



129th MAINE LEGISLATURE

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Legislative Document

No. 1682

H.P. 1206

House of Representatives, May 7, 2019

An Act To Amend the Laws Governing the Removal of Unlawful Signs

Submitted by the Department of Transportation pursuant to Joint Rule 204.
Reference to the Committee on Transportation suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative McLEAN of Gorham.
Cosponsored by Senator DIAMOND of Cumberland.

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

2 **Sec. 1. 23 MRSA §1903, sub-§16-A** is enacted to read:

3 **16-A. Urban compact municipality.** "Urban compact municipality" has the same
4 meaning as described in section 754, subsection 2, paragraph B.

5 **Sec. 2. 23 MRSA §1913-A, sub-§5,** as enacted by PL 1981, c. 318, §3, is
6 repealed and the following enacted in its place:

7 **5. Prohibited practices.** None of the signs referred to in this section may be painted
8 or drawn upon a rock or other natural feature or erected or maintained on:

9 A. A traffic control sign or device;

10 B. A public utility pole or fixture;

11 C. A rotary traffic island;

12 D. A tree in a public right-of-way;

13 E. A control-of-access area; or

14 F. A median less than 6 feet wide.

15 **Sec. 3. 23 MRSA §1917, sub-§§1, 2, and 5,** as repealed and replaced by PL
16 1981, c. 318, §4, are amended to read:

17 **1. Notice to remove.** The owner of a sign ~~which that~~ was or is unlawfully erected or
18 maintained either prior to or after ~~the effective date of this chapter shall be~~ October 24,
19 1977 is in violation of this chapter until the sign is removed. The owner of the sign shall
20 remove the sign within ~~30~~ 14 days of ~~receipt of a notice to remove, sent by certified mail,~~
21 ~~return receipt requested, by the commissioner~~ a notice from the agency that has
22 responsibility for the maintenance of that public way. If the identity of such owner is not
23 known or reasonably ascertainable ~~by the commissioner,~~ such notice may instead be sent
24 to the owner of the land on which the sign is placed.

25 **2. Authority to remove sign.** If the owner fails to remove the sign as required, the
26 ~~commissioner~~ department shall remove the sign if it is on a state or state aid highway that
27 is not in an urban compact municipality and the governing municipality may remove the
28 sign if it is located on a town way or state or state aid highway in an urban compact
29 municipality at the expense of the owner without any further notice or proceeding and
30 may recover the expense of this removal from the owner.

31 **5. Summary removal of illegal signs within the public right-of-way.** ~~Signs which~~
32 are A sign that is erected in nonconformance with this chapter and ~~which are~~ that is
33 within the limits of any public right-of-way shall be is subject to immediate removal by
34 ~~the commissioner~~ department if the public right-of-way is a state or state aid highway not
35 in an urban compact municipality. The department may remove any sign on any public
36 right-of-way for the purposes of public safety. A sign that is erected in nonconformance
37 with this chapter and that is within the limits of a town way or a state or state aid highway

1 in an urban compact municipality may be removed by the municipality having
2 jurisdiction over that way or highway.

3

SUMMARY

4 This bill further restricts the placement of categorical signs by prohibiting their
5 erection on trees, in control-of-access areas, within medians less than 6 feet in width and
6 on islands within a rotary. The bill reduces the number of days the owner of a sign
7 erected in violation of the law has to remove the sign from 30 days to 14 days after notice
8 and clarifies that the notice may be sent by the agency having control of the public way in
9 which the sign has been erected.

10 The bill requires the Department of Transportation to remove any sign that has been
11 placed in violation of the law if the public right-of-way is a state or state aid highway that
12 is not within an urban compact municipality; the department may remove any sign on a
13 public right-of-way for public safety purposes. A municipality may remove any sign that
14 has been placed in violation of the law on a town way or state or state aid highway that is
15 in an urban compact municipality within that municipality's jurisdiction.