



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

April 9, 2003

Honorable John Piotti
1075 Albion Road
Unity, ME 04988

Dear Representative Piotti:

This responds to your letter dated January 31, 2003 requesting guidance in the form of an advisory opinion on whether certain legislative activities relating to a bill to extend the Farms for the Future program would present a conflict of interest given your employment at Coastal Enterprises, Inc., which currently serves as the Administrator of this program. In addition to your letter, you presented oral testimony to the Commission at the meeting on March 12, 2003. Your request for guidance on certain activities was specific in nature. Since all of the legislative activities mentioned relate to the same issue, however, the Commission decided to give general guidance, which is equally applicable to all of those activities.

State Law [1 M.R.S.A. §1014(1)(A)] provides that a conflict of interest arises:

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.

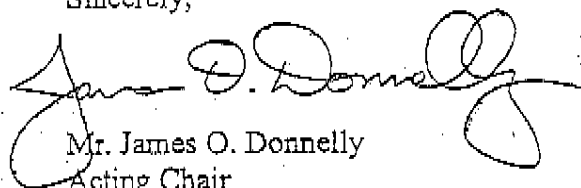
The following is a summary of the facts as presented. The legislation in question would provide additional funds for the Farms for the Future (FFF) program, currently administered by your employer, Coastal Enterprises, Inc. (CEI), for the Department of Agriculture, Food and Rural Resources. You indicated that CEI does not receive any state funds to administer this program now, and that the legislation as drafted would preclude any payment of state funds to whichever entity is selected as the program administrator in the future. Both the existing statute for this program and the proposed legislation require the Department of Agriculture, Food and Rural Resources to select a contractor to administer the program through a competitive bidding process. Salaries of CEI employees would not increase or be affected by winning the contract. The proposed legislation has been rewritten as a bond bill and, therefore, is being heard by the Appropriations Committee, not by the Committee on Agriculture, Conservation and Forestry, of which you are a member.



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The Commission concluded that the circumstances presented, including the lack of state funding for administrative costs and the competitive bidding process, do not appear to fit within the definition of a conflict of interest pursuant to Title 1 M.R.S.A. §1014(1)(A). While a conflict of interest does not exist, we caution you to consider the possible appearance of impropriety in any situation that arises in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "James O. Donnelly". The signature is fluid and cursive, with a large loop at the end.

Mr. James O. Donnelly
Acting Chair

Commission on Governmental Ethics and
Election Practices



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August 15, 2003

Honorable John F. Piotti
1075 Albion Road
Unity, ME 04988

Dear Representative Piotti:

This letter responds to your request for guidance regarding whether expected legislation before the Committee on Agriculture, Conservation and Forestry concerning the Farms for the Future program would result in a conflict of interest. Based on the information you provided to the Commissioners at the March 12, 2003 meeting and to the Commission's Executive Director, our understanding of the facts is as follows:

- your employer, Coastal Enterprises, Inc. ("CEI"), has administered the program for the Department of Agriculture, Food and Rural Resources, pursuant to a contract which was competitively bid;
- CEI may be interested in bidding on the contract to administer the program in the future;
- you do not own CEI, and you are not a director or officer of CEI;
- your compensation will not be increased if CEI obtains the contract to administer the program; and
- if CEI obtains the contract to administer the program, no state funds may be used by CEI for administrative costs but must instead be distributed directly to farms for program purposes.

The Commission determined at its meeting on August 13 that because you have no apparent personal financial interest in the legislation, you are not required to recuse yourself from the Agriculture Committee's consideration of the matter. Because of your employment at CEI, however, you may wish to consider recusing yourself in order to avoid any appearance of a conflict of interest.



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In addition, CEI would not be prohibited from submitting a bid on the contract under the State Governmental Ethics Law. If you have any further questions regarding this matter, please telephone Executive Director Jonathan Wayne at 287-6219.

Sincerely,


Andrew Ketterer
Chair



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