



Senator David Trahan
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August 10, 2011

The Honorable William J. Schneider
Office of the Attorney General
6 State House Station
Augusta, ME 04333-0006

Dear Attorney General Schneider:

I am writing to request that the Office of the Attorney General launch an investigation into whether or not any state laws or rules were broken in connection with the Office of Program Evaluation and Government Accountability's (OPEGA) impending public release of the findings regarding its investigation into the now-defunct Maine Green Energy Alliance.

I find it deeply troubling that press accounts dated 08/10/11 appear to contain protected information that has not been presented to the Legislature's Government Oversight Committee. The results of the OPEGA investigation are not scheduled to be publicly released until August 16th.

Today's Portland Press Herald reads "*Probe finds no wrongdoing by Maine Green Energy Alliance.*" That article and other press accounts raise serious questions as to whether or not state laws regarding the confidentiality and integrity of the process that the legislature uses to conduct evaluation reports has been violated. At a minimum, they raise the appearance of impropriety and the possibility that a Class E crime has been committed.

The relevant Maine statute, Title 3, Sec. 997, Part 1 states:

"All documents, writings, drafts, electronic communications and information transmitted pursuant to this subsection are confidential and may not be released to the public prior to the time the office issues its program evaluation report pursuant

to subsection 3. A person violating the provisions of this subsection regarding confidentiality is guilty of a Class E crime.”

Any release of the contents of an OPEGA report prior to its public release has the potential to seriously undermine the Legislature’s work and public trust. It raises the possibility that attempts are being made to manipulate public opinion before the results of the OPEGA evaluation can be presented to the Legislature and the general public. I believe that this matter warrants an investigation by your office.

I look forward to your thoughtful review and consideration of the legal issues raised by this request. Thank you for your time and attention to this consideration.

Sincerely,

A handwritten signature in blue ink that reads "David Trahan". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

Senator David Trahan