

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

Legislative Record
House of Representatives
One Hundred and Twenty-Seventh Legislature
State of Maine

Daily Edition

Second Regular Session

beginning January 6, 2016

beginning at page H-1188

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
SECOND REGULAR SESSION
4th Legislative Day
Thursday, January 14, 2016

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

Prayer by Doctor Alan L. Andraeas, Rector, Holy Trinity Chapel at St. Brendan's Church (ACNA), Dennysville.

National Anthem by Foxcroft Academy Chorus, Dover-Foxcroft.

Pledge of Allegiance.

Doctor of the day, David Edsall, M.D., Ellsworth.

The Journal of Tuesday, January 12, 2016 was read and approved.

COMMUNICATIONS

The Following Communication: (H.P. 1060)

**STATE OF MAINE
OFFICE OF THE
SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148**

January 7, 2016

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Enclosed please find my official certification to the 127th Legislature of the citizen initiative petition entitled "An Act To Establish Ranked-choice Voting".

Sincerely,

S/Matthew Dunlap

Secretary of State

**STATE OF MAINE
SECRETARY OF STATE**

I, Matthew Dunlap, Secretary of State, hereby certify that written petitions bearing valid signatures of 64,687 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on October 19, 2015, requesting that the Legislature consider an act entitled, "An Act To Establish Ranked-choice Voting".

I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 61,123.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the seventh day of January in the year two thousand and sixteen.

S/Matthew Dunlap

Secretary of State

READ and with accompanying papers **ORDERED PLACED ON FILE.**

Sent for concurrence.

On motion of Representative McCABE of Skowhegan, the accompanying Bill "An Act To Establish Ranked-choice Voting"

(I.B. 2) (L.D. 1557)

was **TABLED** pending **REFERENCE** and later today assigned.

The Following Communication: (H.C. 398)

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

January 14, 2016

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Appropriations and Financial Affairs

L.D. 212 An Act Concerning Cost-of-living Adjustments for Certain Retirees (EMERGENCY)

Environment and Natural Resources

L.D. 394 Resolve, To Lower the Department of Environmental Protection's 5-point Odor Intensity Referencing Scale for Odor Control at Solid Waste Processing Facilities

L.D. 713 Resolve, To Further Protect Lake Water Quality

Judiciary

L.D. 8 Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services (EMERGENCY)

Sincerely,

S/Robert B. Hunt

Clerk of House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 399)

**MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE**

January 12, 2016

Honorable Michael D. Thibodeau

President of the Senate

and Members of the 127th Maine Senate

3 State House Station

Augusta, Maine 04333

Honorable Mark W. Eves

Speaker of the House

and Members of the 127th Maine House of Representatives

2 State House Station

Augusta, Maine 04333

Dear Senators and Representatives:

The Government Oversight Committee (GOC) has completed its work associated with the Office of Program Evaluation and Government Accountability's (OPEGA) September 2015 Information Brief on State Funding for Good Will-Hinckley. We have produced a GOC Addendum that records the Committee's

actions in response to OPEGA's Information Brief. It includes a summary of additional or new information and context pertinent to the events reported in the Information Brief that were gathered during the GOC's public consideration of this report.

Copies of OPEGA's Information Brief and the GOC Addendum are attached. Both can also be found on OPEGA's website at <http://legislature.maine.gov/opega/opega-reports/9149>. Printed copies may be obtained by contacting OPEGA at (207) 287-1901, Room 107, Cross Office Building.

Sincerely,
S/Senator Roger Katz
Senate Chair
S/Representative Chuck Kruger
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 400)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

January 14, 2016
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:
Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On January 12, 2016

Steven M. Carey, Esq. of Cumberland
for reappointment to the Maine Commission on Indigent Legal Services.

Pursuant to Title 4, MRSA §1803, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Robert A. Harmon of Raymond
for reappointment to the Gambling Control Board.

Pursuant to Title 8, MRSA §1002, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

Sincerely,
S/Mark W. Eves
Speaker of the House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 625)

**MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY**

January 12, 2016
Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Eves:
In accordance with 3 MRSA §158 and Joint Rule 506 of the 127th Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Environment and Natural Resources, the nomination of Paul E. Mercer of

Penobscot for appointment as the Commissioner of the Department of Environmental Protection.

Best Regards,
S/Heather J.R. Priest
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Make Efficient Electric Heat Pumps Available to Utility Customers, Including Low-income Customers"
(H.P. 1061) (L.D. 1558)

Sponsored by Representative GROHMAN of Biddeford.
Cosponsored by Senator WOODSOME of York and Representatives: BROOKS of Lewiston, CHAPMAN of Brooksville, DeCHANT of Bath, DEVIN of Newcastle, DUNPHY of Embden, EVANGELOS of Friendship, FREDETTE of Newport, SAUCIER of Presque Isle.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.
Sent for concurrence.

Bill "An Act To Encourage Roller Derby"
(H.P. 1062) (L.D. 1559)

Sponsored by Representative RUSSELL of Portland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.
Sent for concurrence.

**Pursuant to Statute
Department of Education**

Representative KORNFIELD for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1058) (L.D. 1555)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Department of Education**

Representative KORNFIELD for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying

Resolve, Regarding Legislative Review of Portions of Chapter 40: Rule for Medication Administration in Maine Schools, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1059) (L.D. 1556)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

ORDERS

On motion of Representative GIDEON of Freeport, the following House Resolution: (H.R. 1)

HOUSE RESOLUTION TO AFFIRM OUR STATE'S VALUES AND PRINCIPLES

WHEREAS, We, the Members of the House of Representatives in the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, affirm the values and traditions of Maine's people, who throughout history have built strong communities through the principles of common-sense ideas and decency towards one another; and

WHEREAS, we believe that all Maine people have the right to economic opportunity to provide for their family, the right to safe communities to raise their children and the right to participate in our democratic process free from the fear of retribution. The strength of our State depends on our ability to respect one another and foster an environment of civility that encourages diverse ideas; and

WHEREAS, the negative conduct and harmful actions of one do not represent the whole of Maine. We are a state with a proud history of stateswomen and statesmen who, without undermining their values, have risen above partisanship to achieve meaningful progress for Maine's families; and

WHEREAS, as citizens of this State, though we face many challenges, we possess the resources we need to address those challenges when we work together. While we may come from different backgrounds and experiences, we speak with one voice in refusing to accept a political climate based on fear and personal animosity; and

WHEREAS, our State's elected leaders, including our Governor and all members of the Legislature, must be held to the highest standard. We must strive to promote a positive image of Maine and reject intolerance and divisiveness; now, therefore, be it

RESOLVED: That we pledge to honor the responsibilities entrusted to us by the people of the State. We stand together in our condemnation of all actions and words that undermine the aforementioned fundamental values and the public's trust in our ability to govern. Furthermore, we commit to continue to move forward together in our work for the people of Maine.

READ.

The **SPEAKER:** The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative **GIDEON:** Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the pending motion because, not for a second do I doubt this, that each one of us 151 people, no

matter where or when we were born, no matter where in Maine we come from, no matter which, if any, party we belong to, came to Augusta rooted in the belief that we can make a difference for the people of Maine; firm in the belief that our work here would be focused on policy and on civil debate.

Because though there is no doubt that from one side of the aisle to the other, we often have very diverse visions of what policies make that difference. Our goals are strikingly similar. Eradicate drug addiction? Check. Create jobs? Yes. Educate our children? You bet. We have long been proud of something that makes our work possible. It's been put into motion by 126 Legislatures before us, by 73 governors before our time. It's the true meaning of Maine-styled politics as usual, because Maine politics have been known the country over as commonsense politics. Our trademark way of governing has long been branded with qualities like respect, moderation, independence, and deliberate policymaking.

Our leaders, Democratic and Republican alike, created a model of civility that propelled them into roles of national leadership that have changed the course of not just our country, but of our world. People like Margaret Chase Smith, people like Ed Muskie, people like Bill Cohen, people like George Mitchell. Our diversity of vision has been not a weakness, but instead a source of great strength. It's what ensures healthy debate, and the exchange of ideas that is necessary to craft the best policy. Yes, our debates are sometimes passionate—they should be. They are sometimes difficult, too. But there is no place, whether in this chamber or the other, whether downstairs or out in the media, that they should ever sink into the abusive; they should not create fear or threat, not ever. Because democracy, democracy itself, means that every human being in this country is free to participate without fear of retribution. That freedom is how we do the work that we were sent here to do. That freedom is why the people of Maine can have faith in our system of government.

Look, the truth here today is that Maine is in a place of change and transition. We are trying to save our traditional industries and livelihoods, while searching for the innovation and jobs of our future. We are trying to keep our people fed and safe, while struggling under a burden of economic drag. We are welcoming new immigrants, while wondering how we drive the economic engine that will power the needs of all of our people, old and new. In short, we are learning who we are in this day and age in 2016 and that is a rough road. It is an untraveled road. In this space though, and through this time of transition, we do have the power to land ourselves in a really good place. We can bring ourselves together. We could let this transition bring out fear or ugliness or hate, or we can let it bring out the really good parts of being a human being—the quiet, slow deliberation that we have been known for in this Legislature and in this state around constructive debate and policy.

Today, now, and next, we are exploring issues that are deeply uncomfortable to all of us. I know I'm saddened to be in this place and I believe that every one of us in this chamber feel the same way today. But in this discomfort, there is opportunity. There's opportunity to re-establish our vigilance and standing up for the principles of democratic government and the Maine-based values of civility, respect, and diversity. There is a duty to reject politics of retribution or intolerance, divisiveness and intimidation. There have been days for me these past weeks, and I don't doubt for all of us, that have felt dark. Maybe for different reasons, surely so.

Last week when I talked with my 12 year old about the power of words—what they mean, how they hurt, divide and divert us from solving our real problems—I felt a deep sense of grief in that

conversation. His ultimate question to me though, Mr. Speaker, was about the party that sits on this side of the aisle here, and the one that sits across the aisle there. And his question was about what divides us, as if division was a given because that's all he could see from a 12-year-old's point of view.

And you know something, in that moment, the motion before us now and what I'm saying to you now started to take shape, because I remembered what we've done, at least in the last three years that I have sat in this chamber. I recalled how carefully and how bravely we have worked together across the aisle to rise above the loud voices, the divisiveness, and the threats that have existed. I thought about how because of that courage, because of that collaboration, the laws we have passed have saved lives. Laws like the one that saved 44 lives, Mr. Speaker, from drug overdose just in the City of Augusta alone, just in the past year.

And so I told my son, and I could tell him this with clear eyes and a full heart, that we, as legislators, as human beings, as Democrats, as Mainers, and Republicans, we do rise above. I think we can all agree on this. We are no hot shots here. We are 151 pretty ordinary folk, and yet there is this power we hold that is great. And here's why: when any one of us as elected officials, as the people that others look up to, step over any line, it's not just that our children are watching; it's not just that our consciences are aware. But, indeed, when we step over that proverbial line between what is morally right and wrong, the world and its fundamental order begin to shift. We lose something we can never get back: the ability to look each other in the eye, trust, and work together.

On Tuesday, President Obama called on all of us—in Congress, in State Legislatures, wherever we sit in government—to work together civilly. And Republican Governor Haley of South Carolina gave the Republican response reminding us that when we turn down the volume, we hear each other better and we get work done. So as Democrats and Republicans together, as Independents, and just simply as people of Maine, let's use this opportunity to reaffirm our values and our commitment and our seriousness to the people of Maine. Let's hold all of ourselves accountable to the highest standard—the one the people of Maine expect, the one that they deserve of us. Mr. Speaker, I ask all of us to join together in doing so and I thank you.

Representative FREDETTE of Newport **REQUESTED** a roll call on **ADOPTION**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Mr. Speaker, Men and Women of the House, a Resolution is an instrument to express a special sentiment or an opinion, and an opinion of this body. As it pertains to this Resolution I would like to ask, do we, as a body, possess the moral authority to affirm what is right or wrong, or what a person has a right to say or not say?

I, for one, live by a code of ethics handed down by a far greater power than this body of imperfect men. Furthermore, this body has already sworn an oath to uphold the Constitutions of Maine and the United States of America. And we also accepted a legislative code of ethics that says, "Legislative service is one of democracy's worthiest pursuits. A Maine Legislator is charged with civility and responsibility conduct inside and outside of the State House, commensurate with the trust placed in that Legislator by the electorate. In a free government, a legislator is entrusted with the security, safety, health, prosperity, respect, and general well-being of those the Legislator serves, and with whom the Legislator serves."

Mr. Speaker, although thinly veiled, I don't think there's a doubt in this House, with the cameras that are here, that this is a conversation about the Chief Executive. And I have issue that the Attorney General has already found no cause to proceed with any actions against the Chief Executive.

The SPEAKER: Would the Representative defer? The Chair would inquire as to why the Representative from Skowhegan, Representative McCabe, rises.

Representative **McCABE**: Mr. Speaker, Point of Order. I believe that we seem to be straying from the Order that's before us.

On **POINT OF ORDER**, Representative McCABE of Skowhegan asked the Chair if the remarks of Representative STETKIS of Canaan were germane to the pending question.

The SPEAKER: The Chair would remind all Members to stay within the content of the Resolution in front of us.

The Chair reminded all Representatives to stay as close as possible to the pending question.

The SPEAKER: The Representative may proceed.

Representative **STETKIS**: Thank you, Mr. Speaker, our focus today should be doing the people's work. The taxpayers have sent us here to represent them and not waste their time or their limited resources. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 467

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Pouliot, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Bickford, Black, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Marean, McElwee, Nutting, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Timberlake, Timmons, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Buckland, Hickman, Malaby, McClellan, Tuell.

Yes, 81; No, 65; Absent, 5; Excused, 0.

81 having voted in the affirmative and 65 voted in the negative, with 5 being absent, and accordingly the House Resolution was **ADOPTED**.

Representative McCABE of Skowhegan assumed the Chair. The House was called to order by the Speaker Pro Tem.

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 33)

ORDERED, that Representative James S. Gillway of Searsport be excused January 6 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Adam A. Goode of Bangor be excused January 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Martin J. Grohman of Biddeford be excused January 6 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Stephanie Hawke of Boothbay Harbor be excused January 6 and 7 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Patricia Hymanson of York be excused January 6 and 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard S. Malaby of Hancock be excused July 16, 2015 for personal reasons.

READ and PASSED.

On motion of Representative CHIPMAN of Portland, the following House Order: (H.O. 34) (Cosponsored by Representatives: BABBIDGE of Kennebunk, BEAVERS of South Berwick, BEEBE-CENTER of Rockland, BLUME of York, EVANGELOS of Friendship, RYKERSON of Kittery, SAUCIER of Presque Isle, WARREN of Hallowell)

WHEREAS, the Constitution of Maine, Article IX, Section 5 provides that every person holding any civil office under this State may be removed by impeachment for misdemeanor in office; and

WHEREAS, the Constitution of Maine, Article IV, Part First, Section 8 vests in the House of Representatives the sole power of impeachment; and

WHEREAS, grave and serious allegations have been raised regarding the conduct of Governor Paul R. LePage; now, therefore, be it

ORDERED, that the House Special Investigative Committee is established to investigate allegations of misfeasance, malfeasance, nonfeasance and other misconduct by Governor Paul R. LePage and to make a recommendation to the full House of Representatives as to whether cause exists for impeachment. The committee shall conduct a comprehensive review of allegations of misconduct by Governor LePage, including but not limited to the:

1. Refusal, beginning in 2012, to facilitate the issuance of land conservation bonds that were ratified by the voters of the State in statewide elections held in November 2010 and November 2012 and repeated insistence on extracting compliance by the Legislature on unrelated issues prior to the Governor's carrying out the will of the people of the State regarding issuance of the bonds;

2. Alleged use of state assets as leverage to bring about the resignation in 2013 of the President of the World Acadian Congress, Jason Parent;

3. Exertion of pressure, in March 2013, on hearing officers in the Department of Labor, Bureau of Unemployment Compensation to favor employers in their decision making;

4. Refusal, beginning in May 2013, to allow cabinet members and members of the administration to appear and testify before legislative committees;

5. Alleged use of state assets as leverage to bring about the resignation in January 2015 of the President of the Maine Community College System, John Fitzsimmons;

6. Request, in February 2015, that the Maine Human Rights Commission postpone a proceeding against a particular business pending before the commission and threatening to withhold state assets when the commission declined to postpone the proceeding;

7. Creation, in April 2015, without public notice in violation of Maine's Freedom of Access Act, of a panel to conduct a review of the Maine Human Rights Commission; and

8. Alleged use of state assets as leverage to intimidate the Board of Directors of Good Will-Hinckley in June 2015 into terminating its employment of Mark W. Eves, the Speaker of the House of Representatives; and be it further

ORDERED, that the House Special Investigative Committee consists of 13 members appointed by the Speaker of the House of Representatives or the Speaker's designee, 6 of whom are appointed by the Speaker of the House of Representatives upon the recommendation of the House Minority Leader, and that the first-named member is the chair of the committee; and be it further

ORDERED, that the House Special Investigative Committee:

1. Shall adopt rules to govern the proceedings before it in order to ensure due process, fundamental fairness and a thorough investigation;

2. May administer oaths and compel the attendance and testimony of persons and the production of papers, documents and other evidence under oath, by subpoena, when the testimony, documents or evidence is necessary for or incident to any inquiry relevant to the business or purposes of the committee and punish any person for the neglect, refusal to appear or failure to produce papers or documents or provide evidence commanded by subpoena or who, upon appearance, either with or without subpoena, refuses to be sworn or testify or produce papers, documents or evidence demanded;

3. May hire special counsel and such other personnel as may be necessary to carry out the committee's responsibilities; and

4. Following its review and investigation of the facts and circumstances relating to the alleged misconduct of Governor Paul R. LePage, shall submit to the House of Representatives no later than April 1, 2016 its findings and recommendations in the form of a final report, including, if the committee concludes such action is warranted, articles of impeachment describing the misdemeanors in office with which Governor Paul R. LePage is charged. The committee may request from the Speaker of the House of Representatives or the Speaker's designee extensions of time to complete its work.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Chipman.

Representative **CHIPMAN**: Mr. Speaker, Ladies and Gentlemen of the House, it is finally time to hold the Chief Executive accountable. This House Order seems to do exactly that by using the only process outlined in the Maine Constitution for the House of Representatives to hold the Chief Executive accountable to the rule of law: the process of impeachment. This is the process outlined under Article IV, Part 1, Section 8. This House Order seeks to establish a bipartisan special House investigation committee made up of 13 members with seven appointed by the majority party and six appointed at the recommendation of the minority party to look at eight specific counts where I, and others, feel the Chief Executive has abused his power, misused public assets, committed official oppression, and potentially violated the laws of the State of Maine.

Only one of these counts, the Goodwill-Hinckley issue, has ever been investigated. The other seven counts, which some would say are just as egregious as Goodwill-Hinckley, have not been investigated and this House Order would allow them to be. All eight counts will be reviewed and investigated by April 1st, and the committee will present its final report with recommendations to the full House of Representatives. These

recommendations will include, if the committee decides such actions warrant it, articles of impeachment describing the misdemeanors in office for which the Chief Executive is charged and the House could then hold a vote on such articles.

When we were all elected, we were sworn in and took an oath to uphold the laws of the State of Maine and follow the Maine Constitution. This is an oath I take very seriously. Mr. Speaker, Ladies and Gentlemen of the House, I am no longer willing to look the other way when the Chief Executive abuses his power and forces people out of jobs because he wants to. I am no longer willing to let the Chief Executive get away with actions that some legal experts have said are not legal. Enough is enough. I have heard a lot about the timing of this House Order. The timing is never right to take up a House Order like this and I wish we didn't have to be in the place we are today.

I wish the Chief Executive had not refused, beginning in 2012, to facilitate the issuance of these land conservation bonds that were ratified by the voters of our state in statewide elections held in November 2010 and November 2012. And I wish the Chief Executive didn't repeatedly insist on extracting compliance from the Legislature on unrelated issues prior to carrying out the will of the people of the state regarding the issuance of these bonds. I wish the Chief Executive didn't use state assets as leverage to bring about the resignation, in 2013, of the President of the World Acadian Congress.

The **SPEAKER PRO TEM**: The Representative will defer. The Chair recognizes the Representative from Newport, Representative Fredette, and inquires to why the Representative rises.

Representative **FREDETTE**: Mr. Speaker, in regards to the comments by the good Representative from Portland, Representative Chipman, the point would be is that he's making allegations and these are only allegations and he's making statements of fact as to what he is saying and so I would appreciate if the Chair would keep him focused on the allegations only because there's been nothing proven in regards to what he's suggesting. Thank you.

On **POINT OF ORDER**, Representative **FREDETTE** of Newport asked the Chair if the remarks of Representative **CHIPMAN** of Portland were germane to the pending question.

The **SPEAKER PRO TEM**: The Chair will remind all Members these are allegations before us, as written in the Order before us, and as the Chair has said before, I will try to conduct this debate as fair as possible. But, I would remind all Members what is before us, the business at hand.

The Chair reminded all members to stay as close as possible to the pending question.

The **SPEAKER PRO TEM**: The Representative may proceed.

Representative **CHIPMAN**: Thank you, Mr. Speaker. I wish the Chief Executive didn't allegedly use state assets as leverage to being about the resignation, in 2013, of the President of the World Acadian Congress, Jason Parent. I wish the Chief Executive didn't allegedly exert pressure, in March 2013, on hearing officers in the Bureau of Unemployment Compensation of the Maine Department of Labor to favor employers in their decision-making. I really wish the Chief Executive didn't allegedly refuse, beginning in May 2013, to allow cabinet members and members of his administration to appear and testify before legislative committees. I wish the Chief Executive didn't allegedly use state assets as leverage to bring about the resignation, in January 2015, of the Maine Community College System President, John Fitzsimmons. I wish the Chief Executive had not allegedly requested, in February 2015, that the Maine Human Rights Commission postpone a proceeding against a particular

business pending before the Commission and threaten to withhold state assets when the Commission declined to postpone that proceeding. I wish the Chief Executive didn't allegedly create a panel to conduct a review of the Maine Human Rights Commission in April 2015 without public notice, in violation of the Maine Freedom of Access Act. And finally, Mr. Speaker, I wish the Chief Executive didn't allegedly use state assets as leverage to intimidate the Board of Directors of Goodwill-Hinckley in June 2015, into terminating its employment with Mark Eves, Speaker of the House of Representatives.

Mr. Speaker, Ladies and Gentlemen of the House, I wish none of these things happened and that we were not considering this House Order here today. But these things did happen, and unfortunately, the Chief Executive, through his behavior over the last few years, has put us in a position where, in order to fulfill the oath we took when we were sworn into office, we must take this action today. This is not just about Goodwill-Hinckley, and there are differing opinions about whether laws were broken in that matter. Despite the Attorney General's opinion, our attorney, Walter McKee, strongly believes state law was violated in the situation. However, this is about Goodwill-Hinckley and seven other allegations of misconduct that, I think, when you look at all eight in their totality, it paints a very clear picture of abuse of power, misuse of public assets, official oppression, and potential violations of state law that require us to take action and approve this House Order before us today.

Regardless of how the vote goes today, I will never regret having the courage to stand up to the behavior of the Chief Executive that is outlined very clearly in this House Order. I am proud to be the sponsor of this House Order in leading the movement to hold the Chief Executive accountable. I am proud to be standing here today, giving a voice to thousands of Democrats, Republicans, Greens, and Independents from all across the state who have said enough is enough with the behavior of the Chief Executive and they want something done about it. Today, we are taking a stand and I know that we are on the right side of history. Mr. Speaker, Ladies and Gentlemen of the House, so that we can take a principled stand and send a very clear message to our constituents in our districts, the people all across the state and our country, that the behavior of the Chief Executive is wrong and that he has crossed the line, I request that we can all be on record as to whether or not to take this important stand, and with all due respect, I request a roll call vote. Thank you, Mr. Speaker.

The same Representative of Portland **REQUESTED** a roll call on **PASSAGE**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Representative **FREDETTE** of Newport moved that the House Order be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the House Order.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker, the power to impeach in our state and federal constitutions forms a bulwark against tyranny. It is a tool so powerful and potentially disruptive that it has been used only sparingly in American History, threatening just two presidents and a handful of governors, judges, and other civil officials. It has never been used in Maine.

So, I rise with great reluctance today in opposition to the motion to Indefinitely Postpone. I come to this conclusion with a

unique perspective. For three years, I was an assistant counsel to the US House Judiciary Committee in the impeachment proceedings against a federal judge. The care and deliberation with which Congress approached this, and earlier impeachment proceedings, were painstaking. One of the most important duties of the Judiciary staff was to review the historical record of impeachments here and in England at the time the framers debated and crafted the Constitution. One crucial point in the record was unequivocal. The meaning of the key grounds for impeachment, in both federal and state constitutions, high crimes and misdemeanors or some close variant of those words, is not what it appears to be.

The term "misdemeanors" does not mean a petty crime in its modern usage. Rather, it refers to offenses against the integrity of the government itself. An impeachable offense is one that goes to the heart of the government, its ability to function fairly and efficiently and effectively. Thus, whether an offense listed under this order equates with criminal behavior under modern criminal codes or 18th century criminal common law, is absolutely irrelevant. Likewise, whether or not the actions offend common sensibilities makes no difference. We are not here to consider impeachment proceedings against the Chief Executive because he has insulted our people or institutions, embarrassed or maligned groups or individuals, nor are we here to remove him for policies we deem unwise or wasteful. None of this is within the scope of impeachable offenses, nor should it even be considered.

This is not a legal question; a situation where precedence would control and words parsed. Rather, it is a political question vested in the most political of our three branches of government. Impeachment decisions, both procedural and factual, are not reviewable by the courts. In the federal impeachment case I tried, in fact, the Senate, for example, rather than tying itself up for months in a trial, the Senate appointed a special committee to hear evidence and report back to the full Senate. The Senate relied upon the committee's record and took one day to convict. The US Supreme Court refused to set aside the conviction on the grounds that this novel procedure, arguably, was at odds with the words of the constitution.

So, because impeachment is a political process, the House and Senate have the right to proceed differently in each impeachment case, abide by the rules it crafts for a particular proceeding, and determine the facts and penalties, if any. Hence, there is little guidance in the federal and state constitution or statutory law on impeachment standards and procedures. This is not to say this intentional flexibility gives us license to act arbitrarily or arrogantly, proceed without guidance from our constituents, or act in blatantly unfair ways. The constitution provides a check on such abuses. We are, of course, accountable to the voters, and in Maine, that day of reckoning comes quickly.

One principle should be paramount: we are duty bound to protect the constitution and the people it serves; nothing more and nothing less. The order to proceed with an impeachment investigation contains eight charges the special committee would be required to investigate. It would remain the duty of the full House to determine these facts regarding the charges and to determine whether or not any or all are impeachable offenses that should be tried by the other body. In this sense, our function is similar to a grand jury, although the charges and penalties are civil in nature.

I support this order because I believe that a case can be made that these charges fall within the scope of impeachable offenses. Whether any do, will depend on investigations and debates to follow. I will not fully review all of the eight charges. I

am confident that other speakers will cover this terrain. But I would like to suggest a framework for understanding their significance. Looking at one charge does not give the House an accurate appreciation for the damage that these actions may have caused. It is the pattern, the repetitive albeit unpredictable nature of the Chief Executive's disregard for the role of the Legislature, for the independence of the judicial process, for the right to dissent without fear of retribution, that together make the case against him. It is the interference with the balance and separation of powers that are fundamental to our democracy that matters. Indeed, historically, the House has often impeached on an article that combined all of the individual charges.

First, there are the charges relating to the interference with the responsibility of the Legislative Branch. As Representatives, we are guardians of the integrity of this institution, and consequently the rights of the people. We are the branch closest to the people. We are also the people's assembly in another sense: we bring geographical diversity to the table, as well as a wide variety of expertise and experiences and skills. We have loggers, fishermen, farmers, small business owners, doctors, nurses, lawyers, marine biologists, insurance agents, bankers, architects, technology experts, teachers, service workers, real estate agents, and on and on. Together, we have an enormous pool of knowledge.

Nevertheless, the Chief Executive, from day one, has refused to meet with Democratic leaders and House committee chairs. He has also limited access of his department heads and experts to legislators and legislative hearings. The Chief Executive may have a right to cloister himself, but barricading the Executive Branch crosses the constitutional line. Effective government depends not only on sharing power...

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from Newport, Representative Fredette, and inquires why the Member rises.

Representative FREDETTE: Mr. Speaker, I'm questioning the germaneness of the good speaker's representations in regards to a motion on the Indefinite Postponement and as they relate to the motion and would suggest that it's not germane and if we could focus on the motion for Indefinite Postponement, that would be helpful.

On POINT OF ORDER, Representative FREDETTE of Newport asked the Chair if the remarks of Representative COOPER of Yarmouth were germane to the pending question.

The SPEAKER PRO TEM: The Chair will remind all Members that the motion before us is the motion for Indefinite Postponement. The Chair believes that in comments made, there was opposition to the pending motion and just reminds all Members that the motion before us is a motion to Indefinitely Postpone.

The Chair reminded all members to stay as close as possible to the pending question.

The SPEAKER PRO TEM: The Member may proceed.

Representative COOPER: Thank you, Mr. Speaker, all my remarks are directed towards my opposition to the motion to Indefinitely Postpone. Effective government depends not only on sharing power, but sharing opinions and information. Yet, as paragraph four of the House Order states, the Chief Executive has refused, quote, "beginning in May 2013, to allow cabinet members and members of the administration to testify before legislative committees."

The Executive Branch collects and holds information vital to nearly every decision the Legislature is obliged to make. In many cases, it has a monopoly over this information. How can we develop a budget or assess the Chief Executive's budget without accurate financial data? Too often, we have been forced to

operate in the dark. This refusal is a dereliction of the Chief Executive's responsibility...

The **SPEAKER PRO TEM**: The Member will defer. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Mr. Speaker, again, I mean, I question germaneness and also these are allegations that she's simply making that are not even part of this in regards to collecting data and not distributing data and whatnot. Again, we'd like to stay focused on the matter that's before us.

On **POINT OF ORDER**, Representative **FREDETTE** of Newport asked the Chair if the remarks of Representative **COOPER** of Yarmouth were germane to the pending question.

The **SPEAKER PRO TEM**: The Chair will remind all Members that the Order that's before us is broad, very broad. That being said, let's keep all remarks today to the Order that's before us as well as the pending motion, which is a motion for Indefinite Postponement.

The Chair reminded all members to stay as close as possible to the pending question.

The **SPEAKER PRO TEM**: The Member may proceed.

Representative **COOPER**: Thank you, Mr. Speaker, second, I also oppose the motion to Indefinitely Postpone because the Chief Executive allegedly has conducted himself in a way that affronts the independence of judges and independent fact finders. The Chief Executive is alleged to have attempted to intimidate unemployment compensation hearing officers, threatened those officers, tried to intervene in proceedings before the Maine Human Rights Commission, and ordered a secret review of the Commission's operations.

In each matter, the Chief Executive purportedly took action because he wished to affect the outcome of specific cases. As an attorney...

The **SPEAKER PRO TEM**: The Member will defer. The Chair will remind Members that speculating on the motives of the Chief Executive or Members of this body is out of bounds.

The Chair reminded all members that it was inappropriate to question the motives of the Chief Executive and other members of the House.

The **SPEAKER PRO TEM**: The Member may proceed.

Representative **COOPER**: As an attorney, these charges in particular make my blood boil. There is nothing so unique and valued in the American justice system and envied by citizens of despotic nations than the independence of our judiciary. The actions alleged in paragraphs three, six, and seven are completely at odds with the actuality and the appearance of fair decisions. In my view, these charges, if true, are the most egregious of all.

Third, and finally, there are the charges contained in the Order, including those relating to Goodwill-Hinckley and the World Acadian Congress, paragraphs eight and two, that allege that the Chief Executive used his power over funding to punish individuals working for private organizations. The reported reasons purport to range from the ridiculous to the misinformed, but the stated reasons are irrelevant, for the Chief Executive has no legal role to play in private employment decisions. Likewise, paragraph five charges that the head of the Community College System was forced to resign because the Chief Executive threatened loss of funding.

The **SPEAKER PRO TEM**: The Member will defer. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Mr. Speaker, this is the third time I've risen on this matter in regards to germaneness, alleging facts when these are simply allegations, and again, trying to bring

this back to simply the motion that's pending. And I think it's time to make sure that the body understands that we're focusing on that and that alone.

On **POINT OF ORDER**, Representative **FREDETTE** of Newport asked the Chair if the remarks of Representative **COOPER** of Yarmouth were germane to the pending question.

The **SPEAKER PRO TEM**: The Chair will remind all Members in regards to Section 124 in Mason's Legislative Manual, it is not the person but the measure that is subject of debate. It is not allowable to arrange the motives of a Member by nature of consequences of a measure may be condemned in strong terms. The Chair also reminds the Member that these allegations are alleged. They are not facts. And if the Member continues down the path, then the Member will be prevented from continuing.

The Chair reminded all members to closely follow Sec. 124 of Mason's Rules.

The **SPEAKER PRO TEM**: The Member may proceed.

Representative **COOPER**: Thank you, Mr. Speaker, I bring up these issues solely because the merits of the original order relate to the propriety or the wisdom of the pending motion. But finally, I will end by saying that I would like to quote the eloquent and timeless words of Congresswoman Barbara Jordan of Texas, a member of the US House Judiciary Committee, who voted to impeach President Nixon. In the tense moments before that vote was taken, she had this to say, in her rich, commanding voice that still reverberates in my mind. And I quote: "My faith in the Constitution is whole. It is complete. It is total. I am not going to sit here and be an idle spectator to the diminution, the subversion, the destruction of the Constitution."

My faith in the Constitution is also whole, complete, and total. I, too, refuse to be an idle spectator to the diminution, the subversion, the destruction of the Constitution. We have been bequeathed a brilliant scheme of government with the tools necessary to keep democracy alive, to nip nepotism in the bud, to prevent further transgressions against our people. Let us not squander these powers, nor dishonor the courage of people like then Congressman Bill Cohen, who stood against the pressures of his own party and his party leader, and who, by following his conscience, changed the course of history.

The **SPEAKER PRO TEM**: The Member will defer. The Chair recognizes the Representative from Newport, Representative Fredette, and inquires why the Member rises.

Representative **FREDETTE**: Point of Order. I just want to suggest that the good Representative's remarks seem to imply that if someone doesn't vote for this, that somehow they don't support the Constitution, or they don't support the laws of the country and whatnot. And so, while I understand what the point of what she's making is, I think it's disparaging on the motives of those that want to support the motion Indefinitely Postpone.

On **POINT OF ORDER**, Representative **FREDETTE** of Newport objected to the comments of Representative **COOPER** of Yarmouth because she was questioning the motives of other members of the House.

The **SPEAKER PRO TEM**: The Chair will agree and reminds all Members not to speculate on the motives, but to speak at the issue at hand.

The Chair reminded all members that it was inappropriate to question the motives of other members of the House.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative **RYKERSON**: Thank you, Mr. Speaker, I rise against the motion. Mr. Speaker, Men and Women of the House, a year ago, we took a sworn oath of office to uphold the laws and the Constitution of the State of Maine. Article I of our State

Constitution states that, "Every citizen may freely speak, write, and publish sentiments on any subject." We know that democracy is powerful, but we also know it must be handled with care. When any citizen's job is threatened due to their beliefs, free speech is threatened. When government officials are prohibited from speaking to legislative committees, public hearings, free speech is threatened. When legislators have to consider repercussions for their political stance, free speech is threatened. When the will of the voters at the ballot box is ignored, free speech is threatened.

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Again, in regards to if we have a specific list of allegations before us and if people want to assert facts, then that's inconsistent with the issue that is before us and I would ask again that the speakers understand that we need to focus on what is before us and the motion, which is a motion to Indefinitely Postpone.

On **POINT OF ORDER**, Representative **FREDETTE** of Newport asked the Chair if the remarks of Representative **RYKERSON** of Kittery were germane to the pending question.

The SPEAKER PRO TEM: The Chair will remind all Members, the issue before us is the motion for Indefinite Postponement. Speeches, in regards to objections to that motion are germane at this time.

The Chair reminded all members to confine their debate to the question before the House.

The SPEAKER PRO TEM: The Member may proceed.

Representative **RYKERSON**: Thank you, Mr. Speaker, Indefinite Postponement would, essentially, make this Order not possible to go forward. And when one branch of government threatens the basic principle of our Constitution, it's our duty to investigate this threat. This is not politics, this is principle, and my duty, according to the Oath of Office, is to support the Order and vote against Postponement. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Sawicki.

Representative **SAWICKI**: Thank you, Mr. Speaker, Members of the House, I rise to support the motion to Postpone. The action to impeach the Chief Executive of the State of Maine has been brought to the house today by several Democrat Representatives. Let's agree that this is a partisan, Democrat action.

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative **GIDEON**: Thank you, Mr. Speaker, as it has been pointed out previously during other remarks, I would ask that you remind the body that we may not question the motives of Members of the body.

On **POINT OF ORDER**, Representative **GIDEON** of Freeport objected to the comments of Representative **SAWICKI** of Auburn because he was questioning the motives of other members of the House.

The SPEAKER PRO TEM: The Chair will remind all Members we are currently debating the motion for Indefinite Postponement on the Order before us, and it is out of bounds to question the motives of any Member of this body, as well as the Chief Executive.

The Chair reminded all members that it was inappropriate to question the motives of other members of the House and the Chief Executive.

The SPEAKER PRO TEM: The Member may proceed.

Representative **SAWICKI**: Thank you, Mr. Speaker, and I apologize for using the word. I just want to point out that this action has been brought to this house by Democrat Representatives.

The SPEAKER PRO TEM: The Chair will remind the Member that this is an Order brought by Members of this body of multiple affiliations, not a singular, partisan issue.

The Chair reminded Representative **SAWICKI** of Auburn that the House Order was not a singular partisan issue.

The SPEAKER PRO TEM: The Member may proceed.

Representative **SAWICKI**: Great. Central to this impeachment action, from my point of view, has been regarding the employment deal between Goodwill-Hinckley and a Member of this body. And I'd just like to say, I do not begrudge anyone in this chamber from pursuing gainful employment. We all know how hard it is to find good paying jobs in this state.

In fact, I wish we were spending our time today discussing new ideas for making Maine more attractive to businesses, to grow jobs, and to help Maine families put food on the table. Having said that, the people of Maine do not expect their elected Representatives to use the privilege of their office to maneuver their way into a job with a taxpayer-funded organization, while they still hold office.

The SPEAKER PRO TEM: The Representative will defer. The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative **GIDEON**: Mr. Speaker, I would ask the Speaker to remind the body to not impugn Members of this body.

On **POINT OF ORDER**, Representative **GIDEON** of Freeport objected to the comments of Representative **SAWICKI** of Auburn because he was questioning the motives of other members of the House.

The SPEAKER PRO TEM: The Chair will remind all Members that going forward, if there is questioning of Members' motives or impugning the character of a Member of this body, the ability for that Member to continue speaking will be denied. The Chair will also remind Members that the Indefinite Postponement motion before us allows for the opportunity on debate of the original Order. While the motion before us is a motion to Indefinitely Postpone, it still allows for debate for the Order that is listed before us.

The Chair reminded all members that it was inappropriate to question the motives of other members of the House.

The SPEAKER PRO TEM: The Member may proceed.

Representative **SAWICKI**: I sincerely believe the Speaker is a good person, and I commend him for his performance in his role as Speaker. I have no desire to see any action taken against the Speaker in this matter. I hope he concludes his tenure on a positive note this session and is successful in landing a good job to support his family.

Likewise, I believe the Chief Executive is also a good person at heart. Some may take exception to his personal management style, but I do not support taking any action against the Chief Executive in this matter. 4-3 will do nothing to benefit the everyday lives of Mainers, and for that reason, I encourage both sides of the aisle to Indefinitely Postpone 4-3. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I do oppose the motion on our floor for three reasons. And this will be very brief. Before I start, I do want to say I called Representative Esping last night and we had a nice conversation.

The SPEAKER PRO TEM: The Representative will defer. It is out of bounds to refer to another Member by name during House debate. If you would like to refer to the Member, it is, "the Representative of whatever town." The Member may proceed.

Representative **BEAVERS**: Thank you. I spoke to somebody in the body and we shared ideas and we totally did not agree, but I think we respected each other when we got done, which is what I hope we will do the rest of this discussion.

My personal three reasons for being a co-sponsor of this bill are: In my heart, the investigative Order is the right thing to do. I find unconscionable the pattern of behavior by the Chief Executive that I observed over my five years in the Legislature and I believe that behavior has harmed tens of thousands of Mainers. Secondly, more of my constituents—Republicans, Democrats, Independents, Greens—have supported this issue than any other in the past five years, and that includes healthcare, property taxes, gun safety, GMO labeling, all of which I heard tons of pros and cons. And finally, my third, reason is, if by some form of miracle this bill passes, we'd have a bipartisan opportunity to clarify the meaning of misdemeanor relative to the impeachment process, irregardless of who's on the second floor. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I am not so presumptuous as to believe that I will change minds today. But I ask for your respect for my need to express for the record, posterity, why I agreed to put my name on this Order as a co-sponsor. Therefore, I ask for you to vote against the motion on the floor to Indefinitely Postpone. This is an important moment in the history of this body, one in which each of us must consider evidence and consult our conscience, and vote, not as a Democrat or a Republican or Independent, but to vote as a legislator. We are honored to serve here, not because of who we are, but because of who we represent.

The Maine people back home rightfully expect that a person who they elect to represent them in this, the people's House, will be respected during his or her service, and that this hallowed institution of the people's Representatives be permitted to function to its full constitutional and statutory capability, and to do so without that representation being handicapped by excessive use of Executive power. We will not vote to impeach the Chief Executive of Maine today, but that is not the question before us. Yet, I still feel the pressure of putting my name on this Legislative Order, an Order with a somber purpose to propose an investigative committee to determine at its conclusion whether the evidence warrants that the Chief Executive of our state be impeached.

I realize this puts members of my own party, and especially my Republican colleagues, in a difficult position. I have not lobbied my colleagues, Democratic or Republican, because this is a solemn and difficult choice of reason and conscience. This proposal to stand against abuse of power, if there is found to be any, should be bipartisan, and I hope it will be because we all care about this institution and nearly all of us have been witness to examples of that abuse.

No one should vote today based on their party affiliation. This is not partisan. There is no political gain to be achieved in this process. Even if weeks from now we vote to impeach and the other body eventually votes to convict, we will still have a Chief Executive who is Republican. I support this Order in good conscience because I know I am condemning behavior and seek accountability, whatever the party of the Executive, and would do so if the same actions and same alleged wrongdoings were

directed by a Democratic Executive. Today, we vote as legislators, as public servants entrusted with the power to use our judgement to protect Maine government as we see that responsibility, voting "yes" or "no," and I ask that we all respect each other as we embrace this difficult task.

What is impeachable action? A crime could be impeachable, but criminality is about wrongdoing for which punishment would include taking away someone's freedom by putting them in jail. Criminal action is totally separate from the action of impeachment. In the United States Constitution a person may be impeached for treason, bribery, or high crimes and misdemeanors, meaning very big wrongdoings, naming a couple specifically, but including other crimes and misdemeanors that are high or very serious. Maine has no recall provision for lesser wrongdoings and our threshold for impeachment is lower, requiring only a misdemeanor which, throughout our early history, was defined as a transgression that is counter to the interests of society and worthy of official condemnation.

I believe the biggest problem facing this Legislature is encroachment of Executive power challenging this Legislature's ability to function and a pattern of Executive behavior that represents an abuse of power. Today's questions are: Should the Legislature adopt a procedure by which serious allegations against the Chief Executive shall be examined? Rather than going straight to an impeachment vote, should the Executive be given an opportunity to answer these allegations? Whether he responds in person, by surrogate, in writing, or not at all, certainly justice requires that this opportunity be guaranteed before any recommendation of impeachment would come before this body.

The order before you provides this fair process by which, at its conclusion, each Member of the committee must consult his or her conscience to decide if a recommendation of impeachment should be brought forward on any allegation. Then at that time, each of us would have to vote on the impeachment question. But today, given the facts of the Goodwill-Hinckley report and the experiences endured last session, we vote on the only recourse provided by statute or the Constitution, to allow a process by which this Legislature can decide if it is necessary to take action to protect Maine government from the abuse of power by the Executive. I ask you to vote against this motion for Indefinite Postponement.

I will address only the points to which I have knowledge in some detail. Why detail? Because we, as legislators, understand that the wisdom of any action should be taken only after dissecting the reasons for its proposal. As I attended and listened to the Government Oversight Committee meetings last summer and fall regarding the Goodwill-Hinckley investigation, I will begin with that for which we have established facts. And relevant facts should be part of this record on this day. The Government Oversight Committee empowered an independent state agency to investigate if and how the actions of the chief Executive and his close advisors threatened the withholding of funding for Goodwill-Hinckley and if that threat brought about the firing of the school's president.

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from Newport, Representative Fredette, and inquires why the Representative rises.

Representative **FREDETTE**: Thank you, Mr. Speaker, in regards to the report of Goodwill-Hinckley that came out of the OPEGA Committee, there was a Divided Report in regards to that and so, while there were, in fact, an investigation and a report conducted, people can interpret that in different ways. And so, I certainly don't want the body to think that there was some sort of facts that were established that were agreed to in a

unanimous fashion out of the committee because my understanding was, is that there was a divided vote out of the committee in regards to the report.

On **POINT OF ORDER**, Representative FREDETTE of Newport asked the Chair if the remarks of Representative BABBIDGE of Kennebunk were germane to the pending question.

The **SPEAKER PRO TEM**: The Chair would remind all Members, the Order before us makes reference to the work of the Government Oversight Committee. The Government Oversight Committee, while there's components of it that were not supported by all Members, the Chair will remind the Members that that report is germane to debate, but will remind all Members to refer to charges as allegations, alleged, and so forth.

The Chair reminded all members to stay as close as possible to the pending question and to refer to charges in the report as allegations or alleged.

The **SPEAKER PRO TEM**: The Member may proceed.

Representative **BABBIDGE**: Thank you, Mr. Speaker, and I believe I've taken pains to address the concerns expressed. Accepting that the word "support" was used in place of funding, the answer in both these cases that we're talking about is yes. It is yes because witnesses under oath confirmed events as followed: It is yes because the Chief Executive's Senior Policy Advisor summoned the school's lobbyist who was hired by Hinckley specifically to protect the state budget's yearly \$530,000 allocation earmarked for the school with the support of the Chief Executive. After having the lobbyist confirm that Speaker Eves had been hired, the lobbyist was informed that the Chief Executive was withdrawing support.

It is yes because the Chief Executive's acting Commissioner of Education warned the school board's chair of the Chief Executive's displeasure.

The **SPEAKER PRO TEM**: The Member will defer. The Chair recognizes the Representative from Newport, Representative Fredette, and inquires why the Member rises.

Representative **FREDETTE**: Point of Order. Again, speaking in regards to the motion for an Indefinite Postponement, we understand the allegations that are in there. And again, in regards to the report, people have access to that online. They can read it. They can interpret it the way that they want. But to assert that there's some sort of fact-finding that's been asserted as a fact is not correct, and I would again try to keep us focused on the germaneness of the motion and the issues that we're talking about so that we can proceed in a way that we can conclude this. Thank you.

On **POINT OF ORDER**, Representative FREDETTE of Newport asked the Chair if the remarks of Representative BABBIDGE of Kennebunk were germane to the pending question.

The **SPEAKER PRO TEM**: In the beginning of this debate, the Chair recognized the historic nature of this debate as well as the wide scope of the order before us and recognizing that folks on both sides of this issue would be very uncomfortable in having this discussion. The Chair is trying his best to allow for discussion that relates to the Order that is before us. There are other Members that will speak that, I can't guess, but I imagine they may speak to this same issue. The Chair will continue to allow folks to speak to the Order that's before us, but encourages all Members to keep comments to the order that's before us and stay germane to the topic.

The Chair reminded all members to stay as close as possible to the pending question.

The **SPEAKER PRO TEM**: The Member may proceed.

Representative **BABBIDGE**: Thank you, Mr. Speaker, if I may comment, this body, this chamber is a place where there is a greater degree of freedom of speech than anywhere else on Maine soil, and that's because people representing the people of the State of Maine need to have latitude to express themselves without legal recourse. We fully have to respect each other and I intend to try to stay within the facts as they are understood, or as they are corroborated by multiple people. I wish to make no allegations that would be unfair and I want to be corrected if that is, in fact, the case. I'm not going to spend a lot of time on this, but this public record needs to be established as to why this motion to Indefinitely Postpone should be defeated. If I may continue, Mr. Speaker.

The **SPEAKER PRO TEM**: The Member will defer. The Chair will draw Members' attention to Decorum in Debate, Section 120, Equality of Members in Debate, in regards to freedom of speech: "involves obedience to all the rules of debate. The language used by Members during debate should be temperate, decorous, and respectful."

The Chair reminded all members to closely follow Sec. 120 of Mason's Rules.

The **SPEAKER PRO TEM**: The Member may proceed.

Representative **BABBIDGE**: Thank you, Mr. Speaker, I was sharing that the acting Commissioner of Education warned the school board's chair of the Governor's displeasure and communicated that he would be happy again if the board dismissed this new president—that was confirmed by multiple testimony—confirmed that the Governor had directed that no money was to go to...

The **SPEAKER PRO TEM**: The Member will defer. The Chair will remind all Members to refer to the Governor as the Chief Executive during debate and to not question the motives of the Chief Executive.

The Chair reminded all members to refer to the Governor as the Chief Executive and that it was inappropriate to question the motives of the Chief Executive.

The **SPEAKER PRO TEM**: The Member may proceed.

Representative **BABBIDGE**: Confirmed that the Chief Executive had directed that no money was to go to Hinckley that was not required by law, and ordered the withholding of the quarterly check, and only the Hinckley check, in its normal May mailing.

It is yes because the Chief Executive personally telephoned the Hinckley board chair and even the president of the Harold Alfond Foundation...

The **SPEAKER PRO TEM**: The Member will defer. The Chair will remind all Members to refer to the actions of the Chief Executive as the alleged actions of the Chief Executive.

The Chair reminded all members to refer to the actions of the Chief Executive as the alleged actions.

The **SPEAKER PRO TEM**: The Member may proceed.

Representative **BABBIDGE**: Testimony was received that the Chief Executive did contact these two Members and why these two, to express displeasure, to vent his criticism of the Speaker, testimony revealed, and to declare his support for Hinckley had ended. And both men responded by alarming the Hinckley board about financial consequences, resulting in the eventual dismissal of the Speaker.

And finally, it is yes because the Chief Executive, in a taped interview with WMTW, admitted that due to the hiring of the Speaker, he threatened to withhold funding, added, "I did," quote, "I did. If I could, I would. Why wouldn't I?" Unquote. Intended as a rhetorical question, the Chief Executive deserves an answer from this Legislature. The Government Oversight

Committee having agreed only to investigate the facts, voted to accept the report detailing these facts that were established, at least, by a 7-5 vote. The Minority Report, as declared in my presence, objected to the conclusion in the report, after OPEGA's investigation, asserting that the four month national search involved a candidate selection process that the report had stated was thorough, thoughtful, and fair for the 19 candidates. That was objected to. The rest of the report entitled, "Financial Risks Associated with Potential Loss of Funding"—state funding—"Led the GWH Board to Change Course on its Decision for New President," stood on its merit.

The Chief Executive deserves an answer as to why he shouldn't have intervened, promised punitive action against Goodwill-Hinckley, and manipulated the firing of a respected official. Manipulate, in this case, meaning...

The SPEAKER PRO TEM: The Member will defer. The Chair will remind all Members what we are discussing is alleged, perceived, there are some items that we are debating today that are not black and white, and I just remind all Members, we're allowing for debate in an area, but at the same time, the Chair expects all Members to refer to these actions as alleged actions or perceived actions.

The Chair reminded all members to refer to the actions of the Chief Executive as the alleged actions.

The SPEAKER PRO TEM: The Member may proceed.

Representative **BABBIDGE**: Thank you. I use that word because it means change by artful or unfair means, as to serve one's purpose. Do the actions of the Chief Executive regarding Goodwill-Hinckley warrant impeachment? Only the special committee in this Order can recommend such action. But one thing is for sure: this is not just about discretionary funds. Using one's position of power in government—using one's position of power in government—to cause a political foe to be fired from his job outside of legislative service, I believe, is a serious abuse of power, and I ask you to vote against Indefinite Postponement.

Of the items in this list of allegations included on this Order that is most concern to me, regards the undermining of legislative power and impeding the ability of the Legislature to carry out its duties. Last May 29th, the Chief Executive announced that he began vetoing all bills sponsored by Democrats. In his veto message in the Legislative Calendar, he stated that reason, Democratic sponsor, in bill after bill.

The SPEAKER PRO TEM: The Member will defer. The Chair will remind the Member we are speaking to the Order that is at hand. I believe the Member is straying to an area that is not listed within this Order and the Chair, while allowing for a wide berth in this debate, the Chair will remind Members that if folks can't stick to the Order, their ability to address the House will be denied.

The Chair reminded Representative **BABBIDGE** of Kennebunk to confine his debate to the question before the House.

The SPEAKER PRO TEM: The Member may proceed.

Representative **BABBIDGE**: Thank you, Mr. Speaker, Item No. 4 on the list deals with the undermining of legislative power and I will not go into detail about the vetoes or the blanket vetoes, that were vetoes of Republican and Democratic bills, that was an executive use of changing our rules. But I'll not pursue any of that. I will skip over that.

However, the Executive assault on the power of the Legislature has continued in other ways. I grew up in South Portland and my South Portland High School class ring had the inscription, "Knowledge is power." This much, I know. Knowledge is an essential ingredient in the making of good law. Access to information is required for the Legislature to carry out

its constitutional duties. How can Representatives ensure that they have the knowledge to do their duty? Now, in state and national government, there's quite a difference here, because in the national government, they have a security net. Congress has an appropriations to enable its members to research, analyze, digest information. House members get between \$1.25-\$1.5 million to hire up to 18 staffers; five of them, on average, being policy people. Wouldn't that be nice?

The SPEAKER PRO TEM: The Chair would remind the Member to stick to the Order that is before you, before the House. The Member has been warned, and this is the last warning.

The Chair reminded Representative **BABBIDGE** of Kennebunk to confine his debate to the question before the House.

The SPEAKER PRO TEM: The Member may proceed.

Representative **BABBIDGE**: Regarding Item No. 4: But the average Citizen Legislature in Maine state government has no office or staff. As lawmakers, our committee process requires more reliance on the Executive Branch for information about government, guiding us to revise law and make budgets than does Congress. Item No. 4 addresses the Executive's refusal to allow cabinet members and members of the administration to appear and testify before legislative committees. How can the Legislative Branch and its Appropriations committee create an accurate and viable option for a budget without cooperation from the Maine Revenue Service? They shouldn't have to. How can we legislators, who have no personal research staff, learn the information we need to make informed decisions if we don't have access to the very people who run the agencies specific to our committee assignments? It's an unacceptable roadblock to good government. Why must communication be stalled to the point that all questions to department heads be vetted through the Office of the Chief Executive? It should not. Any impediment to or paralysis of legislative ability caused by Executive action is improper use of Executive power and deserves an aggressive response. Such a response is before you, if you will vote against the pending motion.

And very briefly, the third item of concern for me is the Executive's pattern of unhealthy behavior that I believe could be corroborated by an investigation of some of the remaining allegations listed in the Order. Some of them: alleged use of political extortion by threatening withdrawal of funds, the established facts and whether they are deemed impeachable offenses would be the responsibility of the proposed committee, but for that to happen, we would have to defeat the motion in front of us.

Those are my three concerns. I cannot abide by the assertion that the Chief Executive's actions are just politics, not here in Maine. Mr. Speaker, I'm aware that separation of powers invites conflict, that even in my lifetime the relationship between the branches here was tested in the mid-1970's and early 1990's. But the Legislature prevailed as a strong institution because the people's representatives were not subjected, as I believe it is today, to a sustained executive onslaught, to an unprecedented use of Executive power, which diminishes the Legislature's power and effectiveness. I am proud, at this moment, to stand up for this institution, citing what I believe to be Executive abuses of power and using the only power given to us to insist that this should not, and enforce that this will not, continue.

It is appropriate that the most powerful political leader in this state realized that if he abuses his power, especially against the people's representatives, that we not just protest, but demonstrate as an equal branch of government that such actions will not be tolerated. If we fail to use the tools given to us to

protect this institution at this time and place in Maine's story, I fear that we may, one day, look back with regret. The separation of powers first implemented in the American experiment was designed to force collaboration and compromise. The system breaks down if an Executive extorts his will, especially as a modus operandi, an ongoing plan of action. Extort, by the way, as defined by Merriam Webster, is "to obtain by force, intimidation, or undue or illegal power."

Although public officials have the right to do certain things, reasons for doing them, and the consequences of doing them do matter. The President has the right to use the FBI, the military, and even the special telephone to command the officers of nuclear armed submarines. But use of these powers, especially for personal reasons or retribution, by an out of control President are certainly impeachable offenses, even under the higher federal standard for impeachment. So here in Maine, a power delegated to the Chief Executive by the Maine Constitution also may be used in such a way that constitutes abuse. The abuse may lie in the reasoning, the purpose behind the use of Executive power. On the floor of this House chamber, we are forbidden to speculate on the motives of fellow legislators or the Chief Executive. So we deal only in facts. Fortunately, there is a factual record because the Chief Executive has explained his reasoning and I say that reasoning constitutes an abuse of power.

Directing punitive actions, legal actions, actions that may fall within Executive jurisdiction, directing those actions for reprehensible reasons, is unethical and therefore impeachable. The purpose, the motivation of a public servant's action is usually disallowed in this chamber because it is normally conjecture and unprovable, and therefore, unfair to condemn. But when an official confesses to his motivation, trumpets it to enlighten his foes, purpose is no longer accusation, but fact. It is important that here, today, to be fair to all, we only deal with facts.

So, Mr. Speaker, the question is not about Democratic or Republican politics, liberal or conservative ideology, or even national embarrassment. The question is and should be about abuse of power and only about infractions that threaten the practice of good government in Maine. I approach this as a teacher and student of government who, starting in 1975, led annual field trips that brought hundreds of young minds to the State House. We need to hold ourselves and our Chief Executive to a standard of public trust that inspires a new generation to serve in public office. What we witnessed here in Augusta in 2015 must not stand as a precedent for future leaders. The fact is that the Chief Executive from Waterville, the Speaker and Representative from North Berwick, this Representative from Kennebunk, you and all of our colleagues are only the current Members of an always changing cast. What is important is not us as individuals, but the offices we represent and the ability of our institutions to effectively do the people's work. Separation of powers between branches requires us to work together and that relationship should be based on the respect one should receive as an elected Representative of his or her constituents.

But, more serious than words are actions that allegedly constitute an abuse of power. And public announcements regarding them, which demonstrate that few boundaries are recognized and, therefore, deserves the strongest legislative action and response. Regardless of outcome, I believe it's important for facts to be part of the public record, to form a special committee to pursue facts, allow the Chief Executive to respond in his defense, and determine if any impeachment articles are to be recommended to the House. I ask that you vote against the pending motion to indefinitely postpone.

So, yes, this Order provides a road to possible impeachment. Some supporters of the motion have asked, "Do we have the right to challenge a Chief Executive who won nearly 295,000 votes last election?" I believe that this Chief Executive has abused his power and violated the public trust, most egregiously since the last election, and continues to justify his actions. And for the record, although he trumpets his support, he has never received a majority of votes, and he received 55,000 fewer votes than people sitting in this chamber.

The SPEAKER PRO TEM: The Member will defer. The Member has been warned. In regards to previous elections, those comments are irrelevant to the debate that's before us. The Chair would ask if the Member is getting to a point.

The Chair reminded Representative BABBIDGE of Kennebunk to confine his debate to the question before the House.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Point of Order. Mr. Speaker, we've been patient and we've listened on this side of the aisle and tried to be respectful. We've had to object a number of times to the comments by the good Representative, and at some point in time, there needs to be an admonishment of the speaker so that we actually understand that, you know, if we're actually going to say to someone, you know, "You can't do that anymore," it actually has to mean something. It can't mean it, like, after the 15th time.

On **POINT OF ORDER**, Representative Fredette of Newport asked the Chair if Representative Babbidge of Kennebunk should be allowed to continue his debate.

The SPEAKER PRO TEM: The Member has been warned several times. The last warning was referred to as the last warning. The Chair is moving on to someone else at this time.

The Chair told Representative BABBIDGE of Kennebunk he was not allowed to continue his debate.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I stand today against the motion to Indefinitely Postpone the House Order to create an investigative committee to study the question of impeachment. The Chief Executive, through his actions, has brought us to this point today. We'd all rather be talking about education and economic development and healthcare, but all of us in this House today accepted a duty when we were elected by Maine people. We took an oath, and therefore have an obligation to uphold the Maine Constitution. Today we are confronted by a Chief Executive who has allegedly used the power of his office to improperly intimidate and coerce Maine citizens serving on boards of the Acadian Congress, the State Community College System, the Human Rights Commission, the Land for Maine's Future, and by his own admission, Goodwill-Hinckley.

Is this the precedent we want future Chief Executives to follow? We are in a situation like that which faced first term Maine Congressman Bill Cohen 40 years ago in the investigation of Richard Nixon. Cohen described the feelings of legislators in these words, and I quote: "Each of us, by a force of circumstances beyond our desire or control, was placed on a high wire that was strung between disloyalty to party and disloyalty to principle," unquote. That's where we are today. We are all on a high wire, regardless of our political affiliation, weighing the political advantages of burying our heads in the sand and ignoring these alleged abuses of power against the political cost of standing up for the powerless. A fellow Representative of Bill Cohen's on the House Judiciary

Committee, William Flowers of Alabama, expressed the choice that they faced in these terms, and I quote, "I felt that if we didn't impeach, we'd just engrain and stamp in our highest office a standard of conduct that's just unacceptable," unquote.

That is the issue we are voting on here today in Maine. Are we going to say to this Chief Executive and to all future Maine Chief Executives that such abuses of power constitute acceptable political behavior? That the House of Representatives of the State of Margaret Chase Smith, Bill Cohen, Ed Muskie, George Mitchell, and Olympia Snowe are now afraid to stand up and say, "Enough is enough."

The SPEAKER PRO TEM: The Member will defer. The Chair will remind all Members that during House debate, not to question the intent and character of other Members.

The Chair reminded all members that it was inappropriate to question the intent and character of other members of the House.

The SPEAKER PRO TEM: The Member may proceed.

Representative **WARREN**: Thank you, Mr. Speaker, this isn't an issue of Democrat or Republican. It isn't an issue of conservative or liberal. It isn't an issue of whether or not to abide. It is an issue of whether or not to abide by the letter and spirit of the Maine Constitution. You know in your heart that what's been going on around here is not right. Today, follow your heart. Stand up for the Maine tradition, the way Maine politics should be. Join me.

The SPEAKER PRO TEM: The Member will hold. The Representative from Newport has requested that leadership approach the well of the House.

The Chair will remind all Members that we are in uncharted waters. It's very difficult for folks on all sides of this issue. I appreciate leadership on both sides coming and willing to be able to talk. It is our intention that we'll get through this today and we'll get through this with approximately eight people in the queue still to speak. That being said, there are several things that the Chair will remind folks as we continue and these comments aren't directed at anyone specific, but of the broader debate.

In regards to the decorum of debate, Section 121, Number 3, "A member who resorts to persistent irrelevance or to persistent repetition after attention of the House has been called to the matter may be directed to discontinue the speech by the presiding officer." The Chair also reminds folks that while we all have personal feelings on the issue at hand, while expressing one's feelings is one matter, expressing feelings or wondering the feelings of other Members of the body, or speculating on the feelings of other Members, falls into an area that is considered speculation of the person's motives and will be ruled out of order.

So, as I said before, we'll get through this today. If we need to take a pause, we'll do that, as we just did. But it is my intention that we get through this today and that we do the work this afternoon in our committees that needs to be done. And from time to time the Speaker and Chair will stop debate and remind folks of the decorum and I remind folks that it is the Speaker's determination to the germaneness of the Order that's before us. And so I thank everyone for their patience.

The Chair reminded all members to closely follow Sec. 121, #3, of Mason's Rules.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, in closing, please join me in opposing the motion to Indefinitely Postpone.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, we are making

history here today, and not in a good way so far. We have before us a proposed House Order to remove the Chief Executive from office because some Members of this body disagree with him on policy issues.

The SPEAKER PRO TEM: The Member will defer. The Chair will remind all Members that speculating on the motives of other Members is out of bounds in debate. The Order that is before us is an investigative order in regards to alleged allegations.

The Chair reminded all members it was inappropriate to question the motives of other members of the House.

The SPEAKER PRO TEM: The Member may proceed.

Representative **LOCKMAN**: The sponsors of this Order have already presented their grievances, both real and imagined, to the Attorney General...

The SPEAKER PRO TEM: The Member will defer. Referring to Members' character is out of bounds within debate.

The Chair reminded Representative LOCKMAN of Amherst it was inappropriate to refer to the character of other members of the House.

The SPEAKER PRO TEM: The Member may proceed.

Representative **LOCKMAN**: I think we all know that the heart of this complaint is the controversy over Goodwill-Hinckley's hiring and subsequent dismissal of Speaker Mark Eves as President of the nonprofit and its charter school. And as we all know, the Chief Executive strongly opposed the hiring of Speaker Eves and made his opposition well known to all interested parties. Given what we now know about the hiring process, I believe the Chief Executive deserves not an impeachment order, but a public service award for blowing the whistle on what happened at Goodwill-Hinckley.

What we now know is the central role played by Bill Brown, a high paid member of Speaker Eves's staff in the hiring process.

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative **GIDEON**: Mr. Speaker, I would request to the Speaker whether this is relevant to the Indefinite Postponement motion in front of us and the matter in front of us.

On **POINT OF ORDER**, Representative GIDEON of Freeport asked the Chair if the remarks of Representative LOCKMAN of Amherst were germane to the pending question.

The SPEAKER PRO TEM: The Chair would answer in the affirmative. As I stated earlier on in debate, this Order is broad. It includes aspects of the Government Oversight Committee Report.

The Chair reminded Representative LOCKMAN of Amherst to stay as close as possible to the pending question.

The SPEAKER PRO TEM: The Member may proceed.

Representative **LOCKMAN**: Thank you, Mr. Speaker, what we now know is the central role played by Bill Brown, a high paid member of Speaker Eves's staff, in the hiring process at Goodwill-Hinckley.

The SPEAKER PRO TEM: The Member will defer. As stated before, the Chair would ask all Members to refer to the allegations at hand as allegations or perceived.

The Chair reminded all members to refer to the allegations in the report as allegations or perceived.

The SPEAKER PRO TEM: The Member may proceed.

Representative **LOCKMAN**: Thank you, Mr. Speaker, and we know these facts because of his testimony under oath before the Government Oversight Committee on November 12th of last year. Hours into the marathon examination of nine witnesses, Bill Brown admitted that he was much more involved in the presidential search and selection process at Goodwill-Hinckley

and the consideration of Eves's candidacy than anyone had previously disclosed. It was clear that Brown had, indeed, provided his boss with advantages that other candidates for the job did not receive.

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative **GIDEON**: Mr. Speaker, as you have directed many previous speakers, and as you just directed the current speaker, there is a difference between facts and allegations.

On **POINT OF ORDER**, Representative GIDEON of Freeport asked the Chair if the remarks of Representative LOCKMAN of Amherst were germane to the pending question.

The SPEAKER PRO TEM: The Chair will agree and remind all Members that what we are discussing, allegations, perceptions, what is in bounds is the actual findings within the GOC Report. The chair recognizes that there is a wide window for debate on this subject, but also asks the Member to stay within bounds and refer to those things that are fact and those things that are alleged.

The Chair reminded all members to stay as close as possible to the pending question and to refer to the charges in the report as allegations or alleged.

The SPEAKER PRO TEM: The Member may proceed.

Representative **LOCKMAN**: Thank you, Mr. Speaker, I am merely reciting the sworn testimony of one of the witnesses who was examined in the dispute over Goodwill-Hinckley. This relates to Item 8 on the House Order accusing the Chief Executive of using state assets to intimidate the Board of Directors. This is extremely relevant.

Under oath, Mr. Brown revealed the following: He served on the search committee for the next president of Goodwill-Hinckley. Although he previously stated that he had recused himself from reviewing or advising on his boss's application, Brown revealed that he had, indeed, been present at both of his boss's initial and final in-person interviews. He admitted that he reviewed the résumés of all candidates and sat in on the interviews with all candidates. He, at first, told the committee that he did not discuss his boss's qualifications with members of the search committee. But, later, during his testimony, he reversed himself and revealed that he had twice been asked by committee members to comment on aspects of Eves's candidacy and that he had, indeed, provided information. Pressed on whether he had advised Eves's during the application process, Brown admitted under oath that he had reviewed his boss's résumé, provided feedback, and suggested how he might improve it. When asked whether he had provided similar advice to other candidates, he replied that he had not.

The bottom line here, the conclusions we can draw from that: Brown's testimony revealed that the process was not fair.

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative **GIDEON**: Mr. Speaker, first of all, I apologize to you for rising repeatedly on Points of Order on one speaker. However, now the speaker is drawing conclusions, and once again, I would ask if this calls into question facts versus allegations.

On **POINT OF ORDER**, Representative GIDEON of Freeport asked the Chair if the remarks of Representative LOCKMAN of Amherst were germane to the pending question.

The SPEAKER PRO TEM: The Member has been warned. The Chair asks that when the Member proceeds that we stick to facts, not allegations, and that moving forward, reading items from the Report may be factual, but interpretation falls into an

area that may be questioning motives and be out of bounds for debate on this item.

The Chair reminded Representative LOCKMAN of Amherst to stay as close as possible to the pending question.

The SPEAKER PRO TEM: The Member may proceed.

Representative **LOCKMAN**: Thank you, Mr. Speaker, what we know from the sworn testimony is that a well-paid member of Mark Eves's staff was embedded in the search process, while personally advising him on how to land the job. I urge passage of the pending motion and in closing, I want to quote briefly an excerpt from our Legislative Code of Ethics that binds all of us. "No Maine legislators will accept any employment that will impair their independence and integrity of judgement, nor will they exercise their position of trust to secure unwarranted privileges for themselves or for others." Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Mr. Speaker Pro Tem, Women and Men of the House, I rise today in opposition to the motion to Indefinitely Postpone because I support the Order presented here. I do so after intense deliberation. This is not the kind of history I came to Augusta to make.

Like most of you in this citizen Legislature, I gave up my business and time with my family and friends to serve here on behalf of the citizens of my district to help solve the problems of our state. Even as late as last week, I believed that if I just came here every day, kept focused on the important issues, such as jobs and the economy, education, the pressing heroin addiction, to mention just a few, and worked with my colleagues on all sides of the political spectrum, we could get work done. I thought that a discussion such as the one we are regrettably having today would only distract, only divide, only feed the public's cynicism about what "politicians" care about and do with our time.

But today, I oppose the motion to Postpone, because just a few days ago a public comment allegedly made by our Chief Executive that echoed around the nation acted like a glass of cold water in my face. Remarks that allegedly elicit the praise of white supremacist groups would never be tolerated...

The SPEAKER PRO TEM: The Member will defer. The Chair will remind all Members that what we are debating at this time is the Indefinite Postponement of House Order 4-3, and based on previous discussions and comments from the Chair, the Chair will remind all Members to please keep comments germane to the subject in the Order that is before us.

The Chair reminded all members to confine their debate to the question before the House.

The SPEAKER PRO TEM: The Member may proceed.

Representative **GRANT**: Thank you, Mr. Speaker Pro Tem, I oppose the motion to Indefinitely Postpone because things that are alleged in this House Order are not ways to govern. They are not the way it's always done. If true, they would be the hallmarks of the kind of bullying behavior we rightly would not tolerate among the children and youth in our state's schools.

I oppose the motion to indefinitely postpone because the incidents and behavior alleged here, each on their own merits, might not rise to the Constitution or legal level of impeachable "misdemeanors." Taken together, along with dozens of others that could be added, might suggest a pattern of power abuses and tactics that are not only anathema to good government, but I would argue may even threaten the very balance of power between co-equal branches of government outlined in our state's Constitution.

I oppose the motion to Indefinitely Postpone because the Constitution all of us here gave our oath to protect, gives sole authority to impeach a person in state public office to the House

of Representatives. Our framers had to provide an avenue of redress for instances such as this because history had shown them—and indeed has provided examples since—that too much power centered on one individual might provide potential for abuse. They knew that this would have to be addressed in order to protect the process of good government and the needs of the people, in whose ultimate hands all power in a democracy rests.

That is also the reason that the Constitution does not give the Executive the last word on the laws of our state, but leaves it with the representatives of the people in the Legislature, whose individual power is diffused across 186 Senators and Representatives.

I oppose the motion to Indefinitely Postpone because I believe that no other work we might try to accomplish here is as important as safeguarding the integrity of our democratic system established by our state's Constitution. For nearly 200 years this document and the institutions it created have secured the life and liberty of Maine people against those who would abuse the power entrusted to them in public office.

Yes, what we are about here is historic and the most critical work we will do in the 127th Legislature. I oppose the motion to Indefinitely Postpone because I believe we must ask ourselves this question: "Will we, as a body given this sole authority by our Constitution, investigate and potentially hold accountable these alleged misuses of power, or will we be silent while members of our citizen Legislature, other public servants and even worse, private citizens, allegedly fear to vote or speak their minds in dread of retribution?"

Yes, I oppose the motion to Indefinitely Postpone because I believe that if these fears are unfounded then this investigation might prove it, so that their minds might be at ease. If the investigation proposed in this Order bears out the truth of these or other allegations, we must, for the good of our people and the future of our democracy put it to the test. If those who believe these allegations are false and there is no basis for these fears, let them prove it in the process envisioned in our Constitution.

I am sad. I've tried hard to take the high road and pride myself in maintaining civility. I believe that until we face this issue head on, we will not get our work done. No, this is not the kind of history I came to Augusta to make. I simply believe we have no choice. I ask Members to oppose this motion to Indefinitely Postpone and go on the record before the people of Maine to vote the underlying Order up or down. Thank you, Mr. Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from York, Representative Blume.

Representative **BLUME**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the motion to Indefinitely Postpone this Order. We all want to be working on our important committee work right now and advocating for our constituents and not having to consider this Order. However, our duty as legislators is also to do our part to uphold the framework of government so that all political discourse is open, fair and without fear. If any public official cannot advocate for, testify to or vote for those issues as they see fit for fear of personal retribution, then the people of the State of Maine lose, under this Chief Executive or any other one in the future. We cannot have such a precedent set.

I oppose this motion because if we let a pattern of alleged unethical public behavior continue without an official investigation, then we are condoning it and setting a precedent for similar behavior in the future. That's what this Order is about and we are the only body that can ask for this type of investigation. The alleged actions and behavior of the Chief Executive has brought us to this day and we must have the

courage to discuss it. It is a solemn and unprecedented occasion. If the Chief Executive were a Democrat whose behavior rose to such a list of alleged offenses, I would be voting the same way. I urge everyone to consider this solemn duty as Members of the House of Representatives in this matter. This is not a partisan issue. It's about protecting good governance for all of us and those who come after us. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Friendship, Representative Evangelos.

Representative **EVANGELOS**: Thank you, Mr. Speaker, Men and Women of the House, I rise in opposition to the Indefinite Postponement motion. Many of the issues pending before us today hinges on the word "discretion," and whether the Chief Executive has allegedly abused his authority.

First, let's examine the definition of discretion as it pertains to the eight allegations. Discretion is defined from various dictionaries as, "The quality of having or showing discernment; Good judgement; Discrete; Cautious reserve in actions so that people will not be harmed; The trait of judging wisely and objectively; discrete means to be wise or judicious in avoiding mistakes or faults; Prudent; Circumspect; and Cautious; Not rash." In other words, discretion is exercising judgement tempered with these attributes in order to arrive at a final decision or outcome. In fact, *Black's Law Dictionary* defines abuse of discretion as, "An act, or failure to act, that no conscientious person acting reasonably could perform or refuse to perform, one which requires exercise in judgement and choice and involves what is just and proper under the circumstances."

Now, let's examine the eight alleged counts alleged against the Chief Executive in reference to the definition of discretion. Allegation No. 1: the land for conservation bonds. Fundamental to our liberties in this country is the referendum process, when 60 or 70 percent of the people weigh in and tell us to do something. I would ask everybody in this body to examine that as to whether that is just and proper, or the proper exercise of discretionary authority. Items 2, 5, and 8: the World Acadian Congress allegation, the Maine Community College System allegation, and the Goodwill-Hinckley allegation. I ask each of you to examine the allegations and come to a determination, whether the Chief Executive's use of discretionary power was just and proper, did it inflict personal harm, or was it a justifiable use of his authority.

A second fundamental aspect of our human rights in this country is the right to a fair hearing; the right to a fair hearing in court or a board. Allegation No. 3 and allegation No. 6: was the Chief Executive's alleged decision to become involved with the unemployment hearing process and the Maine Human Rights Commission activities just and proper or an abuse of authority? Please examine that. Allegation No. 7: the creation without public notice of a panel to investigate the Maine Human Rights Commission; allegedly a violation of the Maine's Right to Know law. A proper use of discretion or an abuse of authority? Just and proper or abuse of discretion?

Our World War II parents set a standard of respect, decency, and courage to confront difficult circumstances. Because of the Chief Executive's alleged abuse of authority, the whole world is watching Maine today. Please send the world a message. Please vote your conscience today. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker Pro Tem, Women and Men of the House, I rise today in opposition to the pending motion, which is Indefinite Postponement of this matter. I rise with a heavy heart. It's not the way I envisioned making history, entering this chamber full of hope. And I've talked to a

number of folks and it's not an easy decision to come to this. And what it is, to be clear, is an investigative process.

It would be easy to say we will Indefinitely Postpone and get on to the "real work" of government. However, I feel the real work of government is this, is listening to the people of Maine's perspective—and it's not only folks that have voted, although we appreciate the solemn occasion of exercising that right. But where those rights are eroded and there are folks that we're representing that haven't voted and are in our communities and we need to represent the 100 percent that are here with us. This is our House.

And that's why I rise today is just to be clear that we are here to do the business of the people, but this is our House. And I do have the great honor and I'm grateful to be able to say something on the floor of the House. And I just felt it necessary to speak for those who may not have a voice. I've heard from a number of folks. Unfortunately, I have not been able to have perfect communication with everybody, because there are a lot of voices on this issue. But, I will be voting in opposition to the motion to Indefinitely Postpone because I feel, through the collective speaking to folks who have fear of not drinking clean water, who are struggling to have food to survive, and people are in my community and throughout the State of Maine.

And we do need to focus at the work at hand, but if we do ignore history and not look at the cumulative picture, we are doing a great disservice to our people. And I apologize for not being more clear and concise. I echo what some folks have said and do agree that time is important. Some folks will say, you know, equate time with money. And that does hurt me to no end because when we put a price tag on a human life, it's something where I did feel the need to stand up and speak for those who don't typically have a voice on the House floor. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Pittsfield, Representative Short.

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in favor of the pending motion to an Indefinite Postponement and I do so in hopes that with its passage, we will move forward in a positive, productive, bipartisan effort to pass legislation that will result in positive effects on the citizens of Maine, such as the creation of jobs and dealing with our illegal drug issues and all those issues that have been brought to the attention of many of us over the past four or five months that are important to the citizens of Maine. I, again, support this motion in hopes that this process doesn't drag out any longer. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, this morning I stopped at city hall to run an errand at the City Clerk's office and I had the opportunity to ride up in the elevator with two very polite young gentlemen who were going to the city clerk's office as well. They finished up what they were doing and I finished up what I was doing and as they were walking out, one of them said, "Wow. I'm a registered voter." And we had the opportunity to ride down in the elevator together and we had a lovely chat and he said, "You know, I never thought that I'd ever register to vote and I never thought that I would ever serve in the military and I'm signing up to do both today."

And I thought about that as I was driving up here—the idealism—and I thought about another moment in my life when I was, I don't know, eight or 10 years old and I was sitting in front of the television...

The SPEAKER PRO TEM: The Representative will defer. The Chair recognizes the Representative from Newport, Representative Fredette, and inquires why the Member rises.

Representative **FREDETTE**: Thank you, Mr. Speaker, I would just inquire as to the germaneness of the good speaker from Portland's comments and ask the Speaker to make a ruling on germaneness as it applies to the pending motion.

On **POINT OF ORDER**, Representative **FREDETTE** of Newport asked the Chair if the remarks of Representative **RUSSELL** of Portland were germane to the pending question.

The SPEAKER PRO TEM: The Chair will remind all Members that what is open for debate at this time is a motion for Indefinite Postponement on the motion from the Representative from Portland, Representative Chipman, which is the House Order 4-3.

The Chair reminded all members to stay as close as possible to the pending question.

The SPEAKER PRO TEM: The Member may proceed.

Representative **RUSSELL**: Thank you, Mr. Speaker, I'm actually rising in opposition to the pending motion and I've heard a lot of people talk about other people's intentions and other people's views and other people's reasons for what they've done. And many people have been gavelled out of order for that very reason. I'm standing here to speak about my reason for voting the way that I'm voting. And I don't know how other people are going to vote today and that's on them, but I do expect the right to be able to speak about the reasons why I'm voting the way I'm voting.

I sat there and I watched a reporter choke up when she reported on the death of a young woman. She was 12 years old. And I'll never forget that because I'd never seen a reporter choke up. That reporter was choking up because she was reporting that Samantha Smith had died. Samantha Smith had the audacity at 10 years old to write a letter...

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes that the Order is broad and has allowed for debate within a broad range, but as with the former speakers and Members of the House, the Chair will remind this Member to keep comments to the House Order before us.

The Chair reminded Representative **RUSSELL** of Portland to confine her debate to the question before the House.

The SPEAKER PRO TEM: That being said, the Member may proceed.

Representative **RUSSELL**: Thank you, Mr. Speaker. I think about that moment because we have a long history in Maine of dedicated public service, whether in this body or outside of this body, and we have an opportunity to protect the reputation, I think, of Maine people.

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from Newport, Representative Fredette, and inquires why the Member rises.

Representative **FREDETTE**: Again, I'd want to caution folks not to inquire as to the motives of people who don't support the motion, and again, if we could focus on the germaneness of where we are on the motion.

On **POINT OF ORDER**, Representative **FREDETTE** of Newport objected to the comments of Representative **RUSSELL** of Portland because she was questioning the motives of other members of the House.

The SPEAKER PRO TEM: The Chair will remind all Members to not question the motives of individuals in the chamber or the motives of the Chief Executive, and further requests that going further in this debate today, that all comments are germane to the Order at hand.

The Chair reminded all members that it was inappropriate to question the motives of other members of the House or the Chief Executive.

The SPEAKER PRO TEM: The Member may proceed.

Representative **RUSSELL**: Thank you, Mr. Speaker, this is a very difficult decision that we have before us. I would hope that we would vote against the Indefinite Postponement so that we could have an opportunity to actually vote straight up or down on the motion in question, on the real motion. But since we don't have the opportunity to do that today, I would hope that folks would really dig deep and think about the message that gets sent, whether it's what we say or others say.

And the message that I want to send to Maine people—and frankly, to the people around the country and the world—is that we have a long-standing history in this state of standing up against oppression, and I would hope today we have an opportunity to do just that.

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from Newport, Representative Fredette, and inquires why the Member rises.

Representative **FREDETTE**: Well, I think when the good Representative from Portland is talking about oppression, I mean, again, I think once again it's not a fact that's in where we are in terms of oppression. Let's focus on the motion. Let's focus on that and what is germane to that. On whether or not there's oppression or not, I don't think it's germane to the question.

On **POINT OF ORDER**, Representative **FREDETTE** of Newport asked the Chair if the remarks of Representative **RUSSELL** of Portland were germane to the pending question.

The SPEAKER PRO TEM: The Chair has allowed for a little bit of a wide berth on an issue that is very emotional on all sides. The Chair believes that many Members are working towards specifics in the Order before us, and reminds all Members that all items being discussed need to be germane.

And the Chair, as stated before, will highlight, in Chapter 13, of Decorum of Debate, Section 120: Equality of Members in Debate. "The language used by Members during debate should be temperate, decorous, and respectful." Moving forward, the Chair will continue to request that Members remain germane and that interpretation is for the Chair to determine.

The Chair reminded all members to stay as close as possible to the pending question and to closely follow Ch. 13, Sec. 120 of Mason's Rules.

The SPEAKER PRO TEM: The Member may proceed.

Representative **RUSSELL**: Thank you, Mr. Speaker, I had actually concluded my remarks before the Point of Order. But since I've been asked to continue speaking, I would just remind folks that that Code of Ethics should extend beyond these doors. That Code of Ethics should extend when we step outside and talk to Maine people and we talk to the country. And that Code of Ethics should continue. We all make mistakes. But when there's a pattern of decision-making that potentially brings harm to the body and the very institution of government, that potentially undermines the right of that young man this morning who was so proud to vote, to be registered, to do his duty. Those are the people I think about today.

I'm disappointed that we may not have the opportunity to vote straight up or down. But more importantly, I'm disappointed that we even have to have this discussion today. I go generations back in this state. My roots run very deep. And my heart and soul runs very deep in this state. The legacy that I'm going to leave behind is that when the chips were down, and the moment was the hardest, that I voted to stand up. And maybe we lose today, but we don't lose without a fight.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockland, Representative Beebe-Center.

Representative **BEEBE-CENTER**: Thank you, Mr. Speaker, I rise in opposition to the motion on the floor and in support of the House Order and the intent behind it. The rule of law is the foundation of a civilized society. It establishes a transparent process, accessible and equal to all. It requires us to hold elected officials accountable if they abuse their power or overstep their authority. Events of the past year have brought to the attention of everyone in this chamber that we do not hold among us a clear and common understanding of what that is.

What is our duty as one of the three governmental bodies to hold elected officials accountable? What is acceptable and not acceptable by rule of law? What constitutes an abuse of power? What are the limits of authority of an elected official? The passing of this House Order will begin the process to bring clarity. The Justice Caucus is inviting bipartisan participation of individuals in this chamber to identify what laws are in place, what laws need to be in place, and to return and assure civility in our legal and legislative process.

We begin with this investigation into these eight actions to determine what is acceptable and not acceptable by rule of law. I trust each of you will use your conscience and come to an agreement for the need for this action today with a vote of "yes," and ask you to vote "no" on Indefinite Postponement. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative Chenette.

Representative **CHENETTE**: Mr. Speaker, Men and Women of the House, with all this talk of impeachment, I believe there is another way forward than what is before us now. I believe we must rise above the fray and provide leadership to bring our friends on both sides of the aisle, both parties, together to ensure we prevent future abuses of power and strengthen accountability in government. There isn't anybody in this chamber that would be against that.

I was surprised to learn that the State of Maine has no process to recall an elected official if that person has misused the office.

The SPEAKER PRO TEM: The Member will defer. The Chair would remind the Member the discussions before around germaneness, and I believe the Representative is moving into a discussion that is actually not germane to the Order at hand. So, while the chair will allow the Member to proceed, the Chair warns the Member.

The Chair reminded Representative **CHENETTE** of Saco to stay as close as possible to the pending question.

The SPEAKER PRO TEM: The Member may proceed.

Representative **CHENETTE**: Thank you, Mr. Speaker, if there is truly a groundswell to impeach the Chief Executive, then let's give the public the tool to collect petitions to prove it. Give the people the power to let them be more involved in the process. That is germane to this conversation because we represent them.

I believe, in the meantime, while we wait to give them that power, we can ensure that all officials are held to a higher standard. I think the best way to hold government more accountable is to bring us a part of that equation, hold us accountable along with the Chief Executive, on the same playing field. It's one thing to hold somebody else accountable, like what is before you right now. But it's another thing when you are included in that accountability. It focuses more on preserving the institution of government itself over any one person, because this in and of itself, Mr. Speaker, is bigger than all of us individually. Together we can elevate the conversation, be the grown-ups in the room...

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Mr. Speaker, I believe this is way off base, not germane.

On **POINT OF ORDER**, Representative **LOCKMAN** of Amherst asked the Chair if the remarks of Representative **CHENETTE** of Saco were germane to the pending question.

The SPEAKER PRO TEM: The Chair would ask, as the Member proceeds, that the Member speak to the Order at hand. The Chair also reminds all Members, as stated before, in decorum of debate, the language used by Members during debate should be temperate, decorous, and respectful.

The Chair reminded Representative **CHENETTE** of Saco to stay as close as possible to the pending question and further reminded all members to use language that was temperate, decorous and respectful.

The SPEAKER PRO TEM: The Member may proceed.

Representative **CHENETTE**: Mr. Speaker, I will be voting no on Indefinite Postponement because I believe it's a political cop-out. Vote one way or another.

The SPEAKER PRO TEM: The Member will defer. The Member has been warned for previous comments and for that reason, the Chair will recognize another Member at this time.

The Chair told Representative **CHENETTE** of Saco he was not allowed to continue his debate.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Dion.

Representative **DION**: Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, I rise in support of the motion to Indefinitely Postpone. I wish I could follow with the quality of rhetoric that I've heard to this point. I cannot. What I would like to offer the chamber is the opportunity to reflect on the actual motion and possibly a template, a roadmap, so that we could make a decision today.

I haven't talked a lot about this idea, this Order, this notion of impeachment, with many of my colleagues. I've spent a lot of time reading the record during the convention for the original constitution in other states about what they meant for impeachment. Treason and bribery. Because in those days, fiduciary responsibility was essential to the survival of communities. And after that, there was discussion to list a number of conducts that a Chief Executive could be involved in that echo in this chamber even today—the abuse of discretion, an overreaching executive, a dissonance, a conflict, a rejection of an agenda from a legislative body, and I could continue. These were all well said by learned men long ago, but their lesson is clear today.

And in the discussion of impeachment they decided that that conduct was ineligible. That we use the euphemism of checks and balances, but they understood that for what it was: natural, predictable conflict. That the burden, responsibility and existence of power would continually shift from the Legislative to the Executive, and back again, and therefore, what we reject—or some of us reject—as abuses are symptoms of that transition. I, for one, have little stomach or support for some of the initiatives that have occurred at the behest of the Executive. But that is my opinion.

My responsibility as a legislator is to recognize that that is the function of the Executive Branch to exercise its vision and for us to react. Each time the Executive has overreached, we have repelled those decisions when we do so by rejecting his veto. There are checks. There are ways to get there.

So, today, if we use the constitutional standard, there are two things to consider. You can look at this motion, you can look at

these allegations—and let's be honest, we're all making threshold judgements about the quality of those allegations. We've already attached them to be facts. We've drawn conclusions. We've articulated arguments.

The SPEAKER PRO TEM: The Member will defer. The Chair reminds all Members to address the Chair during debate.

The Chair reminded all members to address their comments toward the Speaker Pro Tem.

The SPEAKER PRO TEM: The Member may proceed.

Representative **DION**: I'm accustomed to actually looking at my audience, but I'll restrain myself. Nonetheless, though we ask for an investigation, it appears, for many of us, we've made conclusions as to what is fact and what might be fiction, or something else.

So, therefore, we can make a threshold decision and we'll use the standard that was given to us. One: Is there a constitutional crisis? Have any of those alleged events led to complete paralysis of government, or in combination did they lead to a paralysis of government? Not inconvenience. Not unsettled emotions. But true paralysis of government. Second, has the conduct of the Executive been of such a degree that we can honestly say to ourselves that there is a growing consensus among all communities of Maine that he has lost consent to govern? There's a difference between loss of consent, disappointment; loss of consents and rejection. But the question is, do we sense that as a body? Has that occurred? And then your third choice is to reject the other two propositions—that it's not about a constitutional crisis, it's not about loss of consents, it's about maladministration—I'll use the word of our forefathers: maladministration. We disagree with the policies, the conduct, the persona of the Executive, and therefore, we move to either support or not support the motion.

So there's my offer to this body. You can go down this checklist. If you believe there's a crisis, you would reject this motion. If you believe there's been a lack, or a growing lack of consent for the Executive to move forward, check. If it's simply about abuse, and we'd be carving new territory if we check that one, then reject this motion. I think we are not there. I think, as distressing as it might be, as concerned as I might be about the conduct of the Executive and my disagreement with some of the policies that arise from that branch of government, I cannot, in the exercise of my judgement, not of my opinion, not of public opinion, but of my personal judgement, which is what we're all elected to exercise here today, this motion must prevail. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I want to thank the good Representative from Portland, Representative Dion, the good Representative from Pittsfield, for their comments. And I do this process as I think the good Representative from Portland uses, as we both practice law, and that this is, in fact, a legal process. It's a constitutional process. We're brought about this process because we had an election, the Chief Executive was duly elected, we have Representatives here today who were duly elected, and we had three branches...

The SPEAKER PRO TEM: The Representative will defer. The Chair would remind the Representative to direct all comments to the Chair.

The Chair reminded Representative **FREDETTE** of Newport to address his comments toward the Speaker Pro Tem.

The SPEAKER PRO TEM: The Representative may proceed. Thank you.

Representative **FREDETTE**: Thank you, Mr. Speaker, we were all duly elected to serve the people of the State of Maine, and we have before us today a motion which seeks to have us—151 of us—determine whether or not we should remove, or seek to investigate, one person who represents one of the three branches of government. That's a big deal. That's a really big deal. And I would suggest to you that we don't have an impeachment problem. I would suggest to you that we have a political problem.

I've lived in Maine all my life. People of Maine are smart people and they usually get it right and they've sent us here to do the job that we've been doing for the last five years I've served here and done this, and I think people here today, because they've been elected by their people back home in this representative democracy, are going to make the right decision, in regards to whether or not to Indefinitely Postpone, to put this matter to rest. I believe it's wholly appropriate that we put this matter to rest, that we move forward.

As a legal issue, I think if we look at this today purely as an issue of precedent, what is going to be the standard next time when somebody is disgruntled with the actions of a Chief Executive? What is going to be that threshold? That threshold is going to be determined, in part, based upon our decision today on this Order that's presented here and our decision today. We are, in fact, making history and I believe our votes need to reflect that. And as an attorney and as someone who looks at this as a legal constitutional process, I do think that it's important, at least for me in my perspective, and particularly when we talk about the Constitution, Article IX, Section 5. It talks about misdemeanors in office that we, in fact, have two people that have looked at this issue from a legal perspective. We have a democratically elected Attorney General who was elected by this body and our counterparts in the other body. And we have a Kennebec County District Attorney who previously served in this body. Looked at this issue upon the request of three of the people who presented this Order before us today.

And I do believe it's relevant to read that letter, dated December 21st. And it says, "Dear Representative Evangelos, Chipman, and Warren, I have received your December 4, 2015 request that my office initiate a criminal investigation of Governor LePage concerning several matters described in your communication. I have reviewed these matters with several senior prosecutors..."

The **SPEAKER PRO TEM**: The Representative will defer. The Chair recognizes the Representative from Portland, Representative Russell, and inquires why the Representative rises.

Representative **RUSSELL**: Thank you, Mr. Speaker, as I was informed on numerous occasions, we need to stay to the exact point before us, the motion before us, and I believe that this is not specifically germane as we're talking about criminal conduct in the letter.

On **POINT OF ORDER**, Representative **RUSSELL** of Portland asked the Chair if the remarks of Representative **FREDETTE** of Newport were germane to the pending question.

The **SPEAKER PRO TEM**: The Chair will remind all Members what we are debating at this time is the Indefinite Postponement measure of 4-3, which is a motion for investigation that's laid out before you in the calendar.

The Chair reminded all members to stay as close as possible to the pending question.

The **SPEAKER PRO TEM**: The Member may proceed.

Representative **FREDETTE**: Thank you, Mr. Speaker, and I, again, would only cite, and I think what it says specifically in the impeachment order when it talks about misdemeanor and I'm

reading a letter that two of the highest law enforcement officials in the State of Maine, it is directly germane to the conversation that we're having today. Especially as it's in regards to a request from the three of the sponsors of this Order, as it relates to parts of what we're doing today. So I do believe it is, in fact, entirely germane.

So I will continue. "I have reviewed these matters with several senior prosecutors thoroughly versed in the criminal law, who have also examined the facts of the OPEGA report on the Goodwill-Hinckley matter and have endorsed the Government Oversight Committee at its meeting on December 3, 2015. Initially, I should point out that while the term," quote, "abuse of power," end quote, "which you employ in your request, is commonly used to describe a wide range of behaviors by public officials, that term is nowhere in the Maine Criminal Code. It is always our obligation be guided by the specific provision of the code in assessing whether the weight of the criminal law should be brought to bear upon any person or entity. Under the code, conduct cannot be judged solely in its result. Even though conduct may be viewed as offensive or inappropriate," and I'll read that again, "Even though conduct may be viewed as offensive or inappropriate, it will not rise to the level of criminal wrongdoing if it does not satisfy the specific elements that constitute a criminal offense as defined in the code. My office has carefully reviewed all available information and all relevant provisions of the criminal code, including," quote, unquote, "official oppression," end quote, "and concludes that there is not a basis at this time for us to pursue a criminal investigation."

I believe that it isn't relevant and it is important of the determination of our highest elected law enforcement official in the state in regards to the Attorney General and the local District Attorney. I ask that it's time to take a vote, support the motion to Indefinitely Postpone so that we can move forward with the business of the people of Maine. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker, I apologize for rising again, but two points were recently made that I feel need a response. First, with respect to the point made by the Representative from Newport, as I've said before, whether or not any of this conduct alleged in the Order is criminal is absolutely irrelevant. The founders, the *Federalist Papers*, the convention debates, all make that clear. Crimes are punishments that include imprisonment and other penalties against a person. Impeachment allows only two remedies: removal from office and barring that person from returning to public office within that jurisdiction. That's it.

The reason for pursuing the question of whether or not this was a crime is not to provide a foundation for impeachment proceedings, but rather to clarify that parallel courses—parallel; not intersecting, but parallel courses—are, in fact, allowed. And, in fact, the Maine Constitution makes that absolutely clear that if impeached, the subject can be, in fact, sued in civil court and criminally prosecuted.

Second, it gives me great pain to have to say that I disagree with the Representative from Portland, Representative Dion, because I always agree with him and I find great wisdom in what he has to say. But, as a lawyer, I think I have to say that I am surprised that he finds all of these charges to be within the realm of policy differences. Would it be a policy difference if the Chief Executive went to a judge in a court of law and told that judge, "You are making too many decisions that favor the defendant," or the prosecution. Well, that's exactly what happened with respect to worker's compensation...

The **SPEAKER PRO TEM**: The Representative will defer. The Chair will remind all Members to refer to allegations as alleged or perceived for purposes of debate today.

The Chair reminded all members to refer to the allegations in the report as alleged or perceived.

The **SPEAKER PRO TEM**: The Member may proceed.

Representative **COOPER**: Thank you, Mr. Speaker, and I apologize for that. But that actually concludes the statement that I wanted to make. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House, some of you are fully aware that I've been here a few years—first elected in 1964. And over those years, from that time to this day, I've served in leadership—either as Minority Floor Leader or as Speaker or Leader in the other body—for 25 of those years. In those 25 years of leadership, I could recount many instances where we've had disagreements with the Chief Executive, even those of my own party. And if you go back and relook history, you'll find that some of those issues, from my point of view, were major ones. But they did not rise to the issue of whether or not the person should be impeached, or whether or not there should be a committee to investigate impeachment. We all can have our own opinion, and I'm sure we do, but I do not believe that we are in that posture today. And so, I will be voting for the motion to Indefinitely Postpone.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Wells, Representative Foley.

Representative **FOLEY**: Thank you, Mr. Speaker, with all respect to the debate that we've had this morning and this afternoon, it's now 1:30, there is work to be done in our committees, and I would ask the Speaker to Move the Question.

Representative **FOLEY** of Wells **MOVED THE PREVIOUS QUESTION**.

The **SPEAKER PRO TEM**: The pending question before the House is 'Shall the Main Question be Put Now?' All those in favor will vote yes, those opposed will vote no.

The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Clarifying question, how many people are in the queue?

The **SPEAKER PRO TEM**: The question from the Representative from Portland, Representative Russell, is in regard to how many folks are queued up to speak. At this present time, there is one Member in the queue to speak.

The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker, and if the Chair can just make it clear in regards to what the vote will be, and to the extent that my understanding from the Speaker is, is that there's one Representative left in the queue, that I will be voting a "no" against the motion.

The **SPEAKER PRO TEM**: To clarify, the question from the good Representative from Newport, Representative Fredette, was in regards to how many folks are in the queue. At this time, I believe there had been one Member in the queue to discuss the issue at hand, which is the motion on the floor.

The Chair recognizes the Representative from Newfield, Representative Campbell, and inquires why the Representative rises.

Representative **CAMPBELL**: Mr. Speaker, you made a statement that it takes one-third vote. Isn't it two-thirds? I've never heard of the one-third.

The **SPEAKER PRO TEM**: To provide clarification for the Representative, I draw your attention to House Rule 504, Previous Question: When a motion for the Previous Question is made, the consent of one-third of the Members is necessary to authorize the Speaker to entertain the motion. Debate is not allowed until the matter of consent is determined. The Previous Question must be submitted in the following words: "Shall the Main Question be Put Now?" A Member may not speak more than five minutes on the motion for Previous Question. A call of the "yea's" and "nay's," or for a division of the question is in order after the main question has been ordered to put. After the adoption of the previous question, the vote must be taken up upon amendments and then upon the main question.

The Chair recognizes the Representative from Wells, Representative Foley.

Representative **FOLEY**: Thank you, Mr. Speaker, I withdraw my motion.

Subsequently, the same Representative **WITHDREW** his motion to **MOVE THE PREVIOUS QUESTION**.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Friendship, Representative Evangelos.

Representative **EVANGELOS**: Thank you, Mr. Speaker, very briefly, just as a point of rebuttal, the Attorney General's letter referenced one narrow aspect of Title 17A, Section 608, Official Oppression. Her letter did not address allegations 1-7, whatsoever. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Representative Chipman.

Representative **CHIPMAN**: Mr. Speaker, Ladies and Gentlemen of the House, I just want to clarify that depending on how this vote goes, this may be the only vote we have on this matter. So, those who support the House Order that we've put forward would want to vote "no" on this motion, and those who don't would vote "yes." Thank you.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the House Order. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 468

YEA - Alley, Austin, Battle, Beck, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgcomb, Espling, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Gerrish, Gilbert, Gillway, Ginzler, Golden, Greenwood, Grohman, Guerin, Hanington, Hanley, Harlow, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Hobbins, Hubbell, Hymanson, Kinney J, Kinney M, Kumiega, Lajoie, Lockman, Long, Luchini, Lyford, Maker, Marean, Martin J, McClellan, McElwee, Nadeau, Nutting, O'Connor, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Rotundo, Sanderson, Sawicki, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, White, Winsor, Wood.

NAY - Babbidge, Bates, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Evangelos, Frey, Gattine, Gideon, Goode, Grant, Hamann, Herbig, Hogan, Jorgensen, Kornfield, Kruger, Longstaff, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Pierce T, Powers, Russell, Rykerson, Sanborn, Saucier, Schneck, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Warren, Welsh.

ABSENT - Hickman, Malaby, Mr. Speaker.
Yes, 96; No, 52; Absent, 3; Excused, 0.

96 having voted in the affirmative and 52 voted in the negative, with 3 being absent, and accordingly the House Order was **INDEFINITELY POSTPONED**.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following item:

In Memory of:

the Honorable Nancy Randall Clark, of Freeport, the first woman to serve as Maine's Senate Majority Leader. Ms. Clark was a highly regarded member of the greater Freeport community and a leader in Maine politics. She was born in Portland and attended Freeport schools. Ms. Clark received her teaching and business degrees from the University of Maine and Husson College and a master's degree from Bryant College. She was a teacher for 40 years, first in Scarborough and then in the Freeport school system. She was an involved member of the Maine Teachers Association, where she served as president. Ms. Clark was elected to the Legislature in 1973 and served for 20 years, with 3 terms in the House of Representatives and 7 terms in the Senate. She served one term as Assistant Senate Majority Leader and 3 terms as Senate Majority Leader. She was a member of Harraseeket Grange No. 9 for more than 4 decades, having served on the Executive Committee of the Maine State Grange, and she was a longtime member of the Order of the Eastern Star. Ms. Clark was involved in many professional, community and service organizations, was a member of the Cumberland County Retired Educators Association, a member of the Board of Directors of the Maine State Society for the Protection of Animals for 37 years and a member of the Daughters of the American Revolution for 39 years. She was a lifelong member of the South Freeport Congregational Church. Ms. Clark will be greatly missed and long remembered by her family, her friends and those whose lives she touched;

(SLS 841)

On **OBJECTION** of Representative GIDEON of Freeport, was **REMOVED** from the Special Sentiment Calendar. **READ**.

On motion of the same Representative, **TABLED** pending **ADOPTION** and later today assigned.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1002) (L.D. 1460) Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass**

There being no objections, the above item was ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Order: (S.P. 613)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, January 19, 2016 at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**. **READ** and **PASSED** in concurrence.

Bill "An Act To Strengthen Intragovernment Communication" (S.P. 611) (L.D. 1560)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion of Representative ESPLING of New Gloucester, **TABLED** pending **REFERENCE** in concurrence and later today assigned.

REPORTS OF COMMITTEE

Change of Committee

Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize Increased Borrowing by the Maine Governmental Facilities Authority To Support the Maine Correctional Center in South Windham"

(S.P. 547) (L.D. 1447)

Reporting that it be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

SENATE PAPERS

Bill "An Act To Make Technical Changes to the Laws Governing Child Support" (EMERGENCY)

(S.P. 614) (L.D. 1562)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** in concurrence.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Dover-Foxcroft, Representative Higgins, who wishes to address the House on the record.

Representative **HIGGINS**: Thank you, Mr. Speaker. Mr. Speaker and Men and Women of the House, in reference to Roll Call No. 466 on LD 1454, had I been present, I would have voted "yea." Thank you.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative GIDEON of Freeport, the House adjourned at 1:47 p.m., until 10:00 a.m., Tuesday, January 19, 2016, pursuant to the Joint Order (S.P. 613) and in honor and lasting tribute to the Honorable Nancy Randall Clark, of Freeport and Thomas Paul Pagnotti, of Bath.