403, §4 (RP).]

**2-A. Signs outside the public right-of-way.** Except as provided in section 1914, a sign may be erected and maintained outside the public right-of-way as long as it does not exceed 50 square feet in size.

[PL 2015, c. 403, §4 (NEW).]

**3. Regulations.**

[PL 2013, c. 529, §8 (RP).]

**4. Zones.**

[PL 2015, c. 403, §4 (RP).]

**5. Prohibited practices.** None of the signs referred to in this section may be painted or drawn upon a rock or other natural feature or erected or maintained on:

- A. A traffic control sign or device; [PL 2019, c. 228, §2 (NEW).]
- B. A public utility pole or fixture; [PL 2019, c. 228, §2 (NEW).]
- C. A rotary traffic island; [PL 2019, c. 228, §2 (NEW).]
- D. A tree in a public right-of-way; [PL 2019, c. 228, §2 (NEW).]
- E. A control-of-access area; or [PL 2019, c. 228, §2 (NEW).]
- F. A median less than 6 feet wide. [PL 2019, c. 228, §2 (NEW).]

[PL 2019, c. 228, §2 (RPR).]

**6. Interstate system.** None of the signs referred to in this section, other than signs conforming with subsection 1, paragraphs B and C and logo signs erected pursuant to section 1912-B, 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.

[PL 1995, c. 416, §2 (AMD).]

SECTION HISTORY

PL 1981, c. 318, §3 (NEW). RR 1991, c. 2, §89 (COR). PL 1991, c. 387, §§1,2 (AMD). PL 1995, c. 416, §2 (AMD). PL 1997, c. 635, §§2,3 (AMD). PL 1999, c. 152, §§G2,3 (AMD). PL 2013, c. 529, §8 (AMD). PL 2015, c. 403, §4 (AMD). PL 2017, c. 321, §1 (AMD). PL 2019, c. 228, §2 (AMD). PL 2019, c. 594, §1 (AMD).

**§1914. On-premises signs**

**1. License and permit.** Except as provided in subsection 4, a license or permit may not be required for an on-premises sign.

[PL 2013, c. 529, §9 (AMD).]

**2. Number.** On-premises signs on any one property may 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 may not exceed 10 in number.

[PL 2013, c. 529, §9 (AMD).]

**3. Location.** On-premises signs must be located within 1,000 feet of the principal building or structure where the business or facility is carried on or practiced or within 1,000 feet of the point of interest.

[PL 2013, c. 529, §9 (AMD).]

**4. Location; relation to public way; license.** Unless a license is obtained from the commissioner pursuant to this subsection, on-premises signs are prohibited:

- A. Within 33 feet of the center line of any public way; [PL 2013, c. 529, §9 (AMD).]
- 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; and [PL 2013, c. 529, §9 (AMD).]

C. Within the full width of the right-of-way of any public way. [PL 1981, c. 318, §4 (RPR).]

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

Neither the granting of a license nor the installation of a sign on the public way conveys permanent property rights relating to the public way. The Department of Transportation is not responsible for loss or damage to an on-premises sign under this subsection from the use of the right-of-way of the public way for highway purposes. An on-premises sign under this subsection may be removed by the department to accommodate highway uses at any time without compensation to the owner of the on-premises sign and at the owner's expense.

[PL 2013, c. 529, §9 (AMD).]

#### **4-A. Waiver.**

[PL 2013, c. 529, §9 (RP).]

**5. Interstate highways.** Not more than one on-premises 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, when that land is visible from any portion of the interstate system.

Not more than one on-premises 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-premises 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-premises sign located more than 50 feet from the principal building or structure where the business, facility or point of interest is carried on that displays any trade name that refers to or identifies any service rendered or product sold must display the name of the advertised business, facility or point of interest as conspicuously as such trade name.

[PL 2013, c. 529, §9 (AMD).]

**6. On-premises signs prohibited.** An on-premises sign is prohibited if it:

A. Attempts or appears to attempt to direct the movement of traffic or interferes with, imitates or resembles any official traffic sign, signal or device; [PL 1995, c. 390, §1 (AMD).]

B. Prevents the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic; [PL 1981, c. 318, §4 (RPR).]

C. Contains, includes or is illuminated by a flashing, intermittent or moving light or lights, except as provided in subsection 11-A; [PL 2001, c. 268, §1 (AMD).]

D. Uses lighting in any way unless the light is in the opinion of the commissioner effectively shielded 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 to otherwise interfere with any driver's operation of a motor vehicle; or [PL 1995, c. 390, §1 (AMD).]

E. Moves, has any animated or moving parts or has the appearance of movement, except as provided in subsection 11-A. [PL 2001, c. 268, §1 (AMD).]

[PL 2001, c. 268, §1 (AMD); PL 2011, c. 115, §4 (REV).]

**7. Signs erected on natural features.**

[PL 2013, c. 529, §9 (RP).]

**8. Height.** The maximum height of on-premises signs is 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.

[PL 2013, c. 529, §9 (AMD).]

**9. Jurisdiction by local authority in compact areas.** Except as otherwise provided in this chapter, administration of this chapter for on-premises advertisements located in compact areas of an urban compact municipality, as defined in section 754, is the responsibility of local authority. In compact areas of an urban compact municipality adjacent to the interstate, the Department of Transportation is responsible for the administration of this section.

[PL 2013, c. 529, §9 (AMD).]

**10. Approach signs.** Any business or facility whose principal building or structure, 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.

[PL 2013, c. 529, §9 (AMD).]

**11. Changeable signs.**

[PL 2001, c. 268, §2 (RP).]

**11-A. Changeable signs.** Notwithstanding subsection 6, paragraphs C and E, changeable signs are not prohibited as long as the sign complies with the applicable provisions of this subsection and rules adopted pursuant to this chapter. The Department of Transportation shall administer the provisions of this subsection, except as provided in paragraph B.

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

(1) "Changeable sign" means an on-premises 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)

(4) "Message" means a communication conveyed by means of a visual display of text, a graphic element or pictorial or photographic image.

(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. [PL 2013, c. 529, §9 (AMD).]

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. If a municipal ordinance is adopted, the municipality is responsible for the administration 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. If a

municipal ordinance is adopted, the municipality is responsible for the administration of that ordinance. Notwithstanding this subparagraph, a municipality may not adopt an ordinance that allows the sign to flash or display continuous streaming of information or video animation; and

(3) May consist of alphabetic or numeric text on a plain or colored background and may include graphic, pictorial or photographic images 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. If a municipal ordinance is adopted, the municipality is responsible for the administration of that ordinance. [PL 2007, c. 124, §2 (AMD).]

C. [PL 2013, c. 529, §9 (RP).]

D. Only one changeable sign with 2 sides is allowed for each public way that provides direct vehicular access to the business, facility or point of interest. [PL 2013, c. 529, §9 (AMD).]

E. Changeable signs may not be located so that the message is readable from a controlled-access highway or ramp. [PL 2001, c. 268, §3 (NEW).]

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. [PL 2001, c. 268, §3 (NEW).]

G. Changeable message board signs existing in accordance with the requirements of former subsection 11 continue to exist if the signs:

(1) Are reasonably incapable of being modified or reprogrammed to comply with this section as amended; and

(2) Are not replaced, substantially rebuilt, reconstructed or repaired beyond routine maintenance. [PL 2001, c. 268, §3 (NEW).]

H. The size, intensity of illumination and acceptable rate of change between the time display and the temperature display of a time and temperature sign must comply with rules adopted by the Department of Transportation, except that time and temperature signs erected prior to September 29, 1995 need not comply with those rules. [PL 2013, c. 529, §9 (AMD).]

[PL 2013, c. 529, §9 (AMD).]

## SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1977, c. 696, §197 (AMD). PL 1979, c. 477, §§8-11 (AMD). PL 1981, c. 318, §4 (RPR). PL 1995, c. 390, §§1-3 (AMD). PL 1999, c. 123, §1 (AMD). PL 1999, c. 473, §D7 (AMD). PL 2001, c. 268, §§1-3 (AMD). PL 2005, c. 195, §1 (AMD). PL 2005, c. 482, §3 (AMD). PL 2007, c. 124, §§1,2 (AMD). RR 2011, c. 1, §36 (COR). PL 2011, c. 115, §§2, 3 (AMD). PL 2011, c. 115, §4 (REV). PL 2013, c. 529, §9 (AMD).

## §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.

[PL 1981, c. 318, §4 (RPR).]

**2. Procedures.** The purchase, condemnation, negotiation, assessment of damage and appeal procedures must be in accordance with this section and sections 153-A to 159.

[PL 1993, c. 536, §3 (AMD).]

**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.

[PL 1981, c. 318, §4 (RPR).]

**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.

[PL 1981, c. 318, §4 (RPR).]

**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.

[PL 1981, c. 318, §4 (RPR).]

**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.

[PL 1981, c. 698, §101 (RPR).]

**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.

[PL 1981, c. 318, §4 (RPR).]

#### SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1979, c. 477, §12 (AMD). PL 1981, c. 318, §4 (RPR). PL 1981, c. 470, §A137 (AMD). PL 1981, c. 698, §101 (AMD). PL 1993, c. 536, §3 (AMD).

#### §1916. Removal of signs by amortization

**1. Exclusions.** This section shall not apply to:

- A. Signs for which compensation is paid under section 1915; [PL 1981, c. 318, §4 (RPR).]
- B. On-premises signs as provided in section 1914; [PL 1981, c. 318, §4 (RPR); PL 2011, c. 115, §4 (REV).]
- C. Exempt signs under section 1913-A; [PL 1981, c. 318, §4 (RPR).]
- D. Signs licensed under this chapter; [PL 1981, c. 318, §4 (RPR).]
- E. Signs to be removed under section 1917; and [PL 1981, c. 318, §4 (RPR).]
- F. Signs subject to immediate removal pursuant to section 1924, subsection 3. [PL 1981, c. 318, §4 (RPR).]

[PL 1981, c. 318, §4 (RPR); PL 2011, c. 115, §4 (REV).]

**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.

[PL 1981, c. 318, §4 (RPR).]

**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. [PL 1981, c. 318, §4 (RPR).]

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. [PL 1981, c. 318, §4 (RPR).]

[PL 1981, c. 318, §4 (RPR).]

#### SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1981, c. 318, §4 (RPR). PL 2011, c. 115, §4 (REV).

#### §1917. Removal of unlawful signs

**1. Notice to remove.** The owner of a sign that was or is unlawfully erected or maintained either prior to or after October 24, 1977 is in violation of this chapter until the sign is removed. The owner of the sign shall remove the sign within 14 days of a notice from the agency that has responsibility for the maintenance of that public way. If the identity of such owner is not known or reasonably ascertainable, such notice may instead be sent to the owner of the land on which the sign is placed.

[PL 2019, c. 228, §3 (AMD).]

**2. Authority to remove sign.** If the owner fails to remove the sign as required, the department shall remove the sign if it is on a state or state aid highway that is not in an urban compact municipality and the governing municipality may remove the sign if it is located on a town way or state or state aid highway in an urban compact municipality at the expense of the owner without any further notice or proceeding and may recover the expense of this removal from the owner.

[PL 2019, c. 228, §3 (AMD).]

**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 that 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, former 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 that became nonconforming and illegal before January 1, 1975, under the state agreement of December 27, 1967, as amended January 3, 1968, and Title 32, former sections 2711 to 2723.

[PL 2017, c. 288, Pt. A, §30 (AMD).]

**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.

[PL 1981, c. 318, §4 (RPR).]

**5. Summary removal of illegal signs within the public right-of-way.** A sign that is erected in nonconformance with this chapter and that is within the limits of any public right-of-way is subject to immediate removal by the department if the public right-of-way is a state or state aid highway not in an urban compact municipality. The department may remove any sign on any public right-of-way for the purposes of public safety. A sign that is erected in nonconformance with this chapter and that is within the limits of a town way or a state or state aid highway in an urban compact municipality may be removed by the municipality having jurisdiction over that way or highway.

[PL 2019, c. 228, §3 (AMD).]

#### SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1979, c. 477, §§13-15 (AMD). PL 1981, c. 318, §4 (RPR). PL 2017, c. 288, Pt. A, §30 (AMD). PL 2019, c. 228, §3 (AMD).

#### §1917-A. Unlawful removal of political signs

**(REPEALED)**

#### SECTION HISTORY

PL 1989, c. 315 (NEW). PL 2015, c. 403, §5 (RP).

#### §1917-B. Unlawful removal of temporary signs

A person who takes, defaces or disturbs a sign placed within the public right-of-way in accordance with section 1913-A, subsection 1, paragraph L commits a civil violation for which a fine of up to \$250 may be adjudged. This section does not apply to a person authorized to remove signs placed within the public right-of-way in accordance with section 1913-A, subsection 1, paragraph L. [PL 2015, c. 403, §6 (NEW).]

#### SECTION HISTORY

PL 2015, c. 403, §6 (NEW).

#### §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.

[PL 1981, c. 318, §4 (RPR).]

**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.

[PL 1981, c. 318, §4 (RPR).]

#### SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1981, c. 318, §4 (RPR).

#### **§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. [PL 1981, c. 318, §4 (RPR).]

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. [PL 1981, c. 318, §4 (RPR).]

#### SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1981, c. 318, §4 (RPR).

#### **§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. [PL 1981, c. 318, §4 (RPR).]

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. [PL 1981, c. 318, §4 (RPR).]

#### SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1981, c. 318, §4 (RPR).

#### **§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 by January 1, 1982 if federal funds are sufficient under section 1915. [PL 1981, c. 576, §7 (AMD).]

#### SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1981, c. 318, §4 (RPR). PL 1981, c. 576, §7 (AMD).

#### **§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. [PL 1981, c. 318, §4 (RPR).]

#### SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1981, c. 318, §4 (RPR).

**§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. [PL 1981, c. 318, §4 (RPR).]

**SECTION HISTORY**

PL 1977, c. 494, §1 (NEW). PL 1981, c. 318, §4 (RPR).

**§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. [PL 1981, c. 318, §4 (RPR).]

**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. [PL 1981, c. 318, §4 (RPR).]

**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-premises sign as defined by section 1914, or as an official business directional sign as defined by this chapter, no later than 6 years after January 1, 1978. [PL 1981, c. 576, §8 (AMD); PL 2011, c. 115, §4 (REV).]

**SECTION HISTORY**

PL 1977, c. 494, §1 (NEW). PL 1977, c. 696, §§198-200 (AMD). PL 1979, c. 477, §16 (AMD). PL 1981, c. 318, §4 (RPR). PL 1981, c. 576, §8 (AMD). PL 2011, c. 115, §4 (REV).

**§1925. Administration of chapter**

Except as otherwise provided in this chapter, the commissioner shall administer this chapter. The commissioner may employ, subject to the Civil Service 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 shall adopt rules for the implementation of this chapter that are substantially compliant with the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration and other national engineering standards. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The commissioner may execute contracts and other agreements to carry out the purposes of this chapter. [PL 2013, c. 529, §10 (AMD).]

The Maine Turnpike Authority shall implement and administer the provisions of this chapter relating to signs on the Maine Turnpike in accordance with section 1965. [PL 2013, c. 529, §10 (NEW).]

**1. Administration of chapter.**  
[PL 1981, c. 318, §4 (RP).]

**2. Effective date.**

[PL 1981, c. 318, §4 (RP).]

SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1981, c. 318, §4 (RPR). PL 1985, c. 785, §B104 (AMD). PL 2011, c. 344, §31 (AMD). PL 2013, c. 529, §10 (AMD).

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