MAINE STATE LEGISLATURE

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July 25, 1949

To John C. Burnham, Assistant to Chief Engineer, Highway
Re: Lewiwton Drive-in-Theatre

In your memorandum of July 8, 1949 you inquired as to the status of an outdoor advertising structure or structures erected by the Lewiston Drive-in-Theatre at its place of business, a part of which structure or structures is within 50! of the traveled way. It appears that the structure or structures consist of two panels, each of the size of 8' x 23' or 184 sq. ft., making a total of 368 sq. ft.

Under Section 116 of Chapter 20, R.S. 1944, as amended, no permit can be granted for any outdoor advertising structure or structures within 50' from the nearer line of the traveled way. Section 112 of the same chapter, as amended, specifies that not more than 10 signs the total area of which cannot exceed 250 square feet, are exempt from permits and are not required to be 50' from the traveled way.

Since the area of this outdoor advertising structure exceeds 250 sq. ft., it may het be located within 50' of the traveled way, and no permit can be granted, unless the structure or structures are more than 50' from the traveled way.

The advertiser, of course, would be entitled to have smaller signs, the total area of which does not exceed 250 sq. ft. each, within 50' of the traveled way at his place of business; but this right or privilege cannot be claimed as an integral part of the outdoor advertising structure or structures which exceed the 250 sq. ft. area.

John S. S. Fessenden
Deputy Attorney General

jssf/c