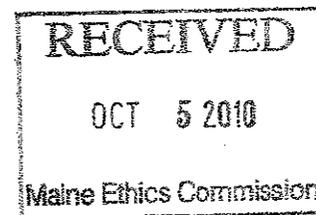


Agenda

Item #2

4 October 2010



Mr. Jonathan Wayne, Executive Director
Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Dear Mr. Wayne:

I invite your attention to a series of possibly libelous newspaper articles written by columnist Bill Nemitz and published in The Portland Press Herald. They specifically target gubernatorial candidate Paul LePage. Over the past several weeks five lengthy articles have appeared with probably more to follow. Published in the news rather than the commentary section of the paper, they confuse and mislead the public as real news when in fact they are the biased opinions of one reporter.

Each of the articles impugns the character and reputation of Paul LePage in order to discredit his candidacy for governor. As the result of these repeated verbal assaults Mr. LePage and his campaign have suffered irreparable damage. I have written to the publisher and editors of The Press Herald expressing my concerns about the selective targeting of Mr. LePage as well as the over-the-top negative content and tone of Nemitz's writings to no avail.

These unwarranted, deliberate and concerted attacks directed against a candidate for elective office constitute an unethical, and possibly unlawful, intrusion by The Press Herald into a political campaign and thereby subvert the electoral process.

Although I have not met Mr. LePage, the clear impression I have of him from Nemitz's "News" articles is that LePage is a liar and a fool. That impression does not match the reality of a man who has lifted himself up from neglect and poverty to become a successful businessman and respected Mayor of Waterville.

Nemitz appears to have a personal vendetta against LePage. He vilifies LePage with an arrogance that is breathtaking and a zeal that is frightening. He is fixated on a particular candidate, Paul LePage, to the exclusion of the other four candidates for governor. He distorts and misrepresents LePage's persona and his views on governing to the level of caricature but rarely, if ever, criticizes the other candidates.

What protection does Mr. LePage or any other citizen running for public office have from the animus of a hostile reporter backed by the enormous resources and power of the press to spread his vile messages? Surely, freedom of the press is not a license to exact retribution nor a right to legitimize the destruction of a person's humanity and life's work.

I believe that the despicable attacks on Mr. LePage by Mr. Nemitz, published with the approval and encouragement of his bosses, easily meet the criteria for "Express Advocacy," defined in the law as "working for the defeat or election of a candidate for public office."

To avoid further damage to Mr. LePage's good name and candidacy for governor, I urge you to quickly initiate a formal inquiry into the press's intrusion in the electoral process and any violations of state law regarding Express Advocacy by Mr. Nemitz and The Press Herald.

Thank you for your consideration.

Respectfully,

A handwritten signature in cursive script that reads "Walter J. Eno". The signature is written in dark ink and is positioned above a horizontal line.

Walter J. Eno
6 Colonel Dow Dr.
Scarborough, ME 04074
207-730-5588

Cc: Paul LePage

- (5) The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution of a party candidate listing;
- (6) Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title, lists of registered voters and voter identification information, created, obtained or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;
- (7) Compensation paid by a state party committee to its employees for the following purposes:
 - (a) Providing no more than a total of 40 hours of assistance from its employees to a candidate in any election;
 - (b) Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or
 - (c) Coordinating campaign events involving 3 or more candidates;
- (8) Campaign training sessions provided to 3 or more candidates;
- (8-A) Costs paid for by a party committee in connection with a campaign event at which 3 or more candidates are present;
- (8-B) Wood or other materials used for political signs that are found or contributed if not originally obtained by the candidate or contributor for campaign purposes;
- (8-C) The use or distribution of any communication, as described in section 1014, obtained by the candidate for a previous election and fully paid for during that election;
- (9) The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider; or
- (10) Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate.

3. Expenditure. The term "expenditure:"

A. Includes:

- (1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to political office, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;
- (2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure;

(3) The transfer of funds by a candidate or a political committee to another candidate or political committee; and

(4) A payment or promise of payment to a person contracted with for the purpose of supporting or opposing any candidate, campaign, political committee, political action committee, political party, referendum or initiated petition or circulating an initiated petition; and

B. Does not include:



(1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other periodical publication, unless the facilities are owned or controlled by any political party, political committee, candidate, or candidate's immediate family;

(1-A) Any communication distributed through a public access television station if the communication complies with the laws and rules governing the station and all candidates in the race have an equal opportunity to promote their candidacies through the station;

(2) Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate;

(3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;

(4) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities does not exceed \$100 with respect to any election;

(5) Any unreimbursed travel expenses incurred and paid for by an individual who volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed \$100 with respect to any election;

(5-A) Any unreimbursed campaign-related travel expenses incurred and paid for by the candidate or the candidate's spouse or domestic partner;

(6) Any communication by any person that is not made for the purpose of influencing the nomination for election, or election, of any person to state or county office;

(7) The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution of a party candidate listing;

(8) The use or distribution of any communication, as described in section 1014, obtained by the candidate for a previous election and fully paid for during that election campaign;