

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

✓✓  
April 7, 1972

1  
Peter M. Damborg, Deputy

State

George C. West, Deputy

Attorney General

Printed Matter as Political Advertisement.

21 M.R.S.A. § 1395, subsection 3, as enacted by P.L. 1971, Chapter 207, limits the amount of spending for advertising, as described in § 1575, by a candidate for political office in a general election. Subsection 4 limits such spending by a candidate for political office in a primary election to an amount not to exceed 50% of that which may be spent under § 3. Subsection 5, provides that amounts spent on behalf of any candidate shall be deemed to have been spent by such candidate.

You ask whether printed matter addressed and mailed to prospective voters by a candidate, or by some person or organization on his behalf, constitutes "advertising" within the meaning of § 1575.

Section 1575, which is concerned with the identification of political advertisements, provides that "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."

Other provisions of § 1575 refer to publication of "paid matter" in newspapers or other periodicals, and again of "paid political matter" published, broadcasted or telecasted.

21 M.R.S.A. § 1395, subsection 10, provides:

"Every written political advertisement published and distributed as a flyer, handbill or other nonperiodical publication shall state thereon the name of the . . . person printing, mimeographing or otherwise publishing the advertisement."

It is a matter of common knowledge that printed matter sent by mail is one of the widely used methods of both commercial and political advertising. Such printed matter is "described" in § 1575, and is also included in § 1395, subsection 10. The cost of such printed matter is to be included in computing the amount which may be dispensed on behalf of a candidate for political

office within the limitations set forth in subsections 3 and 4. Also the cost of mailing is an expense within the purview of § 1395.

To conclude otherwise would be contrary to the intent of the Legislature to limit expenditures for political advertising, since it would leave open the opportunity to expend unlimited amounts of money for the mailing of printed matter designed to promote a political candidacy.

Notwithstanding any of the foregoing, there is no provision in the statutes limiting correspondence by a candidate, signed by him or bearing his facsimile signature, addressed to an individual, in which the candidate solicits the addressee's vote, campaign contribution or thanks him for proffered help provided that there is not enclosed any flyer, brochure or other printed matter, on behalf of his candidacy, and further provided that such correspondence is sent by first class mail and not addressed to occupant, box holder, apartment or houseowner or other nonspecific address. This exception is prompted by our concern for the possible restriction on freedom of speech guaranteed by the First Amendment.

You further ask whether the cost of printing, stationery, envelopes and stamps is a part of the advertising total cost of such printed matter, as limited to the amount which may be expended by § 1395. We answer this question also in the affirmative, except as indicated in the preceding paragraph. Even though some or all of these items may be received by the candidate without cost, the amount spent on his behalf, as provided in subsection 5, is deemed to have been spent by him.

We should point out that § 1395 is a part of Chapter 35 relating to Campaign Report and Finances. The Legislature must have intended that the limitations placed on political advertising be related to the reporting of campaign expenditures. This opinion seeks to harmonize all of Chapter 35 with § 1575 relating to the source of political advertisements. Clearly, the Legislature intended to control the spending of funds for political advertising by the candidates and their committees, friends and others.

---

GEORGE C. WEST  
Deputy Attorney General

GCW/ec