

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Sixteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME I**

**FIRST REGULAR SESSION**

**House of Representatives**  
December 2, 1992 to May 13, 1993

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
30th Legislative Day  
Tuesday, March 23, 1993

S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Most Reverend Joseph J. Gerry, O.S.B., the Roman Catholic Bishop of the Diocese of Portland.

The Journal of Monday, March 22, 1993, was read and approved.

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**SENATE PAPERS**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

March 22, 1993

The Honorable John L. Martin  
Speaker of the House  
116th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today, upon the recommendation of the Joint Standing Committee on Judiciary, confirmed Francis C. Marsano of Belfast for appointment to the Justice of the Maine Superior Court.

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

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The following Communication:

Maine State Senate  
Augusta, Maine 04333

March 22, 1993

The Honorable John L. Martin  
Speaker of the House  
116th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today, upon the recommendation of the Joint Standing Committee on Judiciary, confirmed S. Kirk Studstrup of Hallowell for reappointment as a Judge-at-Large of the Maine District Court.

Sincerely,

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Bill "An Act to Make Allocations from the Public Advocate Regulatory Fund for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (EMERGENCY) (S.P. 325) (L.D. 977) (Governor's Bill)

Came from the Senate, referred to the Committee on **Appropriations and Financial Affairs** and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on **Utilities**.)

Was referred to the Committee on **Appropriations and Financial Affairs** in concurrence.

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Bill "An Act to Allow for the Use of Multi-layered Packages" (S.P. 323) (L.D. 975)

Came from the Senate, referred to the Committee on **Energy and Natural Resources** and Ordered Printed.

Was referred to the Committee on **Energy and Natural Resources** in concurrence.

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Bill "An Act to Preserve the Solvency of the Unemployment Compensation Fund" (EMERGENCY) (S.P. 326) (L.D. 978) (Governor's Bill)

Came from the Senate, referred to the Committee on **Labor** and Ordered Printed.

Was referred to the Committee on **Labor** in concurrence.

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Bill "An Act Concerning Identification Methods for Voter Registration" (S.P. 318) (L.D. 971)

Came from the Senate, referred to the Committee on **Legal Affairs** and Ordered Printed.

Was referred to the Committee on **Legal Affairs** in concurrence.

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Bill "An Act to Amend the Laws Governing Legislative Ethics" (S.P. 321) (L.D. 974)

Bill "An Act to Deorganize the Town of Greenfield" (EMERGENCY) (S.P. 324) (L.D. 976)

Came from the Senate, referred to the Committee on **State and Local Government** and Ordered Printed.

Were referred to the Committee on **State and Local Government** in concurrence.

**Reported Pursuant to Statutes**

Report of the Joint Standing Committee on **Audit and Program Review**, pursuant to the Maine Revised Statutes, Title 3, chapter 33 ask leave to submit its findings and to report that the accompanying Bill "An Act to Support the Natural Areas Program" (EMERGENCY) (S.P. 319) (L.D. 972) be referred to the Joint Standing Committee on **Audit and Program Review** for public hearing and printed pursuant to Joint Rule 20.

Came from the Senate with the report read and accepted and, under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

Report was read and accepted. Under suspension of the rules and without reference to a Committee, the Bill was read once and assigned for second reading Thursday, March 25, 1993.

**Reported Pursuant to Statutes**

Report of the Joint Standing Committee on **Audit and Program Review**, pursuant to the Maine Revised Statutes, Title 3, chapter 33 ask leave to submit its findings and to report that the accompanying Bill "An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act" (EMERGENCY) (S.P. 320) (L.D. 973) be referred to the Joint Standing Committee on **Audit and Program Review** for public hearing and printed pursuant to Joint Rule 20.

Came from the Senate with the report read and accepted and, under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

Report was read and accepted. Under suspension of the rules and without reference to a Committee, the Bill was read once and assigned for second reading Thursday, March 25, 1993.

**COMMUNICATIONS**

The following Communication: (S.P. 322)

116TH MAINE LEGISLATURE

March 18, 1993

Senator Rochelle Pingree  
Rep. Rita B. Melendy  
Chairpersons  
Joint Standing Committee on Housing and Economic Development  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Elsie B. Morris of Bath and Orland

McPherson of Eliot for appointments to the Maine State Housing Authority.

Pursuant to Title 30A, MRSA Section 4723, these nominations will require review by the Joint Standing Committee on Housing and Economic Development and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble  
President of the Senate

S/John L. Martin  
Speaker of the House

Came from the Senate, Read and Referred to the Committee on **Housing and Economic Development**.

Was Read and Referred to the Committee on **Housing and Economic Development** in concurrence.

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

The following Bills and Resolution were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

**Agriculture**

Bill "An Act to Promote Proper Animal Health Care and to Regulate the Purchase and Sale of Hypodermic Needles and Syringes" (H.P. 740) (L.D. 998) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Senator PARADIS of Aroostook)

Ordered Printed.  
Sent up for Concurrence.

**Banking and Insurance**

Bill "An Act to Regulate the Extension of Credit Insurance to Persons Within the State" (H.P. 733) (L.D. 991) (Presented by Representative GRAY of Sedgwick) (Cosponsored by Representatives: HALE of Sanford, RAND of Portland, Senator: BUSTIN of Kennebec)

Ordered Printed.  
Sent up for Concurrence.

**Education**

Bill "An Act to Eliminate the Position and Office of the Chancellor of the University of Maine System" (H.P. 742) (L.D. 1000) (Presented by Representative COFFMAN of Old Town) (Cosponsored by Representative BAILEY of Township 27 and Representatives: AHEARNE of Madawaska, BARTH of Bethel, BENNETT of Norway, BRUNO of Raymond, CLEMENT of Clinton, CROSS of Dover-Foxcroft, DEXTER of Kingfield, FARNUM of South

Berwick, GRAY of Sedgwick, HATCH of Skowhegan, HUSSEY of Milo, JOY of Island Falls, KUTASI of Bridgton, LEMKE of Westbrook, LEMONT of Kittery, LIBBY of Kennebunk, LINDAHL of Northport, MARSHALL of Eliot, MICHAEL of Auburn, MURPHY of Berwick, NICKERSON of Turner, OTT of York, PLOWMAN of Hampden, QUINT of Paris, REED of Dexter, STEVENS of Sabattus, THOMPSON of Lincoln, TRACY of Rome, TUFTS of Stockton Springs, VIGUE of Winslow, YOUNG of Limestone, Senators: BUTLAND of Cumberland, WEBSTER of Franklin)

Ordered Printed.  
Sent up for Concurrence.

Housing and Economic Development

Bill "An Act to Expand the Membership of the Interagency Task Force on Homelessness and Housing Opportunities" (H.P. 739) (L.D. 997) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Representatives: BRENNAN of Portland, CARROLL of Gray, GEAN of Alfred, GRAY of Sedgwick, KONTOS of Windham, MELENDY of Rockland, MORRISON of Bangor, OLIVER of Portland, PINEAU of Jay, Senators: HARRIMAN of Cumberland, McCORMICK of Kennebec)

Ordered Printed.  
Sent up for Concurrence.

Human Resources

Bill "An Act to Establish the Child Assistance Demonstration Program" (H.P. 741) (L.D. 999) (Presented by Representative CATHCART of Orono) (Cosponsored by Senator PARADIS of Aroostook and Representative: PINEAU of Jay)

Bill "An Act to Amend State Law Regarding HIV Testing" (H.P. 744) (L.D. 1002) (Presented by Representative TOWNSEND of Eastport) (Cosponsored by Representatives: BAILEY of Township 27, DRISCOLL of Calais, GOULD of Greenville, PENDEXTER of Scarborough, QUINT of Paris, RUHLIN of Brewer)

Ordered Printed.  
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Amend the Laws Concerning the Sale of Alcohol" (EMERGENCY) (H.P. 737) (L.D. 995) (Presented by Representative MARTIN of Van Buren) (Cosponsored by Senator PARADIS of Aroostook and Representatives: ANDERSON of Woodland, HALE of Sanford, HATCH of Skowhegan, JALBERT of Lisbon, LORD of Waterboro, MICHAEL of Auburn, SAXL of Bangor, STEVENS of Sabattus)

Bill "An Act to Eliminate Seasonal Liquor Stores" (EMERGENCY) (H.P. 738) (L.D. 996) (Presented by Representative STEVENS of Sabattus) (Cosponsored by Representatives: CONSTANTINE of Bar Harbor, GAMACHE of Lewiston, HEINO of Boothbay, KILKELLY of Wiscasset, LINDAHL of Northport, LORD of Waterboro,

NICKERSON of Turner, RICKER of Lewiston, ROBICHAUD of Caribou, ST. ONGE of Greene, SWAZEY of Bucksport, ZIRNKILTON of Mount Desert, Senators: BERUBE of Androscoggin, HANDY of Androscoggin)

Bill "An Act to Enhance the Revenue of Agricultural Fairs and Commercial Racetracks" (H.P. 743) (L.D. 1001) (Presented by Representative TARDY of Palmyra) (Cosponsored by Representatives: AHEARNE of Madawaska, DUTREMBLE of Biddeford, HUSSEY of Milo, KERR of Old Orchard Beach, VIGUE of Winslow, Senator: BRANNIGAN of Cumberland)

Ordered Printed.  
Sent up for Concurrence.

Taxation

Bill "An Act to Prohibit Valuation of Real Property in Excess of 100 Percent" (H.P. 734) (L.D. 992) (Presented by Representative HALE of Sanford) (Cosponsored by Representatives: BOWERS of Washington, CARON of Biddeford, CHONKO of Topsham, GEAN of Alfred, GRAY of Sedgwick, HATCH of Skowhegan, MARTIN of Van Buren, POULIN of Oakland, TOWNSEND of Eastport)

Bill "An Act to Reimburse Volunteer Fire Departments for Taxes Charged on Gasoline and Diesel Fuel" (H.P. 735) (L.D. 993) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representatives: GOULD of Greenville, LORD of Waterboro, Senator: CLEVELAND of Androscoggin)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require that Real and Personal Property Tax Valuation be Assessed according to Current Use (H.P. 736) (L.D. 994) (Presented by Representative CARROLL of Gray)

Ordered Printed.  
Sent up for Concurrence.

ORDERS

On motion of Representative BENNETT of Norway, the following Order: (Cosponsored by Representative GRAY of Sedgwick)

Whereas, the Constitution of Maine, Article IV, Part First, Section 7 provides that the members of the House of Representatives shall choose their Speaker, Clerk and other officers; and

Whereas, under Reed's Parliamentary Rules, Section 36 and the Mason's Manual of Legislative Procedure, Section 581, the House of Representatives has the power to remove, upon a majority vote of the elected membership, the presiding officer; and

Whereas, the public has expressed a lack of confidence in the House of Representatives because of the ballot scandal and other ethical questions surrounding the Office of the Speaker of the House of Representatives; now, therefore, be it

Ordered, that the House of Representatives of the One Hundred and Sixteenth Legislature, by a majority vote of its members elected, hereby removes Speaker John L. Martin as the presiding officer of the House of Representatives; and be it further

Ordered, that the House of Representatives conduct a new election to fill the vacancy in the Office of the Speaker of the House of Representatives on Thursday, March 25, 1993.

Was read.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: Today I offer this Order which creates a vacancy in the Office of the Speaker of the House by removing Representative John L. Martin from that position and establishing a new election for Speaker to be held at our next convening on Thursday, March 25th.

I present this Order cosponsored by Representative Gray of Sedgwick on behalf of many members representing both sides of the aisle. I do with this without whimsy, without malice, but rather in appreciation for the solemnity and the historic nature of the occasion. This Order presents an opportunity for us to have a vote of confidence in our Speaker.

I fear, fellow members of the House, that the public has lost confidence in this body. Through a vote of confidence, we can begin to restore that credibility and confidence which is the lifeblood of the representative of democracy.

Like all of you, I have heard from many, many constituents on this issue. In fact, more than on any other issue in my legislative tenure. I have heard from Republicans, Democrats, from unenrolled. They do not view this as a partisan issue and fundamentally it is not. Ultimately, we will have a Democrat for Speaker of the House, whether it be Speaker Martin or not. Some have said that this is a democratic issue, they say, let the Democrats take the lead. Well, it is true that I did not vote for Speaker Martin in December, the Speaker nonetheless is the presiding officer of the entire body, and why should I, merely because I am a Republican, be paralyzed by inaction?

It is time that this body make some decisions about its future and about the future of government in Maine. The essential question in my view is this, are we the members of the House, both Democrats and Republicans, going to demand the highest level of ethical conduct from our highest leader? I will let others, if they wish, to debate the particulars of the ballot tampering committed by the Speaker's top aide but I think we should also ask, are we going to heed the cries of our constituents or rather the whispers in the corridors of power? We all know that those who would flout the demands of their constituents on an issue like this do so at their political peril. It is important to remember that the Speaker serves clearly under the rules of this House at our pleasure. I understand that some may fear about the future if this Order passes. A lot of people fear change but as another Democrat said so eloquently in the recent months, we should not fear change, we should make change our friend.

The Attorney General's Report has been out for a

week, the evidence is clear, such as it is, and the public has clearly spoken on this issue and I believe our minds are decided. Now it is time for the House to act, to put this important issue behind us and move onto the many others that await our attention.

Mr. Speaker, I ask for the yeas and nays.

The SPEAKER: The yeas and nays are requested.

The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this Order and all accompanying papers.

I think it is important that this issue be decided once and for all today and now. It has gone on long enough, we have put off the other issues long enough, we have too many important things left on the burner that is still on the burner that have been there since December so let's vote one way or the other, vote the way you decide but get this issue resolve so we can on doing what we were elected to do and getting paid to do and continue to represent our people in the way they deserve for a change.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, a parliamentary inquiry?

The SPEAKER: The Representative may state his inquiry.

Representative WHITCOMB: Mr. Speaker, as I read Mason's, it says that during the debate of the presiding officer, the presiding officer should leave the rostrum.

The SPEAKER: The Chair advises the Representative that we follow Reed's Rules.

The Chair recognizes the Representative from Portland, Representative Richardson.

Representative RICHARDSON: Mr. Speaker, I move to table for the next legislative day and I would like to speak to my motion.

The SPEAKER: The Chair would advise the Representative that the motion to table is not debatable.

Representative Small of Bath requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of the Representative from Portland, Representative Richardson, that the Order be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 15

YEA - Bailey, H.; Bailey, R.; Carleton, Carr, Chase, Coles, Dexter, Dore, Farnsworth, Gray, Gwadosky, Heino, Ketterer, Kilkelly, Kontos, Lipman, Lord, Murphy, Norton, Ott, Reed, W.; Richardson, Rowe, Strout, Townsend, E.; True, Winn.

NAY - Adams, Ahearne, Aikman, Aliberti, Anderson, Ault, Barth, Beam, Bennett, Bowers, Bruno, Cameron, Campbell, Caron, Carroll, Cashman, Chonko, Clark,

Clement, Cloutier, Clukey, Coffman, Constantine, Cote, Cross, Daggett, DiPietro, Donnelly, Driscoll, Dutremble, L.; Erwin, Faircloth, Farren, Foss, Gamache, Gould, R. A.; Greenlaw, Hale, Hatch, Heesch, Hichborn, Hillock, Hoggund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Joy, Kerr, Kneeland, Kutasi, Larrivee, Lemke, Lemont, Libby James, Lindahl, Look, MacBride, Marshall, Martin, H.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Nickerson, O'Gara, Oliver, Paradis, P.; Pendexter, Pfeiffer, Pineau, Pinette, Plourde, Plowman, Poulin, Pouliot, Quint, Rand, Reed, G.; Ricker, Robichaud, Rotondi, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Sullivan, Swazey, Tardy, Taylor, Townsend, G.; Townsend, L.; Tracy, Tufts, Vigue, Wentworth, Whitcomb, Young, Zirkilton.

ABSENT - Brennan, Cathcart, Farnum, Fitzpatrick, Gean, Libby Jack, Marsh, Pendleton, Thompson, Treat, Walker, The Speaker.

Yes, 27; No, 112; Absent, 12; Paired, 0; Excused, 0.

27 having voted in the affirmative and 112 in the negative with 12 being absent, the motion to table did not prevail.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Richardson.

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: It is my understanding that this is the vote on the issue for us today. There is no question in my mind at this point that there was additional information that was needed. There is no question in my mind that in all investigations, there is an investigative file which includes as a part of it, a transcript which I assume we have all now seen and that that file could have been obtained by the signing of an authorization release by the Speaker. The Attorney General's Office on March 23rd so communicated that to a Democratic leader and perhaps to others. The signing of that release would have allowed us, by later this afternoon or later tomorrow morning, to have in front of us all the information we needed to make our own very personal, very conscientious, decisions on this very important topic.

That information is not fully available, although I am absolutely convinced that in the political world that we live in, it will ultimately become available. I feel that it is not available for two reasons, one is that the release was not signed and secondly, because the issue was precipitously pursued today by a member of the Republican caucus. It was premature.

This debate did not need to go on indefinitely, it could have been resolved this week were all of us to have the information in that file and to be able to evaluate that information in our own homes, in the privacy of our thinking processes and evaluations and free from the political pressure cooker that is the reality of politics in this building today and in the state I guess as well. I am very sorry for that because I think it was critically important that that be in front of us.

Nevertheless, the press was the emphasis to move to vote today. My presumption is that this is the vote.

I have said that I think the Speaker ought to resign, not because of criminal conduct, but because of the nature of political integrity that has to

surround presiding officers of this body. I believe that the Speaker has lost the trust and confidence of the people of Maine and I believe that after reading the Attorney General's Report and the transcript of his interview and the context of the files, that he has not been fully forthcoming in his version of events last December. That is my view but you will not have that information, nor will I, except that I had reached it on reading the transcript enough of that, you will not have that information to make a decision on.

I urged the Speaker repeatedly to relate and I was prepared to argue my perspective from the conclusions that I reached on Thursday based on that. But I am going to try in about three or four minutes here to detail why I believe this issue is important, why I have reached the conclusion that I have for the Record. I believe the key moment, and this occurred at 7:31 a.m. on Monday morning, December 14th, because I believe that the transcript and the investigative report shows, clearly and conclusively, that the Speaker appreciated that there was a significant possibility that a crime had been committed in such a major area, I didn't say that clearly enough, I do not have any appreciation whether the Speaker knew — that is not the issue. As the presiding officer, it is up to that person to maintain the integrity through aggressive pursuit of the responsibilities that lay before him or her. The transcript has references, enough references, in my view, that there was a major understanding by the Speaker, communications from his counsel, remarks that he made that there was a significant possibility, some chance that the Speaker knew of a major problem in an area that violated the fundamental principles of us being here. That is, we are elected by a plurality of our constituents that nobody else had more votes than we did and it is the legitimacy and the ratification that takes place in that election process that puts us all here and allows us to make decisions on the very lives of our fellow citizens. It is that that gives us the authority and it is my firm belief that if the Speaker knew that there was a possibility that those elections were not being held to the highest standards, then he had to act aggressively. To me, it is an arguable point, whether over the weekend, he should have acted aggressively. It is clear that he was suspicious, he had been advised of that, that it might end up in the AG's Office by his legal counsel and so it was a possibility but he chose not, by his own words, these are only Mr. Martin's words, the Speaker's words, not to intervene, not to deal with that issue over the weekend because of the illness of alcoholism that affected the individual involved. I don't think that is plausible. Frankly, I think it is wrong but it is arguable. But, on Monday morning at 7:31 a.m., the Speaker had a sober Ken Allen (by his own words) on the line. There was a person on the other end of the line for whom he had been advised that there was a significant possibility of a fundamental breach in the integrity of the system. That person was on the line and sober and, by his own words, able to understand the input of the words given him.

I believe that Mr. Martin had three choices at that point, three things that he could say to a sober Mr. Allen who could understand those words. He either had to ask Mr. Allen, what was this business of all these calls? What are these rumors that I am

hearing? What's going on here? He had to probe the issue to maintain the integrity of the system and the confidence of the people of the State of Maine that what was happening here was correct, he had to get aggressive. That would have been the first preferable thing. In the real political world and the real world of dealing with these issues — that was the moment to do it at the very last or at the very earliest, if you would choose to see it that way. He had to get to the bottom of this, he had to find out what his counsel had advised that he needed to do.

He could have done one other thing, which would have protected him clearly — if he had some reason, a significant possibility, he could have informed Mr. Allen of the information that the Speaker said he had, point to the possible problem and tell Mr. Allen, if he had a problem, to get right over to the proper authorities and deal with it. He could have done that and that would have been fine. Or third, he could say, we both have a problem, I am hearing these crazy rumors, I don't know what is going on, we've got to get to the law enforcement officers and deal with this issue. Those were the only three choices when the Speaker had a significant possibility, not certitude, not beyond a reasonable doubt, but a significant possibility that something had gone very wrong with the ballot integrity that is vital to the legitimacy of this body. He didn't do any of them. He suspended him for his illness, a compassionate, personal thing to do. He didn't want to cope with it, I wouldn't either, but he did not, by his own words, do the three things he had to do. Now, for me, Monday morning is the key time because I am using Mr. Martin's words only in the transcript and the investigative report. Of course, I haven't seen the file. I think Mr. Martin truly, and I will confirm these suspicions if you haven't, knew more on Friday night than he presently describes. In the transcripts, there is commentary from Ms. Eltman, one of his closest aides, it was Saturday morning that was very troubling to me. Mr. Allen, strangely, called back on Sunday, only two of the three people had drunkenly called on Friday, he excluded Hull. He was telling them that it was a joke — why didn't he call back Hull? I believe it is a telling admission.

Jonathan Hull didn't report what they knew before Wednesday apparently — why did Hull only disclose a possible ballot problem when the Attorney General, unexpectedly, showed up Wednesday at the resumption of the ballot counting? Were they, up to then, hopeful that either Allen's misdeeds would not be detected or had been corrected somehow? Why didn't Mr. Martin say that he knew about it at some times in the transcript and did not know about it or nothing about it at other times? That seems to be inconsistent, which is an evaluation of course in that sort of commentary that you need time to think about it, at least a day. Why did Mr. Martin fail to fully disclose what he learned from phone calls on Friday and over the weekend during his conversations with the Attorney General, the U.S. Attorney, on the following Thursday? Why did he not fully disclose this information until his interview with the investigators two months later?

Why — Ken Allen seems to remember every detail of his crime on December 11th, he recalls nothing of being at the State House on Saturday, December 12th within two hours of when the Speaker was at the State House. Why? And why did Mr. Martin say apparently

nothing to Majority Leader Gwadosky on Tuesday or to Attorney General Carpenter Wednesday or Thursday about Allen's ballot tampering calls?

I believe that in the transcripts, page 24 when I read them and I could not take notes, it is very difficult to remember, very stressful, that page 24, 29 & 37 were important and I should put that on the Record — my memory from the transcript, keeping in mind that I have not had a chance to prepare with the transcript, I've only had a copy in the last hour, apparently the quote that is most troubling to me is that Mr. Allen said during the Monday morning call, "Maybe I did this and wanted to get caught at it." This is my memory now and you can look at page, I believe, 24 and see whether it is essentially what you see. I haven't even verified it in the hour that I have had the report. The investigator questioned, "Caught at what?" Mr. Martin responds after a bit, "Oh, with drinking." I think it is a telling flip that needs to be judged when the transcript is out, which it is now, with the period of time out of the pressure cooker of this building and with whatever is there in that file.

You may not agree with me, and I know many of you conscientiously disagree with me, and I recognize the implications of that, but at least you should look at it and be able to think about it for a second. I found another telling one that I could remember, and again it may not be exactly accurate because I couldn't take notes, that Mr. Hull noted that he was going to call Ms. Rice and see what she (and then I remember the transcript breaking off) — I don't know whether that is accurate too but you should be able to read that and think about that privately as to whether you think it is right or wrong or troubling or not troubling.

I believe Mr. Martin's withholding of his transcript originally was similar to the critical issue of presenting information that has been a pattern here. Those all pale next to my conviction that his failure to question and get about the serious business of maintaining the high standards that I know Mr. Martin has demanded of us and himself in the past was the fundamental problem. I come back to that Monday morning conversation when he failed, with a sober Ken Allen on the phone, to aggressively seek out the truth. I recognize the same words can mean very different things to different people. I recognize that you all know that I felt, somewhere in the past week or ten days, that I thought he ought to resign having a feeling about this and ultimately, slowly, sort of came public with that and that I had been working for a week or so on a different Order, which frankly, if this one had not been moved forward this way, I might have looked to as a possible Plan B, which was a very precise process Order that would have taken three weeks to resolve with this data out there.

I feel, unfortunately, the issue was made partisan in terms of undercutting support in my own caucus for which I care very deeply by the rapid partisan move of forcing the issue before we could resolve the information, questions, to the floor. Though some of those on the other side of the aisle may disagree with that interpretation, I respect that, but we could have dealt with this Thursday and that is why, even though I had the views that I did, I chose not to join in this Order and wanted it put off.

I reached the conclusion, as one legislator who



cares very deeply about my party, about my caucus and the prospects of it, and yes about the Constitution and the legislative process which I actually, since this is fundamentally the end of my political career, I might as well say it, I avoid saying I have a doctorate because people say that is academic, but the fact of the matter is, I wrote a dissertation on this subject and it is part of me, part of my life, part of my caring and part of what I believe in and I am forever grateful that I have had a chance for two terms to serve in this body. When I reached the position, based upon reading the transcript on Thursday, struggling with it and yes struggling with this sort of dynamics of being in his office at the time, I reached the conclusion that it had gone too far in terms of what he should do on Monday morning and in terms of maintaining the integrity of this office.

I think I recognize that there aren't the votes but I am going to say that that is what I believe, that is when I reached my final conviction and got rid of the other Order and decided not to do it and that is why I am taking the position that I do.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: This is the first time I have spoken publicly to my colleagues, either in the caucus or on the floor. I have talked with many of you individually but, like Representative Richardson and I think like everyone in this body, I have struggled with knowing what was the right thing to do. I think the very fact that Representative Richardson can stand up and express his very strong views in this body is what this debate is all about. It is not about the Speaker, it is about the institution and I hope that I can bring this back to that debate for just a moment because I think, like all of you, I love this institution and that is why I have tried to spend so much time here. Fortunately, the voters have let me do that.

When I voted for the Speaker, I did not vote for a saint but for a political leader. I do not question whether or not he made some mistakes of judgment because I believe that he did. I think he has admitted that he did but the question that each one of us has to ask today in the interest of the institution is, are those mistakes worthy of pulling a person from office?

I have listened to the debate and I have heard really eloquent, probably beautiful, debate. I am sure in your caucus, the Republican caucus, you had similar debate, honest soul-searching and in our caucus I have never heard better debate. I am somewhat bemused because both sides in this debate can use the term "McCarthyism" or this is what Margaret Chase Smith would have said and it takes courage to do this. Frankly, I am not sure which side any of them would have been on. It takes courage for Fred Richardson to stand up in a caucus against the majority feelings and say what he said. I don't know if it takes more courage to vote for the Speaker or against him, I don't think that is the issue. I think there is a little McCarthyism on both sides and we are so afraid to let people think for themselves but I think when the final vote is taken, people will be making that choice for themselves. As I said, I am not really sure whether those terms fit but they do make good debate.

I have listened to a lot of conversations and probably some of the most troubling that I have had have been from constituents. I am a little troubled when I hear some of my colleagues saying that all the calls they have gotten are from people who really don't understand what is going on, I am not going to listen to them. I suggest to you that is not why you don't listen if you choose not to, it is because you have more information perhaps and it is your job to educate people and to make a decision and that is the eternal debate that a Representative faces.

Now I have had thoughtful constituents, I have had some who called me and say things like, "Oust the bum." Now that is not a whole lot to base a decision on but I happen to represent a lot of state employees and they do know what is going on. They do know the Speaker from many years, they do know the issues around this place, they probably know it better than we do because they work in state government and they know how important it is that we deal with a budget, but they are troubled. Their comments are very serious and our job is to find out why they are troubled. One of the reasons, I believe, that they are troubled is that they believe that there has been perhaps a growth of too much power and they are frustrated and they are asking us to take some action. The only action that they know how to tell us to take is to "Oust the Bum." I must admit this is a rare kind of call, most were very, very thoughtful. They did say that the Speaker has committed no crime and that is why I really don't care a whole lot about the transcript, Representative Richardson, I am not an attorney, I am not the Attorney General, I am not the U.S. Attorney and they have all told me, having read that transcript far more than I will ever read it, that there was no crime committed. That is not the issue before us today but I respect your desire to make all the facts known. I think we owe that to ourselves and to everybody else. So, the issue is not a crime, the issue is a mistake in judgment and I have to ask you today, if a mistake in judgment rises to the level of pulling a person out of office? I have come down on the side that it does not.

When we judge our leaders, it is when they stand for election. We judge them on their effectiveness and their ability to use good judgment in office. Each one of you will be asked to make that judgment should any one of these leaders on either side make a decision to run again or whatever else. I realize that many of you might say, based on what has happened here, I would not choose that same person again. That is your choice but that is a time to make that decision.

I am really very sorry, very, very sorry that we have all been put in what most of us perceive as a lose/lose situation because all of us are going to vote for what we believe is right. There is a going to be a lot of attempts to say, unfortunately by the leadership in the other corner, that if you vote to support the Speaker, that you really don't care about the institution. I know that my constituents are smart enough to know the difference.

I have heard a lot of references to Watergate. This is just like Watergate and boy, we have got the Democrats on the run. Well, I am probably the person here who knows the most about Watergate. I was elected to this House in 1974. Part of my campaign contributions came from a gentleman whose phone had been tapped in the Watergate break-in, I got a

contribution. I was a wave of rural Democrats, a really new thing in this House in a district that was five to one Republican. If you think I talk funny now, you should have heard me then because I had only lived in this district for three years. Five to one Republican. I was elected as were many rural Democrats based on Watergate, but that wasn't the only reason. I was elected because I worked harder and I talked about education and I talked about making our state better for other people. Frankly I think I would have been elected anyway. So, I don't really care about that. Each moment in history is defined by what we say and do about it. You know how much I care about the Education Committee and you know how hard I worked to get bipartisan support. That is what I want us to get back to doing.

As I said, I am extraordinarily disappointed that we are using this opportunity to divert us from issues that really matter to the people back home. That is not to say it is not important to discuss and I am glad we are voting today, because the sooner we deal with this issue and move on, the sooner we can all get back to being the kinds of legislators that I know all of you are as individuals.

But, because I know that there are questions in my constituents minds and there is the belief that the Speaker has been there too long, though we allowed him to do that, we voted for him, because I believe there is a sincere concern out there with people who called me, and they are very real people — I frankly thank the Republicans for having them call me — they would tell me, I didn't call because of that ad, I am a Democrat and I just wanted to talk to you anyway, it was wonderful to have that. I wish you would do it every week, I love talking to my constituents, it's great. We were able to talk, but they do have this real concern. Because of that — and I can't offer them today because in my haste to put them on your desks — like the Speaker, I made a mistake. Both of the Orders that I drafted that I wanted to present to you today are wrong, but the substance isn't wrong. I think that we need to, as an institution, help reclaim the high ground and to help restore credibility in this institution because that is more important than this Speaker or those floor leaders or any of us, much more important. The Orders, once I correct my errors, which I will introduce to you and which I did not support at the beginning of this session and I am quick to admit that, but I believe that the time has come to offer a House Rule change that would limit the terms of Speakers. I will be offering that but I drafted it wrong, I am sorry.

I also believe, and this is a personal thing from me because I feel very strongly about it, that we should not allow a single member of leadership from any corner to have their own personal political action committee. I think that is another thing that has caused this perception of abuse of power. So again, I drafted it wrong. If you passed it today, every one of them would be in contempt or in violation of the law because it would become effective and they haven't gotten time to get rid of that stuff. I want to give them ample time to disband their PAC's and give the money to charity. But, I will be bringing those back, not because it is a silver bullet, we are still going to be voting on this Order but because when I go home, I can hold my head up high and explain to people my vote and I can also say I heard you and I am going to try to deal

with the cause and not the symptoms.

I urge you very quickly today, let's dispense with this and get on with our business. The word that keeps coming back again, I will call on my heritage, this lynch mob mentality reminds me a whole lot of where I was born and it bothers me a great deal.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: Allow me to read briefly to you from the Legislative Code of Ethics adopted by the 100th Legislature. It says, and I quote, "Any public office holder is charged with responsible conduct commensurate with the trust placed in him or her by the electorate. In a free government, the official is entrusted with the security, safety, health, prosperity and general well-being of those whom he or she serves. With such trust, high moral and ethical standards producing the public's confidence with the reduction to a minimum of any conflict between private interests and official duties should be observed."

There are, I believe, two issues here that I find compelling. The first has been addressed by Representative Richardson, the question of what the Speaker knew and what he did with the information. I have read portions of the transcript. I think they are damaging but I don't think there is really anything much more in them than was in the Attorney General's Report which they went to contribute to.

The second issue, my constituents are telling me is just as important and that is the issue of leadership. One of the Speaker's top personal and political aides committed a crime that goes to the very heart of our democracy. I have heard no admission of personal responsibility from the Speaker. And, as I say, this issue is just as important to my constituents who are calling as the issue of whether or not information was provided in a timely fashion or at all from the Speaker.

Allow me to restate what I said this morning. I have pursued this issue and I knew I would be accused of being partisan when I did it. There is no secret here on which side of most issues I come down on. But, I could not accept the notion that that should prevent me from acting in the interest of my constituents whom I was sent here to represent. I pursued this not because I am a Republican, not because the media was pressing me to, but because my constituents were demanding it. They further demanded a speedy resolution so we can get on with the other pressing issues this state is facing. My constituents are still demanding it.

It is quite clear that the Speaker, under our rules, serves at our pleasure. We are not talking about removing Speaker Martin from his position given to him by the voters in District 151. We are talking about Reed's Parliamentary Rules, Section 36, where it says clearly under power of assembly over a presiding officer, "a presiding officer elected by an assembly may be removed by the assembly whenever such a course seems suitable to the body." Simple as that.

I think our minds are decided. I think that is why we rejected the tabling motion.

I urge you to vote against the motion to indefinitely postpone.

Mr. Speaker, I request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to preface my remarks first by thanking the leaders of the Minority Party for exposing my name better to my voting public. I did appreciate the phone calls. I did have a good chance to discuss the issue with many of them. I do appreciate your re-enforcing my recognition with my voters, that part was very nice.

The other part, government by referendum, however, I don't happen to believe in that. I discussed it with my voters and they agreed with me that they did elect me here and I am down here to do my job and do it right and get on about it. I did want to thank you very much for that.

The other preface I would like to make is in reference to this document, a very shameful document before us. I want to keep my remarks to the document, not to the sponsors or cosponsors, I just want to make sure that they understand that ahead of time. One of them was my seatmate in the Labor Committee and I personally enjoy his company. However, what you have done here with this document, you brought in poisoning the very atmosphere that we need to conduct the business of the people. I watched it happen in the 115th, watched the atmosphere become poisoned. I, for one, and I am not alone, there are a great many of us who served in the 115th, came down fully determined that that would never happen again, that we were going to make a conscious everyday effort to see that we did not get into those positions of hostility that happened in the 115th. This document exposes us to that poisoned atmosphere, it is a document that fouls our very nest that we have to work in. It is a document that attacks the institution that you took an oath to protect. When you took your oath of office to uphold the Constitution, a part of that Constitution is this institution. This document damages this institution.

You know, we will long be in our graves 50 years from now, nobody is going to remember my name or your name, but I certainly don't want to be a part of a legislature that they will never forget, the legislature that voted to eat its own young, to commit hara-kiri upon its own leaders, that is not something to be remembered for. You remember famous parliaments usually for their failures. Everybody remembers I think, most people who had history, the Rump Parliament where finally with great pleasure somebody said, "For goodness sake, go home, you have done enough ill." Are they going to say that about the 116th?

I think today is a time to recognize that you are a member of this institution, to stand up for the institution and what it represents. If you do that, I think you might have the same great joy that I am going to experience when I push that green button with that finger.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to direct my comments to the good Representative from Norway, who by some mistake this weekend had his constituents call me. Had they seen me in the Labor Committee with him through the last legislature, they would have known I was there and he wasn't. Not doing that to a fellow member, I just took their calls and said, "Thank you, call Rick, I am sure he will handle his end."

Secondly, let's not fool ourselves, we have all

made up our minds. I am tired of it, it is getting old. The left corner of this House put on a stage show that they should have done in December. They weren't lined up properly. The minority leaders and personnel who met Monday to try to get a strategy to get John Martin out, instead of being in committee working with us, showed their true colors and I am tired of it, it's a bunch of bunk.

We have some important issues in front of this body, yes, one of them is the ballot tampering. There was no criminal involvement by the Speaker, neither on the ballots actually being tampered with nor a cover-up. The U.S. Attorney and our Attorney General have seen that.

The GOP wanted the transcripts out in yesterday's paper. The good Representative from Norway just claimed how important it was; yet, he is quoted as saying in yesterday's paper, the transcript is a red herring. Ladies and gentlemen of this body, I propose to you that his position is a red herring. They want John Martin out, they have wanted John Martin out since I have been here. This isn't what this Order is about here today. This Order is to remove the Speaker and it is partisan politics. They can come at us again, they can come at the Speaker again in a different way in a different light and if they'd shown me facts that would change my mind, I would have changed my mind but they haven't done that. Having constituents from Waldo call me in Jay does not change my mind. It kind of made my kids smile. They said, "Dad, we didn't think you were so important." I said, "Kids, you ought to see the Representative from Waldo."

The business of this state — there are over 30,000 constituents out there without health insurance. We are trying to put a plan together to have that happen, but no one has picked that up.

There are 6,000 people in this state that are going to be thrown out of nursing homes, people in their middle years who are going to have to stop sending their kids to college — they are going to have to make the decision of what do we do with their elderly parents — that's going to happen.

Pineland, Bangor, Augusta Mental Health Institute — that's going to happen.

A tourism budget that is set up on anticipation of funds — that's going to happen.

Education that is hurting every child, every child in this state with what we have in front of us in that budget. Thank the good work of the Education Committee on both sides for the hard work they are doing to try to resolve some of this mess.

No, ladies and gentlemen, it's very simple, I don't think we all have to jump up and scream whether we like John or not, whether he is arrogant or not. We put him there in December, the GOP missed their shot. They saw another chance of doing it, they are trying again. It was obvious. I am tired of it. They are marking the institution, I don't like it. I think we should go on with this. So, when you sit back and you think, the good Representative from Vassalboro, Representative Mitchell, even if she is from away, has a couple Orders in front of us on House Rules that she is going to make and I think they make sense. There is going to be action to make sure this doesn't happen again so that this institution will come out with a shine again but it is only because the people in here will do the right thing.

I hate it when someone says this isn't partisan

politics, this is the real issue — good grief, the same people who are jumping up were jumping up in December. I was born at night, but not last night.

The people who are trying to run against this institution on last November's ballot are still running against this institution and I find that hard to swallow.

So, I ask you, let's get on with the people's business, the part that counts, the kids that count, the education that counts, the elderly that are going without assistance in their Circuit Breaker because of a budget shortfall because of numbers that are wrong, of a child care block grant that \$1.5 million isn't going to go into subsidized slots, it is going into general revenues instead. How many welfare moms could that have put to work? How many, I ask you? That is what the issues are. We can do the smoke screen, but to Representative Bennett I say, I think this is your red herring.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Coming into the session today, I saw people who were visibly shaken by the events of the last two or three days, driven almost to the point of tears.

I have talked with people in the last couple of days who remembered their first days as a member of this institution and of being sworn-in virtually with tears in their eyes, about the excitement of being a new member of this legislature, this great institution, having their family members join them, remembering the anticipation and hope.

I also know how disappointing it has been for so many members for the last couple of years as we have engaged in a very bitter, sometimes poisonous, atmosphere. I have said to my own caucus so many times that I remember when we used to come and serve in this legislature and we would have our battles but when we walked out that door, whether we be Democrats or Republicans, we were arm in arm. We met together at night, we talked about things, we did things socially, we were friends, we were all Representatives of this great state and of this great institution. How difficult it has been for those who knew that environment to experience what has happened in the last couple of years. I am not sure anyone wants to see what has happened. I am not sure anyone feels good about what has happened.

We have had a report issued by the Attorney General of this state and the Federal Attorney. It is a comprehensive report. Some people have criticized the Attorney General of this state, but the reality is, the Attorney General of the state has found two people guilty without going to trial. The Attorney General of this state and the Federal Attorney are to be commended for their actions. The issue beyond that is, are there any ethical issues to consider or not? With ethics, it is always difficult because it is never black and white, it is usually gray. You and I have to make a determination as to what we would have done in that circumstance. Frankly, it is pretty easy when we have the entire document in front of us, at this point, when we can see the entire picture, when we can see the entire story unfold and say, well, I can see how this fit into this, how this fit into that — the reality is (at that moment) during those circumstances, during the time of events, is that no one had much more than

a bunch of unrelated facts or tidbits of information. We all have the luxury at this point of being a Monday morning quarterback, attempting to judge whether or not somebody acted appropriately and/or not, based on our interpretation of how they must have felt at that time not knowing the atmosphere, not knowing the environment.

I have read that report, I am in that report. I recall my conversation with the Speaker on Tuesday very clearly. He and I disagree with the description of our phone conversations on that particular day. I have expressed my concerns of this report to the Speaker and it is no surprise to many of you that my feelings about his top aide in the last 12 months were feelings that I expressed directly to the Speaker. They were feelings that I expressed directly to the individual involved.

I told the Speaker that I thought that he did in fact err in judgment on Friday and on Tuesday. I asked him to admit that. As you know, after the initial report on Tuesday, the Speaker did accept responsibility for his supervision of his top aide. I asked him to go the next step and also admit that in fact, had he known then what he knows now, perhaps he would have done things a little bit differently and the Speaker did say that. He acknowledged some responsibility for his judgment at that point in time. I needed to hear that. I don't know if the rest of you did but I needed to hear that because it showed me that the Speaker was human, that he erred in judgment.

To this day, I don't remember the Governor of this great state apologizing to the citizens of this great state about his err in judgment to the election for 1990. I suspect that he probably won't apologize to the people of this great state.

There has been a suggestion that the entire weekend was orchestrated by Republican partisan efforts. Of course those ads were paid for by the Republican State Committee. There has been an ongoing effort by some members of Republican Leadership and the Republican State Party to discredit this institution and/or the Speaker of the House more specifically.

I think back as to a time just a few years ago, perhaps five or six years ago, when we had a member of the Minority Party who was at that time indicted for ballot fraud. I think back as to how the Majority Party handled that situation. We didn't say that this particular individual should not be seated, that he should not become a member, that his constituents did not deserve to be represented. We said just the opposite. We said this person deserves to have an opportunity to represent his district until in fact the courts were to rule. The courts did rule and eventually found that person guilty. That person eventually resigned from this legislature. What a stark comparison between the actions as to how the Majority Party treated a member of the Minority Party in that circumstance versus how we have seen the members of the Minority Party — and as I have told Republican leadership, I am appalled at their constant attacks on this process before the report was ever released. I commend Secretary of State Diamond for his ability to put together a commission that reported just recently, far-reaching recommendations dealing with tightening up election laws in our municipalities and towns across the state and in the election process here in Augusta. I was appalled when the Republican Leader of this body

called that particular committee a fraud. He actually went to the extent of looking up their political affiliation and attempted to demean it before they ever got even on track. I was appalled that he made suggestions that Attorney General Carpenter has made comments that were inappropriate during a pending investigation before the report was released. I can't think of anybody who has done more to undermine that than the Republican leaders of this House. This issue, ladies and gentlemen of the House, cannot break down between partisan politics. I can disagree with the actions of my Republican colleagues but I will work with them when we go out the door today. I will work with them on behalf of this institution.

The reason we are here today is because we care about this institution. Many of the phone calls that I received, like the many phone calls you received, were orchestrated but many were from thoughtful people, people who went out of their way to tell me their party identification or affiliation. There were thoughtful Democrats (in my instance) who said they were simply concerned about the direction of my party, the direction of this institution, our ability to re-establish credibility in this institution and they were concerned that we wouldn't be able to do that given the makeup of our leadership teams. They were very thoughtful and the reason we have a problem today in our own caucus is not because people like or dislike somebody, it is because they are concerned about the institution. The reason that people will disagree on this vote is because they are concerned and care about this institution and they should feel free to vote any way they choose on this particular issue, either for it or against it, and know that they are not going to be ridiculed or challenged because people will disagree on this issue because they care about this institution and that is what we are all about.

I plan to vote against this. I am going to vote to indefinitely postpone, I am going to support the motion of Representative Jacques. I don't think it is appropriate at this time. Our caucus has talked about a variety of other alternatives that we would like to pursue. You have heard some of those today, but, frankly, they don't go far enough. There are other alternatives that we are going to be in a position to consider and that we need to be in a position to consider. I sympathize with those who wanted additional time. I voted to table as well today because I wanted people to feel that they had as much time as possible. The reality is we are going to be taking a vote but I want people to understand that there are going to be other alternatives, there are going to be other issues to consider, issues that I think will help us bring this institution back together.

I have been very pleased that, despite the media hype, despite the attention this has received from all corners of the state, really hasn't stopped us from doing our work, ask any committee here that has been working extensively. They have not stopped doing their work — ask Appropriations, ask the other committees that have been involved, they have done a phenomenal job given the distraction. I am convinced that that can continue. The reality is, that after this week, the joint hearing process ends and our committees are going back to make recommendations to Appropriations between now and April 13th. Then we are going to embark on what I hope will be a

long-standing commitment by Democrats and Republicans to begin taking a rational long-term view of establishing priorities and moving this process forward. I think we can do that and I think there is the interest and the will by members of the Democrats and Republicans to do just that. But, we do need to move on at some point.

I don't believe that the Order before us is in the best interest of this institution. I do believe there are other alternatives, however, that I will consider and I will support beyond what you have heard referenced this afternoon. I believe that we can together begin to re-establish the credibility of this institution. There is a cloud over this institution but it is a cloud that can be lifted through the collective efforts of Democrats and Republicans. I have been amazed at this response of rank and file Democrats and Republicans who have shown an interest in working together this year, who have set aside the events of the last two years and have continued to say that we will work together and I am convinced that that can continue to happen.

I apologize if I have offended members of the Republican leadership by my comments but I wanted to draw the very stark contrast as to how I believe the Majority leadership treated the Minority member when that incident happened five or six years ago versus how we have been treated in this circumstance.

I would like to think we can all learn from this and move on at this point. Regardless of the vote at this point, I will be willing to work with Republican legislators, Republican leadership, and get on with the issues of the state but I do think that the Order before us is inappropriate.

I urge you to vote your conscience, to do so free of the knowledge that you won't be challenged, you won't be ridiculed. You can vote for this or disagree on this and you should do so with the knowledge that you do so because you care about this institution.

The SPEAKER: The Chair recognizes the Representative from Mount Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: Maybe my ears are playing some tricks on me but I think I hear a Democratic battle cry sounding off in the distance somewhere. It seems to be the usual ring that I hear when things seem to be getting into trouble and the wagons circle around and someone tries to portray this as a partisan issue rather than debating it on the merits of the question itself.

I have heard a lot of debate about what the Republicans did or did not do and, just for the Record, I want to make it very clear to both the Majority Leader and to others, that at no time, prior to the results of the investigation, did I make any public comment as to whether I thought the Speaker was guilty or innocent of any criminal or ethical wrongdoing. After reading that report, I did reach some conclusions and I did make some remarks.

As further evidence of a bipartisan effort in this, I think you are escaping the fact that this Order being presented by Representative Bennett is in fact being cosponsored by a Democratic Representative as well.

Also in an effort to ensure fairness, this morning the Republicans caucused again for the umpteenth time in an effort to make sure that we proceeded carefully, in a calculating manner, and we

decided overwhelmingly that we thought the release of the transcript would give us (possibly) some additional information with which to make our decision. Fortunately, the Speaker complied with that request, we had an opportunity to look over that transcript and saw no compelling evidence to change our minds at that point.

I also ask you to bring your memories back to the day when the investigation was released, it was not then that the Republicans who said they couldn't understand why the Speaker had not come forward, it was the Attorney General himself, a Democrat elected by most of the members of the Majority Party here who said that he could not understand why the Speaker did not come forward and say what he knew. I still have a question as to why it took him until February 22nd for the Speaker to be interviewed by the Attorney General after Michael Flood had already fingered or told authorities about Ken Allen's alleged involvement. That is a question which I hope will be answered at some point.

Representative Pineau, I enjoyed your comments about the budget, I don't think it is particularly germane to this issue but I hope that we are able to move forward with this and get to pressing matters like the budget.

Representative Faircloth, I saw your comments on television last night and enjoyed those comments about the budget as well. I am sure you will both have an opportunity to justify to your constituents and to all of us why you will be voting to raise taxes and talk indepth about what is going to be happening with the budget later on. But, the question now is how we will deal effectively with this issue, how we can get to the points that are pertinent to this issue and what will put this issue behind us without leaving any lingering questions hovering over this State House tomorrow or any day thereafter.

We will be accused of being partisan I think no matter what we do. It is easy — Representative Mitchell made a comment that those of you who decide to vote in favor of the Speaker would be accused by us of not caring for the institution. I would say, no, I don't think we will ever accuse you of not caring for the institution because we know better than that. We do not question your respect, your love for this institution or any democracy. We might accuse you of sidestepping this issue and looking to other things to try to cloud the focus of what this is all about. I suspect that you will accuse of us being partisan and not reaching a justifiable conclusion in our minds based on the facts presented to us. So, I would hope, given the fact that this Order is a bipartisan presentation of two legislators, I would hope that it would be brought to light and focused on the fact that it was a Democratic Attorney General himself who raised this serious question. I would hope that that would put to rest the issue of whether this is some kind of partisan initiative and that we could go forward and find out whether or not we think the Speaker did in fact violate his ethical responsibilities. If so, whether or not we think that that transgression was serious enough that it calls into question his ability to effectively lead and whether or not he has the trust of the members of this body and all Maine people to lead us into what is no doubt the most serious budget problem this state has ever faced. If you think his transgression is not serious enough,

that is your decision, you can vote to keep him there. If you think it was, that is also your decision, but whatever it is, let it be based on the facts and not any confusion about partisan matters.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Mr. Speaker, Ladies and Gentlemen of the House: You ask me to work together with you but you slap me in the face. You make incendiary remarks that are totally unnecessary or not germane to this argument at all. McCarthyism? I am embarrassed, that was a time in history that we all want to forget. Why bring it up now?

We have large problems in this state that can be solved but only if we work together. We will not work together, for every time you call me names, you call my party names, you refer to people in this institution, denigrating them. The happiest day of my life, besides getting married and having children, was being elected to this body. I am not sure if it should be a happy moment anymore. When I see what has been going on in this debate, it totally frustrates me.

I would like to have an apology from some members who have stood up. I will work on my committee, do the best job that I can in a non-partisan manner, which I think I have done. I am here to represent my constituents, that is what I am here for. Whenever you call me a name or my party a name, you slap them also for having voted me here. I am willing to reach out, I am willing to work together, but the more you slap me, the less cooperative I am going to become.

That 107 group is a bipartisan effort to work together. We passed that Supplemental Budget. My party was given no credit for doing it.

Let's vote, let's get this over with, let's stop the name calling. I am going to vote on this issue and I will sleep with my own conscience but show me some respect. I will respect you if you respect me and that goes for my opinions also. So, let's get on with the debate, let's get on with the vote, let's stay germane to the issue but let's get it over with and stop the name calling.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: I do have some remarks I would like to make but first I would like to respond to one of the inferences made by the Representative from Portland, Representative Richardson, about the three pages in the report. I don't know how many have had a chance to read it all but I know a little bit about one of the statements and I would like to talk about it. It talks about the Speaker being question and his answers — "I wanted him to face it", it being his drinking problem, I think it is important that you have all the words in the paragraph read to you rather than just a few "and told him that this was it and had to be." He said, "Well, maybe I did this and I really wanted to get caught and I wanted you to know about it." The Representative from Portland would have you believe that somehow the Speaker stumbled over that and had something else in mind, that in fact he wasn't talking about the drinking problem. I have talked to three people, but one who I consider a very close friend and an expert in the field of alcoholism, and in fact it is very likely that as I read the paragraph that he was saying to the Speaker that he wanted to be caught so that he would be forced to do

something that he wasn't able to do himself and that is to take action to either go back to a treatment center or whatever. That is how I read it.

I submit to you that the Representative from Portland has a right to interpret that paragraph as he does too but I think it is important for you to see both sides of that and to consider, especially and I suspect that there aren't very many in this body who haven't known somebody, who haven't been involved in some way or another, with someone who has had a drinking problem and know that in fact many times they are crying out for help.

Another point I want to make that is based here is about leadership and whether or not we can continue to function. Representative Pineau has mentioned one of them. Even in spite of all this that has been going on, I would submit to you the fact that we did pass a Supplemental Budget for the first time with little or no fanfare for the first time in years. The second one that he did mention and I want to stress is the almost superhuman efforts of the Education Committee that has, unanimously, taken the positions that they have taken which will bring us back in spite of (I was going to say, in spite of the Governor, but perhaps I shouldn't say that because I heard what Representative Bruno has said — in spite of the administration, they have totally and unanimously, Democrats and Republicans together, decided that they believe what is right about education funding and are going to take us back into a proper scheme of funding education. They have done that in spite of all the furor that is going on around us so there were two key events but every committee is dealing with things and they are doing that in spite of all of this. I think the legislature continued to function and I think we have proven that we can.

Please bear with me, I have some remarks and those of you who have been here a long time know that I am not as good as the Majority Leader of just getting up and saying things — I have to write them down. It doesn't take very long, believe me.

First, I want to tell you that I feel the investigation, and some of these have already been said, but I feel that I want to say them, I feel that the investigation carried out over the past three months by the U.S. Attorney Richard Cohen and Attorney General Mike Carpenter was thorough, fair and final in its finding that John Martin had no role in the ballot tampering and no role in or knowledge of a cover-up attempt. While I wish the crime had never been committed, I believe the report overwhelmingly clears the Speaker of those accusations.

Secondly, I agree that however it might have been based on his friendship with and loyalty to his long time aide, Ken Allen, John Martin did fail to see the signs that began appearing and did fail to make the connection that Ken Allen might have been involved in something more than just the boastful ramblings of a man under the influence of alcohol, the stress of domestic problems and the fear of losing his job.

Third, I regretfully acknowledge that John Martin isn't his best public relations person and that much of the furor over this matter has been fueled by the public's perception of him, which is, with the help of the media, of a man with too much power and too little diplomacy. Having accepted the investigative report and having acknowledged that his own public image has played a major part in this matter, I call

on you and the citizens of this state to try to understand that all John Martin is guilty of, in my sincere judgment at most, is of being so intensively loyal and compassionate to his judgment — his normally incisive judgment let him down. And, in his own words, as a result of that, he let the legislature down, he let the party down, but most importantly in his words, he let the people of Maine down. In hindsight, which is always 20/20, he realizes he should have put the pieces together but I am convinced, and I believe he means it, he didn't realize that the pieces went together when some in this chamber would like to have us believe he did.

His detractors thought that they could prove he was involved in the tampering but they failed. They thought they could prove he was involved in a cover-up but failed again. Next left with very little with which to continue the attack, they turned it now to the now famous "What did he know and when did he know it?" That strategy failed as well. All that was left was to attack his leadership ability by questioning his judgment, shouldn't he have read the signs? Why did he not fire Ken Allen sooner? Why did he keep a person with a drinking problem on the payroll and can he really continue to lead effectively?

I believe the overwhelming majority of Maine citizens are more compassionate than that. I believe that there are very few Maine citizens who would not give their fellow citizens the benefit of the doubt if they found themselves in a similar position, especially if that person had no previous record of dishonesty, disloyalty, or general misbehavior. I believe that the Maine people understand with compassion that people who are victims of some type of drug or alcohol addiction can go long periods of time leading normal, productive lives until someone or some thing sets them off.

It bothers me — the reason I have the next sentence here is because you are hearing from people who are not here, who don't know what goes on on a day-to-day basis and I say this, that we who live in Augusta are in Augusta practically every day and know the multiple stresses that Ken Allen was laboring under in the days leading up to his crime, not the least of which was his impending divorce which became final at that time. All of us, each of us I hope, wishes with all our hearts that this disgusting attack on one of our most precious rights had not happened but it did. Those who were found guilty are going to be punished, as well they should.

Each of us has in his or her own way let the Speaker know that we feel he could have handled it differently but we also know, and we admit that we do that in the illuminating light of hindsight. John Martin cares for this state and he cares for the people of this state. The long list of legislation that touches the lives of all Maine people is so impressive that even his critics grudgingly admit it. He is a religious man, a god-fearing man, and a man who is not afraid to fight hard. That gets him in trouble (and I think partially brings us to where we are today) to fight hard for anyone or anything that he believes in. Most of the people who have called to denounce John Martin, and I have had nearly 90 calls, readily admit that they have never met him, have never talked with him, they have never heard him speak, they base their dislike of him and their distrust of him solely on what they have heard and what they have read. As an aside, I must admit the

picture that accompanied the ad in the paper the other day didn't do much help either. Of all the pictures they could have taken, I hope it was designed. I submit to you that there is a lot more to John Martin than what you have read in the papers or hear on certain talk shows.

Throughout this body, there are legislators who have sought after and received John's support in legislation that they have submitted. They sought that support because they knew that with John Martin's name on that bill, it had a much better chance of getting passed than without it. They wanted that pressure, they wanted that respect that people had for his name, and they weren't questioning it in those days. There are legislators in this chamber who know that John Martin has worked hard for this state and has respected it and represented it well.

As I struggled to understand why so many of you on the other side of the aisle are taking the position you are taking, I recall one of the proudest moments I have had since I have been here. I was at a conference at the time I believe when the Speaker was just elected second in line to become the President of the National Conference of State Legislators and among the legislators there was the Representative from Yarmouth. Those of us from Maine were pleased and very proud to hear the accolades being heaped on Speaker Martin at that time but the proudest moment I felt, and my wife was with me and she remembers it to this day, was when the Representative from Yarmouth asked if she could speak. She was not on the list to be speaking but she asked if she could speak. I can picture that scene to this day, it was a beautiful setting, luxurious setting, there was in the middle of the room (and I am doing this perhaps so the Representative will remember) was a beautiful fountain, waterfall and a wall. The Representative had to be helped up on top of that wall because she wanted to be sure that everybody heard what she was saying. As I stood there and heard her remarks, as she described her respect for John Martin, her pride at serving with him in the legislature and his effectiveness as a leader, I was very, very proud. I have never forgotten those remarks because I believe she meant them.

I know there are others in the Minority Party, and I am sorry and I hope the Representative will not take all of us to task, just as I don't want you to take to task anybody for my remarks, I know there are Republican members of this body who have spoken so well of John Martin in the past and I find it very, very difficult to understand how they have now decided to abandon him for doing the kinds of things that he has done in the past.

Finally, I would just make this statement. I ask each of you to balance all of the good that John Martin has done for this state against his less than perfect public image and this isolated instance of poor judgment and vote against the pending motion and let us go on from today, one day at a time, one piece of legislation at a time, to get the job done and, hopefully at the same time, restore the faith that some would have you believe does not exist at this time.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative FAIRCLOTH: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the

motion to indefinitely postpone. I believe, and I want to emphasize first, that in my opinion, Speaker Martin exercised bad judgment in the course of this matter. I respect those, whether they are Democrats or Republicans, who choose to vote the other way on this measure because I think reasoned people can make that choice.

I want to discuss in more detail my concerns about that judgment in a moment but first I have more fundamental concerns that I wish to address. A member of my community in Bangor made the comment to someone very close to me that "they hoped I would be brave and vote against Speaker Martin." That hurt me very much because the person who said this I have great respect for and it concerns me because I feel that in fact that is the public perception, that if a Democrat votes to support Martin, it is because there is some intimidation that he has used against us as members of the Democratic caucus. I don't want people to feel that and I hope that no one thinks that of me. Indeed, quite frankly, if there is any pressure that I feel is untoward, it is a pressure to vote against him because I don't believe on the merits that I should, despite numerous phone calls. I received many phone calls, some I thought were orchestrated but others I did not, others from Democrats and Republicans, thoughtful people who criticized the Speaker and thought he should step down and I respected the views they expressed to me.

A week or so ago, it was St. Patrick's Day and there was a lot of talk about shillelagh's and shamrock's but that's not really what I was raised to believe, being an Irish-American man. My grandmother, Kathleen O'Flannigan Faircloth, raised me that public life, serving in public office, was the best thing that any person could do. I am so honored and so proud to be in this chamber. Even though it is a tough choice, I am honored and proud to be making these kind of decisions here today. The most fundamental thing she taught me about being an Irish-American is that you look for someone who is getting a raw deal and you get on their side. I believe the evidence supports the conclusion, that in this case, the Franco-American presiding officer, has been getting a raw deal with regard to this matter. I can't stand by and watch that occur.

I want to set forth the background for this because I was one of the new members of the legislature who posed questions to the Speaker about possible ways to open up the process. I don't know whether or not he appreciated that but, despite the comments about him being arrogant, to me, he has always been straightforward and businesslike. He has never retaliated toward me in any way for any conduct or any criticism of which I have made of him at any time. I certainly don't think he is a perfect person but I have to judge him based on the experience I have had with him and that experience does not support the public record.

It is true that I received many calls, the majority of them against Speaker Martin, but that is not the basis for my judgment. I don't think that is the basis for bravery, if someone thinks bravery is a test. There are a number of issues that will come before this chamber — I had to vote on abortion the other day, the majority of calls that I received were opposed to what I consider to be the pro-choice position, but I am going to remain pro-choice because I think that is the right thing to do. Soon we will be addressing the issue of discrimination against gay



citizens of this state. I am going to vote to oppose any kind of discrimination against gay citizens because I think it would be wrong to allow that kind of discrimination to continue. So, whether it is a majority of people or not, in my considered reflection on the evidence, I believe Speaker Martin should not be forced or to step down, certainly on the basis of this Order under these circumstances.

I want to address also what I think is a fundamental issue about the process here, for beyond what Mr. Flood and Mr. Allen did, which I consider absolutely reprehensible, I believe that Mr. Allen, despite the fact that I knew him and was friendly with him, should be in jail for what he did, no question about it. Beyond those two, I feel that there have been acts during the course of this ballot tampering process, which I find to be fundamentally wrong, deeply wrong, before a report was issued, there were people in the Minority Party, not all members of the Minority Party, certainly not all, but some members of the Minority Party were making public statements to the effect that Speaker Martin was somehow involved in orchestrating ballot tampering or that Speaker Martin was involved in a cover-up. A Republican member of the Republican caucus concluded that they had concerns about the fact that each time when these allegations were not supported by the report, once the report was issued, that that is a problem. Yet we keep moving back because I don't think fundamentally there are certain members, not all members, but certain members of the Republican caucus, who do not care what the evidence is in the report, they have a vendetta against Speaker Martin. There are other people who have that opinion and I just will not support it. Whether you call it what Representative Mitchell did, a witch-hunt or whether you call it McCarthyism, it is deeply, fundamentally wrong and I cannot sit by with that kind of conduct, I will not support him. I know there are Democratic and Republican members who will be voting against the Speaker because of the principles and I respect each one of those for that action. I want to make that very clear.

I have to look at Speaker Martin's failures of judgment and I think there were failures of judgment in the whole light of evidence. When I look at what Speaker Martin has done over the course of his life, I think we have to take it into account. I have lived a lot of places, I have lived in Alaska, I have lived in Ireland, I have lived in California and I have lived here in Maine and I love this state, I don't want to live anywhere else. During the past 30 years while Speaker Martin has been in this chamber, we have had in my opinion Presidents, Democrats and Republicans, who haven't offered leadership. I haven't any use for any President since President Kennedy, Democrat or Republican, until today with my cautious optimism about Mr. Clinton — during that time, Speaker Martin has been here and he has done things for this state to make it different. He was behind the Maine Health Program, which I know about because it affects people in my district and helps people that I know. He is responsible for that. In the Community Mental Health Retardation Services, I went through a facility the other day that exists in large part because of his efforts. Legal Services for the Elderly, I am an attorney and I know how hard it is for low-income people who are often elderly, to take care of these problems and Speaker Martin, again, was responsible for those kinds of actions to

allow some kind of services for those people. This state is different and better because he provided leadership when we didn't see much leadership in Washington, D.C. — this state, the place we live, is a fundamentally better place because of John Martin and we have to remember that.

I think we need to move on to the important issues that we face. I received many phone calls, as I have said, but the most important contact I received during the course of this past weekend, was from a woman whose elder sister (who is 95) will, under the Governor's proposed budget, be booted out of her nursing home, a 95 year old woman. The only family that this 95 year old woman has is her younger sister, who is 88. This 88 year old woman can't take care of her 95 year old sister — where will these people go? These are the fundamental, moral issues that we were brought here to face and I think Speaker Martin has provided leadership over many years in the right direction on these issues.

The Education Committee has come back with a bipartisan report rejecting the Governor's proposal because the Governor's proposal, Representative Zirkilton, would result in a property tax increase for the people of the State of Maine that is fundamentally clear. I think when people allege that there's going to be property tax increases, let's be clear what the proposed budget would do and that would affect the property taxes of the people of this state. So I have a problem with those kind of tactics and I will not hesitate to say so.

Finally, I must say, to return to the issue of Speaker Martin's judgment, that though I will not support this measure, I think that he should have acted differently. I think that on that Tuesday he should have come forward to the Attorney General's Office and the thoughtful people, Democrats and Republicans, who have spoken to me about this, I agree with and I think that there is a better path for Speaker Martin. I think that, in the near future, Speaker Martin should choose to no longer serve in the position of a presiding officer of this body. I don't think he should succumb to the pressures and resign now, and under no circumstances would I suggest that to him, but in my opinion, it would be better if he chose to depart before the beginning of the next session in January of 1994. I urge him, as I have urged him in person, to do that and I will continue to urge him to do so. I think that is better as people have said to me "for the good of this institution, for the good of the state and the good of the Democratic Party." I do not say this, obviously, out of disrespect for him but I think that that is the best course of action and I will support others who I think will also urge him to take this course. But, I will never support the kind of tactics that I have seen and I think, most importantly, I honor his service to the State of Maine and I oppose any type of conduct that I have seen, innuendo, to influence the votes in this body.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: Only briefly just to say that I apologize to the body that I got up and had prepared these remarks for the original motion and I asked you to vote against the pending motion. Obviously, I want you to support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: Since my name was brought into the debate by the Representative from Westbrook, I wanted to correct the Record. I did not move in and ask to be put on the agenda, I was asked by Pat Eltman to speak on behalf of the Minority at the meeting in Tulsa when the Speaker was named President of the National Conference of State Legislators. I think at that point that he was a symbol of pride to Maine and he brought honor in that position. However, I do believe now that most Maine people are no longer proud of him and I think in many cases, they are no longer proud of us. I think they are compassionate people, as mentioned by the Representative from Westbrook, but they are also outraged by the concealment of information by a public official, an official who holds the public trust. I think the Speaker has lost the trust and confidence of Maine people and I think it is time to close this chapter of Maine politics. It is time to move on, we have to solve the problems facing the state, we have to work on creating jobs for our citizens and we need to act for our people to restore confidence in this body and vote for this Order.

I would like to read to you from a letter that I received today. I would use my constituent's name but I have not yet been able to reach him to ask for his permission. It was mentioned earlier that some of our constituents really don't know exactly what happens up here. I take offense at that, my constituents are very well informed and, if they don't know the day-to-day, they certainly have a sense of the tone. This is one of the best letters I have received on it and it shows that this person is addressing the ethics of this institution.

"This is a scandal, one which left to hang in the wind like an unclaimed corpse, will taint all of Maine's representative government with its smell so I would ask this of you and your colleagues in both parties of the legislature, do not let this scandal be blunted, whitewashed, nibbled at and left to fade away from public view without, at the very least, a firm public censure being administered to the Speaker on those points of moral leadership, accountability and dissembling. Lacking such, collective public cynicism will be confirmed and our budding disenchantment with unbelief in and scorn for the Maine Legislative process will come to full flower. None of us, neither public or politicians, need that."

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: I understand each of you and your personal anguish as you listen to the debate here today. But, I have come to the conclusion on many things, first of all, as a student of Latin, all I can think of and it has been going through my mind is "Et Tu Brutus." Beyond that, I am asking you to see things clearly as they are and not as we or I wish them to be.

I believe that we are having this debate today, not based on any report, not based on the actions of two men acting independently as criminals, two men that I knew and two men that I cared about, but I must say to each of you that when I ran for the Maine Legislature for the 111th Legislature, I had heard about turmoil of the Maine Legislature in the 109th and 110th Legislatures. The turmoil was a familiar issue — it was all John Martin's fault and that familiar issue was at that time called Workman's

Compensation, which is (as we know) properly called Workers' Compensation.

I had telephone calls as each of you had telephone calls but an early telephone call to me was a reaction to something the Speaker said in the newspaper. He said, "This is the same partisan rhetoric" and she rose to speak to that, a wonderful Republican friend of mine, and she resented that. She said, "John has been there too long." I listened to her and we talked and I did talk about the report and the issues that she raised. So then we come to Sunday, and I had been listening to the concerns of my constituents and Representative Bennett said the word first, otherwise than that I would not be standing but he used the word "partisan." I have come to the conclusion that we are here because of partisan issues. It is our responsibility to consider the source of the telephone calls beyond those that we normally receive. We must recognize that the purchase power of the press by the State Republican Party solicited those telephone calls and separated us out as Democrats and Republicans. I see this as a personal vendetta by some, some who may have had a history of confrontation with the Speaker, but I have to ask you if you have ever seen the Speaker teach a subject that I know is close to his heart. I know what I am talking about because the Speaker, as he teaches at the University, as he acts as Speaker of the Maine House, has in the recent past taught at Colby College two mornings a week.

I had many calls yesterday while we were here and I returned many of them, unfortunately for those who heard me today before 8:00 a.m., and many of them were from Colby faculty families. I know that John as a teacher respects this institution, respects government and cares about the preservation of this government. I think that if you believe that he would do anything to hurt this institution or damage its credibility, that you are wrong.

I have to ask those who have already raised the issue of the Room 107 group, that it was a bipartisan effort and we commend that, I commend that, I certainly did not have the time and could not take the time to be part of that, but I think I would like to raise the question of who did they ask about delaying a vote on the budget, so that in fact those deliberations could continue to go on and they had the support of the Speaker of the House. I think we have to recognize some of those who are perplexed and I think we have to recognize some people's personal political agendas. I have to say in a partisan sense, do you think that this will be the end? I say, no, it will not be the end. Next will be the questioning of the Attorney General's actions, next will be questioning of the lapses of time of the Majority Leader, next will be questioning the credibility of the Secretary of State. I commend Representative Mitchell of Vassalboro for bringing forward ideas about solving these issues and problems that people perceive or that are real. But, I have to say that the State and Local Government, made up of a very diverse group and if you would look at their membership, you would know exactly what I am referring to, that we currently have ten pieces of legislation on hold because of the budget process that we will deal with, that we will bring forward, not in the form of a House Rule that could be changed from one legislature to another, but will be brought forward in a deliberate and responsible sense.

I have to say that we have almost grieved about

this issue and our emotions are raw. I must take very seriously some comments of a friend of mine, a person that I have lunch with, not on a regular basis but several times a year, and I think the precedence of her comments, and I see her as our country's leading ethicists and you all know who I am talking about, because I believe some of her words are apropos today. She started her comments, so that I can remind you, "I speak as a Republican, I speak as a woman, I speak as a United States Senator, and I speak as an American." If you read her speech — as I went to my book today that she had graciously autographed for me several years ago, she says, "I think it is high time to remember the Constitution as amended speaks not only of the freedom of speech but also of trial by jury instead of trial by accusations." She goes on to say, "Those of us who shout the loudest about Americanism in making character assassinations are too frequently those who by our own words and acts ignore some of the basic principles of Americanism, the right to criticize, the right to hold unpopular beliefs, the right to protest and very important for us, the right to independent thoughts." I think it is very important that we recall those words and I am taking some time today to remind you of further comments of this very great woman. As she says "the American people", I would paraphrase to say "The Maine people" — are sick and tired of seeing innocent people smeared and guilty people whitewashed but there have been enough proved cases." She goes on to talk about issues before her in the United States Senate.

I could go on with a speech but I think that I probably have helped your memory to remember the debate of that day and the courage of one woman who said to all of us and to the Senate members that she served with, "Let's see things clearly as they are and not as we want them to be."

I am not going to end with that because, again, I am a student of Barbara Jordan and comments she made on ethics this summer in Cincinnati, Ohio, July 28, 1992, she ended, "You will do this as you actualize the greatest ethical principle, our minds and hearts can possibly comprehend. Do unto others as you would have others do unto each of you."

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I stand here not very proud this afternoon, I am really disappointed. The debate, ladies and gentlemen, should include in all situations a common respect for each other. This has not happened this afternoon. We got back to the old name calling, which we got into two years ago, which carried on and on. What I saw in the new, young freshmen was a desire to really get something done. They are sharp, they are talented. I have always said that I am not going to say, the other side of the aisle, we are all in this together. You are sharp, you are young, you want to get things done.

Representative Bruno was perfectly correct, I agree with him, he played a big part, his party played a big part in getting the Supplemental Budget out. The people really involved know what happened and that was done with an effort that was from both sides and I even hate to say both sides because we are in this together, we don't have sides in here. Ladies and gentlemen, we are together and I think we have got to stop the name calling. We started off the year and I thought we would have an excellent

year because, for the first time, Republicans were eating lunch with Democrats, we were talking to each other in the halls, we were communicating, we were open and we were honest. All of a sudden, here we are — I think we are going to take this apart.

We have got really, really important work to do. This is important but this is not what our focus should be on, our focus should be on the work of the people of the State of Maine and a common respect for each other. I think we had a start on it, if we can forget some of the words this afternoon, maybe we can get back to the feeling that we had prior to this. The freshman class of Republicans, I am very proud of what you did, you really stood up and was counted.

Let's vote on this issue, let's put it behind us. If we vote on it, we are voting on it because we believe that it is right. We are not voting because somebody else is pulling the strings, if we believe it is right, we are going to vote that way. If anybody knows me, they know doggone well that if I vote one way, I am not voting because anybody pulled my strings. You can ask anybody if they think they can pull my strings and cause me to respond and you will be surprised that maybe not too many people would say that they could get my strings to go their way. So, I ask you ladies and gentlemen, let's vote on this, let's put it behind us, let's get back the respect that we had for each other. I think we owe each other that much.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I want to remind this very illustrious body that in addressing you, I know what my responsibilities are. I have a constituency, I represent that constituency by serving on a select committee according to the rules and regulations of this body but I am sure I can't say that for everyone that addressed this body here today.

Mr. Speaker, I am speaking to you as the John Martin that I know, the John Martin that in 1985, during my first two weeks in this House, a sad and dear loss to me — this same Speaker that is being attacked as a monster showed unusual compassion and his respect in addressing and helping me in my loss.

I say to you, Mr. Speaker, you made a mistake because you exercised that same compassion and sensitivity — is that the criticism that we want to lodge against the Speaker? He did use poor judgment but which one of us would condemn an employer that exercised that kind of respect for an employee as far as toleration, family concerns? Would you condemn your own employer if he reacted that way toward you? I have been wanting to say this for four days but politically it was dangerous for me to say that. Right now, my heart is speaking, I could care less about the politics and I am saying that to my constituency out there. I will be accountable.

Right now, I am sharing another loss, I shouldn't be here, I should be paying respects to a dear loved one in my own family again but this is a payback to the Speaker, to return to him at a time when he needs me, as I have needed him over and over again. If that is wrong, if that is the kind of a person you refuse to accept, then heaven help us.

The SPEAKER: The Chair recognizes the Representative from China, Representative Chase.

Representative CHASE: Mr. Speaker, Ladies and Gentlemen of the House: I will speak very briefly

and I hope very directly.

What I would have liked our Speaker to do in response to this situation was to have addressed us publicly, stated that he did nothing wrong, and perhaps he knew of no wrongdoing and certainly did not condone any wrongdoing but that, for the sake and honor of the position and the honor of the House, he would step down as Speaker of the House. That is my notion of what would have been the proper thing to do. The Speaker did not agree with me.

I voted to table this because I wanted the Speaker to have an opportunity and the Majority Party to have an opportunity to deal with this issue differently. The body did not agree with me. So what we have in front of us is an Order. I don't like the Order, I don't like the fact that basically what the Order says is that we have the right to remove the Speaker because the public has expressed a lack of confidence in the House of Representatives. Our Speaker, this morning, said that those who would flout the wishes of their constituents on this issue do so at their political peril. My conscience says one other thing to me, which is that I am not going to vote in this body to preserve my political life, I reject that out of hand. So, I will vote to indefinitely postpone this Order. I don't like the Order.

Representative Foss spoke of a censure, a censure is something that I could accept. I will not accept asking the Speaker or ordering that the Speaker step down according to this Order because of the wishes of my constituency or because of my political survival.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Sullivan.

Representative SULLIVAN: Mr. Speaker, Ladies and Gentlemen of this August Body: I had as many calls and maybe more than some over the weekend. I had over a hundred but I have to tell you honestly that less than one-fifth were from my district. When people were telling me that this was the 8th or 9th legislator that they had called, they told me they were simply going down the list, and as I talked with some of my colleagues on Monday, I found that we could compare calls and they were matching. So, when we talk about thousands of calls that were made, yes, but when you are talking about how many people were involved, I believe you will find the numbers much less.

Secondly, when people referred to Mr. Martin in some unsavory terms, some were extremely nasty, some I think emotional, I asked them if they knew him personally, had ever met with him, had ever dealt with him and the great majority, close to 90 percent of them, said no. I said to them, well, how do you know the Speaker in the terms in which you are describing him and they said, "I read it in the paper." Well, to me, I then could only say to them that I would like to recall for them two major stories that were front page stories and they recalled them. I pointed out that each of those stories had a major error. When I told them what the truth was about those two stories, they said, "Well, I didn't see that in the paper." I said, "Of course, not because there is no accountability from the media. When they make an error, they do not print the correction on the front page in the same place where the original story appeared but rather inside the paper, perhaps seven or eight pages down in the corner, so you didn't find out about those errors. So, you are going to rely on that source for your

information about John Martin?" I am sorry that I can't say that I feel your reliability is correct.

My last issue is simply that, I have heard that if I and others vote for Speaker Martin, that my political career, as short as it is right now, is at risk. Those threats came from phone calls, from voters, and I have to take that risk to face those voters again if I elect to run for re-election, but I have not been threatened, coerced, asked, leaned on, or anything else by anyone on either side of the aisle of this House nor from any other place other than the voters. I have not been threatened by anyone but the voters who called me and, as I said, I will take that risk but I want you to know that when I vote to indefinitely postpone, it is because it is the way I feel, not because someone has told me or threatened me to vote that way.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cathcart.

Representative CATHCART: Mr. Speaker, Men and Women of the House: I know that we are all frustrated with being here and I, too, want to go to my hearings but I felt I had to say a few words today.

I got many calls over the weekend and perhaps a third of those calls did come from my constituents and I tried to talk to most of the constituents. They were very interesting calls. I heard a lot of frustration. The people of this state feel frustration, we have had a terrible recession, we have had budget shortfall after shortfall. I know many people in my district who lost their jobs and who have been out of work for a year or two years, their families have been hurt and I heard their frustration and I was glad to hear from them about that.

However, what I see is that this frustration that people have had in the bad times that they have been through have caused them to distrust us who are their Representatives and to distrust all the elected Representatives that we have. I think what they wanted at this time perhaps was a scapegoat and John Martin has become that scapegoat and he is an easy target now. So, that is why I heard so many people saying, "Well, you've got to get him out, he has been there too long, things will be better." The scapegoat could just as easily have been Governor McKernan. Many of my callers said the same thing. They said, "Get rid of Martin and McKernan and everything will be okay again." Well, that could be true, but what is true is that John Martin has been made the scapegoat and, just because he is a scapegoat, that is no reason for me to decide to vote him out.

I tried to clarify this for myself over the weekend and yesterday and today. I have read the Attorney General's Report and the transcript today. I have heard what the U.S. Attorney, a Republican, and the Attorney General, a Democrat, have said. They said that Speaker Martin did not commit any crime and I can find nothing illegal that he has done. He should have acted differently and he has said so himself. He made a grave error in judgment. Which of us has not made grave errors, particularly if we are those who have lived with or worked closely with alcoholics?

I thought I would share something that was said to me at my hearing at the Elks Club, which didn't happen at one o'clock because I had to come back here. I was presenting a bill on welfare reform, which is very important to me and two women from

Bangor were talking about the situation we are all caught in here and one said, "I think what you ought to do to John Martin is sentence him to six months of Al-Anon meetings." I said, "What a good idea." I hope that he will go and that his staff will go and learn how to behave differently in the future when they are confronted with working closely with an alcoholic because we have clearly a case where people were manipulated and did not know how to handle the behavior and acted unwisely while caring a lot about the person.

John Martin was wrong, I believe, in not taking his employee's alcoholic behavior more seriously but he was wrong, not criminal. His employees were criminal and they must be punished and will be. But, John Martin himself, does not deserve to be the scapegoat for all the ills that plague us in this great State of Maine and that is exactly what people are trying to make of him. He used poor judgment, he did do that, and he was wrong, but he does not deserve to be lynched for that.

I urge you all to give him some support today so that we can move on to my welfare bill and your bills and the other important legislation so that we can all work together and get the work of the people of this state done.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: This discussion is not a demonstration of a lack of respect for a man who has spent almost 20 years at the podium. It is not a criticism of a man who has dedicated his whole life to the service of our state. It is rather a discussion of a breach of public trust in his continued leadership.

It has been stated that he made a mistake in judgment but may I remind you that his mistake in judgment is directly related to a ballot tampering event that betrays the fundamental rights of one person and one vote. If I heard a common theme from my constituents, it was that their most sacred right to cast their ballot was violated. They are appalled that it happened here in Maine.

The election process has been seriously tainted and, although the Speaker committed no criminal act, his office was involved through the action of his Executive Aide. Thusly, there is a very dark cloud over the Speaker's Office and, as a result, there is such a cloud over this institution.

This debate is about ethics and it is up to all of us to decide whether the Speaker is able to continue to lead with credibility. We must decide for ourselves if Speaker Martin, with his mistake in judgment and his admitted lack of supervision of the people under him, should continue to be the person to stand at the podium. Our vote cast today is not a political one and it is not a personal attack to the man at the podium but rather it is an ethical vote so that we may again establish credibility in this institution. We owe this vote to the people of Maine.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Coffman.

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: Since this is my maiden voyage at the mike, I beg your indulgence. I can promise you that I won't be as eloquent as some of the previous speakers and, hopefully, I can also promise you that I won't be as long-winded as some of

the previous speakers.

If I should have a heart attack here because my heart is pulsating rather quickly, just ignore me and get on with this issue and vote and then you can attend to my needs.

I have a great deal of respect for the rank and file here. Being a conservative Democrat, I find myself right in the middle. I guess that's where I'm always at in my life but it is kind of interesting being there down here. I am part of the group that meets in Room 107 in the spirit of cooperation and the spirit of getting things done, in the spirit of bringing common sense to the halls of Augusta, which the people out there feel there is a lack of.

I listened to this debate from all sides. I have even ventured down into the caucuses that the Republican Party had and attended one. I have yet to see clearly spelled out for me a reason to remove the present Speaker from his position. I notice that we get information on our desks constantly from all kinds of sources and I have yet to see presented from the Republican leadership some information that would help guide me into making a decision that they would like me to make and vote to remove the Speaker from office. Yet, I am prepared to vote as a Democrat for the removal of the present Speaker if and only if the present leadership of the Republican Party here and the Democratic Party and the Governor of this state would follow him out the door. I don't say that lightly, being a veteran of the state shutdown, not as a legislator, but as one of those people who had their tent pitched across the way, my tent was the first one in case anyone of you ventured over there, it was the one that said, "Temporary Blaine House, the Governor is In/Out" and I circled "Out" and put "To Lunch." I roamed these halls for several days, I had my two daughters down here as honorary pages and I stayed here until the early hours of the morning with you and sat up there listening to what was going on. I sat in the other body when they were dealing with the issue of Workers' Compensation in the state shutdown and I felt that I was one of those people out there who had a great deal of frustration with what was going on or with what was not going on down here.

Even though I was somewhat of perceived labor activist standing up for the rights of workers and small business owners in this state, I ran in a district that has been Republican forever, as far as I know, forever. And, I won overwhelmingly. How could that happen, somebody who was perceived to be so Democrat in a Republican district? Well, I have copy in my brochure here and I would just like to read to you one paragraph and I think that sums it up. I agonized over what was in this brochure. For three months I held off making sure everything in here I could stand by. I pulled this out every so often so that I will remember what I said in order for the people of my district to send me down here. "I am running because, like most other people, I am tired of partisan political bickering which glues legislators to their seats and denies sensible cooperation on problems. Political rhetoric, which tries to cloud issues, hidden agendas and the lack of common sense that would let our legislators know what we really need and want in our state government." That's how I got down here and I mean what I said.

I didn't come down here to start destroying everything. I have learned since I have been here to have an incredible amount of respect, not only for

this institution, which I am very proud to be part of, but for the people that I meet here everyday that work here in these halls. I remember attending the workshop on Corrections at the Augusta Civic Center and in one of the folders that was 50 some odd page long, they had a study or a poll that they had commissioned to find out what the favorable rating or otherwise was of different parts of state government, corrections, law enforcement and DHS. DHS was next to the bottom. I've got to say that I was shocked when I looked at the bottom. The thing that was at the bottom was the least most favorable rating and that was the State Legislature. That poll was commissioned last year, way before this ballotgate. I can only imagine where we stand now to the people of the state. Actually, I don't have to imagine very much at all because they are speaking out. What I see going on is that it is not that the attack is to the present Speaker, it is an attack to "business as usual" in Augusta. The gridlock that is developing — it is not just even in this state, it is in this whole country. Business as usual means that everything is falling apart and the people out there are wondering why. We have intelligent people that we have elected to straighten things out for us and it never gets done.

I just hope that even more important than this vote, and like I stressed earlier, the only way I would vote to remove the present Speaker from his position would be if the others followed but I have no reason to, based on what I have been given. Once we get past this, I hope that the key issue that needs to be addressed will be addressed and that is to restore public confidence in this institution and state government in general. I hope that the spirit of the 107 group will become infectious and infect all of us where we can work together, where we don't have to break into separate caucuses every time we turn around. As a freshman legislator, I feel I am just hearing one side of the issue. I didn't know that that was what we do down here. I thought we gather in this room, we had the two opinions from both sides of the aisle and we can listen to both opinions and make up our own minds. That is the way I thought we do it. I would hope and encourage that more of that be done because I can't go to the Democratic caucus, to the Republican caucus, and keep flying back and forth. I have several committee appointments, I am busy as anything. I was wearing this awhile ago, "I want to work, not play politics" and I feel that that is what this vote is about, politics. If anybody should be sensitive to how I vote on this issue, it should be me, but I am not going back home and say I succumbed to any politics or any power plays. I can explain my vote and I certainly will.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Michael.

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: We have heard from previous speakers today, many comments which amount to diversions, from the issue which is before us. We are not here today to impeach John Martin, we are simply here to decide whether or not we remove him as our Speaker. We are not here to impeach Governor McKernan. If someone wants to do that, they can make a motion and then we can discuss that matter. It is totally separate from what we do today and what happened in the past between the Democrats and Republicans and with the Governor — it is totally

beside the point. We are not here to discuss what happened three or four years ago in another ballot tampering matter with an Augusta legislator because that also is not before us today. We are here for one purpose only, to determine the future of this body and of the Speaker.

We need no excuse whatsoever to remove the Speaker. He serves at the pleasure of this body and we prop him up there or remove him by a majority vote, by a majority vote at our pleasure. We needed no reason to nominate him and to vote for him, we need no reason to take him down. If you are concerned about the Attorney General's ballot tampering report, and I am somewhat concerned with it, then fine, you can sift through that and look for additional reasons to do whatever you want to do. If you are concerned with the transcripts that were provided to us today, you can sift through those if you want to, but the determination of whether you vote for or against John Martin, does not lie in those documents, it lies in your heart. You need no reason, the power exists with you.

The question before us today is, who do you work for and who owns this government? Do you work for the people of the State of Maine and the people of your district or do you work for John Martin or the Democrats? I am a Democrat, I have been at times a partisan Democrat, I consider myself a reformed Democrat, I am glad to see that there has been a few reform measures put in today suddenly, I hope that we pass those later on, but those are also beside the point. Those items that Representative Mitchell offered, I hope we pass them at a future date, the same as I hope we get onto all the work that everybody else has talked about, but that is not the issue before us.

The voters have made their feelings clear, certainly in my district, I am a little surprised to hear some people stand up and demean the voters back home as if they don't know what they are doing, as if they don't understand — I think they understand quite well, I think we should listen to them. I respect my voters and I encourage you to do the same.

It is a very interesting vote today because Speaker Martin stands alone, he runs against no one on this vote. He doesn't run against me, he doesn't run against Representative Kilkelly, there is no demonic Republican partisan that he is running against that can manipulate you into having to vote for Speaker Martin. He is not running against the gentleman in the corner or someone that might replace him in the future here, he stands alone. So that vote that you will take today is a vote strictly on whether you endorse and embrace the tone and the policy, the attitude and the arrogance of the Speaker of the State of Maine and your own arrogance is on trial today, the arrogance that the public holds in contempt.....

The SPEAKER: Will the Representative please take his seat?

The Chair recognizes the Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, a question! I think Representative Michael is getting a little carried away, don't you?

The SPEAKER: I believe the Representative from Auburn, Representative Michael, has heard the statement. The Representative may continue.

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I believe in what I am

saying and I believe that is the vote today. I do believe that the people back home do consider us arrogant and out of control and that is what they will be looking at today. As I said, the Speaker stands alone and there is one other person that stands alone today — you! You stand alone today, soon to be recorded on the roll call, naked before the people of the State of Maine and they will be looking to find out whether you vote for them or whether you vote for Speaker Martin and partisan politics. It is up to you, ladies and gentlemen, — make your choice.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in support of the motion to indefinitely postpone this Order. I disagree with the Representative from Auburn, Representative Michael, that we need no reason to vote for or against it. I was sent down to this body to vote my conscience, to vote for what I think is right. If I was to vote for this Order, I guess I would need a reason. To make light of this vote that you need no reason is very, very incorrect.

I sat here and listened to the debate. I sat in two caucuses and listened to the arguments and debate. The Representative from Scarborough, Representative Pendexter, would have you believe that Ken Allen was working for the Speaker at the time that he did the recount. Yes, indirectly he was working for the Speaker but he did it on his own time. He took time off because the individual wanted Ken Allen to represent that individual at the recounts. Yes, I do need a reason if I am to vote for this Order or to vote for the motion to indefinitely postpone this Order.

I read the report as many of you read the report. I think U.S. Attorney Cohen and Attorney General Mike Carpenter made it clear in the report. I think Speaker Martin took a courageous step and was willing to answer questions from this body, realizing that there are members of this body in both political parties who was going to go after him in one form or another.

I, too, as many of you, have received a lot of calls this weekend. I had a chance to return a lot of those calls and after talking to some of my constituents, they changed their minds.

I read in the paper, and hopefully Representative Whitcomb would give me the sheet, I understand there is about 400 and some odd people from one of the towns that I represent, Patten, had signed a petition to remove Speaker Martin and I will talk to each and every one of those people if he provides me with that list. I feel that each and everyone of us was sent down here to represent our districts, to try to lead this state on the right course.

If you could talk about leadership, is leadership going every which way the wind blows? I don't think so. I think a true leader is one who gives thoughtful and considerate thought to an issue and is willing to speak out on that particular issue, regardless of which way the wind is blowing. It is up to that individual to talk to his people back home and express his views on how he should go. That's what true leadership is. Leadership is not by receiving 20 calls, 30 calls, and voting that way or saying that is the consensus of my people back home. That is not true leadership, that is an excuse. I

will have to answer the people back home on the way I vote and I think I can do that confidently.

If there is something in that report that would lead me to vote the other way, I would do so. I found nothing, nothing. I think it is a very sad state of affairs today because I have known a lot of you for many years and I know that it is a very, very difficult decision. I hope that whatever way you vote today, you vote not for political reasons. That is one thing I found down here that is every discouraging and I hear it time and time again from legislators that they agree on something or a certain way and that it is right but they vote the opposite way because they are afraid of what might happen back home. You were elected to come down here to be leaders. If you are not leaders, then you should not seek re-election, you should stay home.

The Order talks about expression of lack of confidence in the Maine House of Representatives because of the ballot scandal. True, that might be one of the reasons, but that is not the only reason. The lack of confidence is because of what has happened over the last three years. Needless to say, some of you in this body managed to get in this body by running down this institution. I think that is very unfortunate.

I agree with Representative Bruno in his statements earlier, I think we should work together, I think once this vote is taken today, we should put it behind us, we have to move forward, there are a lot of problems that we have to solve. I do not want to come back tomorrow or the day after to continue to debate this issue. I hope that you will go along with the Representative from Waterville, Representative Jacques, and indefinitely postpone this Order.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Cloutier.

Representative CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: I have heard a lot about a lot of people receiving a lot of telephone calls and I am really happy about that because I work for the phone company and I have three children in college so I want to thank you all.

The more important issue is simply one of growing up in a big family of 12 children, and I was fortunate enough to go to a parochial grammar school, Holy Cross, then I went on to Cheverus and then I was fortunate enough to attend Maine Maritime Academy and travel around the world. I ran into a lot of people, different cultures, different races, different creeds, and fortunately for me as a lot of my friends would say, you are lucky, you are unscathed Pete. But, the thing that brought me through it all was the ability to be able to look people in the eyes, no matter where I was in the world and treat them as I would my children and all of my brothers and sisters.

When I stood up here in the 109th, years ago, and said the same thing about being fair and being kind — that is what I am referring to today. I am talking about people like ourselves who are a big family. I care very dearly about my family just as you all do yours and I believe this is an extension of our family, we have all worked hard to put ourselves in the position that we are in to make it better for the people of the State of Maine. What I learned along the process of life and throughout the campaign was simply this, that people on every door that I knocked on wanted one thing and that was us to

roll up our sleeves and get down to the real business of the state, not to cast innuendos, aspersions, whatever you might want to call them. The people did not ask us to come up here and do those things. Those are disgusting things. The people asked us to come up here and serve them meat and potatoes. So far, they have received garbage. You don't want to eat it and I don't want to eat it and the only resolve to this particular situation is to get together, to work extremely hard together, to get over our emotional feelings and understand that there is still time for us to roll up our sleeves and get down to the real business of the state. There is still time to help the abused kid who has to be in intensive care to be looked at. There is still time to help the mentally ill, who are left wandering our streets. There is still time left for us to work together to assure our children a decent education for their future and for ours. There is still time left for us to address the needs of our elderly. There is still time for us to provide jobs for the people of the State of Maine. There is still time for us to encourage business to come to Maine to enjoy the meal that we can collectively prepare.

Ladies and gentlemen of the House, let us not serve the good people of the State of Maine anymore garbage, let us serve them a healthy meal of honesty, perseverance and hard work. The menu of life is fairness and the menu of traditional Maine pride and character and integrity is in all of us. Let us get on with the real business of our great State of Maine. Let us stand together, let us hold our hands together and our minds together — I know we can do it and will do it but we have to stand tall, we have to stand strong and we will do it.

My Dad told me one time, he said, "Pete, you put your fist in a bucket of water and pull it out, does it leave a hole? Don't ever think you are that important in life." And, I never have. My Dad also told me one thing more before I came up here. He said, "Vote your conscience, Pete. When you vote, you vote like you are never going to run again." That was the other great piece of advice he gave me.

I care about every person in this House, this isn't rhetoric, this is from my heart, everyone of us has one, everyone of you can look me in the eye and talk to me anytime and I hope that I can do the same with you. I will give you nothing but loyalty and caring in the spirit of compromise, which our constituents have all sent us up here to do.

I thank you for listening to me and I wish and I hope and I believe that we all will work together.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I can hear a little echo behind me, be short. If any of you know me, I am short and right to the point.

Over the weekend I go home and go to work. The minute that gavel is lowered, I am out the door and go back home to make a living. When I got back to work this weekend, I can tell you I had to carry a radio on me just to answer all the telephone calls coming into the plant. I wish a lot of you had gone home and listened to the people who called you because I think a lot of you didn't take time to answer some of those phone calls. I think a lot of them called me in Millinocket because they know I am home or they sold a lot of answering machines because a lot of you didn't take the calls.

I had the media call me late Sunday evening. I was just about ready to go to bed, it was about 11:00 or 11:30 — I read the report three times. I went to all the hearings, everything I could attend because I am representing the people of District 135 and I think they ought to know what is going on. I made everything I could make and listened to it and read it over and over. Coming back here Monday, I really was undecided what I was going to do. But, the people in Millinocket elected me to be here from District 135. The Speaker of the House does not elect me to be here or any of you people serving in this body — I have to answer to the people in my district. I take a little opposition from my colleague from East Millinocket — leadership is the people I represent.

I read the report over and over and I got a lot of phone calls and anybody I had a chance to talk to and explain to them what I knew, most of them just could not realize what was taking place in the paper. If you put out an ad in the paper, a paid political ad by a certain group, you are going to get so many calls regardless of what you want to do with that. I know a lot of what I am saying has been said, I said it in my caucus, I feel I have to get it off my chest. There are a lot of people here who are frustrated. There's a lot in this House who are very frustrated with what is going on.

Over the 13 years I have had an opportunity to serve in this body, I have had a number of occasions to cast my vote against the Speaker, that is what I am not going to be doing here today. I can tell you why — because the report leads me to believe he was innocent of any wrongdoing. If my feelings would let me vote the way I want to, I would throw him out the door tomorrow but that is not the way the vote reads. Mr. Speaker, I will be voting for you.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: Many of you have sat here for the three hours that this debate has gone on, as I have. Many of you have taken notes, many of you have listened intently. By my count, there are 17 members of the Democratic party who have stood in support of the motion of the Representative from Waterville and given a long list of reasons, talked at great length about their family, quoted Margaret Chase Smith, read from their brochure, talked about the budget and, yes talked about the incident that is before us. Under discussion is whether we have the responsibility and reasons to remove the present Speaker from the office that he now holds.

It has been just a fascination for me to hear the tremendous credit given the Republican Party for the ability to orchestrate such an onslaught of voter response on an issue. I am just amazed to have ever heard that on the floor of this House, that there would be one political party that could organize hundreds and hundreds of phone calls, as has been said time and time again.

One of the other things that just amazes me about this so-called debate has been the constant criticism of the media from the Democratic Party as to, I quote the majority floor leader, "It is the media who have made this an issue." Then people wonder why we refer back to people like Nixon and the same kind of comments, blame the media, blame the media. But, I guess one of the most fascinating comments of all — and I understand some have been directed to me and I



appreciate that, I don't agree with them and I may rebut a few of them before I am done — was the comment from an individual from Bangor who said, after talking long and eloquently about the virtues and the service of the gentlemen from Eagle Lake, he should resign. I guess it struck me at to what it is we are doing here. We are under the same roof, listing many accolades, accomplishments and achievements of an individual and from two political parties suggesting that a change is needed. There is an incredible attempt to rationalize the opinions of the people.

I heard the pungent comments from the Representative from Brewer who said we are poisoning the atmosphere by bringing this issue to the attention of the public. Boy, if there is a word that is overused around this place, it is who poisons the atmosphere when.

I want to remind you about poisoned atmosphere when two Representatives sit in this body, one of whom yesterday was officially given his seat, one of whom who has not yet officially been elected to this body — picture, although it is hard for many of you, to be in a party where you have election after election that you have no idea what is happening to you, where you know a number of people are operating in and out of the Secretary of State's election recount process, where the votes are disappearing, changing, where Ken Allen and others circulating in and out of the Speaker's Office, is causing elections to do things you do not understand, make no sense and then you wonder why we mistrust you. Then we are condemned for poisoning the environment and planting the seeds of discontent among the electorate — if only we were so powerful.

A number of questions have been raised about the sincerity of the phone calls. I appreciated the comment from the Representative from Jay, I am surprised that someone from Waldo called him. I know I received a call from a union hall in Jay. I know I was very courteous to everybody who called. I know I had several Democrats call me and talk about how discourteous they were received, but that is neither here nor there. People have a right to call, people have a right to an opinion, people have a right not to be lectured to.

Several of the speakers today said, well, we need to inform our people that we know more about issues than they do, that they are not right in their thinking about how Maine government functions. People are right in their ability to form opinions about this place. People are right in their contempt of the process.

There is much criticism about the activity that has been directed out of the Minority Office. One of the reasons that activity was directed in the way that it was is because of our distrust of the system with a Democrat Majority in this House, a Democrat elected Attorney General, a Democrat elected Secretary of State — we distrusted it going into the recounts, we distrusted it during the recounts, we distrusted it when the ballot tampering was disclosed, days after several people knew about it. We still distrust it, despite pronouncements by many here that we need to move on. If we are critical, it is out of distrust.

It seems to me as we have attempted, many, to blame two political parties that we have a collective decision to make. It is whether the opinion of our people does matter, whether their collective opinion

does have some wisdom and that is that the problem starts at the top, that the seeds of distrust start at the top, that we now know that at least one individual under the top was a criminal, was in contact with the Speaker, his attorney and others, that there were delays in that information going to the criminal investigating officers and we wonder why they distrust us. We wonder why these supposedly orchestrated calls are not running in favor of the institution or of the present Speaker.

The Representative from East Millinocket asked me to share with him this petition, which I will, saying he would love to tell these people how they should think about this issue, all 452 from the town of Patten, who unbeknownst, believe it or not, to the Minority Party, circulated a petition. I bet there are Democrats on here and I bet there are unenrolled voters on here and probably there are some of those suspect Republicans who believe that the system needs to be changed at the top.

Many of you and I and others have offered pieces of legislation to reform the balloting process. We no doubt will go through that but the problem starts at the top. This isn't character assassination — pleased though I was to hear quotes from our good Senator, Senator Smith — this is a judgment call on the part of each elected member of this body. We can delay, as the good Representative from Bangor said. Although he accused me of McCarthyism, I wasn't born at that period of time but I have read some about it, he in a sense agreed with me that we have such a problem that the Speaker should resign sometime.

I submit to you these were real people who made real phone calls and the orchestration was on both sides of the aisle, that the neighbors of the Speaker who called me from the St. John Valley, family members and others, were of a similar number as those people who on the Republican Party were calling around the state as well. If you want to describe orchestration, you can do it from both sides of the aisle, but there were real people who have a real concern about this institution that will not be solved with the present Speaker. This will go on, the contempt will exist, the distrust will continue unless we remove the Speaker of the House.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: Everybody just sit still for a moment and take a deep breath because what we do here today is going to influence this body for the rest of this century. Let's be germane about what we are talking about here — it is the body, the integrity, the perception that we have in the public.

It was just over 20 years ago that we had a President resign, not for ballot tampering, there were no ballots in Watergate. President Nixon did not know about the break-in until after. He resigned because of his lack of integrity when he found out that the crime had been committed by junior staff members, not senior staff members.

We all talk about civil rights — I marched in the 60's. Some of you may have too. Some of us have worn the uniform of our country and fought to defend the Constitution. I have lost friends in those battles and I value their lives dearly as I value our Constitution.

I think we all have to endure what I am about to say and it is germane and we should listen and listen carefully. Put yourselves, any one of you, in my

position. It has been 112 days since the crime was committed. On the first day when I was aware that something was going wrong, think of what you would do if you were in my position. Ballots were being changed. I was aware of that. I couldn't prove it, I had no idea who was doing it and all I asked, that the challenged ballots that I thought were being changed, be photographed. I went to the Secretary of State, I went to the the Attorney General and I was turned down. The Deputy Secretary of State said to me, "If you don't like how we are running this recount, go see the Speaker of the House." I say this especially to every woman in this body who at times in their lives may have looked up and seen the glass ceiling and who have had the tables tilted against them and the only recourse they had was to go to a higher authority and that authority was the one that was damaging their civil rights.

Let's focus on what went on here, the gravity of the crime. We must have a level playing field, this is not a partisan issue as was portrayed today. We are talking about issues that have nothing to do with this crime. We talked about why we are here and I believe we are all here to make a better Maine. But, we are sitting in the court of public opinion and that has no partisanship. That was displayed last weekend to all of you but I have been enduring that for 112 days. My family has dealt each day with the uncertainty of what the next day would bring, especially after what happened in the District 101 race.

I have decided to stand up. At first, I stood alone and now I believe hundreds of thousands of Maine people stand up and are disgusted at what was done and those that have condoned it. The best grass roots politics there can be is people rising up without someone asking them to, rising up on their own.

We have a small market in my town called Nicely's Market, run by a leading Democrat who just happened to put up last week a sign asking people their opinion. In 24 hours of store open time, he had 440 people come in saying the Speaker should step down, not kick him out, not evict him. There were 37 people that said he should stay. This was before anything was in the paper about phoning your legislator.

We must know, if we don't by now, that we work for the people and we are their Representatives in Augusta and that is what our democracy has been all about for over 200 years. It was mentioned before — the Representative from Waterville tried to talk about some proverb in Latin. I know very little of Latin but a word comes to mind "semper fidelis." For those of you who don't know, that means "always faithful" and that should be the creed of every one of us here to be always faithful to those who sent us here.

The last 112 days I have been getting messages from people in my district. I have received over 1500 calls, that is almost more than voted for me in my district. Last Sunday, I received 164 calls, 160 of them was to elect a new Speaker and four was to keep him. Of those four, two came from Aroostook County.

This is truly an historic day and we cannot take light of this, we have to stay focused on the gravity of the crime. We have to judge individually ourselves whether or not the Speaker condoned that crime when he knew about it and when. That is an

individual judgment for every individual here. We stand alone. I stood alone and you will stand alone on this.

All of us know that history repeats itself, that mighty few of us recognize it, the repetition, until it is too late. We can go back to 60 A.D. when Emperor Nero was the emperor of the Roman Empire and he had his Roman Senate, the genesis of our democracy in modern history face the similar problems that we face today. They didn't steal elections, they just went out and murdered people in those days but when you steal an election, you are almost committing the same level of crime as far as I am concerned. The leader of Rome was Nero and when challenged, he would rather see Rome burn than have a new leader and that is what he did. Particularly enough he brought a scapegoat out in this and it was the Christians at that time and they were persecuted and blamed for the burning of Rome. We have seen that today, some people have mentioned McCarthyism — well, I can see that that is in reverse, you are painting the picture of people trying to be pro-active and paint one party over the other and that is not it at all today. We should stand here as individuals and vote as individuals. Number one, we have to say, was there a crime? Yes, there was. Elections were rigged at the highest level of state government and that is inexcusable and never seen before in the State of Maine. We have just passed the 173rd year of our Constitution and it has never been more strained than it is here today. We must realize that. If we don't, we should not be here and we should resign immediately.

So, let's face up to this. As individuals, there are few times in our lives that we have to deal with something as severe as this. Many of us will never deal with it. It is like when Rudyard Kipling said, "When you see the eye of the tiger once and face up to it, you can easily do it again." The eye of the tiger is upon us, let's face up to it now, make the right decision, get it behind us, get confidence back in the legislature with new leadership and solve the state's problems. The ship of state needs to be pulled off the rocks and have a new captain and proceed to a better Maine.

The SPEAKER: The Chair recognizes the Representative from Howland, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Men and Women of the House: I had not intended to rise but I find it is impossible to sit still any longer. I was glad to hear the good gentleman from Waldo claim credit for this well organized attempt to what some people are calling an attempt to crucify John Martin. We heard him refer to the media saying some people blame the media. I don't blame the media because the media prints what sells. If a man goes home at night and kisses his wife, he doesn't read about it in the paper the next morning, but if he picks up a baseball bat and whacks her in the head, he will make the headlines for the next month. That is what we are seeing now.

It is true that Nero fiddled while Rome burned and I think we have been fiddling here today for four hours. Probably 90 percent of us had our minds all made up when we came in. I am sure there are a few of us who have some values that we learned long ago before we ever came to Augusta that control the way we think today.

I think we should be aware of the fact that the recount process was not something that was under the

control or the supervision of the Speaker of the House. That was under the control of the Secretary of State's Office and there were people from the Attorney General's Office there. The manner in which those people conducted themselves was the responsibility of the Secretary of State. We should note that Mr. Allen and Mr. Flood were not selected by the Speaker to go over there and work, they were chosen by the candidates themselves. Some of you may think that we are talking about a ballot tampering scandal here today but I think we are talking about an attempt to crucify a man who has delivered 30 years of service to the people of the State of Maine.

When I was in the legislature before, John Martin was a student over at the University of Maine. He came down here out of college, he was fresh, he was alive, he was ambitious, he was brash, he was anxious to be up and doing, he was independent, he was a driven individual. He didn't have the slightest doubt in his mind but what he could accomplish miracles. John Martin did accomplish miracles because the year before he came down here, there were just a handful of Democrats down here, but that didn't bother him at all. He was confident. The confidence of this young Democrat amused some people and that super confidence, I think, irritated some people. But, over the years, because he talked about people issues, he talked about health care, he talked about working people issues, he talked about labor, he was a people-minded man and you know what happened during the next few years, his group led by him, became the Majority Party here in the State of Maine. He spoke for these working people and there was no individual and there was no group or corporation that was exempt from his scrutiny. This man was driven to fight for the underdog. I give him credit for that. I was a Republican in those days but there is one thing that I long ago learned and that was to have some respect for the brain that that man has.

I would point out that he is neither saint, and I don't think is much of a sinner, I think he is a human being. He is an impatient man and he is quick to anger, but he is just as quick to speak softly. He can change from one to the other faster than any other person I ever saw. But, he is a man of action, a man who wants to waste no time and who can make decisions. He will cut that Gordian knot in a hurry if he needs to in order to reach a goal. His tongue can be sharp and his language colorful and plain, but it is easily understood and is usually given to you face to face. I admire any man who does that. If we can't take that kind of criticism from somebody when they are talking to us face to face, we really should get out of the kitchen.

I would also point out to the people who think he doesn't have a heart that many of you people don't know of the countless acts of compassion that this man has performed over the years in which he seldom discusses with anyone. These are the thoughtful acts of concern and compassion such as Representative Aliberti spoke of here today. They are not done for political gain. They are done by a human being who really cares for his fellow man.

It is said that John Martin is relentless in his pursuit of a goal and he is. There is nothing wrong with that. It is hard to stop his drive toward chosen goals but it can be done with facts and logic and reason. If you don't agree with him and you can present an argument, if you can present facts, he

will back down, he will agree, and he will change his mind if your argument is better than his. None of us can and none of us should criticize a man who is big enough to do that. I think that today we are seeing and have been seeing for the past several days and weeks a disgraceful display of a cheap political power play completely unrelated to the business which the people sent us down here to do. My people back home have given me a message — they said, you have got a job to do down there, you had meetings, a Republican jurist, the United States Attorney from Maine and a Democrat Attorney General conduct an investigation and they concluded that there was no crime committed, there was no attempt to cover up. If there was any mistake, it was a mistake of judgment, a mistake of the heart. Are we going to crucify a man for that? They say to me, now that this is over, why don't you get back to work and do the job that you were sent there to do?

You know what the reasons are for this and I don't need to elaborate on that. I want to close merely by quoting one little paragraph and I think I had better read it. I think what is happening here is no credit to any of us, I think we all must share in the blame and I think we must all share in the shame that goes with it because I don't think we are acting like statesmen. I think we should look in the mirror when we go home tonight and say, what can I do to help make this better? It seems to me that to fault a man who has given 30 years of his life in the service to the people of the State of Maine and to reward him for this service by asking for his resignation is totally unfair and unwarranted. For these reasons, I will not play the part of Judas in the proposed crucifixion of the Speaker of this House. I hope that when you vote, you will let the values that are important to you make your decision.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Lipman.

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I have sat here three, going on four hours, and I would like to if I could, bring back some of the debate that I have heard. I have heard that the Speaker exercised poor judgment from both sides of the aisle. I have heard the Majority Leader indicate that there will be something done. I have heard the State Representative again from the Majority Party from Bangor suggest that the Speaker should resign before 1994. I have heard people get up and say we ought to vote today and get beyond this. Ladies and gentlemen of the House, these are inconsistent positions. Either we are going to deal with the issue or we are going to talk about the issue with alternatives.

I want to commend the Speaker for releasing the transcript, I think that was very important. I had a chance during the recess to read this transcript. I am not going to be here a long time but I think for those of you that have the transcript, page 30 and 31 tell us a very important story.

If I may refer to the transcript.

"Detective MacMaster: Do, do you recall telling Gwadosky that you intended to call Jon Hull to find out what was going on, or...

Answer of Martin: No.

MacMaster: To, to have him check into it or have him take care of it, or...

Speaker Martin: I don't recall, I don't recall, and I would have had no reason to, because I knew that Jon Hull was going to be there Wednesday morning

on the recount.

MacMaster: Um hum.

Speaker Martin: Because Jon had told me that, and he had told me, "If I find anything there," and I said, "Tell the AG, and then let me know after that."

MacMaster: Now, when, when Hull is saying that if he finds anything on the morning of the 16th, he intends to call the AG?

Speaker Martin: Anything suspicious, or...

MacMaster: What, what's he...

Speaker Martin: Extra ballots, or whatever. I, you know, I don't recall...

MacMaster: What's his basis for that? What, what's his basis...

Speaker Martin: It is based on the conversation with, with Ken, I assume, or with Barb, with Deb Rice, because that's where this whole thing, this whole issue was about.

MacMaster: Right.

Martin: Yeah.

MacMaster: So, so, so Ken was obviously saying something to either Hull or Deb Rice that would indicate that there might be something wrong?

Speaker Martin: Well, that's what I recall, yeah.

Detective MacMaster: All right.

Martin: Yeah. And, I can, and I do remember making that comment to Jon, and I'm sure Jon will verify that, that I said, you know, "Whatever you do, if you find anything that even looks smelly, or appears to be wrong, based on where you were at that recount, you know, disclose it quickly." This is the end of the quote.

This is the Speaker's knowledge based on his discussion with Jonathan Hull on Friday night that led him to have this conversation with Jonathan Hull that "if he sees anything smelly, he should get in touch with the AG's Office." Remember, on Tuesday December 15th, the Speaker learns from Majority Leader Gwadosky that there is evidence of a break-in. If that didn't signal a reason for someone to go to the AG's office, I don't know what would.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I do not generally get involved in debates such as this but I do want to go on Record in support of our Speaker. I have been in state government, either as a state employee or in this legislature, for nearly as many years as the Speaker has served in this House. Of those many years, four of them were working in this legislature. I was secretary to the Speaker of the House in the 102nd Legislature when the Speaker first came to this body as the youngest legislator in the state at that time. I observed him and was very impressed with his dedication to this institution and to the State of Maine. He still continues to have the interest of the citizens of the State of Maine. This is a sad time in the history of this institution. We were elected to serve the people of the State of Maine and it is time we begin to address the serious issues of this great State of Maine and put this issue behind us.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Oliver.

Representative OLIVER: Mr. Speaker, Ladies and Gentlemen of the House: It is interesting to me because we all make judgments. We look at people's character and sometimes we see snapshots that we may not like. I think it is only fair if we are judging

someone to look at the total spectrum, to look at all the actions, all the positions, all the feelings that make up the human being.

I think in this case, I wanted to go back to an incident that happened a number of years ago. Six years ago, almost six years ago this May, my best friend, Larry Connolly, died of a heart attack. Many of you old timers in this body knew and loved Larry Connolly. He held his seat for eight years and he was a dear and personal friend. Larry died leaving a widow and three small children and his wife in poverty. He had forgotten to take out really the necessary insurance on his house or the mortgage would have been paid. So, we were, not only in grief, but in panic with this family, with a mother, a homemaker, not having a job, losing her husband and having three small kids and very few resources to fall back on. I give this as a demonstration of leadership. Of course, Speaker Martin and others attended the church service. But more than that, what you may not know and which I appreciate very much as a dear friend of that family, is that Speaker Martin, on his own and quietly, from Eagle Lake went down to sit with Nancy Connolly and to counsel her and to give her advice and to encourage her to move on. More than that, Speaker Martin came back to this body and, without a lot of fanfare, quietly organized a fund so that those three small children could be secure going to post-secondary education in their young adult years. These are the quiet things of leadership but they tell us an awful lot about a person.

All of you have seen Speaker Martin defending issues, building coalitions, moving the agenda and all those things that leadership has to do. Of course, leadership gets into controversy because there are two sides to both issues. But, I just wanted to share with you a feeling that I have that we should all judge a person, not by the snapshots in life, but the continuum, the whole spectrum, all the colors that make up a person. So, I give you my small story from my heart of an incident that showed compassion and showed real leadership.

More than that, I wanted to read something from a book. Sorry that this may be redundant to many of you, you have all read Profiles in Courage by John F. Kennedy. But, there was a situation in this country in 1867 in which President Andrew Johnson was ready for impeachment by the Senate. There were rumors that some Republicans might deflect. One of them was from Maine, Fessenden. They were told very clearly that their political futures would be done. They were receiving telegrams and letters and groups of people complaining about their position because there was a feeling in the country at that time (because of the recent war) that President Johnson should have been impeached. Hindsight and a more rational thought and look at history indicates that these gentlemen were not only brave, they were right. Edmund Ross, a Senator from Kansas, was offered money to vote the right way. He was told that his political future would be ruined. He was told by his own delegation that that was it. His future was ruined and he was defeated next time and he lived in disgrace. But let me remind you, his courage is in this book to inspire future generations of people that read it and understand what courage is about. He received a telegram from home, it says, "Kansas has heard the evidence and demands a conviction of the President." Signed by D.R. Anthony and 1,000

others. This is his answer on May 16th. To D.R. Anthony and 1,000 others: "I do not recognize your right to demand that I vote either for or against conviction. I have taken an oath to do impartial justice according to the Constitution and laws and trust that I shall have the courage to vote according to the dictates of my judgment and for the highest good of the country." He deserves to be in the book.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: First of all, I would like to say a few words about this unfortunate incident. The first thing I would like to do is (to all of the members of this body) apologize to all of you for what I feel is a wrong committed by my party and the wrong is the publication this weekend of those names and phone numbers of each of you individual legislators. I don't know if anyone else did this but I know I did, I called Kevin Keogh on Sunday because I heard that he was responsible for it. I guess between he and Tony Payne and maybe our leadership, I don't know, we had some names published in the newspaper. Well if ever you wanted to make an issue partisan, you certainly did it. I told Kevin that. We had a very lengthy discussion. I was very disappointed with those actions. That is not the way to get anything done.

Unfortunately with some of these incidents, we are all guilty of playing political games, every single one of us. It must be part of government, part of human nature, I don't know.

Regarding the motion today, I hope that we vote on this motion. I don't want us to indefinitely postpone this, I want us to vote on it, get it over with. I don't think it is fair to our constituents to wait around, fool around, and play with their emotions because this is a very emotional issue. In fact, I had a call, a very emotional call, from some individual from Portland who was hearing impaired. I had never received one of these kinds of calls before, the person was deaf, and it was a transfer call. I would speak to an intermediate third party, they would type in what I said, it would go to the deaf person, they would respond, same thing. This person had known John Martin for many, many years and she said that he had done great things for people that are hearing impaired and she asked me to ask John Martin publicly to please step aside on your own volition with the respect and dignity that you deserve because history precedes the man that I am talking about, he has done great things for this state.

I would also like to discuss all of us in here in the pride that we must take in making votes in this House. There are a lot of ways to manipulate rules. In fact, I haven't figured out which rules we go by. I guess it is a combination of two different books but, just when I thought I knew Robert's Rules, I found that I am totally lost again. But, there are a lot of ways to get around things and in fact I have had a lesson on that this week on other issues here in the House. I do think that sometimes you just have to come forward and vote.

I would also like to say a couple of other things directly to John Martin. John, I would appreciate it if you listen, I know you will. A vote of confidence, in my mind, does not have to be about one issue and maybe that is why I don't necessarily agree with the exact wording of this motion because it does

refer to the ballot tampering. In my mind, Mr. Speaker, I have had some problems with some of the leadership that has been going on in the last three months and I know it is my first three months and who am I to judge. The situation with Bud Jones — that bothered me a lot because it seemed to me that we put together a group of individuals on a committee that seemed to have a natural bias. Correct me if I am wrong, it is just that that's my belief. Nothing against those two candidates, they are both fine candidates but it just seemed to me there was a natural bias, call me naive but I would rather be naive than the other way.

Also, other small details that I believe is true leadership, the ratio of members on standing committees. Seems, just to me, to be an issue of fairness, that is all, an issue of fairness. I believe that it should at least be considered and I haven't seen that consideration, sir. The length of time that it took to put those committees together, I waited a long time to find out I was on the Labor Committee even though I was very pleased to be appointed to that committee, sir.

Again, regarding this vote — I believe truly that if we vote on this issue today, it is simply my belief, I don't know if it is shared, that Mr. Martin will survive this test, he is a fighter. I have been told that and now I believe it. I will have to represent my constituents and my constituent calls are running about 87 to 3 so you know where I stand, sir. But, if you do continue to lead us in this House, I just want to ask a few things. I would like some of the rule changes to come from you or at least to have some guidance from you, rather than have rule changes from the Representative from Vassalboro or anyone else. I would like full consideration of some of those rule changes that I think might be fair and help us to do things in the proper format right here in the House. I want you to reconsider some of the leadership actions that I just discussed and run this body in a fair and equitable fashion because, again, I do believe you are going to survive this test. I don't want to have to vote on this issue again. I hope that this is the last time I have to vote on this.

There are other tough votes coming up, I am not looking forward to some of them, I am looking forward to others but I will vote. I am asking my Democratic counterparts that we all treat each other equally, number one. I am asking that of the Republicans too, obviously. And also, that the Democrats do not take their own initiative on this topic. If this vote goes a certain way today, Mr. Speaker, you have survived in my mind and I will support you the rest of the way. I will let you make your own decisions. I want a fair leader that is going to help me to make decisions that are in the best interests of the state and I know you have done that in the past, you probably can do it again, I am not sure, but please, if you survive this, please consider my words, I would appreciate that.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative Jacques of Waterville that the Order be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 16

YEA - Adams, Ahearne, Aliberti, Beam, Bowers, Caron, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Daggett, Dore, Driscoll, Erwin, Faircloth, Farnsworth, Gamache, Gould, R. A.; Gwadosky, Hale, Hatch, Heeschen, Hichborn, Hoglund, Holt, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Larrivee, Martin, H.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Ricker, Rotondi, Ruhlin, Rydell, Saxl, Simonds, Skoglund, Stevens, K.; Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Townsend, L.; Treat, Vigue, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Brennan, Bruno, Cameron, Campbell, Carleton, Carr, Clukey, Cross, Dexter, DiPietro, Donnelly, Farnum, Farren, Fitzpatrick, Foss, Gray, Greenlaw, Heino, Hillock, Hussey, Joy, Kilkelly, Kneeland, Kontos, Kutasi, Lemke, Lemont, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marshall, Michael, Murphy, Nash, Nickerson, Norton, Ott, Pendexter, Pendleton, Plowman, Quint, Reed, G.; Reed, W.; Richardson, Robichaud, Rowe, Saint Onge, Simoneau, Small, Spear, Stevens, A.; Strout, Taylor, Tracy, True, Tufts, Whitcomb, Young, Zirkilton.

ABSENT - Dutremble, L.; Gean, Libby Jack, Marsh, Thompson, Walker, Winn.

Yes, 75; No, 69; Absent, 7; Paired, 0; Excused, 0.

75 having voted in the affirmative and 69 in the negative with 7 being absent, the Order was indefinitely postponed.

The SPEAKER: Pursuant to House Rule 1, the Chair would like to make a few comments.

First of all, I would like to thank the members of the House, it has not been easy for you nor for me. If you saw the newspaper article today in the Bangor Daily News, it is unfortunate I suppose in part, that people of the St. John Valley had to spend \$3,300 to put money into the newspaper, I wish they could have put it somewhere else, but I do want to thank the people of the St. John Valley for what they did and I knew nothing about it.

I need to tell you that outside there is a cold wind. I believe that in the months to come, I pledge to you, particularly based on the comments made by the Representative from Buxton, to make you proud of this vote. I pledge to work with all of you, regardless of whether you are Democrats or Republicans, opponents or friends alike, and to make real progress for the people of Maine.

Maine people are unhappy, they are unhappy with me personally and you learned that in part this weekend, and I hear them. They are also unhappy really with all of us. They see their jobs disappearing, their schools under siege, their elderly and children neglected. When they look to Augusta for hope, they hear fighting and, at times,

name calling and they want a change.

Today, I pledge that they will get that change. Today, I extend my hand to Governor McKernan, let us put the past behind us, let us work together to accomplish the five goals that the Governor said in his State of the State address — jobs, better schools, a safety net for the needy, protection for the environment and sound fiscal policies. I extend my hand to Walt Whitcomb and all Republicans, let us work together as the members of the Education Committee did, they have shown us the way. I extend my hand to fellow Democrats, friends and opponents alike, let us achieve health care reform, let us craft a budget that our citizens need and can afford.

More than 28 years ago, I arrived at this same State House, a freshman legislator from a distant rural town. I know how the newcomers here today feel. In those days, lobbyists for large corporations ran the show, women had achieved no position of authority and French-Canadians were treated as second-class citizens.

I was part of a reform effort to change the face of this body and we started by stopping lobbyists from wandering on the floor of the House. We made state government work for the average person, affordable housing, economic development and jobs, home care for the elderly, upgraded university, vocational and public education. We changed state government and made it better. That is why I particularly feel the pain of the ballot tampering crime, a pain I know that all of you share and for me it will never go away. I made a mistake, I don't know how many times I can say it without people not hearing it. I let friendship cloud my judgment and, as a result, this House has suffered. My friend has suffered and I have suffered with all of you. For this I say again, I sincerely apologize to every single Maine citizen.

Today, we need to set things right again. To establish a new climate, I do pledge to provide rule changes that will take effect in the next session. I do pledge and support legislation to limit the term of House leaders to eight years in any given post.

I am proud of what I have accomplished in my years as Speaker, I wouldn't take back a single one, but times have changed and even I must change with it.

On a more personal note, I have one other promise, I pledge to you today that this will be my last term as Speaker of the Maine House of Representatives but I do plan to make it my best.

Finally, most of you were not here for four hours of debate, some of you were, I want to say that it is a humbling experience to see your life on the line as I have in the last four hours or so or that I have these past weeks. It is a harsh thing to see your mistakes vilified and your accomplishments forgotten by some and so, for this reason, for those of you who voted with me, I am especially grateful for your support and I understand why some of you did not. Now I ask all of you to move beyond the past and to join with me in a new beginning, jobs, budget, education, health care — Maine people await our positive action.

If we work together this spring, Mainers will live better lives next summer. That is the real way that we can restore public confidence in this institution — by deeds and not by words. Thank you!

(Off Record Remarks)

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On motion of Representative Cathcart of Orono,  
Adjourned at 4:58 p.m. until Thursday, March 25,  
1993, at ten o'clock in the morning.

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