

# MAINE STATE LEGISLATURE

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February 24, 1944

9710

Gannett Publishing Company, Inc.  
Portland, Maine.

Gentlemen:-

For some time there has been appearing in the Portland Press Herald and Portland Evening Express a political advertisement reading, "Fernald for Governor." I am taking this opportunity to call your attention to the fact that a political advertisement in this form is in violation of the express wording of the State Corrupt Practices Act, Section 10, Chapter 10, of the Revised Statutes.

These advertisements were running in the newspapers of the State for some time prior to the announcement by Mr. Fernald of his candidacy for Governor. I was informed that he was not directly or indirectly responsible for the advertisements and inasmuch as he is a member of the bar and was formerly chairman of the Judiciary Committee of the Legislature, I assumed that he had simply overlooked the fact that there is an infringement of the statutes or, if he had not overlooked it, that he would take steps to have them corrected if and when he should declare himself a candidate. The announcement of his candidacy appeared in the newspapers nearly two weeks ago, but there was no change in the form of the advertising. Under date of February 17th I wrote him as follows:

"Honorable Roy L. Fernald  
Winterport, Maine

"Dear Roy,

I enclose herewith copy of R.S. 10, sec. 10, I note that the 'Fernald for Governor' ads do not conform to this statute, and I am calling this to your attention before somebody starts something unpleasant.

Very truly yours,

(Signed) Frank I. Cowan  
Attorney General"

At the same time I enclosed a copy of R. S. Chapter 10, Section 10, which reads as follows:

"Political advertisements to be signed. 1921, c. 20. Whoever writes, prints, posts, distributes, or causes to be written, printed, posted or distributed a circular, poster, or advertisement which is designed to promote the nomination or election of a candidate for public office or to injure or defeat the nomination or election of any candidate for public office, or to influence the voters on any constitutional amendment or any other question submitted to the voters, or to influence the vote of any member of the legislature, unless there appears upon such circular or poster or advertisement, in a conspicuous place, either the name of the chairman or secretary or of two officers of the organization

issuing the same, or of the person who is responsible therefor, with his name and address, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment. Provided, that nothing in this section shall apply to the editorial or news articles of any magazine or newspaper where the same is not a political advertisement, nor to cards, posters, lithographs, or circulars, issued by a candidate advertising his own candidacy."

Inasmuch as this section of the statutes applies with equal force to the publisher of the newspaper in which the advertisement appears, I am taking this opportunity to give you friendly warning that prosecution must follow if the advertisements are continued in their present form.

Respectfully yours,

Frank I. Cowan  
Attorney General

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\*  
Same letter sent to same company at Waterville, re Waterville Sentinel; and to -  
J. P. Bass Publishing Co., Bangor, re Bangor Commercial;  
Bangor Publishing Co., 170 Exchange St., Bangor, re Bangor News;  
Sun-Journal Publishing Co., Lewiston, re Lewiston Sun and Lewiston Evening Journal

\* and at Augusta, re Kennebec Journal, on February 28, 1944