

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1957 - 1958

April 25, 1958

To David H. Stevens, Chairman, State Highway Commission

Re: Access for the Purpose of Servicing Billboards

You have requested my opinion as to the power of the Commission to make a regulation relating to restrictions on the use of a controlled access road as a means to servicing billboards erected in fields abutting the right of way.

Section 7, Chapter 23, says:

“The Commission shall have full power to regulate the use of controlled access highways, etc. . . .”

Section 6 says:

“A controlled access highway is a highway on which, in the interest of safety and efficiency of operation, abutting property owners have no right of access, . . .”

To permit an employee of an outdoor advertising company to have access to and from adjacent property and to have the right to climb over a fence (which is erected to keep people out of the right of way) would be contrary to the letter of the law and the spirit of the law. It could be classified as a special commercial privilege.

Except in degree, there is no distinction between granting this right to facilitate a business that is benefiting by the existence of the road, and between granting a gasoline station an entrance. There is no difference in principle, but only in degree of usage.

It is true that the Commission is the sole arbiter of where and when access is to be permitted; but, to grant this type of access would be violating the principle of non-access on the principle of permitting a few concerns to make more money.

L. SMITH DUNNACK
Assistant Attorney General

April 29, 1958

To Kenneth B. Foss, Director, Consumer Credit Division, Banking Department

Re: Out-of-State Sales Finance Company

You request an answer to the following question:

“Can a license be granted to a New Hampshire firm to engage in the business of a sales finance company, when that New Hampshire firm has no place of business in the State?”

As background to be considered in answering the above question, you state that the firm maintains its only offices outside the State of Maine. Its business with Maine dealers is carried on by mail, and no agents or officers are located in the State of Maine.