

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 403 - L.D. 520

An Act To Allow a Waiver for On-premises Signs

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

Sec. 1. 23 MRSA §1903, sub-§8, as repealed and replaced by PL 1981, c. 318, §1, is amended to read: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~~ 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Sec. 2. 23 MRSA §1914, sub-§4, as repealed and replaced by PL 1981, c. 318, §4, is amended to read: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.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor