

MAINE STATE LEGISLATURE

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June 6, 1956

To John C. Burnham, Director of Special Services, SHC
Re: Hamilton's Camps, Sebago Lake

It would seem that this sign, being thirty feet from the edge of the highway, would be at least thirty-three feet from the center line and, therefore, not in conflict with Section 150 of Chapter 23. Of course, if it were within the known right of way, we could invoke Section 150.

It is difficult to interpret the application of Section 138 to this case. The statute says the provisions requiring permits do not apply to signs upon the property whereon "the business or profession so advertised is carried on or practiced". Hamilton can argue that he is carrying on the business of renting camps, etc., at this house and that this sign is advertising that business. He could complete the deal with a customer at his house.

On the other hand, signs advertising real estate may be placed on the premises to be let, and this might be argued as limiting real estate signs to the particular property location.

This sign does advertise a particular property and it is not on that property. However, it can be construed as advertising the business of letting camps, which business can be carried on at the place where the sign is erected.

The decision rests on whether or not it is sound to argue that the business is carried on at the residence. . . It is possible to carry on such a business all on the premises of the lessor. On the other hand, in many cases, trips to the property are necessary. However, the statute does not say, "All of the business".

It could be that the main intent of this exception was to take care of home industries and that this case would not have been expected by the legislature. However, the language is broad enough to justify including this case in the exception.

L. Smith Dunnack
Assistant Attorney General

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