



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

March 12, 2007

Hon. Thomas B. Saviello
60 Applegate Lane
Wilton, Maine 04294

Dear Rep. Saviello:

This opinion is in response to your request for guidance on whether it would be a conflict of interest for you to vote on L.D. 437. The legislation creates an exception to the assessment of fines and civil penalties for oil spills if the amount spilled is 50 gallons or less and other required conditions are present. You work as the Environmental Manager of the Androscoggin paper mill owned by Verso Paper Holdings LLC. In that position, you oversee the mill's compliance with the state's environmental laws, including oil spill reporting requirements.

At its meeting on March 9, 2006, the Commission voted 3-0 that it would not be a conflict of interest for you to vote on L.D. 437.¹ The Commission analyzed the question under 1 M.R.S.A. §1014(1)(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.
(underlining added)

The Commission received testimony from an interested party that the bill could affect Verso Paper's "bottom line" by reducing its administrative costs and could affect your reputation in the company. You testified that measures required by the bill to avoid fines or penalties would impose other costs. The Commission staff outlined an allegation made in a March 2006 complaint against your involvement in similar legislation: that the previous owner of the Androscoggin mill had the largest number of spills reported to the Maine Department of Environmental Protection in a three-year period.

The Commission concluded that you would not derive a benefit from L.D. 437 that was unique and distinct from other persons engaged in similar professions or trades. It

¹ Commission members Michael Friedman, Vinton Cassidy, and I approved this advisory opinion. Members Mavourneen Thompson and Andrew Ketterer were not present for this matter.

Hon. Thomas B. Saviello

- 2 -

March 12, 2007

observed that the bill would have an impact on a large number of businesses in the state, and that you did not seem to have a direct financial interest in the legislation. It noted that the legislative ethics law imposes a high burden to prove a conflict of interest, and that the law has been interpreted to allow teachers and other professionals serving in the Legislature to vote on bills that broadly affected members of their profession.

The Commission concluded, therefore, that it would not be a conflict for you to vote on L.D. 437. It also encouraged you to seek the guidance of the Commission's Executive Director on possible conflicts of interest, where it is feasible for him to give you advice.

Sincerely,



Jean Ginn Marvin
Commission Member