



**OFFICE OF THE ATTORNEY GENERAL**

**FOR IMMEDIATE RELEASE**  
**April 6, 2011**

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**Attorney General Schneider Releases Letter to House Democratic Leadership**

**AUGUSTA –** Maine Attorney General William J. Schneider releases the following letter:

**William J. Schneider**  
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April 6, 2011

Representative Emily Cain, Minority Leader  
Representative Terry Hayes, Assistant Minority Leader  
Maine House of Representatives  
2 State House Station  
Augusta, ME 04333


Dear Representatives *EMILY* Cain and *TERRY* Hayes,

Thank you for your letter of April 4, 2011, requesting an opinion regarding the impact of Title 38 M.R.S. § 341-A on Commissioner Brown's authority and eligibility to serve.

That statutory provision specifically refers to the federal Water Pollution Control Act, which contains similar provisions governing conflicts of interest. As you are by now aware, the U.S. Environmental Protection Agency ("EPA") has inquired with respect to the impact of the federal law provisions on Commissioner Brown's duties, and Commissioner Brown is currently assembling the records necessary to respond to that inquiry. Any final response to the EPA will be made through this Office. That response is now due on May 1, 2011.

It would not be appropriate for this Office to issue a separate opinion on this matter while we are simultaneously involved in the preparation of a response to the EPA inquiry. However, the State's submission to the EPA may effectively answer the questions you have raised. If you believe that issues remain after the response to the EPA, I will of course consider an opinion request at that time.

Sincerely,

  
William J. Schneider  
Attorney General