

§1916. Removal of signs by amortization

1. Exclusions. This section shall not apply to:

- A. Signs for which compensation is paid under section 1915; [PL 1981, c. 318, §4 (RPR).]
- B. On-premises signs as provided in section 1914; [PL 1981, c. 318, §4 (RPR); PL 2011, c. 115, §4 (REV).]
- C. Exempt signs under section 1913-A; [PL 1981, c. 318, §4 (RPR).]
- D. Signs licensed under this chapter; [PL 1981, c. 318, §4 (RPR).]
- E. Signs to be removed under section 1917; and [PL 1981, c. 318, §4 (RPR).]
- F. Signs subject to immediate removal pursuant to section 1924, subsection 3. [PL 1981, c. 318, §4 (RPR).]

[PL 1981, c. 318, §4 (RPR); PL 2011, c. 115, §4 (REV).]

2. Six years amortization. Any sign lawfully erected as of January 1, 1978, may be maintained in accordance with section 1924 for 6 years after that date in order to amortize the value thereof. The owner of the sign shall remove the sign within 30 days of a receipt of a final order specified in subsection 3.

[PL 1981, c. 318, §4 (RPR).]

3. Procedure for notice, hearing, appeal. The procedure for notice, hearing and appeal is as follows.

- A. The commissioner shall send to the sign owner notice by certified mail, return receipt requested, that a sign is to be removed pursuant to subsection 2.

Such notice shall be a final order if not appealed under paragraph B.

If the identity of such owner is not known or reasonably ascertainable by the commissioner, such notice may instead be sent to the owner of the land on which the sign is placed. [PL 1981, c. 318, §4 (RPR).]

- B. The person owning or controlling the sign may, within 30 days of his receipt of the notice to remove, appeal the order of removal to the commissioner and receive a hearing thereon, with a record made of the hearing. The commissioner shall render a decision within 60 days of the hearing. If no appeal is taken from the commissioner's decision, it shall be a final order. Any person aggrieved by the decision of the commissioner made subsequent to the hearing may, within 30 days of the receipt of notice of such decision, appeal to the Superior Court in the county where the sign is located. The appeal shall not be de novo and shall be subject to the Maine Rules of Civil Procedure, Rule 80b. For the purposes of this section, "person aggrieved" shall include the person owning or controlling the sign and any other person who is a resident of the county where the sign is located. A final judgment of a court shall be a final order for purposes of subsection 2. [PL 1981, c. 318, §4 (RPR).]

[PL 1981, c. 318, §4 (RPR).]

SECTION HISTORY

PL 1977, c. 494, §1 (NEW). PL 1981, c. 318, §4 (RPR). PL 2011, c. 115, §4 (REV).

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