

# MAINE STATE LEGISLATURE

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yes ✓  
March 25, 1966

Linwood F. Ross, Deputy

Secretary of State

George C. West, Deputy

Attorney General

Interpretation of 21 M.R.S.A. § 1575

In your memo of March 24, 1966, you have raised a question of interpretation of 21 M.R.S.A. § 1575. You wish to know what should be done relative to novelty articles which are used to advertise candidates or political parties and do not carry the name of the person or chairman of the organization which sponsored it.

21 M.R.S.A. § 1575 reads as follows:

"The source of a written or oral advertisement which is designed to promote or defeat a candidate, party or principle must be identified by disclosing as part of the advertisement the name of the person or chairman of the organization which sponsored it."

There can be no question that advertisements in newspapers, magazines, periodicals, pamphlets, billboards, flyers or any form of published or posted articles must identify the person or chairman of the organization sponsoring it. The same is true of radio, television or motion picture advertising.

The problem raised by this statute concerns the small novelty items such as match folders, pencils, sewing kits, emery sticks, etc. Many of these novelty articles are so small or so made that there would be no space available for "the name of the person or the chairman of the organization which sponsored it."

The purpose of the law is not to deprive candidates or parties of forms of advertising which they desire to use. It is, rather, to advise the reader, listener or recipient of the advertising, the identity of the person or group sponsoring it. The source of the advertisement is the important feature intended to be covered by the statute. A reason for this is to prevent unwarranted attacks on candidates or political parties by anonymous statements.

Linwood F. Ross

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March 25, 1966

We believe that any novelty advertising article which has less than 6 square inches on any one plane and contains the name of the candidate could be said to identify the person which sponsored it. Conversely, any article having more than 6 square inches on any one plane must identify "the person or chairman of the organization sponsoring it."

George C. West  
Deputy Attorney General

GCW:H