



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1329

S.P. 417

In Senate, March 19, 2019

**An Act To Allow Temporary Roadside Memorials for Deceased
Victims of Traffic Accidents**

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator FOLEY of York. (BY REQUEST)

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 23 MRSA §1154** is enacted to read:

3 **§1154. Temporary roadside memorials**

4 **1. Placement.** A person may place a roadside memorial on a public way, as defined
5 in section 1903, subsection 11, within 20 feet of the outside edge of the paved portion of
6 the public way for a period not to exceed 180 days. For purposes of this section,
7 "roadside memorial" means decorations, flags, flowers and other lightweight objects or
8 ornamentation commonly used at funerals or grave sites that are used to mark the site of
9 the death of a person on the public way.

10 **2. Prohibitions.** A roadside memorial under this section may not:

11 A. Interfere with the use of the public way or with the visibility of directional and
12 other official signs and notices or with road safety, construction or maintenance;

13 B. Display a political or commercial message; or

14 C. Use reflective material or any item that is distracting to drivers and other users of
15 the public way.

16 **3. Notification.** A person who places a roadside memorial under this section shall
17 inform the Department of Transportation or the municipality containing the location of
18 the roadside memorial of the location of the roadside memorial within 7 days of the
19 placement of the roadside memorial and provide that person's contact information.

20 **4. Tampering with or unauthorized removal of roadside memorial.** A person
21 may not destroy, mutilate, deface or injure a roadside memorial or remove a roadside
22 memorial without the written authorization of the person who placed the roadside
23 memorial under subsection 1 to remove the roadside memorial. A person who violates
24 this subsection commits a civil violation for which a fine of up to \$100 may be adjudged.

25 **5. Removal by State or municipality.** Notwithstanding subsections 1 and 4, the
26 State or the municipality in which a roadside memorial is placed under this section may
27 remove a roadside memorial at any time.

28 **6. Liability.** The State and the municipality in which a roadside memorial is placed
29 under this section are not liable for damage or injury resulting from the presence of the
30 roadside memorial.

31 **7. Rules.** The Department of Transportation shall adopt rules to administer this
32 section. Rules adopted pursuant to this subsection are routine technical rules under Title
33 5, chapter 375, subchapter 2-A.

SUMMARY

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This bill allows, for a period not to exceed 180 days, the placement of a roadside memorial on a public way marking the site of the death of a person and provides penalties for tampering with or the unauthorized removal of a roadside memorial.