

CHAPTER 15**PROTECTION OF HIGHWAYS****SUBCHAPTER 1****SIGNS AND MARKERS****ARTICLE 1****GENERAL PROVISIONS****§1151. Unauthorized signs or marks forbidden**

No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or so interferes with the effectiveness of any official traffic-control device or any railroad sign or signal as to endanger the public, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information or promoting highway safety and of a type that cannot be mistaken for official signs. Any person, firm, corporation or political subdivision of the State, while working on, under, over or immediately adjacent to any highway may erect temporary warning or directional signs or signals for the purpose of safeguarding or protecting its workmen and facilitating and protecting travel along the highway by the traveling public.

Every such prohibited sign, signal or marking is declared to be a public nuisance and the authority having jurisdiction over the highway may order the same removed and, if not removed within 48 hours after receipt of the notice, is empowered to remove the same or cause it to be removed.

§1152. Advertising restricted; turnpikes

(REPEALED)

SECTION HISTORY

PL 1989, c. 108, §2 (RP).

§1153. -- highways; jurisdiction; removal

1. Erecting advertisement on highway. A person may not post, erect, display or maintain or cause to be posted, erected, displayed or maintained a sign, billboard, panel, placard, poster, notice or other advertising device in, upon or above any highway or so situated with respect to any highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to prevent the safe use or obstruct the maintenance of the highway. The highway is deemed the full width of the road as laid out by the State, county or the town and in any case is deemed to extend 33 feet from each side of the center line of the traveled or built-up portion of the way.

[PL 2003, c. 452, Pt. L, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Application. This section does not apply to the State or to a political subdivision of the State or to signs erected or maintained with the approval of the department solely for the purpose of safeguarding, facilitating or protecting travel along the highway.

A. The department may authorize the placing of directional signs of such design as it determines, not exceeding 48 inches in length and 9 inches in width to designate places of interest, to be posted without expense to the State at the junction of roads. [PL 2003, c. 452, Pt. L, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A person, firm or corporation, while working on, under, over or immediately adjacent to a highway, may erect temporary warning or directional signs or signals for the purpose of safeguarding or protecting its workers and facilitating and protecting travel along the highway by the traveling public. [PL 2003, c. 452, Pt. L, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
[PL 2003, c. 452, Pt. L, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than \$5 and not more than \$500 may be adjudged. [PL 2003, c. 452, Pt. L, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. After having been adjudicated as having violated paragraph A, a person who unlawfully maintains any sign, billboard, panel, placard, poster, notice or other advertising device for 10 days after the adjudication is subject to an additional fine of not more than \$50 for each day upon which such sign, billboard, panel, placard, poster, notice or other advertising device is maintained. [PL 2003, c. 452, Pt. L, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
[PL 2003, c. 452, Pt. L, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Removal. The State Police shall remove all signs, billboards, panels, placards, posters, notices or other advertising devices existing within the limits of the highway in violation of this section. [PL 2003, c. 452, Pt. L, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 2003, c. 452, §L1 (RPR). PL 2003, c. 452, §X2 (AFF).

ARTICLE 2

GUIDEPOSTS

§1201. Recreational areas on turnpike system

(REPEALED)

SECTION HISTORY

PL 1965, c. 62 (AMD). PL 1965, c. 90 (AMD). PL 1967, c. 152 (AMD). PL 1967, c. 440 (AMD). PL 1969, c. 330, §§1,2 (AMD). PL 1971, c. 593, §22 (AMD). PL 1973, c. 356 (AMD). PL 1973, c. 644 (AMD). PL 1973, c. 788, §104 (AMD). PL 1975, c. 6 (AMD). PL 1975, c. 30 (AMD). PL 1975, c. 472 (AMD). PL 1975, c. 770, §§96, 97 (AMD). PL 1975, c. 770, §§96,97 (AMD). PL 1977, c. 154 (AMD). PL 1977, c. 288 (AMD). PL 1977, c. 305 (AMD). PL 1977, c. 696, §195 (AMD). PL 1979, c. 76 (AMD). PL 1981, c. 26 (AMD). PL 1981, c. 105, §§1,2 (AMD). PL 1981, c. 566 (AMD). PL 1981, c. 613 (AMD). PL 1983, c. 26 (AMD). PL 1983, c. 71 (AMD). PL 1983, c. 323 (AMD). PL 1983, c. 332 (AMD). PL 1983, c. 506 (AMD). PL 1985, c. 506, §§A46,47 (AMD). PL 1989, c. 443, §58 (AMD). PL 1993, c. 612, §§1,2 (AMD). PL 2001, c. 244, §2 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2011, c. 610, Pt. C, §1 (AMD). PL 2013, c. 549, §1 (RP).

§1202. Rivers, streams, lakes and mountains

The department is authorized and directed to place suitable markers, similar to those used in other states, along the state highways commencing with United States Route Number 1, designating the names of contiguous rivers, lakes, streams and other bodies of water and adjacent mountains. [PL 1971, c. 593, §22 (AMD).]

The department is authorized to use any funds available for the construction of state highways and bridges and for the maintenance of the same for carrying out this section. [PL 1971, c. 593, §22 (AMD).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD).

§1203. Cities and towns

Suitable markers shall be placed by the department on all trunk line roads and all state aid roads, designating the point of entry and exit to and from the several cities and towns along the lines of said highways. [PL 1971, c. 593, §22 (AMD).]

The cost to the State for carrying out this section shall be paid from funds available for the maintenance of state and state aid highways.

SECTION HISTORY

PL 1971, c. 593, §22 (AMD).

§1204. Form, height and design

On all state and state aid highways, all guideposts shall be of such reasonable form, height and design as the department shall designate and shall be erected only upon approval of the department. [PL 1971, c. 593, §22 (AMD).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD).

ARTICLE 3

GRADE CROSSINGS

§1251. Erection of warning signs

There shall be placed and thereafterward maintained warning signs on every highway or other way within the State approaching a crossing at grade of such highway or other way and the tracks of a railroad. Such signs shall be placed on each side of such crossing at such distances as shall be determined upon by the Department of Transportation which is required, and vested with authority, to cause to be located and maintained such warning signs. In the compact parts of cities and towns where the conditions mentioned in section 2920 exist and are observed and at all other places where in the judgment of the 2 commissions such signs are unnecessary, no such warning signs need be erected. [PL 1981, c. 698, §100 (AMD).]

SECTION HISTORY

PL 1971, c. 593, §8 (AMD). PL 1981, c. 698, §100 (AMD).

§1252. Signs to be clearly visible; removal of obstructions

The signs referred to in section 1251 shall be of such size, design and color as shall be established by order of the Department of Transportation. Such signs shall be placed in conspicuous locations at a distance not less than 300 feet from the nearest rail of such crossing unless conditions make it

reasonable to cause such signs to be located at a lesser distance from said rail. Such locations shall always be kept clear that such signs shall be plainly visible and the municipal officers of the several towns in which such signs are located are authorized and required either on their own motion or when requested by the department to cut down, trim or remove all bushes, trees or other obstructions which may impair the view of any such signs. [PL 1971, c. 593, §9 (RPR).]

SECTION HISTORY

PL 1971, c. 593, §9 (RPR).

§1253. State pays expense

The expense of the erection and maintenance of each warning sign mentioned in sections 1251 and 1252 shall be borne by the State and paid out of any highway funds not otherwise appropriated.

§1253-A. Stop signs at highway-railroad grade crossings

The Department of Transportation is authorized to designate any highway-railroad grade crossing as a stop intersection and to install and maintain stop signs thereat. The department is authorized to so designate such highway-railroad grade crossings on town ways, and local municipalities shall, when ordered by the department, erect and maintain stop signs on such town ways. When such stop signs are erected, the driver of any vehicle shall stop within 50 feet but not less than 10 feet from the nearest rail of such railroad and shall proceed only upon exercising due care. [PL 1971, c. 593, §10 (AMD).]

Any person who shall operate a vehicle in violation of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$50 or by imprisonment for not more than 60 days, or by both. [PL 1969, c. 387, §1 (NEW).]

The expense of the erection and maintenance of each stop sign installed by virtue of this section shall be borne by the railroad. [PL 1969, c. 387, §1 (NEW).]

SECTION HISTORY

PL 1969, c. 387, §1 (NEW). PL 1971, c. 593, §10 (AMD).

§1254. Penalties; jurisdiction

Whoever unlawfully removes, injures or tampers with any warning, caution or directional sign, described in sections 59, 1251, 1252 and 1253-A, shall be punished by a fine of not less than \$10 nor more than \$50. [PL 1969, c. 387, §2 (AMD).]

SECTION HISTORY

PL 1969, c. 387, §2 (AMD).

ARTICLE 4

OVERPASSES

§1301. Clearance markings

The department shall mark all overpasses on all state and state aid highways, and on all other highways for which state funds are provided by law, with the height of the clearance of such overpass and such markings shall be maintained so as to be clearly visible for a distance of 200 feet on the highway. The same requirements shall apply to highway bridges when the vertical underclearance is limited by the portal, bracing or other structural members. This section shall apply only when the vertical clearance is less than 14 feet 6 inches. The clearance indicated is to be the normal summer clearance. Such overpasses not indicated herein shall be marked by the municipalities in which the

same shall be found and in accordance with the standards for marking set forth. [PL 1971, c. 593, §22 (AMD).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD).

ARTICLE 5

TRAFFIC CONTROL

§1351. Installation of signals, devices and signs

The department may make and shall enforce rules and regulations relating to traffic control and the installation and maintenance of traffic control signals, devices, signs and markings on all state, state aid and federal aid highways. The department may be consulted by and shall without charge advise municipal officers and road commissioners on the subject of traffic control. [PL 1971, c. 593, §22 (AMD).]

The department shall have authority to install and maintain traffic control signals, warning, regulatory, directional and informational signs and markings, on all state and state aid highways and highways constructed under its direction with federal funds, when, in its opinion, such signs, signals and markings are necessary for public safety and convenience. [PL 1971, c. 593, §22 (AMD).]

On all designated state and state aid highways, the location, form and character of informational, directional, regulatory and warning signs and traffic control signals and devices, erected by towns, shall be subject to approval of the department. [PL 1971, c. 593, §22 (AMD).]

On any highway or street constructed with federal aid in any town, the location, form and character of informational, directional, regulatory and warning signs, curb and pavement or other markings, and traffic signals, installed or placed by any public authority or other agency, shall be subject to the approval of the department with the concurrence of the Federal Highway Administration. [PL 1985, c. 506, Pt. B, §19 (AMD).]

Any rule or regulation relating to traffic control or the installation or maintenance of traffic control signals, devices or signs adopted pursuant to this section shall be exempt from the rule-making provisions of the Maine Administrative Procedure Act, Title 5, chapter 375. [PL 1979, c. 397, §1 (NEW).]

The department is authorized and directed to establish a system of numbering all classes of highways which, in its opinion, is necessary for public convenience, and to publish maps from time to time showing the highways so numbered. [PL 1971, c. 593, §22 (AMD).]

On all designated state and state aid highways, the department may prohibit other than one-way traffic when in its opinion such prohibition is necessary for public safety. [PL 1971, c. 593, §22 (AMD).]

Nothing contained in this section shall be construed to apply to the installation or maintenance of signals, devices, signs, lights or warnings at approaches to railroad crossings.

The issuance of any order or rule and regulation may be proved by submitting a copy thereof signed by the commissioner and duly notarized. [PL 1973, c. 537, §25 (AMD).]

Whoever violates any order or rule and regulation of the department issued under authority of this section shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both. [PL 1971, c. 593, §22 (AMD).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1973, c. 537, §25 (AMD). PL 1979, c. 397, §1 (AMD). PL 1985, c. 506, §B19 (AMD).

§1352. Installation of rumble strip signs

The department shall install signs on any state highway where centerline rumble strips are located to inform a driver that the driver is approaching a rumble strip. The signs must be placed in advance of the centerline rumble strip for both directions of travel where passing is permitted at a location to be determined by the department. The lettering, style, colors, size and format of the sign must comply with the latest edition of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration under 23 Code of Federal Regulations, Part 655, Subpart F as adopted by the department. [PL 2009, c. 441, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 441, §1 (NEW).

SUBCHAPTER 2

INSTALLATIONS AND OBSTRUCTIONS

§1401. Installations restricted

(REPEALED)

SECTION HISTORY

PL 1983, c. 393 (AMD). PL 1985, c. 20 (AMD). PL 2003, c. 452, §L2 (RP). PL 2003, c. 452, §X2 (AFF).

§1401-A. Installations restricted

1. Installing of buildings or fixtures. Except as provided in subsection 1-A, a person may not install, erect or construct, or cause to be installed, erected or constructed, installations such as buildings, gasoline pumps or other fixtures in, upon or near any state or state aid highway, located as follows:

A. Within the full width of the right-of-way of any state or state aid highway as laid out by the State, the county or the town; [PL 2003, c. 452, Pt. L, §3 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Within 33 feet of the center line of any state or state aid highway. This paragraph does not apply to installations or other property in existence on August 6, 1949. The commissioner has discretion to waive the application of this paragraph to the reconstruction of a building in the general location of the previously existing building if the commissioner determines that highway safety and the public welfare will not be adversely affected; or [PL 2003, c. 452, Pt. L, §3 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Within 20 feet from the outside edge of any of the paved portion of any state or state aid highway having more than 2 travel lanes and having a total paved portion in excess of 24 feet in width. This paragraph does not apply to installations or other property in existence on September 1, 1955. [PL 2003, c. 452, Pt. L, §3 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
[PL 2007, c. 191, §1 (AMD).]

1-A. Limited waiver. The commissioner may grant a person a written waiver of any of the provisions of subsection 1 and permit the construction of a fixture in, upon or near a state or state aid highway located in a municipality if:

A. The commissioner receives a written statement from the municipal officers requesting or supporting the waiver; [PL 2007, c. 191, §1 (NEW).]

B. The posted speed limit where the construction will occur is no more than 35 miles per hour; and [PL 2007, c. 191, §1 (NEW).]

C. The commissioner determines that highway safety and public welfare will not be adversely affected. [PL 2007, c. 191, §1 (NEW).]

The commissioner may include in the waiver any conditions the commissioner determines necessary to ensure public safety and welfare. Violation of the terms of a waiver constitutes a violation of this section.

[PL 2007, c. 191, §1 (NEW).]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than \$5 and not more than \$500 may be adjudged. [PL 2003, c. 452, Pt. L, §3 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. After having been adjudicated as having violated paragraph A, a person who unlawfully maintains any installations such as buildings, gasoline pumps or other fixtures for 30 days after the adjudication is subject to an additional fine of not more than \$50 for each day such installations are maintained. [PL 2003, c. 452, Pt. L, §3 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. L, §3 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Application. This section does not apply to the installations or other property devoted to the public use of any public utility or district and underground pipelines.

[PL 2003, c. 452, Pt. L, §3 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 2003, c. 452, §L3 (NEW). PL 2003, c. 452, §X2 (AFF). PL 2007, c. 191, §1 (AMD).

§1402. Removal of obstructions

When logs, lumber or other obstructions, without necessity, are left within the limits of any highway right-of-way under the supervision and maintenance of or construction by the department, it may cause them to be removed, and shall not be liable for loss or damage thereof, unless occasioned by design or gross negligence. When no one appears to pay for the expense and trouble of removal, the department may sell at public auction so much thereof as is sufficient for that purpose, including charges of sale. The person through whose neglect or willful default they were left may be prosecuted as for a nuisance. [PL 1971, c. 593, §22 (AMD).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD).

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