

MAINE STATE LEGISLATURE

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PROCEEDINGS

CHAIRMAN BALDACCI: This is a reconvened meeting of the Joint Select Committee to Investigate Public Utilities. Today we're going to be receiving testimony on the Central Maine Power Company's Atlantic Research polling operation.

Before we introduce today's witnesses I would like to update the committee on events since our last meeting. After this Committee's citation of Dr. Potholm for contempt of our Committee -- for contempt, our Committee counsel returned to Kennebec County Superior Court before Justice Brody. At that time Mr. David Emery, former congressman for Maine, and presently the assistant arms control administrator, sought to enter the proceedings to seek a protective order from the Court to stay our request for documents. Justice Brody consolidated the contempt and protective order proceedings.

As you know, Justice Brody ordered Dr. Potholm to turn documents over to this Committee. Dr. Potholm appears to have cooperated with that order. Our staff is currently reviewing the materials supplied by him. I will now ask Mr. Flaherty if he would review and explain the Court proceedings and actions to us at this time.

Mr. Flaherty.

MR. FLAHERTY: Thank you, Mr. Chairman. I will make this as brief as possible recognizing the pressures on

1 the Committee members.

2 As the Committee is aware, pursuant to the vote of
3 the majority, on behalf of the Committee we proceeded to the
4 Superior Court and sought enforcement of the contempt
5 citation against Dr. Potholm for his steadfast refusal to
6 respond to the directive of the subpoena regarding the
7 production of certain writings and documents, which were felt
8 by the Committee to be within its investigative scope. We
9 did indeed repair to the Superior Court before Justice Brody,
10 who very kindly expedited the proceeding considerably in
11 order to afford the Committee time to complete its efforts
12 after his decision was rendered.

13 At the time of the hearing I was presented with a
14 letter -- copy of a letter which counsel for the minority had
15 written to the minority on September 21, 1984. And the
16 reason I was given the letter at that time was because I was
17 advised by Brother Linnell on the eve of the hearing date
18 that he would make a voluntary appearance in the case at the
19 Superior Court, at the request of Mr. Richardson, and appear
20 as a witness on behalf of Dr. Potholm, who was a target
21 witness in this case.

22 He did appear, and I had the opportunity to read
23 the letter which was provided to Mr. Richardson by Mr.
24 Linnell, and which was made an exhibit in the case.

25 The Court took that, together with all other

1 evidence in the case, most of which consisted of the
2 subpoenas themselves, and the material forwarded to the
3 witness, and the testimony of Dr. Potholm, and Mr. Linnell.

4 At the conclusion of the hearing the Court took the
5 matter under advisement and the Court rendered its decision.
6 As a result of that the Committee has been determined to be
7 entitled to the documents requested as determined by the
8 Court in its in camera, or in chambers inspection. And I
9 understand from the staff that Dr. Potholm, through his
10 counsel, has complied with the order of the Court, which was
11 to deliver up the materials noted in Schedule A, which is
12 about 48 to 50 in number, as requested by the Committee or be
13 back here for contempt.

14 The reason that the Court did not pursue the
15 contempt without first examining the material was that the
16 Court was concerned that there were privilege problems and
17 scope problems which were being raised by Dr. Potholm that
18 had to be addressed. As you know, we, from the beginning,
19 felt that because of the immense importance of the
20 distinction between the legislative power and the judicial
21 power, and our effort never to compromise that by any
22 agreement, we felt that the Court was bound to enforce the
23 contempt citation, and the Court felt it was not, until such
24 time as it had seen the in camera. In any event, the
25 material sought has been produced pursuant to the Court's

1 orders.

2 I should make note of the fact, because Mr. Linnell
3 testified in the matter, his testimony was obviously not
4 acceptable to the Court and the exhibit letter in which Mr.
5 Linnell made the following statements apparently was not
6 acceptable either. He said that he was authorized by the
7 minority to make the appearance on behalf of Dr. Potholm, and
8 to testify in his behalf, which he did. The exhibit in
9 question, which is his letter of September 21, 1984, to the
10 minority, stated in several places that the materials
11 requested, and I quote: The identity of nonutility company
12 clients is in my opinion beyond the scope of this Committee's
13 authorization and interest and has properly been resisted by
14 Dr. Potholm. Again he says: The response goes on to
15 indicate that Potholm has certain documents. If they exist
16 they are, in my opinion, confidential and privileged, and lie
17 well beyond the scope of the Joint Committee's authorized
18 investigation.

19 Again at page four of his letter he indicated that
20 the documents sought in that paragraph, paragraph 7 of the
21 subpoena, and I quote: It is my opinion that these documents
22 are beyond the scope of the Committee's investigation and
23 interest, and that any attempt by the Committee to hold Dr.
24 Potholm and/or Command Research in contempt of the Committee
25 for failure to produce those two documents should be resisted.

1 As I say, I never had access to that letter before
2 it was written so that I could at least introduce some of my
3 own personalized qualifications with respect to those
4 opinions. In any event, the Court said, and I quote with
5 respect to whether it was beyond the scope, the Court
6 concludes that -- and I quote, concludes that the Committee
7 was acting within the limits of its authorization as required
8 by Section 412, and that its explanation of relevance was
9 sufficient to satisfy Section 453, end quotes.

10 The Court in addressing the privilege objection
11 stated, and I quote: In the instance of case two the
12 privileges asserted by Dr. Potholm are not among the more
13 compelling privileges long recognized and protected by the
14 Courts, such as executive privilege, the privilege against
15 self incrimination, attorney-client privilege, or the marital
16 privilege. Dr. Potholm asserts proprietary or contractual
17 privilege and a privilege to maintain trade secrets. He also
18 asserted that exposure of the requested materials will reveal
19 his polling techniques and damage Command Research in the
20 competitive market. Dr. Potholm also claims that exposure of
21 the requested materials will impinge upon his First Amendment
22 right of political association. The court down grades that
23 in case and says, and I quote: Based on its in camera
24 inspection, the court concludes the production of documents
25 requested by the Committee will in no way compromise Dr.

1 Potholm's right of free political association, and the Court
2 declared that the privilege must fall in the face of the
3 investigating Committee's mandate.

4 Essentially, therefore, all objections submitted by
5 Dr. Potholm, and his counsel, and his witnesses, in
6 objections to the request for production in this case have
7 been rejected by the Court, and the material sought as the
8 Court deemed relevant are to be produced and have been.

9 I understand we will now have Dr. Potholm here as a
10 witness within the next two or three weeks, depending on the
11 Committee's calendar.

12 Finally, as the Chairman pointed out, Mr. Emery
13 appeared, through counsel, and we agreed with his counsel to
14 save him any further difficulty, and to expedite his case,
15 that he could appear as an intervenor in the case, and that
16 he could file a motion for protective order. And I, on
17 behalf of the majority of the Committee agreed -- suggested
18 to the Court that that motion for protective order be
19 consolidated with the main proceedings in order, again, to
20 expedite Mr. Emery's concern of the resolution of it. The
21 Court said in light of the fact that Dr. Potholm had not
22 turned over the Terrance poll and would not be required to
23 because it was not his, that he would dismiss Mr. Emery's
24 motion for protective order -- and the word is deny it
25 without prejudice. That leaves the Committee still in a

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1 position of dealing directly with Mr. Emery with respect to
2 that polling data, as distinguished from indirectly through
3 Dr. Potholm in whose possession a copy was apparently located.

4 So, unless you have questions, that is the gist of
5 it. I'm happy to make the report that we were successful.

6 CHAIRMAN BALDACCI: Thank you very much, Mr.
7 Flaherty. It was certainly a job well done.

8 Are there any questions for Mr. Flaherty?

9 REPRESENTATIVE KELLEHER: Is Mr. Linnell going to
10 be here today?

11 MR. ASCH: No.

12 REPRESENTATIVE KELLEHER: Maybe I will have a few
13 questions for Brother Linnell when he appears again.

14 CHAIRMAN BALDACCI: Any other questions for Mr.
15 Flaherty?

16 Seeing none, the two witnesses before us today, Mr.
17 Robert Leason, assistant to the manager of division
18 operations, and Marjorie Force, a programmer analyst, are
19 both employees of Central Maine Power Company, who can
20 hopefully enlighten us about the organization of the computer
21 operation as it dealt with such groups as Save Maine Yankee
22 and Central Maine Power Company. Because of their direct
23 involvement we hope they edify further the Committee on these
24 matters. We are very pleased that you are both here today,
25 and I know this is a new experience for each of you. I do

1 not want you to be unduly concerned over your appearance here
2 today. We are seeking your help and expertise to further our
3 efforts. We know that it has been several years since these
4 events took place, but are sure that you will give us your
5 best recall.

6 So, I understand, Mr. Leason, would you please rise.
7 ROBERT W. LEASON, having been duly sworn by the Chairman,
8 was examined and testified as follows:

9 EXAMINATION-BY CHAIRMAN BALDACCI OF MR. LEASON:

10 Q. Please be seated, and state your name and occupation,
11 for the record.

12 A. My name is Robert W. Leason, I am director of
13 advertising for Central Maine Power Company, to correct the
14 Chairman's notes.

15 Q. Do you have anything at this time that you would like to
16 add to the Committee's investigation?

17 A. Only briefly, because I only had a brief opportunity to
18 look over the interview that I conducted with Mr. Asch, and
19 in there it indicated that -- and I, apparently I
20 misunderstood the questions that had to do with the company
21 conducting surveys -- the company to my recollection did not
22 conduct surveys for the Save Maine Yankee Committee. I think
23 I characterized it that the company had conducted it, but I
24 wanted to correct that one particular point.

25 Q. All right. Is there anything else Mr. Leason, you must

1 be aware that we're investigating, that you would like to add
2 at this time? You will have an opportunity at the end if you
3 would like to.

4 A. That is all I can think of at this time.

5 CHAIRMAN BALDACCI: Mr. Staff Director, would you
6 like to coordinate the questioning?

7 Mr. Flaherty.

EXAMINATION-BY ATTY. FLAHERTY OF MR. LEASON:

9 Q. Mr. Leason, of course I join with the Chairman in
10 suggesting to you that we're not here to confront you with
11 any surprises, or to astonish you in any way. We're really
12 here trying to ascertain from you just exactly the process,
13 to the extent that you were familiar with it, of the workings
14 of the Atlantic Research computer effort in the polling area,
15 and who, if at all, were the people involved, okay?

16 A. Yes, sir.

17 Q. Given that, would you be kind enough to tell me what
18 your role with this company was in 1980?

19 A. Atlantic Research?

20 Q. You were employed by Atlantic Research?

21 A. No, sir. In 1980, I was employed by Central Maine Power.

22 Q. You're not now employed by Atlantic Research?

20 14. No.

24 Q. But in 1980 what was your role with Central Maine Power?

25 14. I was assist -- at that time I was assistant to the

1 senior vice president, was the title I had at the time.

2 Q. Who was that?

3 A. Robert Scott.

4 Q. And, could you describe for the committee very briefly
5 just what your duties were in that position as you reported
6 to Mr. Scott?

7 A. I conducted staff studies principally.

8 Q. Is this -- by staff studies, do you mean internal
9 studies?

10 A. Yes.

11 Q. And what were these designed to reveal or accomplish,
12 generally speaking?

13 A. I don't recall all, but I conducted one study on trying
14 to determine whether bimonthly meter reading was economics
15 intelligence to the company, or continue on the process we're
16 on now, that was one that I recall.

17 Q. For how long a period of time prior to 1980 had you been
18 an employee of Central Maine Power?

19 A. I came in the employment in January of 1966.

20 Q. So, about 14 years?

21 A. At -- approximately.

22 Q. And were you working in that particular area for the
23 company throughout, albeit for different people?

24 A. No, sir.

25 Q. Okay. Then did you have anything to do with the

1 computer equipment at Central Maine Power Company in early
2 1980?

3 A. No.

4 Q. Had you ever had anything to do with that computer
5 equipment up until early 1980?

6 A. No, sir.

7 Q. Do you know that there was computer equipment in place
8 at Central Maine Power at that time?

9 A. Yes.

10 Q. Are you able to tell us generally to what uses it was
11 being put, if you know?

12 A. I don't know, sir, I'm not involved with it.

13 Q. Fair enough. Now, sometime in 1980 did your role as an
14 employee in the areas you described for Central Maine Power
15 Company change in any way?

16 A. Not to my knowledge, no, sir.

17 Q. Were you requested or instructed to become involved in
18 any way with the Committee to Save Maine Yankee?

19 A. By involved --

20 Q. In any way.

21 A. -- in any way, I was asked to be coordinator between the
22 company and the committee, to receive calls and provide
23 information where necessary.

24 Q. Now, who told you to be -- or asked you to be
25 coordinator?

- 1 A. My recollection is Mr. Thurlow.
- 2 Q. Mr. Thurlow. Not Mr. Scott, Mr. Thurlow?
- 3 A. I believe so.
- 4 Q. And approximately when was that, Mr. Leason?
- 5 A. Sometime in, I believe, early summer of 1980.
- 6 Q. Okay. And at that time did Mr. Thurlow tell you what
- 7 Save Maine Yankee was all about?
- 8 A. I can't specifically state that he did, no, but I think
- 9 it was obvious.
- 10 Q. Well, what was obvious to you?
- 11 A. That it was a committee to be involved in keeping the
- 12 plant operating.
- 13 Q. Okay. And when he said that he wanted you to be the
- 14 coordinator, what did you understand him to mean by that?
- 15 A. Just that, the interface between the committee, whatever
- 16 it was going to be, and the company, contact point.
- 17 Q. Contact point. Were you sort of a liaison man; is that
- 18 the idea?
- 19 A. I wouldn't want to characterize it as such.
- 20 Q. Okay, then I'm just trying to get at the specifics here.
- 21 What specifically did you expect you were going to be doing
- 22 in maintaining this contact, as you have described it,
- 23 between Central Maine and Save Maine Yankee Committee?
- 24 A. I just felt that that was going to be a point where I
- 25 might be asked to find information that would be helpful to

1 them.

2 Q. Did he tell you to whom you would be reporting the
3 information you received from Save Maine Yankee?

4 A. Not directly, no.

5 Q. Well, in any way.

6 A. At the time of when I was asked to do this?

7 Q. Early summer you said, 1980.

8 A. Yes. I don't know as a specific person at that point in
9 time.

10 Q. Well, at some point in time, and I'm only trying to get
11 your involvement here and what you can tell us about it, at
12 some point in time in that area of the framework you gained
13 some knowledge of whom you were supposed to be conveying this
14 information to?

15 A. Correct.

16 Q. And who was that?

17 A. Basically my contact was with the Winner Wagner
18 representative that was employed by the committee.

19 Q. And who did you understand that representative to be?

20 A. Well, principally a young man named Whitehead.

21 Q. Okay. And, had you known him prior to this?

22 A. No, sir.

23 Q. You say he was working on behalf of the committee?

24 A. Yes, sir.

25 Q. Well, I'm asking you, assuming that you received

1 information from the committee, what were you supposed to do
2 with it, whom were you supposed to give it to in the company?

3 A. Oh, it was a matter of generally statistical type of
4 information, costs of impacts, effective plant closing,
5 things of that nature.

6 Q. What were you supposed to do with that statistical
7 information?

8 A. Well, provide it to the Winner Wagner people.

9 Q. But I thought Winner Wagner was employed by the
10 Committee to Save Maine Yankee?

11 A. They were.

12 Q. And I thought you just said they were going -- Mr.
13 Whitehead of Winner Wagner was going to communicate
14 information from that committee to you?

15 A. Yes, as I said, he would occasionally want information
16 from the company also.

17 Q. Let's take it the other way first. I'm trying to find
18 out who in the company you were going to -- to whom in the
19 company you were going to provide the information, whatever
20 it might be, which came from anyone on behalf of the
21 Committee to Save Maine Yankee?

22 A. I guess I don't understand the question.

23 Q. You have indicated that you were told you were going to
24 be a coordinator?

25 A. Yes, sir.

1 C And you said in describing that task it was your
2 understanding that you were going to be the contact between
3 the Committee to Save Maine Yankee and the company, Central
4 Maine Power?

5 A Yes, sir.

6 Q And I said what did contact mean, and you said you were
7 going to receive information and give information; is that
8 fair?

9 A I probably stated incorrectly. I think it was generally
10 that I would be asked if I could find within the company
11 information that the committee was interested in.

12 Q Then do I understand you to be saying that you were not
13 receiving information from anyone at Save Maine Yankee and
14 delivering it to anyone in the company?

15 A No, that was not my task.

16 Q So you were simply disseminating information from the
17 company to Save Maine Yankee?

18 A Yes, sir.

19 Q Now, where in the company, and from whom, if anyone, did
20 you obtain the information which you were providing to Save
21 Maine Yankee?

22 A I don't know as I can specifically detail who it might
23 have been, but I might have gotten information from the
24 engineering people, or departments such as that.

25 Q Anybody else, such as Mr. Scott -- let me help you, Mr.

1 Scott, Mr. Thurlow, Mr. Lyden, any of those people?

2 A. I can't say that that would have been the case
3 necessarily. It would not be impossible to have gotten
4 information from Mr. Thurlow though.

5 Q. Would it be fair to say that from time to time you did
6 get information from Mr. Thurlow; is that a fair statement?

7 A. I would be speculating on that. That is all I could do
8 is speculate.

9 Q. Who in the engineering department would have been
10 providing you with information?

11 A. I'm not trying to not answer the question. I'm just
12 trying to think who it might be, and that alternative is
13 making a guess, and that is what I'm trying to avoid doing is
14 make a guess.

15 Q. I understand.

16 A. It could have been any number of people, but I just
17 can't remember specifically a person that I went to at a
18 specific point in time.

19 Q. Would it be fair to say that over a period of time there
20 were several different people in Central Maine Power Company
21 from whom you received various bits of information, what have
22 you, which were current at the time, and which you were to
23 communicate to Save Maine Yankee?

24 A. I think that is.

25 Q. Who was the cast of people? Just name the people, I'm

1 not asking you to give a specific date for a specific person.

2 A. You mean the people I talked to?

3 Q. At Central Maine Power regarding what you were going to
4 talk to at Save Maine Yankee, talk about.

5 A. My hesitancy is to throw names out because I'm not
6 positive they were the people.

7 Q. Mr. Thurlow is one?

8 A. He could have been a person.

9 Q. Mr. Scott is another one?

10 A. He could have been, yes.

11 Q. Mr. Temple?

12 A. Possibly.

13 Q. I'm just trying to think of the people I met --

14 REPRESENTATIVE KELLEHER: Can I ask a question?

15 EXAMINATION--REPRESENTATIVE KELLEHER OF MR. LEASON:

16 Q. Is there any one of the people that Mr. Flaherty
17 named -- is it Leason or Gleason?

18 A. Leason.

19 Q. Mr. Leason, is there any one of those people that he
20 named that you didn't have any contact with?

21 A. No, there isn't. No, I had contact with those folks.

22 Q. If you worked in 1980 as an -- I don't know, what would
23 you describe it, as a coordinator, or whatever, through CMP
24 with Save Maine Yankee, you mean to say you can't recollect
25 anyone that you had any contact with in regards to

1 information that someone might have wanted either from Save
2 Maine Yankee or from CMP?

3 A. I don't think I was trying to say that.

4 Q. What were you trying to say? I'm not as patient as the
5 gentleman is over there.

6 A. I was asked the kinds of information that I mentioned,
7 the engineering department, and I don't recall the folks in
8 the engineering department that I might have gone personally
9 to.

10 Q. What other kinds of information would there have been?
11 How much time did you spend on it?

12 A. I can't give you specific hours that I spent on it.

13 Q. Did you spend five hours in five months, did you spend
14 10 hours in five months. Did you spend 10 hours in two weeks?

15 A. Some days I might have spend an hour or two and other
16 days I might have spent more than that.

17 REPRESENTATIVE KELLEHER: Excuse me, Mr. Flaherty,
18 go right ahead.

19 EXAMINATION-BY ATTY. FLAHERTY OF MR. LEASON:

20 Q. The cast of people then included, at least, Mr. Thurlow,
21 Mr. Temple, Mr. Scott, Mr. Lyden, maybe?

22 A. Yes, possibly.

23 Q. Okay, those are the kinds of people you would have been
24 talking with. Now, you would be bearing tidings of one kind
25 or another, providing information, engineering or otherwise,

1 to some people at Save Maine Yankee?

2 A. Yes.

3 Q. Now, I don't think you were here, but Mr. Thurlow
4 testified that there was a committee comprised of several
5 outsiders, so to speak, which also was coordinating activity
6 between the company, and by company I mean Central Maine
7 Power, and the committee. And, in some cases it has been
8 referred to as a steering committee, in other cases it has
9 been referred to as an executive committee, and nobody seems
10 to quite know how to call it, except that it was some kind of
11 coordinating committee. Now, you worked with that committee,
12 I take it?

13 A. Yes, I did.

14 Q. And if I understand the interview material you provided
15 us, that committee had fairly regular meetings in 1980
16 leading up to the referendum voting date?

17 A. Yes, they did.

18 Q. And, who, as you recall, were the people on that
19 committee with whom you met on those regular occasions?

20 A. Well, Mr. Thurlow was on it, and Mr. Menario was on it,
21 Mr. Healy was on it, Dr. Potholm appeared there. There were
22 upon occasions some other peoples from the Edison Electric
23 Institute, for example, who would come that were not routine,
24 but they would come occasionally.

25 Q. Do you remember who they were?

1 A. I can visualize the person. If I can have a moment.
2 Q. Is he a fellow from the Electric Institute?
3 A. Yes.
4 Q. Webber?
5 A. Yes, Webber.
6 Q. Was there somebody else?
7 A. I didn't recall at the time of the interviews, his name
8 was Joe Keegan.
9 Q. Westinghouse, Keegan?
10 A. Yes.
11 Q. Do you know why those people were there?
12 A. Their interest, I believe, in what was happening at the
13 plant.
14 Q. Where were these meetings held, as you recall?
15 A. Some were held at Central Maine office and others were
16 held at the Save Maine Yankee office.
17 Q. Where was the Save Maine Yankee office at that time?
18 A. At the circle here in Augusta.
19 Q. At the bank building?
20 A. Yes, that is right down here.
21 Q. Now, you had occasion to talk with various of those
22 people, right, on that committee, and I take it you would
23 communicate information to them, respond to questions they
24 might have, and sort of equip yourself to be able to give
25 them answers to their questions?

1 A. Yes, I would say so.

2 Q. Would you be able to give me an example of the kind of
3 information this committee was seeking from you from time to
4 time as you played out your role as a coordinator?

5 A. Four years ago is a long time, but I will try to do the
6 best I can. The one thing that I recall was an interest of
7 major industrial customers that expressed to the committee
8 that they were interested in the impact of the plant being
9 closed and what it would cost. Because of the company,
10 Central Maine, policy of not giving that information out,
11 they were advised by the committee if they were interested in
12 that information they could contact me. They did provide
13 that to people who might have called in.

14 Q. Are you suggesting to me that those inquiries from
15 industrial people about impact were being submitted to Saco
16 Maine Yankee?

17 A. Some were, yes.

18 Q. Why would they do that, go to a citizen's committee
19 rather than to the source of the information, Central Maine
20 Power?

21 A. I can't answer that.

22 Q. But I assume many went to Central Maine Power as well?

23 A. They very likely did. We would normally answer that for
24 many customers.

25 Q. Now what else did you do as a coordinator with that

1 committee?

2 A. I was asked if there were retirees that could help the
3 committee, and could I provide them with assistance as to
4 people that might be interested in helping them from that
5 standpoint.

6 Q. Would it be fair to say that one of your tasks was to
7 enlist Central Maine Power personnel --

8 A. I--

9 Q. -- in the effort in any way?

10 A. I did very little of that.

11 Q. Well, were you -- I'm not asking whether you yourself
12 did it, but did other people whom you knew do that?

13 A. It was my impression that to a large extent that the
14 Save Maine Yankee Committee did it themselves.

15 Q. Okay. Let's get -- I'm trying to get down to -- was
16 Atlantic Research in operation at that point?

17 A. Not in 1980.

18 Q. Do you know when it became organized as a subsidiary of
19 Central Maine Power?

20 A. I believe it was January of '81.

21 Q. You do remember that?

22 A. I believe so.

23 Q. And, do you know why that was organized as a subsidiary
24 of Central Maine Power in January of '81?

25 A. Please excuse me, it was not January of '81. It was

1 later in -- it was later in the year 1981. I changed jobs in
2 January of 1981.

3 Q. But later on in 1981 you know there was this Atlantic
4 Research subsidiary organized?

5 A. Yes.

6 Q. What was the purpose of that?

7 A. It was believed by management that we had the facilities
8 to conduct opinion attitude studies that would be helpful in
9 directing the course of the company in areas of
10 communications for one, and that we could do it more cost
11 effectively than if we went outside and hired the services;
12 that was my understanding.

13 Q. So, between mid-summer '80, and late '81, you were
14 involved as a coordinator, up until the fall of '80 at least
15 in the Save Maine Yankee efforts?

16 A. Yes.

17 Q. And there was not any Atlantic Research subsidiary in
18 existence?

19 A. Yes.

20 Q. Yet there was polling being undertaken at that time,
21 right?

22 A. Yes.

23 Q. And, was Dr. Potholm the fellow who was managing that
24 end of the work?

25 A. If he was managing it, he was managing it for Save Maine

1 Yankee not for Central Maine Power Company, because he was
2 not working at the time in 1980, my recollection was he
3 wasn't working for Central Maine Power Company.

4 Q. Are you telling me so far as you know he was not an
5 employee of Central Maine Power?

6 A. Correct, as a consultant.

7 Q. He was a consultant?

8 A. No, he was not a consultant to my knowledge in 1980.

9 Q. Then -- you said earlier that he was one of the people
10 on Save Maine Yankee, right?

11 A. Yes, sir.

12 Q. And, what did you understand his role to be there?

13 A. I thought he was a consultant to Save Maine Yankee.

14 Q. Did you understand how Save Maine Yankee was being
15 funded?

16 A. I believe through contributions.

17 Q. Did you understand that the financial stability of Save
18 Maine Yankee was being guaranteed by Central Maine Power
19 Company?

20 A. No, I didn't know that, sir.

21 Q. And that the financial arrangement with Dr. Potholm and
22 the Save Maine Yankee was being guaranteed by Central Maine
23 Power?

24 A. No.

25 Q. You didn't know that either?

1 A. No, sir.

2 Q. From your vantage point, Dr. Potholm was just a fellow
3 who came on the scene and undertook to consult with Save
4 Maine Yankee?

5 A. That is my understanding.

6 Q. And had no relationship Central Maine Power?

7 A. I was not aware of it.

8 Q. Now, back to these regular meetings that we have
9 discussed of the steering committee?

10 A. I have heard it called that, yes.

11 Q. What do you want to call it?

12 A. I don't care.

13 Q. The group of people who met regularly.

14 A. Yes, sir.

15 Q. That group, Dr. Potholm was with that group, right?

16 A. He was there at the time that group that I knew got
17 together.

18 Q. When did you first come to know Dr. Potholm?

19 A. Sometime during 1980 when he was working for the Save
20 Maine Yankee committee.

21 Q. Can you remember the circumstances under which you met
22 him?

23 A. I don't specifically, no, sir.

24 Q. What was the impression you gained as to who he was and
25 what he was about to do when you first met him?

1 A. I believe that I knew he was a consultant. I guess I
2 really didn't know what his function was, per se. I was not
3 in a decision-making area, so I knew there were a lot of
4 different people that were involved, but I don't know that I
5 specifically knew their assignments.

6 Q. Didn't anyone ever sit you down and say now look, Bob,
7 this is what we want you to do, like Mr. Thurlow, and this is
8 Dr. Potholm and here is what he is going to do, and you're
9 going to be seeing a lot of this fellow, and here is Mr.
10 Webber and here is what he is going to do; didn't you ever
11 have a conversation like that?

12 A. No, I don't think so.

13 Q. All you understand was from time to time someone from
14 Save Maine Yankee might want some information, you were to go
15 get it?

16 A. Basically that was my position.

17 Q. What percentage of your overall time as an employee of
18 Central Maine Power in that period would you say was devoted
19 to this kind of activities?

20 A. As I indicated to Representative Kelleher earlier I
21 don't really recall the amount of time. It varied day to day
22 and week to week. I spent an awful lot of evenings doing it,
23 personally, on things, not a corporation thing.

24 Q. Did you make out reports to -- internal reports to the
25 company on the amount of time you allocated out of your work

1 day to this kind of work?

2 A. If -- the hours, I would have allocated time to that if
3 I spent out during the day. If I didn't, I wouldn't. If I
4 did it at night, I wouldn't.

5 Q. I'm just looking for ball park because I'm afraid that
6 is all we have. From the time you got involved in mid-summer
7 1980 until the time the referendum came and went, overall
8 what percentage of your regular work time would you say you
9 logged in for this kind of activity with Central Maine Power
10 Company?

11 A. I don't think I could --

12 Q. Would it have been more than five percent?

13 A. I would doubt it seriously. But that is your number,
14 that is not mine, I just don't know a number.

15 Q. You have no idea?

16 A. I couldn't give you a --

17 Q. You know, if I said 20 percent from what you said, that
18 would be too much, right?

19 A. I believe so, yes, sir.

20 Q. Well, I won't try to scale it down for you. If you say
21 five percent --

22 A. I don't know what it was.

23 Q. Now, in the course of these meetings, generally what was
24 going on, who was talking, what were they talking about, the
25 steering committee?

1 A. Advertising approaches, I believe -- I'm trying to be
2 precise in this, and that is -- if I hesitate it is only
3 because I'm trying to be precise.

4 Q. You don't have to be so precise that you can't answer
5 the question. Just give me your best recollection, that is
6 all.

7 A. Polling certainly was a factor in there, I believe, how
8 it was -- the campaign was generally going.

9 Q. Well, in your interview with the staff director you said,
10 among other things, that you did remember that at those
11 meetings Dr. Potholm would present results and indicate it
12 was either -- how the trend for the particular period was
13 moving; do you remember that?

14 A. Yes.

15 Q. Now, where was he getting these results?

16 A. He developed them himself, I believe.

17 Q. But, you mentioned polling; isn't it a fact that he got
18 them from conducting polls?

19 A. I suspected that is where he got them.

20 Q. You understood that, you didn't just suspect it?

21 A. I never was physically with him, nor did I ever see him
22 conduct a poll. I can't answer that he did, that is
23 presumption on my part that he did.

24 Q. You had the impression, did you not, as you sat at this
25 committee, that Dr. Potholm was reporting the results of his

1 polling efforts, okay, whether he in fact made the phone
2 calls is of no concern to me at the moment?

3 A. Yes, I believe it.

4 Q. Is there any question about that?

5 A. I believe he conducted the polls.

6 REPRESENTATIVE KELLEHER: Can I interrupt you for a
7 minute.

8 MR. FLAHERTY: Sure.

9 EXAMINATION-BY REPRESENTATIVE KELLEHER OF MR. LEASON:

10 Q. At these meetings was there any minutes kept?

11 A. I don't know, sir, I don't recall any.

12 Q. You don't know whether there was any minutes or not kept?

13 A. No, sir, I did not keep any.

14 Q. I'm not asking whether you kept any. I'm asking you
15 whether somebody else kept them?

16 A. I don't recall anyone.

17 Q. How many of these meetings did you attend, the Save
18 Maine Yankee executive meetings?

19 A. I don't know that they were executive meetings, if they
20 were I --

21 Q. Listen, I'm having a hard time figuring out whether it
22 was the steering committee, the executive committee, or the
23 goodwill committee, but I'll tell you I know who was there,
24 see.

25 A. I don't --

1 Q. So it doesn't make any difference what they called it.
2 Was there any minutes ever kept of the conduct of the
3 business?

4 A. I don't recall any, sir.

5 Q. Do you recall any of the conduct of the business at all?

6 A. To the extent that I have testified, yes.

7 Q. And what was that?

8 A. I believe that there was discussions of advertising, or
9 what might be done on advertising, what were the results of
10 how --

11 Q. Was there any indication of how much money was being
12 spent in regards to Save Maine Yankee --

13 A. Yes, sir.

14 Q. -- at those meetings? Was there anything ever discussed
15 about where the money was coming from at those meetings?

16 A. I'm sure there was.

17 Q. Was there anything discussed on who was getting paid at
18 those meetings, or how the expenditures were?

19 A. I believe so, yes, sir.

20 Q. That is good. That is a good answer. That is a good
21 answer. Now, the point is in regards to the polling --

22 A. Yes, sir.

23 Q. -- who gave the results of the polling at those meetings?

24 A. Dr. Potholm.

25 Q. And, what was generally the general information; whether

1 were winning or losing?

2 A. Yes, sir.

3 Q. And who was paying for the polling?

4 A. The Save Maine Yankee Committee.

5 Q. Was anyone else doing the polling?

6 A. I'm not aware that they were.

7 Q. At this time?

8 A. Well --

9 REPRESENTATIVE KELLEHER: Sorry, Counselor, just
10 had a thought, that is all, and I'll go back and sit here and
11 listen again. But the point is at the meetings the business
12 was conducted, obviously Dr. Potholm was giving his polling
13 results. I mean, isn't that one of the questions you asked,
14 counselor?

15 MR. FLAHERTY: That is correct.

16 REPRESENTATIVE KELLEHER: Thank you.

17 CHAIRMAN BALDACCI: Excuse me, Mr. Leason, you
18 wanted to make a comment.

19 THE WITNESS: Yes, I did, because as Representative
20 Kelleher was mentioning it, Cambridge Reports had done
21 surveys also for the committee.

22 EXAMINATION-BY CHAIRMAN BALDACCI OF MR. LEASON:

23 Q. Mr. Leason, I have seen copies of agendas for those
24 meetings. And I realize that at meetings, if you're holding
25 several meetings, and you have an agenda, that you talk about

1 old business, or if anybody wants to add or subtract from the
2 minutes of the last meeting in a normal meeting, especially
3 with a company in an effort of Save Maine Yankee and Central
4 Maine Power Company. That is why I find it kind of difficult
5 to fathom there may have not been any minutes, because
6 somebody must have been responsible for taking notes and
7 seeing who had what responsibilities to do what.

8 A. I don't believe I said nobody did. I just don't recall
9 who did, and I don't remember --

10 Q. Did you ever --

11 REPRESENTATIVE KELLEHER: Senator, the only reason
12 I asked that question is I was getting a little confused by
13 the witness' answer saying that he couldn't remember how many
14 meetings he attended, or what the agenda was.

15 CHAIRMAN BALDACCI: No, I appreciate the
16 questioning.

17 Q. The only thing I want to understand is that if I
18 received an agenda for a meeting to receive the minutes from
19 the last meeting, or responsibilities of what did take place.
20 Did that occur?

21 A. I appreciate what you're saying.

22 Q. Did that occur, or you just received an agenda?

23 A. I really -- your recollection is better than mine. I
24 don't remember that I did or did not receive agendas or
25 copies of minutes. I was not saying there were or were not.

1 I'm not trying to be evasive. I'm trying to be forthright on
2 it. I just don't recall personally whether there were or
3 were not minutes or agendas. It seems logical but I can't
4 say that happened.

5 REPRESENTATIVE KELLEHER: The important thing,
6 excuse me, Senator, if you could just remember what some of
7 the contents of the meetings was about.

8 Pardon me for eating.

9 MR. FLAHERTY: Mr. Leason -- are you through, Mr.
10 Chairman?

11 Q. The only other point I would remind Mr. Leason of is in
12 Mr. Temple's testimony, he pinpointed you as the liaison
13 between this executive committee, or whatever kind of
14 committee it is, and Save Maine Yankee, and polling was one
15 of your responsibilities.

16 A. I believe that not to be a correct statement. I was not
17 involved in polling in 1980.

18 Q. What about 1982?

19 REPRESENTATIVE KELLEHER: You weren't involved only
20 to the point of hearing the reports of the polling, is that
21 correct?

22 THE WITNESS: I heard the results, yes, sir.

23 REPRESENTATIVE KELLEHER: You were involved to some
24 extent. You can't remove yourself to that point.

25 THE WITNESS: Sir, I wasn't attempting to do that.

1 Q. Did you in 1982 have that as a responsibility, one of
2 your responsibilities?

3 A. Not the same function as I did in 1980.

4 Q. What was the function in '82?

5 A. In '82 the Atlantic Research existed, and Atlantic
6 Research did conduct polls for the Save Maine Yankee
7 committee.

8 Q. It did do polls for the Save Maine Yankee Committee?

9 A. Correct.

10 Q. Was that one of your responsibilities to coordinate
11 Atlantic Research's polling with Save Maine Yankee Committee?

12 A. That is correct. Let me -- I would like you to restate
13 the question if you would, because I think I tried to answer
14 it quickly and didn't hear you out.

15 Q. My question was, one of your responsibilities in 1982
16 was to coordinate the polling, the polling information that
17 was being developed by Atlantic Research with this steering
18 committee and the Save Maine Yankee committee?

19 A. That was not my function, no. My function was, as far
20 as Atlantic Research, was to conduct polls which were for the
21 Save Maine Yankee Committee, but I did not do any -- I was
22 not -- I don't have the capability, because I'm not
23 knowledgeable about polling, so I never presented, nor did I
24 coordinate that information with the committee.

25 REPRESENTATIVE KELLEHER: Who did? Didn't you run

Atlantic Research?

THE WITNESS: Yes, sir, mine was an operative thing where we conducted the polls, processed the information, and provided the information to the committee. But I did not try to characterize or explain the results or anything of that nature.

REPRESENTATIVE KELLEHER: Who did it?

THE WITNESS: I believe that was Dr. Potholm's responsibility.

CHAIRMAN BALDACCI: Counsel Flaherty has some questions, and I also have some questions on that particular area, but I defer to counsel.

EXAMINATION-BY ATTY. FLAHERTY OF MR. LEASON:

Q. You see from the questions that the members of the committee and the chair are asking, we're trying to get at the heart of this thing as quickly as possible, and you have no reason to be concerned about being so specific that you can't give an answer, okay?

Now, Representative Kelleher asked you, among other things, whether you were acquainted -- made acquainted with the results of the polls, and your answer was yes. And, my question at this point is at those meetings there were handouts, weren't there --

A. Yes.

Q. -- written handouts?

1 A. Yes.

2 Q. And, when you worked, as you did with Central Maine
3 Power, do you have -- were in the habit of, were you
4 instructed to generate memos as to the kind of work you were
5 doing, and the results, and distribute those memos to the
6 concerned people such as Mr. Scott?

7 A. I don't recall any memos of that nature.

8 Q. You must have written memos in your day?

9 A. Yes, sir, but I don't --

10 Q. What I am saying is, forget Save Maine Yankee, before
11 you ever got involved with them, wasn't it a practice in your
12 company for people in your position to write notes and
13 memoranda about what was happening in a given area, staff
14 concerns, and what have you, and report your thinking, and
15 the results of your efforts to your superiors?

16 A. In certain instances, sure.

17 Q. And you keep subject files, would you not?

18 A. Yes.

19 Q. Okay, if you were investigating Staff A you might make a
20 file that said Staff A and stick in it everything that
21 happened, right?

22 A. Certainly.

23 Q. Now, one day you got this unique responsibility, as I
24 see it, to be a coordinator for a -- something that had come
25 into existence called Save Maine Yankee; did you make a file

1 on that?

2 A. I'm sure there was a file.

3 Q. Did you make a file on it?

4 A. I'm sure I had a file on it. I don't know that I made a
5 file on it.

6 Q. Well, did someone under your direction make it? Is that
7 what is troubling you, whether you --

8 A. You're saying did I have a file on Save Maine Yankee
9 material, and my answer would be yes, I am sure I did have a
10 file of Save Maine Yankee material.

11 Q. Did you ever produce that file in response to any of
12 your superiors' requests since this committee came into
13 existence?

14 A. No, not to my knowledge.

15 Q. Do you still have it over there?

16 A. I produced it to the Committee.

17 Q. That is what I'm asking.

18 A. Everything I had is given to the Committee.

19 Q. Now, you were given handouts containing polling results
20 by Dr. Potholm, weren't you?

21 A. Yes, but not -- yes.

22 Q. And, did Dr. Potholm discuss with you and your
23 committee -- the committee, not your committee, the committee
24 the results of questions that were asked, and masking
25 questions, and tracking questions?

1 A. Well, to the term that you use masking questions, I have
2 a mental picture of one thing, and what a tracking question
3 is.

4 Q. Give me a mental picture of a masking question.

5 REPRESENTATIVE KELLEHER: You're no different than
6 the rest of us. We go through it every time.

7 A. As I saw those, they were base line questions which were
8 designed to get objective answers from the results of the
9 survey, that is the only thing I was aware of, were masking
10 questions were supposed to be.

11 Q. You use the term base line, you obviously know what
12 you're talking about more than I do. What does base line
13 mean?

14 A. I don't know.

15 Q. You don't know what base line mean?

16 A. I know what the term means.

17 Q. That is what I'm asking you, what does it mean?

18 A. It just means the foundation, that is all.

19 Q. For what purpose, what purpose, what kind of foundation?

20 A. As I understood the purpose of the masking questions,
21 there were two purposes of it. One was to get objective
22 results, and the second was to determine if the surveys that
23 were being conducted were accurate in that other information
24 was available from -- that was known on those subjects that
25 could determine if they -- the percentages in relationship to

1 what we were getting them we would have a good survey, I
2 guess.

3 Q. Now, were these two purposes made known to you by Dr.
4 Potholm?

5 A. I believe that was explained to me at some point.

6 Q. Is it fair to say that he educated the committee, and
7 you as well, as to the nature and purpose of polling?

8 A. I knew nothing about polling, sir.

9 Q. Was there anyone else on the committee who had anything
10 to do with polling other than Dr. Potholm?

11 A. Well, Winner Wagner would have been involved in it, I
12 guess.

13 Q. Did they make presentations and tell you what polling
14 was all about?

15 A. No, they used the results of the polling.

16 Q. I'm talking about the person or persons who acquainted
17 you with the terminology and the objectives that you have
18 just described here to me.

19 A. No, I think that was Dr. Potholm.

20 Q. And you met with Dr. Potholm at least as frequently as
21 that committee met, right?

22 A. Yes.

23 Q. And you met -- I'm still in '80.

24 A. Well, in '80, I did not meet with him.

25 Q. Let's go to '82, the second referendum, okay. You were

1 involved in that?

2 A. Yes, sir.

3 Q. Atlantic Research was in place?

4 A. Correct.

5 Q. And you were the man at Atlantic Research?

6 A. Right.

7 Q. When it came into existence somebody said something to
8 you about your involvement in Atlantic Research at Central
9 Maine Power?

10 A. Yes.

11 Q. Who?

12 A. Mr. Thurlow.

13 Q. What did he tell you?

14 A. I believe I stated earlier that it was believed that the
15 company --

16 Q. I know what he told you the purposes of Atlantic
17 Research were. I'm asking you what he told you were going to
18 do with Atlantic Research, what were you going to have to do
19 with it?

20 A. What I was going to do was to ask people who would be
21 willing to do the telephoning, and to pass the material to
22 our computer section and provide the results out.

23 Q. All right. Were you a paid employee of Atlantic
24 Research?

25 A. No, sir, I was not paid by --

1 Q. You were paid by Central Maine Power?

2 A. Yes, sir.

3 Q. And not by Atlantic Research?

4 A. Yes.

5 Q. But you were going to confine your activities now, if I
6 understand it, to the development of computer expertise and
7 information for Atlantic Research from polling efforts?

8 A. No, sir.

9 Q. You were not?

10 A. No, sir.

11 Q. Tell me what you were going to do again.

12 A. I was -- all I was -- my function was several functions,
13 one was to find out if our computer department could program
14 the computer to process polling results.

15 Q. And you did find out that?

16 A. And I did find out that.

17 Q. What did you find out?

18 A. I found out that it was possible to do that.

19 Q. And who did you report that to?

20 A. Back to Mr. Thurlow.

21 Q. Next, what else were you told to do?

22 A. Once that was realized, we had that capability and we
23 could then process surveys, then my function was to ask
24 people if they would be interested in working -- doing
25 telephone calls for Atlantic Research.

1 Q. What people?

2 A. They were employees, they were nonemployees,
3 ex-employees, they were students.

4 Q. Who told you to ask people whether they would be
5 interested in doing the telephone calls?

6 A. I couldn't take the telephone calls without having
7 people, that was all, I had to have people that worked in the
8 evenings to do this.

9 Q. Who told you the telephone calls -- that it was your
10 responsibility to see that telephone calls were going to be
11 made?

12 A. Well, I guess Mr. Thurlow; because he was the one who
13 ordered the formation of Atlantic Research.

14 Q. You say you guess Mr. Thurlow. Could it have been
15 anybody else? Could it also have been Mr. Potholm?

16 A. No.

17 Q. Just Mr. Thurlow?

18 A. Yes.

19 Q. Now, I take it then you had to decide where to get these
20 bodies to do the work of making the telephone calls. Now, in
21 doing that you had to acquaint these people with what they
22 were going to do, right?

23 A. Yes.

24 Q. And you were, I take it, responsible for seeing that
25 there was placed in their hands the material from which they

1 would ask the questions?

2 A. Yes, sir.

3 Q. And, so the material, it is fair to say, came to you
4 from someplace?

5 A. Yes, sir.

6 Q. From where?

7 A. Well, the questions came from Dr. Potholm.

8 Q. Okay. Now these questions were of all sorts, right?

9 A. By all sorts --

10 Q. Some of them were masking questions?

11 A. There was a survey which might have several pages to
12 them of X number of questions, there might be 15 questions,
13 or there might be 30 questions.

14 Q. Did you sit down with the people, one or more of them
15 that you wanted to do this work, and say, now look, here is
16 what I have here, and here are the questions, and here is
17 what you have to do?

18 A. It required about maybe 15 or 20 minutes one time with
19 them, and from then on it was a matter of just asking if they
20 would appear to work at 5:00 o'clock at night and work until
21 8:00, 9:00 o'clock at night, and then I would pass them the
22 survey at this point.

23 Q. But you would obtain the survey from Dr. Potholm?

24 A. Yes.

25 Q. And you would then review the survey, at least initially

1 with these people, for 20 minutes or so?

2 A. Well, this wasn't a routine. Once the people had done
3 it it was a matter of just picking the poll dialers and
4 reading the questions.

5 Q. But these people were spread out, they were in various
6 places?

7 A. Most of them were from the general area.

8 Q. But they had to get paper in hand in order to ask the
9 questions?

10 A. Yes.

11 Q. And you saw to that?

12 A. Yes.

13 Q. You were the distributor?

14 A. Sir, we had them come physically to the office.

15 Q. Okay. What I'm getting at is the written survey
16 material --

17 A. Yes, sir.

18 Q. -- which contained all of the questions that were to be
19 asked, that was in your hands?

20 A. At that point it was, yes.

21 Q. Well, it was in your hands, right?

22 A. Yes, sir.

23 Q. And you distributed to them whether they came to your
24 office or you went to their place of business or their home?

25 A. They in all instances came to our place of business.

1 Q. And you read those questions from time to time?

2 A. Sure.

3 Q. And you were interested in the answers to those
4 questions?

5 A. Sure.

6 Q. And those questions -- among those questions were the
7 so-called masking questions, right?

8 A. Yes.

9 Q. Do you remember any of them?

10 A. They were generally the attitude toward the president,
11 or the attitude toward the governor, or something like that.

12 Q. Now, we interrupted you back along, sorry about that, I
13 did. You didn't tell me what your understanding of a
14 tracking question was.

15 A. Those -- I am -- I -- tracking questions, let me just
16 say this, I just don't know anything about tracking because I
17 didn't conduct them, but my understanding was --

18 Q. That is all I want.

19 A. -- were a short questionnaire of a few questions that
20 would try to determine how something was taking place, like
21 the referendum, for example.

22 Q. And, one could also by the use of these questions --
23 certain questions track the profile of a given candidate?

24 A. I don't believe so on those. I don't know that, because
25 you see those are not conducted by Atlantic Research.

1 Q. And I take it you were never involved in any kind of
2 polling except on behalf of Atlantic Research?

3 A. That -- well, except where Cambridge Reports, as I
4 mentioned, did work for Central Maine.

5 Q. But that, I understand, was something you knew nothing
6 about except it was happening?

7 A. In 1980 they conducted it for Save Maine Yankee, correct,
8 I knew they had conducted, and I saw the results of that.

9 Q. I thought you told me you didn't have anything to do
10 with polling in 1980.

11 A. I personally did not conduct any polling or -- by
12 telephoning or processing polling data.

13 Q. Now, you did process polling data then in '82?

14 A. Yes, sir.

15 Q. Okay, I'm just trying to take your words and see if I
16 can get this information from you. You just said I didn't
17 process polling data in '80, and I assume you did in '82?

18 A. Yes.

19 Q. What does processing polling data mean?

20 A. Means making telephone calls, having it go through the
21 computer, and getting a printout.

22 Q. Okay. Now, when those questions were distributed to the
23 people who were going to make the phone calls, did you make
24 any of those phone calls?

25 A. No, sir.

- 1 Q. Then I take it the person making the phone call would
2 enter the yes, no, or whatever it was, an answer on the form?
- 3 A. Yes, sir.
- 4 Q. And they would be returned to your office?
- 5 A. Yes, sir.
- 6 Q. And you would then take that material --
- 7 A. To our computer.
- 8 Q. -- to the computer and punch it into the computer?
- 9 A. I did not punch it in.
- 10 Q. Oversee the punching in?
- 11 A. No, I didn't oversee it.
- 12 Q. Who did it?
- 13 A. It was done by our computer people.
- 14 Q. Who took the material to the computer?
- 15 A. I probably walked the papers across the hall, or my
16 secretary might have walked them down the hall to the
17 computer department.
- 18 Q. But, what happened to the material after it had been
19 punched in the computer, what happened to the paper reports?
- 20 A. A printout came back.
- 21 Q. The papers that were delivered to you at your office and
22 carried by someone to the computer, what happened to them?
- 23 A. Those were just -- all they were were answer sheets
24 which had numbers down the side and blocks and it would have
25 yes, no, or -- as I recall, and the -- each questioner had

1 one questionnaire, they would read from the questionnaire and
2 mark on this blank answer sheet.

3 Q. Now, this was in '82?

4 A. Yes, sir.

5 Q. And these -- I want to be sure I understand you, these
6 survey questions were prepared, organized, and written up by
7 Dr. Potholm or someone under his direction?

8 A. Yes.

9 Q. And they were provided to you at Central Maine Power?

10 A. Yes.

11 Q. And it was understood that you would see that they were
12 distributed to people who would make the phone call so that
13 the survey could be implemented?

14 A. That is -- well, they were delivered to -- Central Maine
15 or Atlantic Research, they were delivered to me --

16 Q. That is why I say to you; they were delivered to you?

17 A. Correct.

18 Q. No question about it?

19 A. That is correct.

20 Q. Physically?

21 A. And I would physically give it to the person doing the
22 survey.

23 Q. And you would physically, at least by having it come to
24 your office, physically receive the filled out form after the
25 surveys had been conducted?

1 A. Yes.

2 Q. And you would see that they were physically transported
3 to your computer site in-house?

4 A. Yes, sir.

5 Q. And that was then -- that material was then fed into the
6 computer; is that correct?

7 A. Yes, sir.

8 Q. And if it hadn't been, and there had been some kind of
9 snafu, Mr. Leason would have been the fellow who would be on
10 the line?

11 A. I would say so.

12 Q. Is it fair to say it was your direct responsibility to
13 see that that was done?

14 A. I would say that is true, yes.

15 Q. Okay. Now, once it got into the computer, what happened
16 with respect to the material; you got a printout you say?

17 A. Printout.

18 Q. What happened to the printout?

19 A. I would receive copies of the printout, and I would
20 distribute those to various individuals.

21 Q. Okay. Who were those various individuals?

22 A. It varied in time, Mr. Thurlow got a copy of it, Mr.
23 Scott would get copies of it occasionally, but didn't always
24 get copies, Temple would get copies on some occasions and
25 other occasions he didn't. It was a matter of whether they

1 wanted them or not. They were large volumes generally.
2 Potholm got copies of it, the agency on occasion got copies
3 of it, depending on what the survey was for.

4 Q. The agency?

5 A. Advertising agency.

6 Q. Who was the advertising -- you mean the people in LA,
7 Los Angeles?

8 A. Well, no. I'm talking about 1982 now.

9 Q. Okay. Ad Media.

10 Q. Ad Media, okay.

11 A. Chellis, Conwell & Hale got them, but when we changed
12 agencies they returned all those.

13 Q. In order to understand the computer printout one would
14 have had to have been presented with the code system; is that
15 right?

16 A. No, I think it was fairly explanatory, you know, I think
17 the numbers were all there.

18 Q. Would the numbers say what it meant? Each question was
19 numbered, I take it?

20 A. Each question was numbered.

21 Q. They had to know what the question was?

22 A. Correct, and the printout identified the question, and I
23 think from reading the printout you could identify the
24 question.

25 Q. Okay. Now, we have heard a lot about collation,

1 collating data, and cross tabulating; can you tell us what
2 you understand those terms to be?

3 A. I know what the words would mean in normal terms.

4 Q. That is all I want is normal. It is hard enough for me
5 to get normal, let alone abnormal; what does it mean?

6 A. Collation to me means putting papers together so there
7 is a pile of them in sequence or pages.

8 Q. How about cross tabulating?

9 A. Cross tabulating simply means checking this item against
10 that item.

11 Q. So that if the computer had information on it in
12 response to a certain kind of question in one survey, and
13 then subsequently the same question was asked in another
14 survey with the information coming in on that one, would it
15 be fair to say that checking the answers in the second survey
16 against those in the computer would constitute a kind of
17 cross tabulating?

18 A. I don't know that you can do that, but I don't know
19 enough about computers to know whether you can do that or not.

20 Q. I'm not talking about the electronic magic of getting it
21 done, I'm not talking about any of that. I am just talking
22 about cross tabulating, the process itself; is that what it
23 constituted?

24 A. I thought it constituted within that one survey.

25 Q. Okay, what does it mean within the one survey?

1 A. That you could take this question in a survey and cross
2 tabulate it against this question within that survey.

3 Q. What would be the purpose of doing that?

4 A. To get a measure, I guess, of attitudes of people from
5 various backgrounds, and income levels, and so forth, would
6 give you a picture of how people felt in relationship.

7 Q. Now, these people to whom the information was
8 disseminated, Thurlow, Scott, Temple, Potholm, and Ad Media,
9 and Chellis agency, was this given to them just to keep them
10 abreast of what was going on so they could evaluate the
11 success or lack of it with respect to their efforts?

12 A. To a degree, principally the agency, that was the intent,
13 to see how effective, what they were doing was working with
14 the public.

15 Q. Did you have anything more to do with Save Maine Yankee
16 in 1982 than you had to do with it in 1980?

17 A. I had quite a lot less to do in 1982.

18 Q. Why is that?

19 A. Well, for one thing, I was now running a department in
20 the company which I was not in 1980, and the -- I was doing
21 Atlantic Research stuff, most of which was evening work and
22 weekend work, and I had a lot of assignments in that function.

23 Q. Now, given a lot of assignments --

24 CHAIRMAN BALDACCI: Excuse me, counselor.

25 EXAMINATION-BY CHAIRMAN BALDACCI OF MR. LEASON:

1 Q. By assignments, could you expound on that?

2 A. Well, in my changed job, as I was then manager of
3 customer communications, and as such I was responsible for
4 the communications programs that we hoped were going to be
5 helpful in improving the attitude of the public toward the
6 company.

7 Q. Customer communications is -- what you're talking about
8 is the polling that you do?

9 A. No, sir.

10 Q. You want to improve an image?

11 A. That was one of the functions, but there were several
12 functions. One of them was promotion -- promoting
13 conservation programs, and safety programs, and public
14 attitudes, that was certainly a factor in it.

15 Q. So you never did any polls to find out what the public
16 reception was of CMP or whether energy conservation programs
17 made sense.

18 A. Yes, not in the context of what you referred. As
19 manager of customer communications, my job was to implement
20 corporate programs, to communicate with the public via media,
21 or speakers, or something like that. Atlantic Research was a
22 side issue.

23 Q. So you're the person, if you had to go to Ad Media, or
24 if you had to go to find some information, or to some
25 television station, you were the person that would more or

1 less be the vehicle for the company to, say, set up something
2 with Ad Media so we get some sort of promotional thing going
3 in these areas to better our image; would that be --

4 A. Well, I didn't go to any stations or anything like that.
5 My job was to work with the agency, yes.

6 Q. So you went to Ad Media?

7 A. Yes.

8 Q. And you set up the contract with Ad Media --

9 A. Yes.

10 Q. -- for the company, right, for Central Maine Power
11 Company?

12 A. Yes, for Central Maine.

13 Q. Right. Well, the same time they were involved with
14 polls that were -- these poll that were being done, were they
15 other than Ad Media business that was being done with CMP?

16 A. The work they were doing was for Central Maine Power
17 Company.

18 Q. So you send them copies of polls, in response to the
19 counselor's questions?

20 A. Where they had involvement with the company.

21 Q. Where they had involvement with the company?

22 A. Yes, sir.

23 CHAIRMAN BALDACCI: Excuse me, counselor.

24 MR. FLAHERTY: That's okay.

25 EXAMINATION-BY ATTY. FLAHERTY OF MR. LEASON:

1 Q. On that matter of assignments, how many polls would you
2 say, knowing that you could be off by a few, were received --
3 surveys received by you from Dr. Potholm in 1982, and
4 distributed by you, and fed into -- the results of which were
5 fed into the computer at Atlantic Research?

6 A. Let's see, Atlantic Research conducted -- I'm ball
7 parking because I can't count them -- maybe six or eight
8 surveys that we conducted for Save Maine, may not be that
9 many for Central Maine. We conducted several for Save Maine
10 Yankee and I don't recall whether it was three or four
11 surveys for Save Maine Yankee. We conducted one for Ad Media
12 for a client of theirs. Those are the ones that Atlantic
13 conducted during that period, that I can recall.

14 Q. Is it fair to say that regardless of on whose behalf a
15 poll was being conducted, the survey was developed by Dr.
16 Potholm and delivered to you; is that correct?

17 A. When you say the survey delivered to me, you mean the
18 questions were delivered to me?

19 Q. Yes.

20 A. Yes, sir.

21 Q. They were in every instance prepared by Dr. Potholm and
22 delivered to you?

23 A. Yes, because he had the expertise in developing that.

24 Q. But nobody else was involved on that level, that is to
25 say developing the, questions structuring the survey,

1 delivering it to you for Atlantic Research at that time other
2 than Dr. Potholm?

3 A. No, of course being working for the company, that was
4 under the direction of Mr. Thurlow.

5 Q. But he was not preparing the polling?

6 A. No, he wasn't preparing them, but it was under his
7 approval that I was receiving them.

8 Q. And all of the work of receiving, collating, if you will,
9 feeding into the computer, was done by you and people acting
10 under you at Central Maine Power?

11 A. Yes.

12 Q. Were any of these people paid employees of Atlantic
13 Research as distinguished from Central Maine Power?

14 A. The only people that were paid were the people that made
15 the telephone calls.

16 Q. And they might not have been employees of either?

17 A. Some of them were not, some of them were. You see they
18 were always conducted in evenings, so they were people who
19 were available.

20 Q. There is no question, is there, the computer equipment
21 itself, including the disks, and all the rest of it, was
22 owned by Central Maine Power Company?

23 A. Yes, and they billed Atlantic Research for all the cost
24 involved.

25 Q. How did Atlantic Research pay for that; where did they

1 get the money to pay for it?

2 A. In the first instance they were structured as a
3 wholly-owned subsidiary of Central Maine, which, again if
4 they received payment from Save Maine Yankee, they received
5 payment from Ad Media, or any services conducted for those
6 organizations, and they were paid by CMP for surveys
7 conducted for CMP.

8 Q. So you're saying, if I understand you, that the monies
9 with which they paid the charges made to them, that is made
10 to Atlantic Research by CMP, were provided by Save Maine
11 Yankee, CMP; how about New England Telephone?

12 A. I don't know that at all.

13 Q. You don't?

14 A. I know based on my interview only that a survey which
15 was questioned was a New England Telephone, other than that,
16 I did not know it was New England Telephone.

17 Q. Did you have anything to do with the accumulation of
18 polling data, or summaries, or anything of that sort, and the
19 feeding of it into computers at Bowdoin College?

20 A. No.

21 Q. Did you have anything to do with Bowdoin College
22 personnel or students in the business of conducting polling
23 surveys?

24 A. There were some students that came in on occasion to do
25 telephoning.

1 Q. Were you ever provided with any information in the way
2 of printouts or otherwise from computers at Bowdoin College
3 bearing on the results of polls at that time?

4 A. Could you restate that?

5 Q. I'm trying to find out whether you at Atlantic Research
6 or Central Maine Power Company in the course of this polling
7 activity, which you have indicated was all developed by Dr.
8 Potholm, also received any kind of polling data results or
9 information either through Dr. Potholm, or otherwise, from
10 the computer facility at Bowdoin College?

11 A. Well, not knowingly, that I did, possibly the tracking
12 that you referred to earlier may have been done that way. I
13 don't know that for sure, though.

14 Q. Would you know from the looks of the material that a
15 particular printout could not have come from your CMP
16 computer equipment and must have come from another computer?

17 A. Maybe that clarifies the question, because I don't
18 recall anything that was not out of our own computer runs.

19 Q. Do you recall Dr. Potholm discussing with you and the
20 committee you were meeting with described here, the results
21 of polling data received through surveys that were being
22 stored and cross tabulated at Bowdoin as distinguished from
23 Atlantic Research?

24 A. No, sir, I don't.

25 Q. Now, during that period of time, in 1982, when you were

1 doing the work you described with Atlantic Research, you have
2 indicated you were paid by Central Maine Power Company; is
3 that correct?

4 A. In 1982, sir?

5 Q. Yes.

6 A. Yes, sir.

7 Q. And, how much time were you devoting to this activity
8 that involved Potholm and Atlantic Research at that time?
9 I'm talking now about the whole period when you started up
10 the campaign until the end of the referendum, what percentage
11 of your time?

12 A. Please, again, this is 1982?

13 Q. That's correct.

14 A. The only involvement I had with Dr. Potholm during that
15 particular period was principally in relationship to the
16 dealings of surveys that were being conducted for either CMP
17 or Save Maine Yankee committee.

18 Q. I'm trying to find out what percentage of your time was
19 devoted to it over that period of time?

20 A. Maybe two or three percent of my time possibly.

21 Q. Two or three percent. Did you make the same kinds of
22 written entries and allocations at that time that you did in '80?

23 A. Well, in 1982 Dr. Potholm was then -- had been hired by
24 Mr. Thurlow as a consultant to Central Maine Power Company,
25 and as such when surveys were being conducted for Central

1 Maine Power Company I had association with him --

2 Q. As well?

3 A. -- at that point. And, the Atlantic Research was not an
4 all consuming kind of function, really, it was a --

5 Q. Okay. What are you doing now for the company?

6 A. I'm director of advertising.

7 Q. Do you have anything to do with Atlantic Research?

8 A. No, sir.

9 Q. It went out of business, right?

10 A. That's correct.

11 Q. When was that?

12 A. I don't remember the precise date, but year and a half
13 ago, maybe.

14 Q. Do you know why?

15 A. Yes, because of the Robert Scott affair, I believe.

16 Q. What did that have to do with putting Atlantic Research
17 out of business?

18 A. That was a determination on the part of -- I'm speaking
19 out of turn, because I don't know precisely. I know it went
20 out, and I don't remember the date it went out. It went out
21 with a decision, I don't whether it was Mr. Rowe, the present
22 president -- I believe it was out before -- no, I believe it
23 was out well before his arrival. I think it went out in 1983
24 sometime. I wish I could be precise.

25 REPRESENTATIVE KELLEHER: What was the reason?

1 MR. FLAHERTY: I think he mentioned the Scott
2 affair.

3 Q. You're talking about the problem with the PUC?

4 A. I think it was determined that this was a function that
5 the company probably should remove itself from.

6 Q. Okay. Now did you store -- did you have occasion to
7 store the printout material that came off the computer at
8 Central Maine Power in that period of time, printout material?

9 A. By storing it, yes, sir, I had them in files, yes.

10 Q. Mr. Leason, do you recall on at least one occasion Dr.
11 Potholm ran a survey through your computer that was not
12 undertaken on behalf of Central Maine Power and/or on behalf
13 of Atlantic Research?

14 A. I don't know that he ran it through, but there was one
15 study that was conducted by him which we processed the data
16 on.

17 Q. By processed, you mean you took it from him and put it
18 through the computer for him?

19 A. I don't know that I took it from him personally. I was
20 told by Mr. Thurlow that it was all right to process this
21 document, that -- or -- or these -- these results of
22 telephone calls, and those were processed, and I -- later it
23 was called, I believe, the New England Telephone study, but I
24 didn't identify it at the time.

25 Q. At the time all you knew you were asked by Mr. Thurlow

1 to do this?

2 A. Yes.

3 Q. What do you mean when you say you processed it? I hope
4 you pardon me but I don't know what you mean.

5 A. I took it to the computer department, they ran it
6 through, and gave me the printout, and the printouts were
7 returned.

8 Q. So, all it did was say a number of answers yes, number
9 of answers no --

10 A. Yes.

11 Q. -- is that the idea?

12 A. Yes.

13 Q. And undecided, that type of thing?

14 A. Yes.

15 Q. Was that ever paid for by anybody, to your knowledge?

16 A. I have no idea.

17 Q. You certainly don't know that it was to your knowledge?

18 A. No, I don't.

19 EXAMINATION-BY CHAIRMAN BALDACCI OF MR. LEASON:

20 Q. Mr. Leason, no one could do anything in that computer
21 process without your approval; is that correct?

22 A. Well, certainly -- I don't have anything to do with the
23 direction of the computer, Senator. We have a manager of
24 that department and he is responsible for everything that
25 goes through.

1 Q. So you're not the point man, so that if I had an
2 agreement with Mr. Thurlow to do a particular service that
3 required the use of the computers, you would be the person
4 that I would go to with my information that I wanted
5 processed?

6 A. No, not routinely.

7 Q. Would you be the person I would go to if I wanted
8 information out of the computer?

9 A. No, sir.

10 EXAMINATION-BY ATTY. FLAHERTY OF MR. LEASON:

11 Q. Who would be the person?

12 A. It depends on what you're interested in.

13 Q. We're interested in who would be contacted for
14 information with respect to this polling activity?

15 A. Okay, in polling activity, I guess I was not the only
16 person that processed polling data, because there are many
17 departments that conducted client surveys, for example, and
18 things of that nature, which goes through the survey which I
19 had nothing to do with. But, in the context of our
20 discussion today I would say yes, I was probably the person
21 that would have come through -- would have been the person
22 whom you would have to go through, and then I would have
23 physically taken it to the computer people.

24 Q. Is it fair to say if Dr. Potholm had wanted to have
25 access to the computer he need not necessarily have gone

1 through you?

2 A. It is possible, but --

3 Q. I'm now talking in that same time frame, '82.

4 EXAMINATION-BY CHAIRMAN BALDACCI OF MR. LEASON:

5 Q. It is possible?

6 A. It is highly improbable, but possibly possible.

7 Q. Highly improbable, but not impossible?

8 A. I think it impossible, but --

9 Q. You said earlier in your testimony that you provided
10 copies of polls to Mr. Thurlow, Mr. Scott occasionally, Mr.
11 Temple, and Mr. Potholm, and sometimes Ad Media, right?

12 A. Yes, sir.

13 Q. Now, am I to take it that you said on a regular basis
14 then you would give polls to Mr. Thurlow, Mr. Potholm, more
15 than the others?

16 A. Absolutely. Those two people always got all the results
17 of the polls.

18 Q. And those polls that were done were six or eight surveys
19 for CMP, three or four for Save Maine Yankee, and one for Ad
20 Media?

21 A. That is the best of my recollection, there may have been
22 more or less than that.

23 Q. In that ball park?

24 A. In the ball park, yes.

25 Q. So, Mr. Thurlow, if I can remember correctly, said in

1 his testimony that it would be -- that it wasn't a successful
2 venture, Atlantic Research, because they only had one client,
3 and Mr. Potholm's responsibility was to go out and get
4 business, set up the program, and do everything else to make
5 that a successful money-making venture?

6 A. If that is the case, I don't know about that. I didn't
7 have any conversations like that.

8 Q. You didn't have any conversations like that?

9 A. No, sir.

10 Q. Mr. Leason, you're still with Central Maine Power
11 Company?

12 A. Yes, sir.

13 Q. You're in charge of advertising?

14 A. Yes.

15 Q. And you handle energy loan conservation advertising?

16 A. Yes.

17 Q. What firm do you do that with?

18 A. Ad Media.

19 Q. You do that with Ad Media?

20 A. Yes.

21 Q. I remember we had a bill in the legislature a year ago,
22 two years ago to make sure they got the money from PUC that
23 they were expending for advertising.

24 A. Yes, sir.

25 Q. If I remember correctly that bill was \$150,000, not all

1 advertising, but was for work that was done up front in
2 setting up this program, plus advertising was a major portion
3 of that; is that correct?

4 A. I don't know, sir.

5 Q. Now, you did a poll for Ad Media; how did you
6 established a cost to Ad Media for doing that poll?

7 A. The conservation programs, I don't know the context
8 we're discussing now.

9 Q. You said you did a poll at Atlantic Research --

10 REPRESENTATIVE KELLEHER: I don't either, I'm lost
11 myself.

12 CHAIRMAN BALDACCI: Well, I'm not, but that is all
13 right.

14 REPRESENTATIVE KELLEHER: Just so that I'm not lost,
15 how does this all tie in to what we're doing here?

16 CHAIRMAN BALDACCI: I want to find out how Mr. --
17 how this Atlantic Research established a cost for doing the
18 polls.

19 Q. How did they establish a cost for doing the polls, and
20 was it under market value, or over market value, or -- that
21 is what I'm trying to find out. So you did a poll for a
22 private firm, Ad Media, what was the cost for doing the poll,
23 how did you establish a cost?

24 A. When Atlantic Research was originally structured, early
25 on when it was structured, I sat with our accounting people,

1 and the accounting people developed some analyses of what the
2 costs should be of polls, which included the developmental
3 costs of the computer program, space costs, all of those
4 normal business costs which would be incurred with the use of
5 facilities, lighting, heating, and the exclusion to that was
6 telephone. Telephones were paid directly for and owned by
7 Atlantic Research.

8 Q. Let me tell you the thing that bothers me, and this is
9 going to conceptualize it I think for Representative Kelleher
10 a little bit better, we had testimony from a gentleman called
11 Hugh Marcum, and his testimony was basically about vendor
12 contributions, and about the return of that money through
13 potential contracts in the future. Now, what I have taken
14 down here for notes is that you had some sort of a
15 relationship as far as Central Maine Power Company is
16 concerned with Ad Media --

17 A. Yes.

18 Q. -- on a regular basis for advertising or whatever else.
19 At the same time you were paying them a lot of money -- money
20 for their services, and at the same time Ad Media was
21 utilizing your services at Atlantic Research to do polling?

22 A. For pay.

23 Q. For pay that was established through this very strict
24 accounting procedure; do you have copies of how that was set
25 up?

1 A. I believe the copies have all been provided to the
2 Committee. That particular survey was paid for by Ad Media
3 that I referred to.

4 Q. In your accounting for your own time, Mr. Leason, we
5 initially had testimony from our auditors and from others
6 that they were estimates for the time spent on political
7 activity, an estimate, on a monthly basis of how much time
8 was spent. Do you want to elaborate as far as your political
9 activity, and how it was conceptualized as far as rate making
10 purposes?

11 A. If you're referring to Save Maine Yankee, if I spent
12 hours working for Save Maine Yankee, per se, I would have put
13 those hours in as having worked for Save Maine Yankee.
14 Obviously, if I didn't work for them I put them as working
15 for Central Maine Power.

16 Q. Who did you give those figures to?

17 A. That normally through the accounting system.

18 Q. Why would they use estimates instead of your actual
19 logged time?

20 A. I don't think I said estimates.

21 Q. No, they said they used estimates.

22 A. I can't answer this question, I don't know.

23 REPRESENTATIVE KELLEHER: May I ask a question?

24 CHAIRMAN BALDACCI: Certainly.

25 EXAMINATION-BY REPRESENTATIVE KELLEHER OF MR. LEASON:

1 G. Mr. Flaherty asked you a question a while ago and you
2 answered it in regards to the printouts, and correct me if I
3 miss anything that you said, but you said they were fairly
4 large documents, like Mr. Thurlow got one, Mr. Temple got one,
5 and sometimes they didn't always get one; were they ever
6 condensed?

7 A. Yes, they were. Sometimes I was asked to just put the
8 numbers behind the questions on the survey.

9 G. Seems to me if I were working for CMP, or if I was with
10 Save Maine Yankee, and I know how lazy I am here in the
11 legislature, I wouldn't read this document to save my soul,
12 except there is a lot of interesting papers in there, but I
13 would simply say to my staff people look, I don't want
14 something that weighs 26 pounds. All I want to know is where
15 is the beef. We are spending so much dough, are we winning
16 or losing. And I appreciate the fact that you did print them
17 out. I'm sure there must have been some people, maybe there
18 were some people that were less interested in reading a 10-pound
19 document when you could have said here is 10 basic questions,
20 we're winning, losing, winning the north, losing the south;
21 this guy is going to be elected governor, this guy likes
22 Palmolive toothpaste, whatever. If you condensed them at all,
23 and you could have, did you condense them?

24 A. Yes, sir.

25 G. Did they go outside of the company, to your knowledge?

1 A. Not to my knowledge.

2 Q. When you condensed them, did you do it yourself, or
3 did -- or did someone else do it? I don't mean you do it,
4 personally.

5 A. Yes, sir.

6 Q. It was done by you?

7 A. Yes, sir.

8 Q. Who would primarily get the report, both the thick
9 volume and the single sheet, if it was a single sheet?

10 A. You mean getting both of them?

11 Q. Both or either one of them.

12 A. Well, the people that I told you got the computer
13 printouts, and the reason I said occasionally is that Mr.
14 Scott was not interested. Finally he said he didn't want the
15 computer printouts.

16 Q. Tell me, all I ever want to know from you is are we
17 winning or losing, but I had to report to somebody, I might
18 want to be able to give in detail what the percentages are.

19 A. As I say, Mr. Thurlow I always gave the computer runs to,
20 he seemed to want them, I gave them to him. I believe I gave
21 one of these sheets that I also supplied to Mr. Scott.

22 Q. Was this information privileged for a certain few?

23 A. Yes.

24 Q. Do you ever know of it being distributed in any way to
25 other people?

1 A. Not to my knowledge, no.

2 REPRESENTATIVE KELLEHER: I'll hang up on that for
3 the moment.

4 EXAMINATION-BY ATTY. FLAHERTY OF MR LEASON:

5 Q. Mr. Leason, was there ever a survey that you were aware
6 of submitted to you by Dr. Potholm for polling that did not
7 contain these political type masking questions?

8 A. The ones that were conducted by Atlantic Research?

9 Q. Yes.

10 A. Not to my knowledge, no, sir.

11 Q. I'm talking now about the ones conducted by Atlantic
12 Research and which you were aware.

13 A. No, I think --

14 Q. They all contained those questions?

15 A. Yes, sir.

16 Q. Was there any particular place in the computer for
17 storing, for extracting the answers to those questions as
18 distinguished from the main body of the questions for a
19 specific poll, like the Palmolive deal, and kept separately?

20 A. You could do that I suppose.

21 Q. If I said Mr. Leason, I, Dr. Potholm, want to know where
22 we are with respect to the gubernatorial race, could you push
23 a button and pull that out for me off the computer?

24 A. Could, but the computer printout had it on it, too.

25 Q. It is fair to say, the masking questions, the answers to

1 those were retained, and they were constantly updated in this
2 fashion, the surveys?

3 A. I don't know what your meaning by --

4 Q. Well --

5 A. They are in the computer, yes.

6 Q. And there never was a survey that didn't have them?

7 A. No.

8 Q. So anyone in Dr. Potholm's position with access to the
9 computer could get that information any time?

10 A. Not from our computer he couldn't.

11 Q. Why?

12 A. Because he didn't have access to the computer.

13 Q. I mean he could get it through you?

14 A. He could get it because he got the computer run from the
15 survey, yes.

16 Q. That is correct.

17 A. Yes.

18 Q. Did he ever ask you to run any special analyses for him
19 on the computer?

20 A. Not that I'm aware of, no.

21 Q. I'm only asking that you're aware of.

22 A. No, I'm not aware of it.

23 Q. Are you aware he asked anybody else?

24 A. No.

25 Q. Are you aware that he in fact conducted any special

1 analyses on that computer?

2 A. Not on that computer to my knowledge.

3 Q. Okay. Now, approximately how many meetings did you have
4 at which Dr. Potholm was in attendance, for instance, from
5 the time you undertook the coordinator's role and the
6 activity on behalf of Atlantic Research in 1982?

7 A. Well, as consultant he was in the office several times a
8 month.

9 Q. Would you say he was in the office several times a week?

10 A. On some occasions he might have been.

11 Q. If you had to average it out, Mr. Leason, on a weekly
12 basis, or on a monthly basis over that period of time, how
13 frequently was Dr. Potholm in the CMP office?

14 A. I can't answer the question because he didn't come to
15 the office to see me, and it is very possible he was in the
16 office many times that I didn't know about. I know
17 personally I saw him --

18 Q. That is all I want, personally, that you saw him.

19 A. Sometimes I didn't see him for two months, then I would
20 see him for three or four times in one week. And I don't
21 really know how to estimate over the course of that time how
22 many times I saw him. I saw him a number of times.

23 Q. A lot, is that fair?

24 A. Frequently.

25 Q. A lot, is that fair?

1 A. Well --

2 Q. You said frequently.

3 A. Well, as I said, sometimes there were months I didn't
4 see him, and sometimes I would see him quite a lot.

5 Q. You really want us to understand that there were months
6 when you didn't see him?

7 A. Yes.

8 Q. How frequently did the committee meet, the steering
9 committee?

10 A. There were periods there was no group like that existing.

11 Q. Months, for months?

12 A. Sure. Yes, sir.

13 Q. You're talking '82 now?

14 A. I'm talking '81.

15 Q. I'm talking '82. It existed then, didn't it?

16 A. Yes.

17 Q. And it existed in '80?

18 A. Yes.

19 Q. Those were the two times the referendum was on the
20 griddle?

21 A. Yes.

22 Q. So the time it didn't exist was when the referendum
23 wasn't on the griddle?

24 A. Yes.

25 Q. So during the period when it did exist, and that is all

1 I'm interested in, and that is all this Committee is
2 interested in. Dr. Potholm was at the CMP premises frequently,
3 to your knowledge?

4 A. That -- I guess I don't know what frequent -- I know
5 what frequently means, but --

6 Q. You said several a week.

7 A. Yes, I have no reason -- he was there, and I don't know,
8 you know --

9 Q. I'm just going to have to refine my question now that I
10 know how you were trying to answer it. In '82 during the
11 Save Maine Yankee, or the Maine Yankee referendum, how many
12 times a week was he there?

13 A. I would have no idea.

14 Q. Okay, no idea at all?

15 A. I couldn't -- I wasn't that much involved in the Save
16 Maine Yankee in 1982.

17 Q. Okay, let's go to '80 how many times?

18 A. 1980, maybe once a week on average.

19 Q. And that would be -- I'm talking now not while he was at
20 these meetings, that is another time, right, when he happened
21 to be at the meetings?

22 A. That is when I saw him principally.

23 Q. Did he talk with you frequently Dr. Potholm?

24 A. On the telephone he talked to me frequently.

25 Q. Well, that is talking with you as I view it.

1 A. Yes.

2 Q. Okay. And that happened several times a week, didn't it?

3 A. Yes, sir.

4 Q. Isn't that right?

5 A. Yes.

6 Q. Is it fair to say he was in regular communication with
7 you during that period?

8 A. Correct.

9 Q. With respect to polling data, development of polling
10 questions, and the like?

11 A. Principally his assignment as I got it was consultant to
12 the company, aside from drafting questionnaires for the
13 surveys, was to advise on structure of advertising programs,
14 and things of that nature.

15 Q. When was the last time you ever talked with Dr. Potholm
16 prior to this appearance here today?

17 A. Two months, maybe.

18 Q. Two months ago?

19 A. Possibly.

20 Q. Have you ever had anything to do with him since?

21 A. No, sir.

22 MR. FLAHERTY: I have no further questions at this
23 time, Mr. Chairman.

24 CHAIRMAN BALDACCI: Are there any questions of the
25 Committee at this time of Mr. Leason?

EXAMINATION-BY CHAIRMAN BALDACCIO OF MR. LEASON:

Q. Mr. Leason, I have just one question: You mentioned about base line, and you said that that was a foundation. And you said basically, in lay person's terms, that is objective results, and also to demonstrate whether the survey was accurate or not, right?

A. I did state that.

Q. Now, in order to make sure that a survey that was done by Atlantic Research, or done by you, cutting through the different mazes, was done by you is accurate, how would you check that accuracy, off of other polls that were done?

A. I can't answer that question. All I know is that was my impression that there were Harris polls being done and other polls which --

Q. You could check the accuracy off the other polls, not you particularly --

A. Correct, that was one impression, yes.

Q. So that in order to preserve the accuracy, so you were aware that they were looking at other polls that were being done?

A. I presume so, I don't know. I would say yes, I would guess so.

Q. Who handled the discussion on that, Mr. Potholm?

A. There wasn't any discussion on it. You asked the question of what I meant by base line, or what I understood

1 base line to mean. I tried to explain what I perceive base
2 line to be for what we call masking questions.

3 Q. So in front of this Save Maine Yankee group, or steering
4 committee group, or whatever group it was that you would sit
5 down and review these results among other things being done,
6 who would lead the discussion about these particular polls
7 and what they showed to be?

8 A. Dr. Potholm would lead that discussion.

9 Q. Okay. And it is your understanding that other polls had
10 been reviewed by Dr. Potholm to show accuracy for the polls
11 that were being done and analyzed by that particular group?

12 A. That was my opinion.

13 CHAIRMAN BALDACCI: Okay. Thank you very much.

14 MR. FLAHERTY: I was going to say before you leave
15 I just want to make one thing clear for the clear so there be
16 no doubt about it. Mr. Delahanty, sitting with you here
17 today, is he your counsel for these purposes?

18 THE WITNESS: Yes.

19 MR. FLAHERTY: Fine, thank you.

20 EXAMINATION-BY REPRESENTATIVE KELLEHER OF MR. LEASON:

21 Q. Was there ever a poll conducted for Congressman Emery
22 that was used as a comparison on polls done by CMP?

23 A. I don't know, Representative.

24 Q. Or Atlantic Research?

25 A. I don't know that.

1 Q. Would it be possible that a poll could have been done
2 for Congressman Emery and they were cross checking it,
3 checking it with existing polls done by CMP for the validity
4 of the Emery poll, could it have been possible that that
5 could have happened without you knowing about it?

6 A. I don't know how to answer the question.

7 Q. Is it possible or is it impossible? It is impossible
8 for me to fly up in the air but if I jumped out that window I
9 would go down. Is it possible?

10 A. I suppose it is.

11 Q. If you suppose it is, would you say that because Dr.
12 Potholm was as frequent around the CMP premises as the roof
13 was on the building that he could have got in and used your
14 equipment without your knowledge?

15 A. No, he could not have.

16 Q. That would have been impossible for him to do?

17 A. I believe so, yes.

18 Q. Why?

19 A. Because I have been told by our computer people that is
20 not possible.

21 Q. That is not possible. Is it possible that Dr. Potholm
22 might have wanted to use the data material that CMP or
23 Atlantic Research used without giving you an explanation of
24 what he was going to use it for?

25 A. I suppose that is possible, too. I don't know what --

1 G. Did he ever?

2 A. Not to my knowledge.

3 G. Did any of his associates ever?

4 A. I don't know that.

5 G. Did any of his associates ever do business with CMP
6 people below you that you might not be aware of?

7 A. By associates --

8 G. Employees underneath you either in Atlantic Research or
9 the computer room. My expression, just sitting here
10 listening to you, but more importantly when Thurlow or Temple
11 was here, or any of the rest of the gentlemen that worked up
12 there, he had an unusual connection with CMP in regards to
13 Save Maine Yankee and the united effort for that, Save Maine
14 Yankee and the second referendum. At one point I almost
15 think he was your boss setting up and programming Atlantic
16 Research, because I would have been in the same position as
17 you. I don't know a damned thing about them. You got an
18 assignment. Is it possible his frequency around there would
19 give him the opportunity to get in and use material,
20 equipment, or whatever, that is owned by CMP to validate
21 other polls that he was doing?

22 A. I'm told that that is not possible by our computer
23 people.

24 G. And why?

25 A. Because you have to know how to access the systems.

1 Beyond that I don't know what they are talking about, but you
2 would have to be a person who understood the system.

3 Q. Could he have asked for information and then reused it
4 to validate another poll?

5 A. He could have asked for it, but I don't recall him
6 asking for it.

7 REPRESENTATIVE KELLEHER: That is enough for the
8 moment.

9 EXAMINATION-BY ATTY. FLAHERTY OF MR. LEASON:

10 Q. One last question, Mr. Leason: is it correct that on
11 the occasion -- one request, he could have had everything
12 this computer had on a printout?

13 A. You mean from all of the surveys?

14 Q. Yes.

15 A. I don't --

16 Q. If he asked for it could he have it?

17 A. I can't answer the question.

18 Q. It was stored there, right?

19 A. Yes.

20 Q. And Mr. Thurlow testified that he ordered the computer
21 purged?

22 A. Yes.

23 Q. Until that time he said he was astonished to find that
24 everything was still there?

25 A. Yes.

1 Q. While it was still there, it is fair to say, isn't it,
2 that Dr. Potholm could have obtained a total printout of
3 everything on there, so that after it was purged he still had
4 the information?

5 A. That is possible, yes, sir.

6 Q. But you don't know whether he did that?

7 A. I'm not aware if it ever happened.

8 Q. But he did ask for printouts from time to time, right,
9 you're aware of that?

10 A. Not beyond those printouts that were provided at the end
11 of each survey.

12 Q. I know, but I'm saying he asked for printouts at the end
13 of each survey?

14 A. Sure.

15 Q. He got them?

16 A. He was doing the analyses --

17 Q. But he got them?

18 A. Yes.

19 MR. FLAHERTY: That is all.

20 CHAIRMAN BALDACCI: Are there any other questions
21 for Mr. Leason.

22 None.

23 MR. DELAHANTY: I would just like to have a moment
24 to confer with Mr. Leason.

25 CHAIRMAN BALDACCI: Certainly, go right ahead.

1 short recess for a moment.

2 (A short recess was taken.)

3 CHAIRMAN BALDACCI: Mr. Delahanty, you have had an
4 opportunity to talk with your --

5 MR. DELAHANTY: I have nothing.

6 CHAIRMAN BALDACCI: You have nothing to say.

7 Mr. Leason, I want to thank you very much for being
8 here today and making yourself available, thank you very much.

9 Marjorie Force. Would you please stand.

10 MARJORIE R. FORCE, having been duly sworn by the Chairman,
11 was examined and testified as follows:

12 EXAMINATION-BY CHAIRMAN BALDACCI OF MS. FORCE:

13 Q. Please be seated, and state your name and occupation for
14 the record.

15 A. My name is Marjorie R. Force, and I'm a senior
16 programmer analyst at Central Maine Power Company.

17 CHAIRMAN BALDACCI: Mr. Flaherty, would you care to
18 examine.

19 EXAMINATION-BY ATTY. FLAHERTY OF MS. FORCE:

20 Q. Miss Force, have you ever testified before?

21 A. No. I gave a deposition to Mr. Moskowitz.

22 Q. Okay, so at least you know what the process is.

23 A. Yes.

24 Q. Would you be kind enough to tell me just what a computer
25 programmer is, what he or she does?

1 A. You would write programs, or help maintain programs,
2 computer programs that run on the computer at CMP whose
3 purpose is to do any number of things for the people at CMP.

4 Q. How long have you been an employee of CMP?

5 A. 5-1/2 years.

6 Q. And throughout that period have you been a computer
7 programmer?

8 A. Yes.

9 Q. And when you came on 5-1/2 years ago had the computer
10 system been there already?

11 A. Yes.

12 Q. So this was not a new start up affair at that point?

13 A. No.

14 Q. Did it become upgraded, enhanced, or updated during the
15 period of your employment there?

16 A. Yes, we purchased a new computer in the last five years,
17 an IBM computer.

18 Q. And, prior to 1980 I take it you were doing in-house
19 programming for various types of efforts that the company was
20 undertaking?

21 A. Yes.

22 Q. And, getting assistance from the computer in the
23 undertaking; is that right, whatever?

24 A. Yes.

25 Q. Now, this programming we're talking about, is that what

1 we generally hear as being software?

2 A. Yes.

3 Q. So you developed the softwares, so to speak, for any
4 given activity that you expected the computer to perform?

5 A. Yes.

6 Q. And I take it in that respect someone would sit down
7 with you and acquaint you with what he or she was trying to
8 get accomplished here, and ask you first whether it was
9 possible with the computer?

10 A. Yes.

11 Q. And then you would begin to develop the program?

12 A. That's right.

13 Q. And sometime in 19 -- well, sometime between 19 --
14 beginning of 1980 and the end of 1982, did you get consulted
15 by people at CMP, or otherwise, regarding the ability of your
16 computer system to be programmed to receive polling data?

17 A. Yes.

18 Q. And, when would that have been?

19 A. I don't --

20 Q. I'm not asking for a specific date now.

21 A. In that time frame that you mentioned, I would guess '80
22 to '81.

23 Q. Can you tie it to the first Maine Yankee referendum
24 efforts, which would have been in mid 1980, late -- September
25 of '80, prior to September of 1980, before Atlantic

1 Research --

2 A. I'm sorry, I don't know if it was before or after that
3 referendum.

4 Q. Whenever it was, someone came to you or some group of
5 people, I take it, at Central Maine Power, and acquainted you
6 with their desires?

7 A. That's right.

8 Q. Who were those people?

9 A. Bob Leason -- Bob Leason, and Chris Potholm was with him
10 from the beginning of the development of that program.

11 Q. So, in the very first occasion on which you were
12 consulted regarding the programming for these purposes, the
13 people consulting you were Mr. Leason and Mr. Potholm?

14 A. That's right.

15 Q. And can you tell us generally, as best you can recall,
16 what they told you they wanted to accomplish?

17 A. Yes, they said that they would -- that they wanted to
18 take surveys, contact people, ask them questions, and they
19 wanted the ability to analyze the results of the questions
20 that they asked. And they explained that what they wanted to
21 be able to do basically was counting, how many people
22 answered each question with each possible answer. And the
23 other area that they were interested in was to relate
24 demographic information about the people that they surveyed,
25 that is their age, race, sex, education level, with how they

1 answered the questions to find out -- to find out what -- I
2 don't know what to find out. That is what they wanted to do.

3 Q. Now, at that time who was really telling you -- was one
4 of them more prominent than the other in this discussion, or
5 was Mr. Potholm as actively in this discussion as to what he
6 wanted as Mr. Leason, or vice versa, or what?

7 A. Mr. Potholm was the one that knew how we wanted to
8 analyze the surveys, so I would say he was the one that knew
9 what we wanted. But, I never discussed anything with just
10 Mr. Potholm. Mr. Leason was always there because officially
11 I was working for Mr. Leason on the project.

12 Q. So Leason was always there when Potholm was there?

13 A. Yes.

14 Q. Now, approximately how many times did you meet with Mr.
15 Potholm from that first meeting -- from and after that first
16 meeting in developing your computer program?

17 A. I would guess between five and 10 times.

18 Q. Now, as a programmer would you also perform the function
19 of feeding the results into the machine, into the terminal?

20 A. No.

21 Q. Did you in this case ever do it?

22 A. No.

23 Q. Who would have done that?

24 A. The results -- I want to make sure I don't miss the
25 question. The results -- the answers to the responses to the

1 surveys?

2 Q. That is what I'm talking about.

3 A. Okay.

4 Q. I'm sorry?

5 A. Would always go on sheets of paper, the poller would
6 fill out sheets of paper and they would be entered in the
7 computer by our key punch staff.

8 Q. That was a purely mechanical function of seeing the
9 answer and punching it in?

10 A. Yes.

11 Q. -- going to the next one and punch it in, keying the
12 number that question represented in the computer?

13 A. Yes.

14 Q. Now, the keying system, and the method of arranging the
15 questions through the keying system, was all done by you
16 initially, right, setting up the keying system?

17 A. Yes.

18 Q. In order to set up that keying system you had to make
19 some judgment calls, didn't you, on categories, in other
20 words similarities between questions and categories?

21 A. No, I wouldn't say that. Do you mean that given any
22 survey form the first question was going to be what is your
23 age and they had --

24 Q. Well, let me ask it this way, I am probably not doing
25 too well because I don't understand what I'm talking about.

1 But you were told, I take it, that a number of questions, by
2 way of illustration, 15 would be asked, and I take it you
3 would want to know were they all different questions, right?

4 A. Yes.

5 Q. And I take it you would be told yes?

6 A. Yes.

7 Q. And, would you have to do anything more at that point
8 than simply assign a number to each of those questions?

9 A. Well, yes a number would be assigned to each question.
10 I didn't do that. The number would basically come from the
11 order that it came on the survey form. Then each response to
12 each question would get a number, like one would be, yes
13 would be one, no would be two, that type of thing. I didn't
14 do that. We set up a general scheme when we developed the
15 whole system that any given question, each response to a
16 given question would be assigned a number from one on up,
17 however many responses there are, and it was Mr. Leason's
18 office had preprinted forms on which they filled out a title
19 for each question, the purpose of the title being to print
20 out the reports which would tell what the question was. And
21 then they --

22 Q. Excuse me, what do you mean a title for each question?

23 A. Well, if there were 15 questions, when the report came
24 out, say how many people answered different possible
25 responses for question one, would be on one page, and they,

1 like the title on the top of that page indicating what that
2 question was, just enough to give them an idea what the
3 question was.

4 Q. Now, were you told in developing the programming here,
5 or the possibility of programming, that there were going to
6 be various types of questions in the same surveys, and would
7 that have been significant to you in programming it?

8 A. No, the only -- the one thing that would be significant
9 was there would always be demographic questions, and they
10 were fixed and didn't vary from survey to survey, or at least
11 they didn't until we changed the program, and that there was
12 a second type of questions which would be -- were the opinion
13 questions. So there were those two types, but among the
14 opinion questions the arrangement was that there was anything
15 and everything in there. There were just questions with
16 responses that could be coded one through nine.

17 Q. Well, let's go to the demographic questions for a moment.
18 Those are what I guess you're calling a constant. They
19 appeared --

20 A. That we tried to keep those the same from one survey to
21 the next.

22 Q. Could you give me an example of one of those questions?

23 A. Age, and there were break points under 21, 21 to 35,
24 something like that. I don't think those are the exact
25 numbers, race, sex, whether you were a member of a union,

1 political party, the town you lived in, there were a few more.

2 Q. And those appeared on every survey?

3 A. Yes.

4 Q. And were part of the programming?

5 A. Yes.

6 Q. Identification of those questions?

7 A. Yes.

8 Q. Then in the opinion sector you would have the variables,
9 right?

10 A. That's right. There was nothing in the program that
11 would -- that -- well, the program was such so that those
12 opinion questions could be about anything, and the only way
13 that what the -- that the meaning of the questions showed up
14 were as input to the program. Bob Leason's secretary filled
15 out this preprinted form I spoke of where she would indicate
16 a brief title for each question, and a brief title for each
17 possible response, and that simply showed up on the report so
18 that someone looking at the report could identify what they
19 were looking at.

20 Q. And this was done by Bob Leason's secretary?

21 A. Yes.

22 Q. In each instance?

23 A. Yes.

24 Q. And, what is her name?

25 A. Donna Higgins.

1 Q. Is she still with Mr. Leason?

2 A. I don't know.

3 Q. Now, among those opinion category questions one would
4 find, according to Mr. Leason, always at CMP in this polling
5 area, political type masking and tracking questions?

6 A. I don't know.

7 Q. You wouldn't know that as a programmer?

8 A. No.

9 Q. So that once you did the programming of the computer so
10 that it could receive, and store, and kick out responses in
11 an organized fashion, and coded fashion, you had done your
12 job; is that right?

13 A. That's right.

14 Q. You had nothing more to do with it?

15 A. Well, when each survey was taken Donna Higgins filled
16 out the form with the questions, but I always worked with her.
17 I didn't have to, I wouldn't have had to except she always
18 wanted to make sure that she had done everything all right.
19 And, so I would say that I always looked over her forms when
20 she was finished. What she put on those forms was key
21 punched on to cards, and she was to put the cards together in
22 certain order that the program expected them, and I would
23 always look at those cards to make sure she had it all
24 together properly. So I was involved in that way with, I
25 think, every survey, to a greater or lesser extent.

1 Q. And would that involvement have enabled you to see each
2 time the kinds of questions and answers that were being
3 utilized?

4 A. Yes.

5 Q. Based on that knowledge that you derived in that fashion
6 would you agree with Mr. Leason that those kinds of questions
7 were always on there, and responses?

8 A. They were often on there. I couldn't say they were
9 always on there.

10 Q. Do you ever recall seeing one where they weren't there?

11 A. I don't recall seeing one where they weren't there.

12 Q. And how many overall would you say were -- came under
13 your supervision, or came under your gaze in that fashion in
14 that period of time?

15 A. Surveys you mean?

16 Q. Yes, when you were helping or overseeing Miss Higgins.

17 A. I would say approximately 10 to 12.

18 Q. Were you ever solicited for an opinion of any kind
19 regarding this data?

20 A. Not on what questions to ask. My opinions would always
21 be how would the computer react.

22 Q. Okay, that is what I'm getting at. What would the
23 questions be to you in terms of computer reaction?

24 A. If they wanted to change one of the demographic
25 questions they would speak to me, because the program

1 expected specific questions and responses, that would be an
2 example.

3 Q. So you have to make a modification, is that the idea?

4 A. Yes.

5 Q. Go ahead.

6 A. Yes, and another example would be if there was a fixed
7 number of questions they could ask, if they felt they were
8 going to ask too many, they would ask me. That came up on
9 occasion. There was a fixed number of responses for each
10 question. If they thought they were going over this he would
11 ask me if they wanted to ask questions on something other
12 than a cut and dried way to responses coded one, two, three,
13 four, they might ask my opinion on how the re -- how they
14 could set up the question so that it would come out right
15 with these cut and dried one, two, three, four, responses.

16 Q. So, it was strictly a matter of being sure, through you,
17 that the information that was being generated could properly
18 be fed into and stored by the computer?

19 A. Yes.

20 Q. So when it was kicked out it would come out in a
21 meaningful way as intended?

22 A. Yes.

23 Q. Okay. Now, what about cross tabulation, what does that
24 mean?

25 A. That means that you want to count any individual

1 response in two directions. In other words, if you picture a
2 table, where going down the rows was someone's sex, male,
3 female, and you know, unknown, of people who didn't fill it
4 in, and going across the columns was the possible responses
5 to question one, yes, no, maybe, what you'll find in the
6 table how many males said yes, how many males said no, how
7 many males said maybe, so forth.

8 Q. How about kicking out specific tallies like how many
9 people responded with respect to Governor Brennan?

10 A. Okay, what the program always did was print a report for
11 each opinion question.

12 Q. So each opinion question there was a report on?

13 A. Yes, a page on it, that would tell how many people
14 answered, it would be each possible response.

15 Q. Okay. Go ahead?

16 A. And then the other thing that the program always did was
17 cross tabulations of all the demographic questions with all
18 the opinion questions.

19 Q. So that --

20 CHAIRMAN BALDACCI: Excuse us just a second. Even
21 the -- say the masking or tracking questions, it would do
22 that also?

23 THE WITNESS: Well, the -- yes, as I -- yes, those
24 questions are considered opinion questions.

25 BY ATTY. FLAHERTY:

1 Q. The masking question is an opinion question?

2 A. Yes, by definition in this program anything that wasn't
3 one of those 10 or so demographic questions, I'm calling
4 opinion questions.

5 Q. I understand.

6 MR. FLAHERTY: Do you, Mr. Chairman?

7 CHAIRMAN BALDACCI: Yes.

8 Q. Now, Miss Force, I take it that all of that information
9 was stored in the computer's disks, right?

10 A. Yes.

11 Q. And it could be called up at any time by an appropriate
12 individual?

13 A. It would be stored there only as long as they -- Mr.
14 Leason was in the process of getting his reports, which would
15 go on usually from a few weeks, and then they would be erased
16 from the disk, usually when the next survey came along.

17 Q. But I take it in the meantime there would have been a
18 printout preserving that information?

19 A. That's right.

20 Q. So that you could safely purge the equipment knowing
21 that you could always feed it back in from the printout if
22 you wanted to?

23 A. I couldn't feed it in from the printout --

24 Q. Not directly?

25 A. No. But you could feed it back -- when we decided when

1 we finished with a given survey, part of the normal operation
2 of the program was to put the raw data, which was the
3 people's responses, plus -- well, put the raw data off onto a
4 computer tape, and that is where we would -- if you wanted to
5 go back months later and rerun that survey, we would pull off
6 the tape, put it on the disk, and run the program. Yes, we
7 could also go back redo a survey.

8 Q. Even though the computer disk itself had been purged,
9 the purging was a transfer of the info from the disk to a
10 magnetic tape which itself was stored?

11 A. Yes.

12 Q. And which could readily be used to refeed the
13 information to the programmed computer?

14 A. Yes.

15 Q. Okay. Now, what about access. We have been talking
16 about access, and in the case of the commuter at Central
17 Maine Power Company, tell us about how one could gain access
18 to it?

19 A. You would gain access by being in the office building.
20 At that time you would have to be in the general office
21 building, there were no terminal out.

22 Q. There were no remote VDTs?

23 A. Right.

24 Q. All right.

25 A. You could either gain access by coming into the building

1 and signing on to one of the computer terminals that is there,
2 and that would require you having and knowing a series of
3 passwords. And then of course once you got on you would have
4 to know what to do then, how your program worked, how to
5 activate it. And the other ways would be by submitting card
6 decks, and again, you would have to know -- there are
7 passwords that would have to be at the beginning of any
8 individual card deck, and the deck would have to be something
9 there was a program set up to respond to.

10 Q. Well, now, who would be responsible, who was responsible
11 for the development of appropriate access passwords, the
12 programmer?

13 A. No, our system is that for any given project of which
14 this survey system would be considered a project, that
15 project would be given passwords. And it is -- the
16 programmer wouldn't design the passwords, we have a technical
17 support group that assigns the passwords and keeps a list of
18 whose passwords -- who has what passwords.

19 Q. Would it be fair to say that if in this project it was
20 determined that three people ought to have access to the
21 information on the computer, three passwords would be
22 developed each different from the other?

23 A. No, we would all have the same password.

24 Q. They would all have the same password?

25 A. Yes.

1 Q. Now, in this instance that password would have been you
2 say, designated by the support group?

3 A. Yes.

4 Q. And somewhere concealed by them so that it couldn't be
5 stolen, or not that any suggestion of that kind is present
6 here, but --

7 A. Yes, they keep a list somewhere.

8 Q. There is a list somewhere?

9 A. Yes.

10 Q. Now, do you know that a password was developed for this
11 particular project?

12 A. Yes, because I would need to know it to run the programs.

13 Q. You had to know the password?

14 A. Yes.

15 Q. Do you know who else had the password?

16 A. The password appears on one of the cards that is on the
17 deck that Donna Higgins handled -- put together. My guess is
18 she didn't know which in all those things was the passwords,
19 but officially she would have had one on the card.

20 Q. That would have been, in other words, Mr. Leason, his
21 password?

22 A. Yes.

23 Q. How about Mr. Thurlow?

24 A. No, he wouldn't have.

25 Q. He wouldn't have had the password?

1 A. No.

2 Q. He couldn't have accessed the computer?

3 A. No.

4 Q. How about Dr. Potholm?

5 A. He wouldn't have had the password.

6 Q. He would not?

7 A. No. The only way someone would have gotten -- let's see,
8 I never actually would have told the password to anyone. The
9 only way they could have gotten it was to know enough about
10 how things worked to find it on the appropriate card.

11 Q. Did that require sophistication?

12 A. It it would require it, yes, I would say so. Well, for
13 someone who worked with computers regularly I wouldn't say
14 it was any sophistication at all, but for someone that did
15 not work with computers I would say they wouldn't know where
16 it was.

17 Q. Are you suggesting then that someone who did work with
18 computers could look at that card and within a very few
19 minutes know exactly what the password was?

20 A. Yes.

21 Q. Now, did you ever observe Dr. Potholm, or were you ever
22 aware of his actually making use of the computer personally?

23 A. No.

24 Q. How many video display terminals accessed the computer
25 at that time, roughly?

1 A. Roughly 15.

2 Q. And, were they at various different locations in the
3 building?

4 A. Yes.

5 Q. So, I might be working at a video display terminal
6 accessing this material in that computer and be totally out
7 of sight of anyone else?

8 A. That's right.

9 Q. Is that right?

10 A. Yes.

11 Q. And, no one else would know that I am receiving that
12 information even if they were then at or in front of and
13 operating another video display terminal?

14 A. There is a way that they can find out, but I would say
15 in general no.

16 Q. In general, no, okay. To your knowledge no one accessed
17 had the computer except Mr. Leason through this card system,
18 for this program?

19 A. Yes, that is right, no one but Mr. Leason's group.

20 Q. Were you ever asked to do any analysis of any kind of
21 the data provided by Dr. Potholm or Mr. Leason in this area?

22 A. Could you ask that again?

23 Q. Were you ever asked to do any kind of analysis of this
24 data?

25 A. Not outside what we already discussed, that the program

1 regularly did.

2 Q. Now, this computer equipment was on site and on the
3 premises of Central Maine Power, you have indicated, and
4 there are no remote terminals off the premises?

5 A. That's right.

6 Q. Were you around at the time, I take it you were,
7 Atlantic Research was organized?

8 A. Yes.

9 Q. What do you know about that, why it was organized?

10 A. Well, what I know is that it was organized so that
11 finances could be managed so that a -- what I think of as a
12 paper company, I don't know if that is a proper term, but a
13 company other than Central Maine Power, they would have
14 different books, or difference financing, so that money could
15 be exchanged from Central Maine Power to this Atlantic
16 Research, rather than it being Central Maine Power that was
17 doing the polling.

18 Q. In other words, if I understand you, it was your
19 impression that it was organized so that the work of polling
20 would appear to be done by a separate company which was
21 independently or otherwise separately financed?

22 A. Well, I would have said it was done by another company,
23 but yes, yes.

24 Q. Now, were you involved in any way in the start up of
25 Atlantic Research?

1 A. No.

2 Q. Were you ever consulted about it?

3 A. No.

4 Q. Were you ever told that you were working on a given
5 project as a paid employee of Atlantic Research or a
6 consultant of Atlantic Research as distinguish from Central
7 Maine Power?

8 A. No, it was always as an employee of Central Maine Power.

9 Q. Did you do programming for Atlantic Research?

10 A. I think that when we did the initial programming, the
11 initial development of the program, I don't think Atlantic
12 Research existed then, but I'm just not positive. But then I
13 guess it doesn't matter because after that there would still
14 be a small amount of programming involving that program after
15 Atlantic Research came into being, but I think I was still
16 considered to be doing it for Central Maine Power.

17 Q. So if I understand you, even though Atlantic Research
18 came into being somewhere along the line nothing changed with
19 respect to the kinds of work you were performing and how your
20 were performing?

21 A. That's right.

22 Q. At no time were you given to understand you were working
23 for other than Central Maine Power?

24 A. Yes.

25 Q. And your paycheck was still --

1 A. I always did the work for Bob Leason, he was my contact.

2 Q. Throughout that period, if I understand you, Bob Leason
3 was -- well, I don't think you said that -- Dr. Potholm when
4 he saw you was always in company with Bob Leason?

5 A. That is how I remember it, yes.

6 Q. Okay. Did you have anything to do with the Save Maine
7 Yankee committee?

8 A. No, I stuffed envelopes once. You're not interested in
9 that. I didn't have anything to do with the committee.

10 Q. You didn't participate in any official way --

11 A. No.

12 Q. -- as a representative of the Committee to Save Maine
13 Yankee?

14 A. No.

15 Q. But you say you stuffed envelopes?

16 A. Yes.

17 Q. Where did you do that?

18 A. It was after work, after hours in the CMP cafeteria.
19 They said if you want to you can come down and stuff
20 envelopes.

21 Q. And that is the extent of your involvement with the
22 Committee to Save Maine Yankee?

23 A. Yes.

24 Q. But the work was being done at CMP, the stuffing?

25 A. Yes.

1 Q. In one of their rooms over there?

2 A. In the cafeteria.

3 Q. Do you recall what kinds of envelopes they were; were
4 they plain envelopes?

5 A. I don't remember. And I don't remember what the form
6 was that went in them, either.

7 EXAMINATION-BY CHAIRMAN BALDACCI OF MISS FORCE:

8 Q. Miss Force -- I just have a question of Miss Force --
9 you had mentioned on the passwords, a Mr. Leason's group,
10 what does that mean, Mr. Leason's group?

11 A. The only reason I said that he said Mr. Leason, and Mr.
12 Leason never had anything to do with the card decks. He
13 really had nothing to do with the computer at all. The
14 closest he came was through his secretary who put the cards
15 together according to the instructions I had given her. That
16 was the only reason I said his group. And there wasn't
17 anyone else in his department, or anyone else who had
18 anything to do with the cards.

19 Q. You said -- did they give the password to three people,
20 you had the password, and Mr. Leason's office had the
21 password, who else had the password?

22 A. No.

23 Q. Just those two?

24 A. Yes. And again, I don't think they knew they had the
25 password. I mean know she had the password, but they never

1 thought of it as the passwords.

2 Q. They knew it was something they had to include in the
3 pile when they brought it to you?

4 A. There was a little deck of cards, one often had the
5 passwords on it, they were supposed to stick the title cards
6 in the middle of that deck somewhere.

7 CHAIRMAN BALDACCI: Mr. Asch.

8 EXAMINATION-BY MR. ASCH OF MISS FORCE:

9 Q. Were you ever asked to do -- to cross tabulate
10 particular questions after your initial major run had been
11 done?

12 A. Yes, after that standard run often Mr. Leason would come
13 back and say cross tabulate opinion question number five
14 against opinion question number eight, let's say, and I had
15 to do a little bit of work to set that up. And then the
16 procedure would be the same after that, cards went in,
17 listings came out, and Mr. Leason got the listings.

18 Q. So he requested the special analysis be run and you
19 returned it to him?

20 A. That's right.

21 Q. Do you know -- did you ever return them anywhere else?

22 A. There would be occasions when Mr. Leason was on vacation
23 and he said because he wouldn't be there could I take them up
24 to Mr. Thurlow's secretary, and I don't remember whether it
25 was a standard or special analysis run.

1 Q. Just one question on the data tapes: After the data was
2 removed from the disks, spun on magnetic tapes, you then
3 maintained these?

4 A. Yes.

5 Q. What happened to them?

6 A. Are you talking about releasing the tapes?

7 Q. Yes.

8 A. Okay, my -- I'm not sure how much you're asking me about.
9 Are you telling me about releasing the tape?

10 Q. Just what you told me before.

11 A. Okay. My supervisor and I read the KJ about the Bob
12 Scott testimony indicating that we had destroyed all
13 surveys -- Central Maine Power destroyed all the surveys. We
14 contacted Mr. Leason because we wondered, I guess basically
15 we asked what the story was, because we knew we had those
16 surveys results, the raw data on tape, and Mr. Leason said he
17 would look into it, and got back a little later, said he was
18 still looking into it, something along that line. And then
19 approximately a day later Mr. Leason and Mr. Potholm saw me.
20 I don't know if they had looked for me or whether they just
21 happened to see me. But anyway, they saw me outside the
22 building at CMP, and Mr. Leason said that he had discussed
23 this with Mr. Potholm and there was no reason to keep those
24 tapes around any more, that we would release those tapes.

25 Q. Could you explain what release means?

1 A. What release means, okay. The tapes are like tape
2 recorder tapes, and they all just stay in racks. And when we
3 decide we don't want one any more, that we're not interested
4 in one any more, it doesn't exactly get erased, it just goes
5 into a big stack of tapes that are a scratch pile, and next
6 time a programmer comes around and needs an output tape they
7 take it from the stack pile, so within a day or two those
8 tapes that went in the scratch pile would be written over.
9 That is what I mean by releasing.

10 Q. Effectively erasing?

11 A. Yes.

12 Q. Someone asked you to release the data tape, they are
13 saying put it in the pile so the data is going to disappear?

14 A. Yes. And Mr. Leason indicated that he had also
15 discussed releasing the tapes with Mr. Thurlow, and Mr.
16 Thurlow said to go ahead and do it. So the next working day
17 I went through the procedure that one would do to make those
18 tapes release.

19 Q. Do you remember approximately when that occurred?

20 A. I would say that they talked to me on Friday the day
21 after Bob Scott's testimony -- the day after the KJ article
22 about Bob Scott's testimony.

23 Q. You indicated that Mr. Leason and Mr. Potholm had talked
24 with you about this?

25 A. Yes.

1 Q. What was your understanding at that point of Dr.
2 Potholm's role, what business had he participating and
3 telling you to release the data tapes?

4 A. I understood Mr. Potholm's role still being a consultant,
5 that Mr. Potholm was familiar with what worked in taking
6 surveys, how it is normally done, and Mr. Leason didn't. So,
7 that is how I saw it. Mr. Leason didn't, so he asked Mr.
8 Potholm what is the best thing to do under the circumstances.

9 Q. One other question: You indicated that the request for
10 special analyses came from Mr. Leason. Given what you have
11 just said, given what Mr. Leason said about his own lack of
12 expertise in the area, do you think that he generated those
13 requests himself?

14 A. Well, I think he generated those requests for any one of
15 the people that he handed those reports on to, which included
16 Mr. Potholm, Mr. Thurlow, and various vice presidents. I
17 would say any one of them could have been interested in some
18 combination of the two questions, and I don't -- I think --
19 yes, I think it would come from one of them.

20 Q. So it would be a fair characterization to say that if
21 someone wanted information from the computer, and they wanted
22 a particular analysis done, that you would be asked by Mr.
23 Leason to perform the analysis, but that you would have no
24 personal knowledge of who had originated the request, or who
25 would receive the output?

1 A. That is right.

2 Q. So in effect as long as Mr. Leason passed the request on
3 to you it didn't matter whether anyone knew the passwords or
4 not?

5 A. That's right.

6 Q. You didn't need to know how to operate the computer, all
7 you had to do was to get Mr. Leason to ask you to do it?

8 A. Yes.

9 Q. And that was done?

10 A. Yes.

11 REPRESENTATIVE KELLEHER: Did anybody else ever ask
12 you for that information?

13 THE WITNESS: No, my requests to my memory always
14 came from Mr. Leason.

15 REPRESENTATIVE KELLEHER: Thank you.

16 CHAIRMAN BALDACCI: Counsel, did you have a
17 question?

18 MR. FLAHERTY: One moment if I may.

19 EXAMINATION-BY CHAIRMAN BALDACCI OF MISS FORCE:

20 Q. Did you -- you were mentioning about the way this had
21 gone through. Did you file the deposition, was this in the
22 deposition to Mr. Moskovitz about what had occurred as far as
23 people contacting you about releasing the tape?

24 A. Yes.

25 BY MR. ASCH:

1 Q. I'm unclear. I'm going to make it worse. You said, if
2 I remember correctly, that Mr. Leason and Dr. Potholm saw you
3 outside the building?

4 A. Yes.

5 Q. And, I think you prefaced that by saying, and don't let
6 me misquote you because I think I may be incorrect, you were
7 under the impression they were looking for you?

8 A. I don't know as it makes any difference. Once I said
9 that I thought, why did I say that. To my knowledge they
10 weren't looking for me. Mr. Leason has since told me he had
11 gone to look for me in the computer center, and they said I
12 just left. But at the time I don't remember knowing that.

13 Q. But it appeared in retrospect that for some reason Dr.
14 Potholm and Mr. Leason wanted to talk to you about the
15 releasing of computer tapes?

16 A. Yes.

17 Q. This just didn't come up in spontaneous conversation?

18 A. No.

19 REPRESENTATIVE KELLEHER: Can I refresh myself --

20 CHAIRMAN BALDACCI: Wait just a second.

21 EXAMINATION-BY ATTY. FLAHERTY OF MISS FORCE:

22 Q. I have one question on the part that confuses me: I
23 thought you said earlier, Miss Force, that you had read in
24 the Kennebec Journal that Mr. Scott had testified that there
25 were no tapes, or no information stored in that regard?

1 A. Yes.

2 Q. And, did I -- this is what I'm confused about: Did I
3 understand you to say you and Mr. Leason knew that there were?

4 A. Yes.

5 Q. And did you discuss that Kennebec Journal article with
6 him?

7 A. Yes, the day that I read that article my supervisor and
8 I went to Mr. Leason and said we had read it, and reminded
9 him of the tapes, and --

10 Q. And what?

11 A. And --

12 Q. How come?

13 A. Yes, I'm trying to think how to word it. We basically
14 were just asking what is the story, because we were confused.

15 Q. What did he say to you?

16 A. The gist of what he said was I -- think the gist of what
17 he said first of all that probably Mr. Scott -- I don't want
18 to say something that wasn't true. Originally the first
19 thing he said was not much, just don't worry about it, I'll
20 look into it and see what is happening.

21 Q. That is what you said.

22 A. Later I remember getting the impression that Mr. Scott
23 never knew there were tapes, which I believe, I mean -- well
24 not that that makes any difference, Mr. Scott didn't know
25 about the tapes.

1 Q. How did you gain that impression?

2 A. I think Mr. Leason told me that.

3 Q. Is that your best recollection?

4 A. Yes.

5 Q. Okay. Now I'm trying to clarify how your conversation
6 with Mr. Leason terminated. Did you have any further
7 discussion with him about this before he encountered you
8 outside the building, he in company with Dr. Potholm?

9 A. I remember him coming to my desk one more time after my
10 initial discussion with him asking him what is the story of
11 the KJ article. I remember one more conversation, and again
12 it was vague, it was just don't be concerned about it, we're
13 looking into it, taking care of it, something along that line.

14 Q. If I understand your testimony, the very next time that
15 you had anything to say with Mr. Leason was on the occasion
16 of the next day outside the building when you were approached
17 by Dr. Potholm and Mr. Leason?

18 A. That is what I remember, yes.

19 Q. And at that time Dr. Potholm told you we think you
20 should release that tape?

21 A. Well, I remember Mr. Leason telling me that I should
22 release the tapes. Mr. Potholm clearly was there, and I took
23 it he agreed. I remember Mr. Leason saying he and Potholm
24 had discussed it.

25 Q. And he said he and Potholm had discussed it and he made

1 that statement in Potholm's presence?

2 A. Yes.

3 Q. While they were telling you to release the tapes?

4 A. Well, I'm -- I don't want to say -- that is my
5 recollection.

6 Q. That is all I care about, okay.

7 CHAIRMAN BALDACCI: It doesn't hurt --

8 THE WITNESS: It is going to hurt Mr. Potholm if
9 I'm wrong.

10 EXAMINATION-BY MR. ASCH OF MISS FORCE:

11 Q. In your interview you said that they -- you used the
12 term and said they had talked to Mr. Thurlow. We are just
13 trying to sort out the they from the he, and the him.

14 A. Well, I would say, my memory is of getting that
15 instruction, you might say, they were both there together,
16 but I only did things for Mr. Leason. I couldn't do anything
17 for Mr. Potholm unless I went through Mr. Leason, so it came
18 from Mr. Leason.

19 Q. Do you remember the existence of any instructions from
20 Mr. Leason or anyone in the company prior to that on the
21 retention of material?

22 A. We made a decision in the beginning of the development
23 of this system as to how long we wanted to retain the tapes
24 that had the information on them. I don't remember what we
25 decided, but it was -- and there is something written. I

1 remember it because I had to find it for the PUC commission.
2 It was simply a sheet of paper that I would fill out and give
3 to the tape library that they would put on file. It wasn't
4 anything written by Mr. Leason.

5 REPRESENTATIVE KELLEHER: Can I ask a question,
6 please.

7 EXAMINATION-BY REPRESENTATIVE KELLEHER OF MISS FORCE:

8 Q. Who is Mr. Scott?

9 A. Bob Scott was the vice president who was Mr. Leason's
10 boss.

11 Q. And, the article in the KJ that you read, and you're
12 going to save me a hell of a lot of time to go back and start
13 reading it, what was that all about?

14 A. Okay, the article indicated that Mr. Scott had testified
15 in front of the Public Utilities Commission that -- that we,
16 CMP --

17 Q. CMP, yes.

18 A. -- had destroyed all of the survey results of these
19 various surveys we had taken.

20 Q. That was in regards to an investigation by the Public
21 Utilities Commission involving CMP dealing with any polling
22 or data that was done in regards to referendums?

23 A. No.

24 Q. If it wasn't then what was it? What was the reason --
25 who asked the question of Mr. Scott if there was any

1 information in regards to the polling that was available? I
2 don't mean who, but who, was it the CMP, Judge Brody, John
3 Flaherty?

4 A. It was the PUC, but I only know that from reading it in
5 the KJ.

6 Q. That is all I'm interested in, okay. And the next
7 question I want to ask you is a question was asked in regards
8 to some information that Mr. Scott allegedly said was not
9 available --

10 REPRESENTATIVE KELLEHER: You want to listen to
11 this because I might need some help from you.

12 Q. -- that was not available, a question was asked of Mr.
13 Scott does CMP have in its possession certain information,
14 his answer was no, they don't have it, is that correct,
15 because you said a bell went off --

16 A. Yes.

17 Q. -- and you said why did he say that because we have it?

18 A. Yes. That is what the article said.

19 Q. Now, if that bell went off in your head, and he answered
20 the question incorrectly, honestly, let's assume, and
21 incorrectly, you then told Brother Leason, who was here a
22 half an hour ago, that we do have what they asked, and
23 apparently poor old Brother Scott doesn't know it, is that a
24 fair assumption?

25 A. Yes.

1 Q. Did you think that the material you had, or you knew
2 that was there, was important in regards to the investigation
3 of doctor -- of the questions involving Mr. Scott, did it
4 seem important?

5 A. At the time you're talking about, the questions did not
6 seem important.

7 Q. But the answer no, I haven't got the information rung a
8 bell with you because you knew it was available?

9 A. Yes.

10 Q. Let me bring you a little further: You then told
11 Brother Leason that that answer was incorrect. Did you
12 say -- would it be fair to assume, or just assuming should
13 Scott be made aware his answer is incorrect?

14 A. I don't remember saying that to Mr. Leason.

15 Q. Okay. All right. Let's go another step further:
16 Brother Leason then says don't worry about it, I'll get back
17 to you later?

18 A. Yes.

19 Q. Which eventually he did?

20 A. Yes.

21 Q. And when he came back he had the good Dr. Potholm, the
22 philosopher for Bowdoin with him, right?

23 A. Yes.

24 Q. They ran you down, you were either out having your lunch,
25 taking a walk around the campus of CMP, but they found you?

1 A. Yes.

2 Q. And they then told you to get rid of it?

3 A. Yes.

4 Q. Maybe not that way, but you can cut paper any -- burn it
5 any way you want to, it still burns, right?

6 A. Yes.

7 Q. Did you think that was a strange thing to do?

8 A. Initially right --

9 Q. After Marie Wood erased her stuff -- did you think that
10 was a strange thing to do?

11 A. Yes.

12 Q. That is fair. And I'm not faulting you for doing it.
13 Everybody has their job. That burden -- that burden of
14 responsibility isn't on your shoulders, you only went through
15 the mechanics, you went through the mechanics of doing it
16 because Leason, knowing full well that that question was
17 asked of Mr. Scott, and the doctor of philosophy from Bowdoin,
18 Mr. Potholm, knew it was asked of Mr. Scott, they together
19 tracked you down and told you to get rid of it, good enough.
20 That is enough, that is all I want to hear.

21 And you were wondering why. Do you know something?
22 I'm wondering why. And you want to know something else?
23 When the good Doctor comes before us I'm going to ask him why,
24 because it seems to me if you have any responsibility in life
25 you want to be fair and honest with everyone. That is what

1 they taught me at John Bapst.

2 CHAIRMAN BALDACCI: That is going to be on the 26th,
3 I think.

4 REPRESENTATIVE KELLEHER: What is it?

5 CHAIRMAN BALDACCI: The 26th.

6 MR. DELAHANTY: Miss Force would like to amplify
7 slightly on her repertoire with Representative Kelleher.

8 THE WITNESS: I guess it would be unfair to say
9 that I had grave misgivings about releasing those tapes
10 because they were clearly making evidence disappear, or
11 something like that, because at the time I didn't think it
12 was as crazy as it might seem, because at the time as far as
13 I knew they had copies of those surveys on paper and
14 microfiche in Bob Leason's office, as far as I knew, the last
15 I knew I had seen them.

16 EXAMINATION-BY REPRESENTATIVE KELLEHER OF MISS FORCE:

17 Q. But you were surprised enough to tell Mrs. Higgins, or
18 whomever, my heavens, that fellow down there is swearing
19 under oath, asked a fair and honest question by the public
20 servants, didn't answer it correctly?

21 A. I was surprised at that.

22 Q. You were surprised at that. And you were also surprised
23 at the fact that after you went and -- which would have been
24 a normal thing to do, to tell Mr. Leason in fact we do have
25 the information, he said I'll come back and see you, don't

1 worry about it. He come and and said phutt, down the drainpipe.

2 EXAMINATION-BY ATTY. FLAHERTY OF MISS FORCE:

3 Q. Did you ever report this information to anyone other
4 than this committee today?

5 A. Well, yes, of course my supervisor.

6 Q. Who is that?

7 A. Harry Linfest.

8 Q. When did you report that to him?

9 A. As I went along, each step of the way basically. And,
10 also the next -- well, I gave a deposition to Mr. Moskowitz,
11 but of course that was a long time later.

12 Q. Did you make the same statements that you're making
13 here, essentially?

14 A. Essentially, but I didn't give quite as much opinion on
15 it, if I remember, but I told the same facts.

16 MR. ASCH: Just one --

17 CHAIRMAN BALDACCI: Excuse me for a second.

18 Representative Willey.

19 REPRESENTATIVE WILLEY: That is all right. Let it
20 go. I think I got an answer.

21 EXAMINATION-BY MR. ASCH OF MISS FORCE:

22 Q. You had indicated that you had a written policy on
23 retention, whatever that may have been, and that policy came
24 out over the signature of Mr. Leason?

25 A. No, he wouldn't have signed that. He would have

1 verbally told me, we would have agreed between the two of us
2 how long we should keep the tapes. But he never wrote
3 anything down about that, that I remember, and I just would
4 have filled it out, it is a bookkeeping form more than
5 anything else for the computer center. That is the only
6 written document I ever found on that.

7 Q. And what you're being asked to do then at this point was
8 a change in the policy?

9 A. Yes, but that piece of paper wasn't for the purpose --
10 well, let's see, it was only for the purpose of a tape
11 librarian to go through, and computer procedures, so that
12 all -- the computer automatically picks up this is a tape
13 kept a year, it is not exactly a policy that would require
14 written change.

15 Q. You at least had discussed with Mr. Leason at some point
16 how long should we keep it, you said 90 days, year, two years,
17 10 years, and then he and Dr. Potholm came to you and said in
18 this particular instance, for whatever reason, we're not
19 going to keep it?

20 A. Yes.

21 Q. You may release them?

22 A. Yes.

23 Q. And the data will go the way of all things?

24 A. Yes.

25 Q. And at that point the only other source of data, the raw

1 data, would have been --

2 REPRESENTATIVE KELLEHER: I wonder if they taught
3 that in philosophy class.

4 Q. -- would have been the interview questionnaires if they
5 had been preserved, the data sheets?

6 A. Yes, and if they happened to have them on a card deck
7 around.

8 Q. If they had, but it would appear a safe assumption that
9 once the input into the computer, the data tape and you
10 returned the interview forms to Mr. Leason's office?

11 A. Yes.

12 Q. That they in all likelihood disposed of them?

13 A. Yes.

14 Q. At least the company has not turned over to the
15 committee either raw scoring forms or card decks which would
16 imply that the card decks and the forms had not been
17 maintained?

18 A. That's right. I wouldn't have thought they would be
19 maintained, no. I would have thought they would have been
20 thrown away.

21 Q. The assumption would have been once they were entered in
22 the computer you no longer needed them?

23 A. That's right.

24 Q. At that point you were being asked to eliminate the raw
25 data, although copies of the results may have existed

1 somewhere else?

2 A. That's right.

3 Q. At least you have produced copies, and you had passed
4 them on?

5 A. That's right.

6 Q. But you didn't keep a copy of them?

7 A. No.

8 Q. So, if someone had destroyed all the copies of printouts,
9 and you had then erased the tape they would be gone?

10 A. Yes.

11 EXAMINATION-BY ATTY. FLAHERTY OF MISS FORCE:

12 Q. One question so I'll be clear: Listening to to that
13 colloquy, should the Committee understand that the direction
14 to you by Dr. Potholm and Mr. Leason on that occasion to
15 release, which we understand means allow to be erased, that
16 tape, came at a time before it would ordinarily have in
17 accordance with the prior arrangement have been discarded?

18 A. Yes.

19 Q. How much earlier, you don't know?

20 A. The tapes, if I remember correctly the policy was to
21 keep them for -- it might have been a year and it might have
22 been two years, it was fixed fairly long time like that. So,
23 to release them altogether, to answer your question, it would
24 be much sooner on a survey that had just been taken, but
25 pretty close to the deadline on a real old survey.

1 Q. So, in any event, it all -- the direction was given in
2 advance of the time when it would ordinarily have been
3 discarded?

4 A. Yes.

5 MR. FLAHERTY: I have no further questions, Mr.
6 Chairman.

7 EXAMINATION-BY CHAIRMAN BALDACCI OF MISS FORCE:

8 Q. What seems to bother me, I guess in listening to
9 testimony from Central Maine Power Company employees, is that
10 it seems like, you know, if you worked for the Pentagon and
11 you tell on the Pentagon they spent \$7,000 for a screwdriver,
12 you get placed out in Nome, Alaska, somewhere, and I know
13 that you only want to tell us to the best of your
14 recollection what is going on, but what bothers me is why
15 would somebody like -- why would somebody like Dr. Potholm be
16 involved in the decision-making process to release tapes that
17 are the property of Central Maine Power Company?

18 MR. FLAHERTY: If you know.

19 A. Okay, the one thing that I remember is that Mr. Leason
20 indicated that Mr. Potholm said that normally, quote normally,
21 which I take to mean some normal survey work, there is no
22 reason that -- that it is not -- normally it is not done to
23 save raw data for years and years. Normally once you have
24 taken the survey you have a reasonable expectation that you
25 don't want it anymore, that it is just -- that you would get

1 rid of it all, get rid of the raw data. And so I would say
2 that would be a reason that Mr. Potholm would be involved, as
3 to how do most survey systems work.

4 REPRESENTATIVE KELLEHER: Just to follow up, that
5 really wasn't a very normal thing after the Scott interview,
6 and the fact that you had it up in the kitchen closet, and
7 all of a sudden down the road comes Hopalong Cassidy and his
8 old side kick, and they say throw it in the well, that
9 wouldn't be really normal, would it? You know you make a
10 great witness.

11 Q. Miss Force, the other thing, not being as gifted as the
12 Representative from Bangor is, with the verbal --

13 REPRESENTATIVE KELLEHER: I used to like Hopalong
14 Cassidy.

15 Q. In the correction -- you had a correction, you said that
16 copies of surveys -- if there were copies of surveys in Bob
17 Leason's office and you reported -- you reported the
18 situation, the problem you were having to a Harriet Linfest --

19 A. Harry Linfest.

20 Q. -- who is your supervisor, and that by -- you weren't as
21 concerned at that particular time about what you were doing
22 because there were other products around, so it wasn't the
23 last piece of evidence?

24 A. That is how it seemed to me at the time that there -- to
25 my knowledge, copies of the surveys existed, and it was my

1 thought that there was no reason to have lots and lots of
2 copies drifting all over the place --

3 Q. Yes.

4 A. -- was my only reason --

5 Q. My only question, Miss Force, and what I'm bringing it
6 all around to, is that you would know there were other copies,
7 and you would also know what was going on in front of the PUC,
8 and what your responsibilities in a job, but can you report
9 these things that are going on that you're knowledgeable
10 about that may not be legal, or are you going to have
11 somebody come down your throat with retribution, or something,
12 I guess?

13 A. Well, of course now since this entire affair, it has
14 been made very clear to all of us, of course we can report
15 this kind of thing, and we have been told that is what legal
16 counsel is for, and so on, if we have any questions
17 whatsoever. But at the time, yes, I would have felt that if
18 there was something that I thought were illegal going on, I
19 think I would have felt I could have gone to someone. I'm
20 not sure, I don't know if I would have known to go to legal
21 counsel, but at that time, without, you know, everything in
22 between, without retrospect, I didn't think of it as being
23 the big deal that it turned out to be. I don't want to sound
24 like I'm defending myself. I think it would have been the
25 reaction other people like me would have had, that we don't

1 go to those hearings, and all you know is what you read in
2 the KJ as opposed to what people you work for tell you, why
3 would I -- you know, the people you work for, you worked for
4 for a long time.

5 Q. Yes.

6 A. And it is their job to take care of what they are
7 supposed to take care of. And you don't automatically
8 question that they are doing -- you figure they know what
9 they are doing. And if it looks funny to you, it takes a
10 long time before you think, gee, it really is funny they do
11 that all the time, in front of the Commission playing their
12 verbal games. I don't want to make it sound -- you know what
13 I mean, so I just figured that they are all taken care of.

14 REPRESENTATIVE KELLEHER: The only one it wasn't
15 funny to was poor old Scott. Wow. If I was Poulos I would
16 want to get a copy of this.

17 MR. ASCH: I just want to state for the record for
18 the benefit of the Committee that Miss Force has been
19 especially --

20 REPRESENTATIVE KELLEHER: Nothing to do with you.

21 MR. ASCH: -- Miss Force has been especially helpful
22 to the staff in understanding the development and the
23 operation of the polling operations at CMP, extremely helpful
24 to identify polls for us, and we really appreciate your
25 cooperation.

1 BY CHAIRMAN BALDACCI:

2 Q. I just want to reiterate a point in the PUC's
3 recommendations they put an independent auditor that was
4 responsible to the board of directors to know more -- to get
5 them to know more about what was going on, rather than just
6 relying a chain. And I was thinking about in my head if
7 there was somebody, maybe as counsel, Mr. Delahanty, or
8 whoever else, to be somebody who people could go to in the
9 organization, but would be insulated from the officers of the
10 organization on matters that concerned them. That is where I
11 was thinking about that sort of a thing set up.

12 A. We have had a written document come around since this
13 Scott affair, one of the things it addressed was just that.
14 It mentioned legal counsel. When you say auditors that rings
15 a bell, but I wouldn't have remembered it otherwise, but I do
16 remember them saying very clearly that you can go to your
17 legal counsel at any time and, you know, sort of saying what
18 you just said now.

19 EXAMINATION-BY REPRESENTATIVE KELLEHER OF MISS FORCE:

20 Q. Can I ring the ice cream cart bell once. In your
21 testimony about remembering that in fact the information that
22 Scott denied knowledge of being still available was available,
23 you reported it to your supervisor -- what was his name,
24 Linfest?

25 A. Linfest. Linfest, and what did Mr. Linfest do?

1 A. He and I together basically did the same thing, we
2 talked to Mr. Leason.

3 Q. And then when Brother Leason and Brother Potholm came,
4 Mr. Linfest wasn't there, and they told you to scramble it?

5 A. Yes.

6 Q. Did you ever mention it back to Linfest?

7 A. I think so, yes.

8 Q. What did he tell you to do?

9 A. Follow --

10 Q. Follow the orders?

11 A. Yes.

12 REPRESENTATIVE KELLEHER: Thank you very much.

13 That is it.

14 MR. FLAHERTY: May the record reflect, please, again,
15 I'm not sure it does, Mr. Delahanty is here with Miss Force,
16 and I assume he is your counsel for this proceeding, Miss Force?

17 A. Yes.

18 MR. FLAHERTY: Thank you.

19 REPRESENTATIVE KELLEHER: Good man.

20 CHAIRMAN BALDACCI: Miss Force, thank you very much,
21 and we are recessed until a certain time which will be
22 established. But I just want to thank you for testifying and
23 coming here today, and I can understand the pressures that
24 you are feeling through this, thank you very much.

25 (TIME: 4:00 P.M.)

CERTIFICATE

I, Roderick B. Downing, hereby certify that the foregoing is a true and correct transcription of my stenographic notes in the above-captioned matter.

Dated this 20th day of November, 1984.

Notary Public

My commission expires

June 16, 1985.