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## **Advertising Signs Within Right-of-Way Prohibited (MR-18), 2005**

Maine Department of Transportation

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# PROPERTY OFFICE DIVISION

## STATE OF MAINE DEPARTMENT OF TRANSPORTATION

Date  
February 3, 2005

### TITLE 23

#### CHAPTER 15

#### ADVERTISING SIGNS WITHIN RIGHT-OF-WAY PROHIBITED

**Sec. 1153. Highways; Jurisdiction; removal.** No person shall post, erect, display or maintain or cause to be posted, erected, displayed or maintained any sign billboard, panel, placard, poster, notice or other advertising device in, upon or above any public highway, or so situated with respect to any public 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 public highway. Such public highway shall be deemed the full width of the road as laid out by the State, county or the town, and in any case shall be deemed to extend 33 feet each side of the center line of the travelled or built up portion of the way.

This section shall not apply to the State or to any political subdivision thereof or to signs erected or maintained with the approval of the commission solely for the purpose of safeguarding, facilitating or protecting travel along the *highway*. *Ile* commission may authorize the placing of directional signs of such design as it shall determine, 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. Any person, firm or corporation, 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.

Any person found guilty of violating this section shall be punished by a fine of not less than \$5 nor more than \$500. Whoever after conviction of such violation unlawfully maintains any such sign, billboard, panel, placard, poster, notice or other advertising device for 10 days after such conviction may be punished by a further fine of not more than \$50 for each day upon which such sign, billboard, panel, placard, poster, notice or other advertising device is maintained. 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 hereof.

#### FEDERAL AID REGULATION REGARDING ENCROACHMENTS

The Code of Federal Regulations, Title 23, Highways, Part I- Administration of Federal Aid for Highways, Sec. 1.23, Rights-of-Way, (b) provides as follows:

"(b) Use for highway purposes. Except as provided under paragraph (c) of this section, all real property, including air space, within the right-of-way boundaries of a project shall be devoted exclusively to public highway purposes. No project shall be accepted as complete until this requirement has been satisfied. The State highway departments shall be responsible for preserving such right-of-way free of all public and private installations, facilities or encroachments, except (1) those approved under paragraph (c) of this section; (2) those which the Administrator approves as constituting a part of a highway or as necessary for its operation, use or maintenance for public highway purposes and (3) informational sites established and Maintained in accordance with section 1.35 of the regulations in this part."

The right-of-way provided for Federal-aid highway projects shall be held inviolate for public highway purposes and no signs (other than traffic signs and signals), posters, billboards, roadside stands or other private installations shall be permitted within the right-of-way limits.