

# MAINE STATE LEGISLATURE

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April 22, 1975

Honorable Nathan Cohen  
Executive Council  
State House  
Augusta, Maine 04330

Re: Cummings' Nomination to P.U.C.

Dear Nate:

This is to advise you that it is my opinion your ownership of capital stock in a regulated utility does not amount to a conflicting interest that would bar you, as a member of the Executive Council, from voting on the question of consenting to Governor Longley's nomination of Senator Minette Cummings to membership on and the chairmanship of the Public Utilities Commission.

Neither the Constitution nor the statutes of Maine contain any provisions qualifying, on conflict of interest grounds, a Council member's right to vote on any question properly before the Council. Were the questions in your case to be decided according to standards enacted by the Legislature for the guidance of members of that branch of government, a disqualifying conflict would still not exist. In situations like yours, a financial benefit resulting from the vote is required to create a conflict. Plainly, no ascertainable benefit to the utility in which you hold stock, or to utilities in general, can fairly be anticipated as a result of the appointment in question.

Honorable Nathan Cohen

April 22, 1975

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Of course, if you feel there is some risk the general public might question your independence of judgment on this vote, you are at liberty to excuse yourself, but that decision is necessarily personal to you.

Very truly yours,

Joseph E. Brennan  
Attorney General

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