

# Exhibit #4



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

To: Commission Members

From: Jonathan Wayne

Date: February 7, 2006

Re: Request for Guidance from Rep. Thomas B. Saviello

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Rep. Thomas B. Saviello has made an oral request to the Ethics Commission for an advisory opinion about whether he can vote on or otherwise influence an anticipated major substantive rule-making regarding the Regional Greenhouse Gas Initiative (RGGI) undertaken by the Maine Department of Environmental Protection (DEP). The RGGI rules are major substantive, which means that the DEP must submit the rules to the Legislature for its consideration.

In addition to the RGGI rule-making, Rep. Saviello would appreciate advice on other bills that likely will arise this session and that would affect his employer.

#### **Factual Background**

I received the following factual background from Rep. Saviello, which I supplemented with a quick perusal of [www.maine.gov/dep/air/rggi.htm](http://www.maine.gov/dep/air/rggi.htm).

RGGI is a cooperative effort among northeastern and mid-Atlantic states to reduce emissions of carbon dioxide by electric power generators. If adopted by these states, the agreement would impose a cap on total carbon dioxide emissions for the region, and power plants that emitted carbon dioxide would likely be required to buy allowances on a market in order to emit carbon dioxide. The DEP has begun seeking public input on the RGGI rules.

If adopted in Maine, six power plants in the state likely would be forced to buy the allowances. Two of the six power plants are owned by Verso Paper Holdings LLC, which owns paper mills in Jay and Bucksport, Maine. Rep. Saviello is employed as the environmental manager of the Jay mill. (The International Paper company sold its coated paper division to Apollo Management L.P., which owns Verso.)

The paper mill in Jay has a power plant which creates steam used in paper production and which also produces electric power which is sold. As the environmental manager for the mill, Rep. Saviello oversees compliance of the power plant with the state's environmental laws and rules. Verso Paper engages a consulting firm to oversee the power plant.

Because Maine's RGGI program is still under development, it is difficult to know what the costs of the allowances would be to Verso Paper, but for the purposes of the advisory opinion Rep. Saviello suggested it could be in the range of \$5 million for each plant. If the Jay plant were required to buy the allowances, the allowances would be purchased by the consulting firm which manages the power plant. That firm already purchases allowances to emit a different chemical, sodium dioxide, so the purchase of the carbon dioxide allowances would be a similar contractual responsibility for the firm. If adopted in Maine, the RGGI program would not significantly affect Rep. Saviello's job responsibilities or the performance of his job. The purchases of the allowances would not affect his department's budget.

### 2006 Proceedings

In 2006, Rep. Saviello asked for advice from the Commission on whether his employment as the environmental manager of the Jay plant disqualified him from a position on the Natural Resources committee. Shortly afterward, the Conservation Law Foundation filed a complaint against Rep. Saviello which alleged, among other things, that Rep. Saviello had used his position as a Legislator to unduly influence the DEP and had influenced legislation to benefit his employer. The complaint was joined by other environmental organizations.

In response to Rep. Saviello's request, the Commission issued the attached advisory opinion stating that his employment as the environmental manager of the Jay plant did not, in itself, disqualify him from sitting on the Natural Resources committee. The opinion cautioned Rep. Saviello to consider recusing himself from matters affecting his employer which could give the appearance of a conflict of interest.

After receiving the opinion, Rep. Saviello voluntarily asked to be reassigned to a different legislative committee. Following that action, the Commission voted 2-2 not to conduct an investigation into the allegations in the complaint.

There are a few key differences between the present request for advice and the 2006 complaint:

- Rep. Saviello no longer sits on the Natural Resources committee. He is asking for advice on whether he can represent his district in the consideration of the RGGI rules as one of 186 rank-and-file members of the Maine Legislature.
- The 2006 complaint concerned Rep. Saviello's past actions on the Natural Resources committee, the current request by Rep. Saviello concerns rulemaking that has not yet been completed. While Rep. Saviello's employer might be impacted by the RGGI rules (potentially imposing a large financial cost), the potential benefit or harm to his employer is not yet known, nor is it

known what position Rep. Saviello would advance on RGGI, and how that position would relate to the views of his employer or his constituents. You may therefore conclude that it is premature to reach the conclusion that Rep. Saviello should not attempt to influence legislative action on the RGGI rules in any way because of the mere possibility that his actions could benefit his employer.

### **Conflict of Interest Standards in 1 M.R.S.A. §1014(1)**

The Maine legislative ethics law defines 'conflict of interest' at 1 M.R.S.A. §1014(1). Paragraphs (A) through (F) list six situations which involve a conflict of interest.

#### *Paragraph (1)(A)*

Three of these paragraphs (A, E, and F) relate to a potential conflict of interest that could result from the Legislator's employment. Of these three paragraphs, (A) seems most relevant because it describes a situation in which a Legislator might be in a conflict of interest due to legislation which affects the Legislator's *employer*.

A. Where a Legislator or a member of his immediate family has or acquires a direct substantial personal financial interest, distinct from that of the general public, in an enterprise which would be financially benefited by proposed legislation, or derives a direct substantial personal financial benefit from close economic association with a person known by the Legislator to have a direct financial interest in an enterprise affected by proposed legislation. (underlining added)

The term "close economic association" is a defined term (see attached provisions), and it includes the employer of a Legislator. So, Rep. Saviello is in close economic association with Verso Paper.

The staff finds the language in paragraph 1(A) difficult to apply because of its awkward construction and because the provision does not seem to qualify what degree of financial benefit to (or other effect on) a Legislator's employer or business would result in a conflict of interest. Does any effect – no matter how small – on the enterprise in which a Legislator's employer's has a direct financial interest result in a conflict of interest?<sup>1</sup>

#### *Paragraphs 1(E) and (F)*

Paragraphs 1(E) and (F) also define situations that involve a conflict of interest relating to the Legislator's employment or profession. These provisions are included in the attachments for the sake of brevity.

<sup>1</sup> Late last year, the Presiding Officers' Advisory Committee on Legislative Ethics suggested some clarifications to the definition of conflict of interest. Those suggestions will be considered later this year by the Legislature, but it is not known whether the Legislature will adopt those suggestions.

Although divided into two paragraphs, the provisions actually cover a number of situations, most of which involve a personal benefit or loss to the Legislator or family member, not a benefit or loss to the Legislator's employer. It is not immediately apparent how Rep. Saviello would incur any personal gain or loss from RGGI, so in the analysis below I apply paragraph 1(A).

Paragraph 1(E) also contains the standard that a conflict of interest exists "[w]here a Legislator ... engages in employment which could impair the Legislator's judgment." The standard of impairing the Legislator's judgment is fairly subjective, however, and therefore difficult for the Commission to apply to a given factual situation. It implies that a Legislator should know that he is making judgments about how to vote on, or influence, a legislative matter based on the public interest and interests of his constituents, and not based on his employer's interests.

### **Role of the Commission**

The Legislature created the Commission on Governmental Ethics and Election Practices to be an independent source of advice on legislative ethics issues, and "to strengthen [the] faith and confidence that the election process reflects the will of the people and that each Legislator considers and casts his vote on the enactment of laws according to the best interests of the public and his constituents ...." (1 M.R.S.A. §1001) The full statement of purpose for the Commission is attached.

The role of the Commission, however, is advisory only. Legislators like Rep. Saviello may turn to the Commission for advice.

Indeed, in the statement of purpose for the legislative ethics law, the Legislature seemed to assign the primary responsibility for avoiding a conflict of interest with the individual Legislator: "The Legislature cannot legislate morals and the resolution of ethics problems must indeed rest largely in the individual conscience."

### **Considerations in Favor of Recusal**

The stated purpose of the legislative ethics law is to increase confidence that Legislators are acting in the public interest and in the interest of constituents, rather than in the interests of the Legislator or the Legislator's family, business, employer, or clients. (1 M.R.S.A. §1001)

When a member of the Maine Legislature is in a conflict of interest with respect to legislation, the legislative ethics law forbids the Legislator from voting on the legislation or otherwise seeking to influence it:

- 1. Actions precluded.** When a member of the Legislature has a conflict of interest, that member has an affirmative duty not to vote on any question in connection with the conflict in committee or in either branch

of the Legislature, and shall not attempt to influence the outcome of that question. (1 M.R.S.A. §1015(1))

In effect, the law says to the member that he or she cannot wear both "hats" at the same time. This is not to say that the member would necessarily be acting unethically if the member were to vote on or influence the legislation. The law simply prohibits the Legislator from voting on or influencing the measure in order to strengthen the public's confidence in the workings of government.

*RGGI Apparently Would Have a Significant Impact on Rep. Saviello's Employer*

The primary argument that Rep. Saviello may not vote on or influence RGGI is that his employer, Verso Paper, may be negatively affected by RGGI in a significant way if RGGI is adopted in Maine. Indeed, there's a possibility that Verso Paper will be more directly affected by RGGI than any other carbon dioxide emitter in Maine because it has two plants that would be regulated by RGGI, in Jay and Bucksport. Potentially, Verso Paper would have to buy emissions allowances for both plants. Rep. Saviello preliminarily has suggested that the allowances could cost in the range of \$5 million per plant.

The impact on Verso Paper could certainly bring Rep. Saviello within the reach of §1014(1)(A) because:

Rep. Saviello presumably receives a direct substantial financial benefit (his salary) from close economic association with a person (Verso Paper) known by Rep. Saviello to have a direct financial interest in an enterprise (the Jay plant) affected by proposed legislation.

As noted above, the staff finds §1014(1)(A) difficult to apply. In particular, it is not clear what degree of impact on Verso Paper is necessary to result in a conflict of interest.

Nevertheless, based on my limited knowledge of RGGI, it appears that RGGI would impose a significant financial impact on Verso Paper. It is also apparent that the number of similarly situated companies is quite small because only six power plants in Maine would be affected by RGGI. Therefore, there is certainly an argument that it would be a conflict of interest under §1014(1)(A) for Rep. Saviello to vote on or influence the RGGI rules.

*Rep. Saviello's Job Responsibilities Would Intersect with RGGI Compliance*

Rep. Saviello's position at the Jay plant is as the environmental manager. That means the amount of carbon dioxide emissions at the power plant comes directly within his purview. Even if Verso Paper assigned its activities in RGGI's cap-and-trade program to the consulting firm already managing the power plant, Rep. Saviello's department would presumably be responsible for compliance with the RGGI regulations. There is an argument that Rep. Saviello stands in a different position to the RGGI rules than, for

example, a line worker at the plant. Nevertheless, it is not clear that he would receive a benefit or a loss from RGGI personally.

### **Considerations against Recusal**

#### *Interests of District 90 Residents*

One primary purpose of the legislative ethics law is to increase confidence that Legislators are acting in the best interest of their constituents. Many constituents in Jay and other communities in Rep. Saviello's district depend directly or indirectly on the economic strength of the Jay plant. They have views on whether the benefits of reducing carbon dioxide emissions justify requiring Verso Paper, a major local employer, to buy emissions allowances for two of its plants (in Jay and Bucksport). Those views deserve to be considered as part of the Legislature's overall consideration of the RGGI rules. If Rep. Saviello recused himself from the RGGI issue, District 90 voters effectively would be silenced in that consideration. Some might view that as a perverse result of the conflict of interest law.

It is worth noting that Rep. Saviello's dual role as the environmental manager of the Jay plant and as a Legislator was well publicized in the spring of 2006, and his constituents re-elected him with 75% of the vote. If there was a widespread concern that he was not acting in the interests of this constituents, it was not evident from the vote totals.

#### *Expertise of Rep. Saviello*

Members of the Maine Legislature bring to the institution knowledge and expertise that benefits policy-making. Rep. Saviello has years of experience in environmental management for International Paper and now Verso Paper, a doctorate in Forest Resources from the University of Maine, and other relevant experience. Perhaps uniquely within the Legislature, his employer already participates in a cap-and-trade program for sodium dioxide emissions. If he was prohibited from influencing the RGGI rules, the Legislature would be deprived of his experience and expertise.

### **Staff Recommendation**

My recommendation to you is to advise Rep. Saviello based on your best judgment of how to strengthen the legislative process and the public's confidence in it. Keeping in mind that the role of the Commission is to be a source of advice that is independent of the Legislature, your collective advice will benefit from the personal experience four of you have from serving in the Legislature.

Certainly, some observers would say that the correct application of the conflict of interest law is quite simple: Verso Paper is one of a small number of commercial operations in Maine that would be significantly affected by RGGI, therefore Rep. Saviello should recuse himself "[i]n order to strengthen this faith and confidence that the election process reflects the will of the people and that each Legislator considers and casts his vote on the

enactment of laws according to the best interests of the public ....” Some of these observers, however, may not be giving sufficient weight to the other purpose of the legislative ethics law: seeing that the interests of constituents in Jay and other District 90 communities are represented by their elected delegate in the Maine House of Representatives.

At this time, I am not prepared to offer a recommendation on behalf of the staff, but I hope I have laid out the relevant considerations. My understanding of the RGGI program and its impact on Verso Paper is preliminary. My opportunity to discuss this with Rep. Saviello has been limited, and the Commission has not received comments from other interested persons. It is certainly possible that at the February 14<sup>th</sup> meeting Rep. Saviello or other interested individuals will correct any factual misunderstandings I have on RGGI and will present other perspectives on the correct application of the conflict of interest law.

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ETHICS COMMISSION

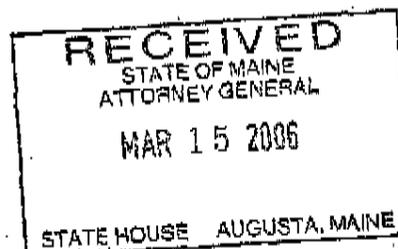
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STATE OF MAINE  
 COMMISSION ON GOVERNMENTAL ETHICS  
 AND ELECTION PRACTICES  
 135 STATE HOUSE STATION  
 AUGUSTA, MAINE  
 04333-0135

March 9, 2006

The Honorable Thomas B. Saviello  
 2 State House Station  
 Augusta, Maine 04333-0002



Dear Representative Saviello:

This letter is in response to your request for an advisory opinion, pursuant to 1 M.R.S.A. §1013 (1)(A) and (2)(A), on whether your employment as the Environmental Manager for International Paper disqualifies you from serving on the Legislature's Natural Resource Committee.<sup>1</sup> At its public meeting on February 23, 2006, the Commission considered whether it should recommend to the Speaker of the House of Representatives that your employment caused such an inherent conflict of interest that you should not be allowed to sit on the Natural Resources Committee. The Commission decided unanimously that your employment status by itself should not prohibit you from serving on the Natural Resources Committee.

The Commission only considered your status without reference to your past conduct or activities regarding the Department of Environmental Protection ("DEP"), specific legislation, or other legislative efforts. Prior to and at its February meeting, the Commission was made aware of allegations with respect to your conduct as a member of the committee of jurisdiction of the DEP, which regulates your employer. The Commission did not consider the allegations at the meeting and does not address them in this opinion.<sup>2</sup> The Commission retains the option of conducting an investigation in the event that a Legislator files a complaint with the Commission or that the Commission decides, upon its own motion, to take up an investigation.

With its focus solely on your employment status, the Commission based its decision on three considerations. At the heart of the Commission's decision are respect for Maine's citizen legislature and recognition of potential tension between a Legislator's public duty and private

<sup>1</sup> In your letter, received by the Commission on January 9, 2006, you also requested that the Commission investigate certain allegations that you exchanged your vote on proposed legislation for the withdrawal of a notice of violation from the Maine Department of Environmental Protection. Subsequently, at the February 23<sup>rd</sup> meeting, you asked to withdraw this request. The Commission voted (4-0) to accept your request. This opinion does not address any allegations regarding specific conduct or activities as a Natural Resources Committee member or as a Legislator.

<sup>2</sup> The Commission voted (4-0) to not take action on the Commission's own motion to investigate your actions regarding an alleged *quid pro quo* deal with International Paper and the Department of Environmental Protection and to table further inquiry with respect to a third party complaint filed with the Commission.

employment. The "Statement of Purpose" in Maine's legislative ethics law acknowledges that the "increasing complexity of government...with broader intervention into private affairs, makes conflicts of interests almost inevitable...."<sup>3</sup> This possibility for conflicts results because "[m]ost Legislators must look to income from private sources, not their public salaries, for their sustenance and support of their families...."<sup>4</sup> However, the knowledge and expertise that Legislators bring from their private and professional lives has great value in the legislative process. To bar certain Legislators from sitting on committees with jurisdiction over their professions or employers would deprive a committee of relevant knowledge and expertise where they can be most useful. Indeed, a review of present and past committees would show that many members with specialized knowledge and experience have been assigned to committees having jurisdiction over their profession or even employers. We do not see your assignment to the Natural Resources Committee as inconsistent with the Legislature's past practice regarding committee assignment or as a *per se* conflict of interest.

The foremost obligation of a Legislator is to represent the interests of the people in his or her district. Your situation presents a case where your dual roles -- as Legislator and as Environmental Manager for International Paper -- could give rise to a question as to whom you serve in taking a position on legislation or otherwise performing your job as a Legislator. In many instances, the concerns of your constituents and of the paper industry are naturally aligned. It is not difficult to imagine situations in which you would support legislation that benefits your employer and the paper industry by improving Maine's business climate, and benefits your constituents by making their jobs more secure. In some of these situations, you may wish to consider recusing yourself to avoid any appearance of impropriety. However, in general, the mere fact that your actions may address the concerns of both your constituents and your employer is not enough on its own to present an unmistakable conflict of interest.

Finally, the Commission considered the process of legislative committee assignment and of the legislative process itself. The Speaker of the House takes many factors into account in making committee assignments. One is the expertise and knowledge of a particular Legislator that will bring a depth of understanding on the subjects of the committee's jurisdiction. Another factor is making committee assignments that will maintain a balance of interests and perspectives within the committee. A committee member can try to persuade his or her fellow committee members towards a specific outcome, but still has only one vote. In your case, twelve other Legislators sit on the Natural Resources Committee representing a variety of perspectives on environmental concerns. The structure and processes of committees and the House are designed to limit the power of any one Legislator and to promote debate and proper consideration of proposed legislation.

Though we do not address them in this opinion, the allegations against you indicate a perception, among some members of the public, that some of your legislative activities have constituted a conflict of interest. "If public confidence in government is to be maintained and enhanced, it is not enough that public officers avoid acts of misconduct. They must also scrupulously avoid acts which may create an appearance of misconduct."<sup>5</sup> The Legislature has set a high bar for itself

<sup>3</sup> 1 M.R.S.A. §1011

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

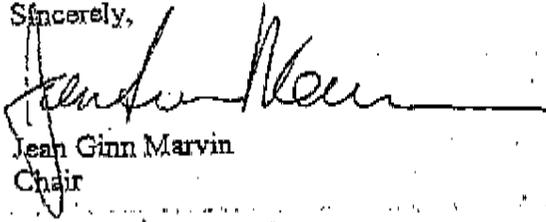
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ETHICS COMMISSION

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but a necessary one to keep the public's trust and respect. The Legislature also recognized that laws and guidelines will not dispose of every ethical dilemma facing Legislators and stated that "the resolution of ethical problems must indeed rest largely in the individual conscience."<sup>6</sup> Though we do not find an inherent conflict of interest rising from your employment status, we recommend that you carefully consider whether you should recuse yourself from voting on particular matters which affect your employer to avoid the appearance of misconduct.

Sincerely,



Jean Ginn Marvin  
Chair

cc: The Honorable John Richardson

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<sup>6</sup> *Id.*

## Title 1, §1001, Statement of purpose

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### §1001. Statement of purpose

It is essential under the American system of representative government that the people have faith and confidence in the integrity of the election process and the members of the Legislature. In order to strengthen this faith and confidence that the election process reflects the will of the people and that each Legislator considers and casts his vote on the enactment of laws according to the best interests of the public and his constituents, there is created an independent commission on governmental ethics and election practices to guard against corruption or undue influencing of the election process and against acts or the appearance of misconduct by Legislators. [1975, c. 621, § 1 (new).]

PL 1975, Ch. 621, §1 (NEW).

## Title 1, §1014, Conflict of interest

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### §1014. Conflict of interest

**1. Situations involving conflict of interest.** A conflict of interest shall include the following:

A. Where a Legislator or a member of his immediate family has or acquires a direct substantial personal financial interest, distinct from that of the general public, in an enterprise which would be financially benefited by proposed legislation, or derives a direct substantial personal financial benefit from close economic association with a person known by the Legislator to have a direct financial interest in an enterprise affected by proposed legislation. [1975, c. 621, §1 (new).]

B. Where a Legislator or a member of his immediate family accepts gifts, other than campaign contributions duly recorded as required by law, from persons affected by legislation or who have an interest in a business affected by proposed legislation, where it is known or reasonably should be known that the purpose of the donor in making the gift is to influence the Legislator in the performance of his official duties or vote, or is intended as a reward for action on his part. [1975, c. 621, §1 (new).]

C. Receiving compensation or reimbursement not authorized by law for services, advice or assistance as a Legislator. [1975, c. 621, §1 (new).]

D. Appearing for, representing or assisting another in respect to a claim before the Legislature, unless without compensation and for the benefit of a citizen. [1975, c. 621, §1 (new).]

E. Where a Legislator or a member of his immediate family accepts or engages in employment which could impair the Legislator's judgment, or where the Legislator knows that there is a substantial possibility that an opportunity for employment is being afforded him or a member of his immediate family with intent to influence his conduct in the performance of his official duties, or where the Legislator or a member of his immediate family stands to derive a personal private gain or loss from employment, because of legislative action, distinct from the gain or losses of other employees or the general community. [1975, c. 621, §1 (new).]

F. Where a Legislator or a member of his immediate family has an interest in legislation relating to a profession, trade, business or employment in which the Legislator or a member of his immediate family is engaged, where the benefit derived by the Legislator or a member of his immediate family is unique and distinct from that of the general public or persons engaged in similar professions, trades, businesses or employment. [1975, c. 621, §1 (new).]  
[1975, c. 621, §1 (new).]

**2. Undue influence.** It is presumed that a conflict of interest exists where there are circumstances which involve a substantial risk of undue influence by a Legislator, including but not limited to the following cases.

A. Appearing for, representing or assisting another in a matter before a state agency or authority, unless without compensation and for the benefit of a constituent, except for attorneys or other professional persons engaged in the conduct of their professions.

(1) Even in the excepted cases, an attorney or other professional person must refrain from references to his legislative capacity, from communications on legislative stationery and from threats or implications relating to legislative action.

[1975, c. 621, §1 (new).]

## Title 1, §1014, Conflict of interest

B. Representing or assisting another in the sale of goods or services to the State, a state agency or authority, unless the transaction occurs after public notice and competitive bidding. [1975, c. 621, §1 (new).]  
[1975, c. 621, §1 (new).]

**3. Abuse of office or position.** It is presumed that a conflict of interest exists where a Legislator abuses his office or position, including but not limited to the following cases.

A. Where a Legislator or a member of his immediate family has a direct financial interest or an interest through a close economic association in a contract for goods or services with the State, a state agency or authority in a transaction not covered by public notice and competitive bidding or by uniform rates established by the State, a state agency, authority or other governmental entity or by a professional association or organization. [1975, c. 621, §1 (new).]

B. Granting or obtaining special privilege, exemption or preferential treatment to or for oneself or another, which privilege, exemption or treatment is not readily available to members of the general community or class to which the beneficiary belongs. [1975, c. 621, §1 (new).]

C. Use or disclosure of confidential information obtained because of office or position for the benefit of self or another. [1975, c. 621, §1 (new).]  
[1975, c. 621, §1 (new).]

PL 1975, Ch. 621, §1 (NEW).

## Title 1, §1015, Actions precluded; reports

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### §1015. Actions precluded; reports

**1. Actions precluded.** When a member of the Legislature has a conflict of interest, that member has an affirmative duty not to vote on any question in connection with the conflict in committee or in either branch of the Legislature, and shall not attempt to influence the outcome of that question.

[1989, c. 561, §7 (amd).]

**2. Reports.** When the commission finds that a Legislator has voted or acted in conflict of interest, the commission shall report its findings in writing to the house of which the Legislator is a member.

[1975, c. 621, §1 (new).]

**3. Campaign contributions and solicitations prohibited.** The following provisions prohibit certain campaign contributions and solicitation of campaign contributions during a legislative session.

A. As used in this subsection, the terms "employer," "lobbyist" and "lobbyist associate" have the same meanings as in Title 3, section 312-A and the term "contribution" has the same meaning as in Title 21-A, section 1012. [1997, c. 529, §1 (new).]

B. The Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer may not intentionally solicit or accept a contribution from a lobbyist, lobbyist associate or employer during any period of time in which the Legislature is convened before final adjournment, except for a qualifying contribution as defined under Title 21-A, section 1122, subsection 7. A lobbyist, lobbyist associate or employer may not intentionally give, offer or promise a contribution, other than a qualifying contribution, to the Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer during any time in which the Legislature is convened before final adjournment. These prohibitions apply to direct and indirect solicitation, acceptance, giving, offering and promising, whether through a political action committee, political committee, political party or otherwise. [2005, c. 301, §3 (amd).]

C. This subsection does not apply to:

- (1) Solicitations or contributions for bona fide social events hosted for nonpartisan, charitable purposes;
- (2) Solicitations or contributions relating to a special election to fill a vacancy from the time of announcement of the election until the election;
- (3) Solicitations or contributions after the deadline for filing as a candidate as provided in Title 21-A, section 335; and
- (4) Solicitations or contributions accepted by a member of the Legislature supporting that member's campaign for federal office.

[1999, c. 648, §1 (amd).]

C-1. This subsection does not prohibit the attendance of the Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer at fund-raising events held by a municipal, county, state or national political party organized pursuant to Title 21-A, chapter 5, nor the advertisement of the expected presence of any such official at any such event, as long as any such official has no involvement in soliciting attendance at the event and all proceeds are paid directly to the political party organization hosting the event or a nonprofit charitable organization.

[1999, c. 273, §1 (new).]

## Title 1, §1015, Actions precluded; reports

D. A person who intentionally violates this subsection is subject to a civil penalty not to exceed \$1,000, payable to the State and recoverable in a civil action. [1997, c. 529, §1 (new).]  
[2005, c. 301, §3 (amd).]

**4. Contract with state governmental agency.** A Legislator or an associated organization may not enter with a state governmental agency into any contract that is to be paid in whole or in part out of governmental funds, when such a contract is normally awarded through a process of public notice and competitive bidding, unless the contract has been awarded through a process of public notice and competitive bidding.  
[2003, c. 268, §2 (new).]

PL 1975, Ch. 621, §1 (NEW).  
PL 1989, Ch. 561, §7 (AMD).  
PL 1997, Ch. 529, §1 (AMD).  
PL 1999, Ch. 273, §1 (AMD).  
PL 1999, Ch. 648, §1 (AMD).  
PL 2003, Ch. 268, §2 (AMD).  
PL 2005, Ch. 301, §3 (AMD).