

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

H.P. 954 - L.D. 1462

An Act to Promote Artisans and the Creative Economy

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

Sec. 1. 30-A MRSA §3015 is enacted to read:

§3015. Regulation of vending of expressive matter

1. Expressive matter defined. For the purposes of this section, "expressive matter" means materials or objects created by a vendor with expressive content, including written material, such as newspapers, books or writings, and including visual art, such as paintings, prints, photography or sculpture. "Expressive matter" includes the activity of performance artists whether or not the artist seeks a monetary donation. "Expressive matter" does not include materials or objects that are essentially commercial in content, any expression that is related solely to the economic interests of the speaker and its audience and expression that does no more than propose a commercial transaction.

2. Municipal ordinances; permissible restrictions. A municipality may not adopt or enforce any ordinance or regulation that prohibits the vending of expressive matter, except that a municipality may adopt restrictions regulating the time, place and manner of the vending of expressive matter if the restrictions are:

- A. Directly related to health, safety or welfare concerns;
- B. Necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities;
- C. Necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of a park owned or operated by the municipality;
- D. Limitations on hours of operation that are not unduly restrictive;
- E. Necessary to maintain sanitary conditions; or
- F. Necessary to ensure compliance with the federal Americans with Disabilities Act of 1990 and other disability access standards.

3. Existing ordinance or regulation. This section may not be construed to require a municipality to adopt a new ordinance or regulation pertaining to the vending of expressive

matter if the municipality has an existing ordinance or regulation that substantially complies with the requirements in this section.