

MAINE STATE LEGISLATURE

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February 8, 1956

To John C. Burnham, Sirector of Special Services, Highway
Re: Outdoor Advertising - Gasoline Signs, Chapter 420, P. L. 1955

You have requested my opinion as to what effect the ruling by Judge Tapley on Chapter 420 of the Public Laws of 1955 would have on Section 138 of Chapter 23 of the Revised Statutes.

I have not seen the opinion, but from the newspaper report I can find no suggestion that Section 138 would be affected.

In the original outdoor advertising law, the legislature required the obtaining of a permit to perform certain types of advertising. There was nothing arbitrary in any form in the original act, nor is it, per se, unreasonable.

The outdoor advertising law can be distinguished from the case before Judge Tapley. The gasoline sign law applied only to gasoline signs, if those were objectionable from a public point of view, so would be toothpaste, clothing, and a thousand other items. The gasoline law was specifically aimed at a specific type of case and was certainly arbitrary, if not unreasonable.

The outdoor advertising law opposed the promiscuous use of advertising matter by the general public and not by any one group of persons.

If your law was unconstitutional, it would have been tested long before now.