

CHAPTER FIVE

Placement of Political Signs – Letter from MaineDOT

Dear Candidate:

It is campaign season again and the Maine Department of Transportation would like to take this opportunity to offer some information regarding the placement of political signs. MaineDOT understands and appreciates the potential impact of strategically placed political signs as well as the substantial investment that candidates make in purchasing these signs.

In the past, Maine sign law allowed political signs to be placed within the public right of way up to 6 weeks prior to an election. During the most recent legislative session, changes were made to the statute to allow non-commercial signage, which includes campaign signs, for only up to 6 weeks during any one calendar year. The new law further states that signs bearing the same or substantially the same message may be placed no closer than 30 feet from one another-- See 23 M.R.S.A. § 1913-A, as amended by P.L. 2015, c. 403. These changes were put into place to conform with a recent Supreme Court ruling and to deal with the public concerns regarding the overall density of signs along the roadway. The most recent law change also requires sign owners to place their name and contact information, as well as the 6 week time frame for which the sign owner intends to have the sign up.

Maine's roadways offer an enormous opportunity to place a great many signs, but there are some areas within the state's roadway system that are off limits to non-commercial signage, including campaign signs. These areas are comprised of the Maine Interstate system, including the Maine Turnpike Authority system, and all the various interchanges and ramps along the interstate system. The Interstate system and its interchanges have been designated as "control of access" areas. The term "control of access" indicates that this section of highway is being controlled from development. Typically no new entrances such as driveways or side roads or the like will be allowed within these sections. All types of signs are restricted in these sections with the exception being the State of Maine may install a sign within a control of access area for the purposes of the highway system. All other types of signs are prohibited within the control of access areas.

There are various reasons for the prohibition of signs within the control of access sections but the main reason is safety. The interstate system and its connecting interchanges are not the only "control of access" areas within Maine's many road ways. There are several control of access sections along Maine routed highways as well. Many of these non-interstate control of access sections are located within some of Maine's busiest roads, such as Rte. 202 in Winthrop and Rte. 3 in South China. Control of access areas may have a very high volume of car and truck traffic as well as a high speed limit that could create a potential hazard for pedestrians attempting to install signs along the roadways.

Here are some questions that campaign personnel may ask regarding the placement of political signs:

How do I recognize a “control of access” section?

- *MaineDOT is continuing the process of installing signs at each of the control of access areas to indicate where the sections begin and end. The signs will provide information such as “C.O.A. Area- No Signs” with arrows indicating which direction the control of access boundaries extend.*
- *Unsigned areas may be recognized by the limited access points into the highway and often a wildlife deterrent fence set 30 to 50 feet off the edge of pavement.*

What will happen to my sign if it has been placed in within a control of access section?

- *MaineDOT personnel have been advised to remove all types of signs from within the control of access areas. Maintenance crews have also been instructed to safely store the signs until the owner of the sign (business, campaign) can be contacted and arrangements can be made for pick up.*

Does MaineDOT enforce these sign placement restrictions state wide?

- *MaineDOT is committed to providing the equitable enforcement of these areas state wide. All signs that are installed within control of access areas will be removed as soon as possible by department personnel.*

What do I need to know about placing my sign along the roadway?

- *The first thing to consider in placement is the safety of the traveling public. Please do not install your signs in an area that will limit sight line of anyone trying to pull out of a side road or driveway. All signs that block a driver’s sight distance will be removed for the public’s safety. Removed signs will be held at the closest MaineDOT maintenance lot to be picked up by the candidate.*

In summary, when placing political signs, the important areas to remember are the interstate system with the connecting interchanges and ramps, including the Maine Turnpike Authority system, and the control of access areas, these areas are all off limits to all signs, regardless of content or viewpoint. Also, your individual signs can be no closer than 30 feet from one another, and can be put up for only 6 weeks during one calendar year. These signs must contain the owner’s contact information and the 6 week time frame for which the sign owner intends for the sign to be up. MaineDOT will continue to provide information as necessary to help individuals with questions.

For more information regarding the appropriate placement of political signs, please contact the Department’s Legislative Liaison, Meghan Russo at Meghan.russo@maine.gov or 624-3558.

MaineDOT appreciates your cooperation in this effort.

Sincerely,

Steve Landry
Maine State Traffic Engineer
MaineDOT

NOTE: Legislation may be introduced during the Second Regular Session of the 128th Legislature to change the laws regarding placement of political signs as referenced in this letter. Please check back after adjournment of the Legislature to determine if any requirements have changed.



Excerpts from the Secretary of State's Candidate's Election Guide

PLACEMENT OF POLITICAL SIGNS

Signage bearing political messages **may not** be placed within **250 feet of the polling place** in public ways; also applies to the Absentee Voting location (**Town Office**).

The Department of Transportation has provided the following information concerning statutory and regulatory requirements applicable to placement of political posters and signs.

It is suggested that this information be passed on to all campaign workers & supporters.

The provision of Title 23, M.R.S.A., Sub Section 1913-A and Department Regulation, provide for political posters and signs as follows:

- May be erected within the right-of-way limits of public ways **no sooner than six (6) weeks prior** to the primary or general election and **must be removed no later than one week following the date of the election**, primary or referendum.
- Posting is **limited to 6 weeks during any one calendar year**.
- Sign must contain: owners **name, contact info**, and the **chosen 6-wk period dates**.
- Signage; similar/same message: may be placed **no closer than 30' of one another**.
- May be erected on **private** property **outside the right-of-way limits of public ways** (this includes ditches) at any time prior to the primary or general election, limited in size to a maximum of 50 square feet.
- Shall **not be erected or maintained on any traffic control signs/posts or devices, public utility poles or fixtures, upon any trees or painted or drawn upon rocks or their natural feature**. They must be affixed to their own stake or post, may be attached to a building or dwelling (with permission), or displayed on vehicles.
- May be displayed to view to all public ways **except** for the Interstate Highway System; Signs **may not** be placed within the limits of any controlled access highway nor erected **within 660 ft.** of the nearest

edge of the Interstate Highway System in such a manner **that the message may be read from the Interstate Highway.**

- Traffic safety should be of the utmost consideration in placement of political signs. Candidates and campaign workers should take great care **not to place signs or posters where same could create a traffic hazard.**
- The **unauthorized** removal or destruction of political signs is a civil violation under Maine law (Title 23 MRSA, Section 1917-A), and may carry a fine of up to \$250. Specifically, the law states that “a person who takes, defaces or disturbs a **lawfully** placed sign bearing political messages relating to a general election, primary election or referendum commits a civil violation for which a forfeiture of up to \$250 may be adjudged.



Additional Town of North Yarmouth Regulations & Guidelines:

Signs shall be located so as not to create a hazard or impediment to visibility, particularly at intersections. **No signs may be placed at the Veteran's Memorial Park at the intersection of Parsonage Road and Memorial Highway** except for municipal or state signs.

Political signs are prohibited from being placed on the following Town owned properties: **Town Office** - located at 10 Village Square Road – tax map 7 lot 64; **Fire Station** – located between Routes 9 & 115 (463 Walnut Hill Road and Memorial Highway) – tax map 7 lot 66; **Public Works Garage** – located at 40 Parsonage Road – tax map 7 lots 84 & 92., **Wescustogo Hall & Community Center** – located at 120 Memorial Highway – tax map 7 lot 85.