

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

'An Act To Allow a Waiver for On-premises Signs'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 23 MRSA §1903, sub-§8, as repealed and replaced by PL 1981, c. 318, §1, is amended to read:

8. On-premises sign. "~~On-premise~~On-premises sign" means a sign ~~which~~that is erected and maintained according to the standards set forth in section 1914 upon the ~~same~~ real property ~~that~~upon which the business, facility or point of interest ~~advertised by the sign~~ is located or an approach sign as permitted by section 1914, subsection 10. ~~The signs shall only~~sign may advertise only the business, facility or point of interest ~~conducted thereon~~at, or the sale, rent or lease of, the property upon which it is located.

Sec. 2. 23 MRSA §1914, sub-§4, as repealed and replaced by PL 1981, c. 318, §4, is amended to read:

4. Location, relation to public way. ~~No on-premise~~On-premises signs ~~may be permitted~~are prohibited:

- A. Within 33 feet of the center line of any public way if the highway is less than 66 feet in width;
- B. ~~Within~~Except as provided in subsection 4-A, 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; ~~or~~and
- C. Within the full width of the right-of-way of any public way.

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

Sec. 3. 23 MRSA §1914, sub-§4-A is enacted to read:

4-A. Waiver. The commissioner may grant a person a written waiver of the prohibition under subsection 4, paragraph B for an on-premises sign when the owner of property on which the on-premises sign is to be located assumes all costs for removal and installation of the on-premises sign and provides a written statement of this fact to the registry of deeds for the county where the on-premises sign is to be located if:

- A. The majority of on-premises signs on either edge of the public way within 1,000 feet of the location of the proposed on-premises sign are located within 20 feet from the outside edge of the paved portion of the public way; or

B. The proposed on-premises sign replaces an existing on-premises sign at the same location within 20 feet from the outside edge of the paved portion of the public way.

If an on-premises sign is granted a waiver under this subsection, the owner of the on-premises sign does not gain any permanent property rights relating to the right-of-way of the public way by installing the on-premises sign within the right-of-way of the public way. The department 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 at any time without compensation to the owner of the on-premises sign and at the owner's expense to accommodate highway uses.

The commissioner may adopt rules necessary for the implementation of this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 4. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes, Title 23, chapter 21 the term "on-premise" appears, it is amended to read "on-premises," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

SUMMARY

This amendment adds to the provisions set out in the bill that permit a waiver for on-premises signs. The amendment provides that if an on-premises sign is granted a waiver, the owner of the on-premises sign does not gain any permanent property rights by installing the on-premises sign within the right-of-way of the public way. The amendment also provides that the Department of Transportation is not responsible for loss or damage to an on-premises sign granted a waiver from the use of the right-of-way of the public way for highway purposes. The amendment also provides that an on-premises sign granted a waiver may be removed at any time by the department without compensation to the owner of the on-premises sign and at the owner's expense to accommodate highway uses. The amendment gives the Commissioner of Transportation the authority to adopt rules to implement the law pertaining to granting a waiver for on-premises signs. The amendment also changes the definition of "on-premise sign" to define instead "on-premises sign" and makes other grammatical corrections. It directs the Revisor of Statutes to apply the correct term in the relevant chapter of law.