



127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1592

S.P. 641

In Senate, February 16, 2016

An Act To Amend the Maine Traveler Information Services Laws

Reported by Senator COLLINS of York for the Joint Standing Committee on Transportation pursuant to Joint Order 2016, S.P. 628.

Reference to the Committee on Transportation suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

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

2 **Sec. 1. 23 MRSA §1903, sub-§2**, as repealed and replaced by PL 1981, c. 318,
3 §1, is amended to read:

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

6 **Sec. 2. 23 MRSA §1903, sub-§15-A** is enacted to read:

7 **15-A. Temporary sign.** "Temporary sign" means a sign bearing a noncommercial
8 message that has been placed within the public right-of-way for a limited period of time.

9 **Sec. 3. 23 MRSA §1910**, as amended by PL 2011, c. 344, §29, is further amended
10 to read:

11 **§1910. Types and arrangements of signs**

12 Subject to this chapter, the commissioner shall regulate the size, shape, color,
13 lighting, manner of display and lettering of official business directional signs. A symbol
14 may be specified for each type of eligible service ~~of~~ or facility for inclusion upon official
15 business directional signs.

16 **Sec. 4. 23 MRSA §1913-A**, as amended by PL 2013, c. 529, §8, is further
17 amended to read:

18 **§1913-A. Categorical signs**

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

23 A. Signs bearing noncommercial messages erected by a duly constituted
24 governmental body, a soil and water conservation district or a regional planning
25 district;

26 B. Signs located on or in the rolling stock of common carriers, except those that are
27 determined by the commissioner to be circumventing the intent of this chapter.
28 Circumvention includes, but is not limited to, signs that are continuously in the same
29 location or signs that extend beyond the height, width or length of the vehicle;

30 C. Signs on registered and inspected motor vehicles, except those that are determined
31 by the commissioner to be circumventing the intent of this chapter. Circumvention
32 includes, but is not limited to, signs that are continuously in the same location or
33 signs that extend beyond the height, width or length of the vehicle;

34 D. Signs with an area of not more than 260 square inches identifying stops or fare
35 zone limits of motor buses;

- 1 ~~E. Signs showing the place and time of service or meetings of religious and civic~~
2 ~~organizations, in the municipality or township. Each religious or civic organization~~
3 ~~may erect no more than 4 signs. No sign may exceed in size 24 inches by 30 inches;~~
- 4 ~~F. Memorial signs or tablets;~~
- 5 ~~G. Hand-held or similar signs outside the public way not affixed to the ground or~~
6 ~~buildings;~~
- 7 ~~H. Signs bearing political messages relating to an election, primary or referendum,~~
8 ~~which may not be placed within the right of way prior to 6 weeks before the election,~~
9 ~~primary or referendum to which they relate and must be removed by the candidate or~~
10 ~~political committee not later than one week thereafter;~~
- 11 ~~I. Adopt-A-Highway Program signs allowed under section 1117; and~~
- 12 ~~J. Signs erected by a producer that direct travelers to the location where farm and~~
13 ~~food products, as defined in Title 7, section 415, subsection 1, paragraph B, are~~
14 ~~grown, produced and sold. A producer that sells farm and food products from a~~
15 ~~location with frontage on a numbered state highway may not erect a sign pursuant to~~
16 ~~this paragraph adjacent to that highway. A sign must be directional in nature, may~~
17 ~~not exceed 8 square feet in size and must be located within 5 miles of where the farm~~
18 ~~and food product is sold. A producer may not erect more than 4 signs pursuant to this~~
19 ~~paragraph, and the total number of signs erected by that producer pursuant to this~~
20 ~~paragraph and section 1911, subsection 2 may not exceed 6; and~~
- 21 ~~K. Signs erected for a farmers' market, as defined in Title 7, section 415, subsection~~
22 ~~1, paragraph A, as long as the signs are directional in nature. A farmers' market may~~
23 ~~not erect more than 4 signs pursuant to this paragraph, and the total number of signs~~
24 ~~erected by that farmers' market pursuant to this paragraph and section 1911,~~
25 ~~subsection 2 may not exceed 6. A farmers' market may erect a banner over a public~~
26 ~~way if the farmers' market obtains municipal approval and complies with rules~~
27 ~~adopted pursuant to this chapter.~~
- 28 ~~L. Temporary signs placed within the public right-of-way for a maximum of 6 weeks~~
29 ~~per calendar year during the time period from May 1st to November 15th. A~~
30 ~~temporary sign may not be placed within 200 feet of another temporary sign bearing~~
31 ~~the same or substantially the same message. A temporary sign may not exceed 4 feet~~
32 ~~by 8 feet in size. A sign under this paragraph must be labeled with the name and~~
33 ~~address of the individual, entity or organization that placed the sign within the public~~
34 ~~right-of-way and the designated time period the sign will be maintained within the~~
35 ~~public right-of-way.~~
- 36 ~~**2. Types of signs outside the right of way.** The following signs may be erected~~
37 ~~and maintained outside of the public right of way without license or permit as long as~~
38 ~~they meet applicable provisions of this subsection and rules adopted pursuant to this~~
39 ~~chapter:~~
- 40 ~~A. Signs erected by a public, civic, philanthropic, charitable or religious organization~~
41 ~~announcing an auction, public supper, lawn sale, campaign or drive or other like~~
42 ~~event or soliciting contributions;~~

1 ~~B. Signs erected by fairs and expositions within the county where the activity is~~
2 ~~located;~~

3 ~~C. Signs bearing religious messages and signs showing the time and place of services~~
4 ~~or meetings of religious and civic organizations;~~

5 ~~D. Signs erected by nonprofit historical and cultural institutions. Each institution~~
6 ~~that has certified its nonprofit status with the commissioner may erect not more than~~
7 ~~2 signs with a surface area not to exceed 50 square feet per sign; and~~

8 ~~E. Signs bearing political messages.~~

9 **2-A. Signs outside the public right-of-way.** Except as provided in section 1914, a
10 sign may be erected and maintained outside the public right-of-way as long as it does not
11 exceed 50 square feet in size.

12 ~~**4. Zones.** The commissioner may adopt rules permitting signs, including signs~~
13 ~~bearing commercial messages, in any zone or area of the State, together with rules~~
14 ~~concerning the dimensions, construction, illumination and other characteristics of such~~
15 ~~signs if the Attorney General certifies to the commissioner that the United States~~
16 ~~Supreme Court has determined that signs in such zones or areas must be permitted.~~

17 **5. Prohibited practices.** None of the signs referred to in this section may be erected
18 or maintained on any traffic control signs or devices, public utility poles or fixtures or
19 upon any trees. None of these signs may be painted or drawn upon rocks or other natural
20 features.

21 **6. Interstate system.** None of the signs referred to in this section, other than signs
22 conforming with subsection 1, paragraphs B and C and logo signs erected pursuant to
23 section 1912-B, may be located within the right-of-way limits of the interstate system or
24 within 660 feet of the nearest edge of the interstate system and erected in such a fashion
25 that the message may be read from the interstate highway.

26 **Sec. 5. 23 MRSA §1917-A,** as enacted by PL 1989, c. 315, is repealed.

27 **Sec. 6. 23 MRSA §1917-B** is enacted to read:

28 **§1917-B. Unlawful removal of temporary signs**

29 A person who takes, defaces or disturbs a sign placed within the public right-of-way
30 in accordance with section 1913-A, subsection 1, paragraph L commits a civil violation
31 for which a fine of up to \$250 may be adjudged. This section does not apply to a person
32 authorized to remove signs placed within the public right-of-way in accordance with
33 section 1913-A, subsection 1, paragraph L.

34 **SUMMARY**

35 This bill is reported out by the Joint Standing Committee on Transportation pursuant
36 to Joint Order 2016, S.P. 628. The intent of the bill is to address a recent United States
37 Supreme Court decision, Reed v. Town of Gilbert, No. 13-502 (2015), relating to
38 categorical signs within a public right-of-way. The committee has not taken a position on

1 the substance of this bill and by reporting this bill out the committee is not suggesting and
2 does not intend to suggest that it agrees or disagrees with any aspect of this bill. The
3 committee is reporting the bill out for the sole purpose of turning the proposal into a
4 printed bill that can be referred to the committee for an appropriate public hearing and
5 subsequent processing in the normal course. The committee is taking this action to
6 ensure clarity and transparency in the legislative review of the proposal.

7 The bill makes the following changes to the Maine traveler information services laws.

8 1. It clarifies the definition of "erect" to also mean display.

9 2. It adds a definition of "temporary sign" to mean a sign bearing a noncommercial
10 message that has been placed within the public right-of-way for a limited period of time.

11 3. It corrects a typographical error in the provision relating to types and
12 arrangements of signs.

13 4. It removes the following signs from the provisions relating to categorical signs
14 within the public right-of-way: signs showing the place and time of service or meetings of
15 religious and civic organizations; memorial signs or tablets; signs bearing political
16 messages relating to an election, primary or referendum; signs erected by a producer that
17 directs travelers to the location where farm and food products are grown, produced and
18 sold; and signs erected for a farmers' market that are directional in nature. Instead, the
19 bill creates a broader category of temporary signs within the public right-of-way in order
20 to regulate signs within a public right-of-way in a content-neutral manner per the United
21 States Supreme Court decision, Reed v. Town of Gilbert, No. 13-502 (2015). It provides
22 that a temporary sign may be placed within the public right-of-way for a maximum of 6
23 weeks per calendar year during the time period from May 1st to November 15th. It
24 provides that a temporary sign may not be placed within the public right-of-way within
25 200 feet of another temporary sign bearing the same or substantially the same message. It
26 also provides that a temporary sign may not exceed 4 feet by 8 feet in size. Finally, it
27 provides that a temporary sign must be labeled with the name and address of the
28 individual, entity or organization that placed the sign within the public right-of-way and
29 the designated time period the sign will be maintained within the public right-of-way.

30 5. It repeals the provision of law regarding categorical signs outside the public right-
31 of-way. Instead, the bill provides that, except as provided by current law relating to on-
32 premises signs, a sign may be erected outside the public right-of-way as long as it does
33 not exceed 50 square feet in size.

34 6. It repeals the provision of law relating to unlawful removal of political signs.
35 Instead, it provides that the unlawful removal of temporary signs from the public right-of-
36 way is a civil violation for which a fine of up to \$250 may be adjudged.