

REGULATION OF BILLBOARD ADVERTISING

The undersigned, representing a few of the civic and welfare organizations that have taken action in favor of House 1548, designed to make more effective the law for regulation of bill-board advertising, believe we express the great popular desire for this legislation, not only by the membership of the bodies for which we are authorized to speak and many others represented at the hearing on the bill, but by the citizens of Massachusetts generally.

Since the people in 1918 ratified the constitutional amendment authorizing legal restriction of bill-boards, by the largest majority given any of the amendments then submitted, they have seen the bill-boards in this state, instead of being restricted in either size or number, grow steadily larger and more numerous. They have seen the law, to which the state Republican platform of 1920 pointed with pride and which purports to give towns and cities the right to supplement state regulations with "further" local regulations not inconsistent therewith, practically nullified by a provision heretofore foreign to Massachusetts law, "subject to the approval of the Division", which this bill proposes to strike out.

This phrase, if allowed to stand, would become a dangerous precedent. It gives to a state commission, or its agent, an absolute veto power over local by-laws duly passed by a town meeting, even if by a unanimous vote; and this veto power is not given as a protection against by-laws inconsistent with the constitution, or with state enactments, for such protection rests with the law officers of the state; but it is a purely arbitrary power.

Yet the Massachusetts Highway Division has not hesitated to exercise it to defeat many efforts of towns to make local bill-board regulations; and one or more of its members wish to continue to exercise it.

It is of course impossible for the Division of Highways to inform themselves of the details of local conditions throughout the State, and the actual judgment and veto power on town by-laws must be exercised by a chief of division or inspector.

We respectfully submit that this innovation in the law of 1920 is an unnecessary infringement of the fundamental principle of local self government in Massachusetts. The amendment proposed in House 1548 seeks to have this anomaly in the law removed, and the right of the municipalities to make local regulations for bill-boards put upon the same basis as that to make other local ordinances consistent with the general laws, such, for example, as building regulations.