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An Act To Amend the Maine Traveler Information Services Laws

127LR2682(01)

Submitted by the Joint Standing Committee on Transportation pursuant to Joint Order 2016, S.P. 628.

PROPOSED SHORT TITLE:  
AMEND THE MAINE TRAVELER  
INFORMATION SERVICES LAWS  
(Subject to change)

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2 Sec. 1. 23 MRSA §1903, sub-§2, as repealed and replaced by PL 1981, c. 318,  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.