STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

Paul R. LePage
GOVERNOR

Hand Delivery

October 5, 2015

Beth Ashcroft, Director
Office of Program Evaluation and
Government Accountability
82 State House Station
Augusta, Maine 04333-0082

Dear Beth:

The Governor's Office received the Government Oversight Committee's (GOC's) invitation for Aaron Chadbourne and me to appear before the GOC on October 15, 2015. As you know, the situation about which the GOC members wish to question us is the subject matter of a federal lawsuit against the Governor. Consequently, we must respectfully decline the GOC's invitation.

I have reviewed the OPEGA report several times, however, and it seems clear from the information you've gathered, that Good-Will Hinckley (GWH) ultimately decided to terminate the Speaker's employment because of the concerns expressed by the Harold Alfond Foundation (HAF) Board Chair, not because of the Governor's objections. According to your report, the Governor learned on June 5, 2015 that GWH was "leaning towards selecting" the Speaker as its president.[1] The report also indicates the Governor called the GWH Interim President and expressed his displeasure with the choice.[2] According to the report, while the GWH President indicated there was no threat regarding state funding for GWH, the GWH lobbyist thought there was.[3] In either case, your report indicates GWH hired the Speaker anyway.[4]

The report further says that the Governor sent his June 8th letter to GWH expressing his objections to the Speaker as President of GWH.[5] The next day, after GWH had received the Governor's letter, it announced publically that it had hired the Speaker.[6] The report also indicates that GWH's decision to hire the Speaker despite the Governor's objections is consistent with the GWH Director of Finance's opinion that, should there be a loss of the discretionary state funding, it would have no significant impact on GWH.[7]

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[1] page 12, ¶1
[2] page 12, last bullet
[3] page 12, last bullet
[4] page 13, 4th bullet
[5] page 15, ¶2
[6] page 15, 2nd and 3rd bullets
[7] page 17, 2nd bullet

Finally, the report shows that it was not until June 18 when the HAF Board Chair expressed concern in a letter to GWH over the loss of the discretionary funding that GWH began to seriously reconsider its choice.[8] The report further makes clear that no one in the Governor's office, including the Governor himself, had anything to do with HAF's decision-making in this regard.[9]

I highlight these facts to show that Mr. Chadbourne's and my absence from the October 15th GOC meeting will likely have a minimal impact on the GOC's ability to wrap up its inquiry. In the spirit of cooperation, however, if the GOC has specific questions it will present to us in writing, as is a common practice of this Administration, we are willing with the assistance of counsel to attempt to answer them.

Thank you for your time and attention.

Sincerely,

Cynthia L. Montgomery
Chief Legal Counsel

cc: Aaron Chadbourne
Patrick Strawbridge, Esq.

[8] pages 17-19
[9] page 13, last bullet; page 15, ¶4, and pages 17-19

STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0023

PAUL R. LEPAGE
GOVERNOR

THOMAS A. DESJARDIN
ACTING COMMISSIONER

October 13, 2015

Sen. Roger Katz, Chair
Government Oversight Committee
Maine State Legislature
Via electronic mail

Dear Senator Katz:

In its report to the committee, OPEGA provided the summary below of my answers to their questions regarding my decision on June 9 to hold a payment to GWH. I made this decision in response to a statement from DOE's Director of School Finance and Operations that she had already requested a check be sent to GWH and her question to me "Should I have it pulled?"

> "The Acting DOE Commissioner explained the rationale for his decision as being rooted in not knowing what would occur between GWH and the Governor, or even what would occur with the FY2016 and 2017 budget as a whole. He believed it would be easier to issue payment a week later (if funded) rather than making the payment in error and trying to get the funds back from GWH. The Acting Commissioner also cited fundamental problems with issuing payments before the budget is finalized and said this practice has now ceased." (OPEGA, p. 16)

For clarity, I wish to provide more detail to the committee as I did to the OPEGA investigators. Specifically, I think some general context surrounding the potential issuance of a check to GWH on June 9 may be helpful.

1. **The state budget had not yet been enacted.**

   DOE had *no legal authority* to issue the check in question at that time. The $132,500 quarterly payment to GWH was based on the FY 16-17 budget which the legislature had not yet enacted. Even if a budget had been in place at that time, the start of the new fiscal year was still more than three weeks away. Issuing checks from the state treasury for a budget that had not been enacted and a fiscal year that had not begun would have been highly irresponsible. Between June 9 and July 1 any number of things may have occurred that would have changed the scenario surrounding these funds.

For example, the legislature could have reduced or eliminated these funds from the budget prior to enactment. Had they done so, and the check had already been issued to GWH, DOE would have no legal recourse to retrieve this money, thus incurring an unrecoverable loss to the taxpayers.

2. **There was no written agreement in place governing use of the funds.**

When the funding for GWH's residential program was first appropriated to the school, DOE drafted a written agreement to govern the use of these funds. This agreement covered only the first biennium of funding, fiscal years 2012-2013. On June 9, 2015, no such agreement existed between GWH and DOE. Had DOE sent a check to GWH in mid-June, it would have done so without this important safeguard.

3. **Good Will-Hinckley stated that it had no immediate need for the funds.**

None of the information that was available to DOE on June 9 indicated that GWH was in need of the funding before the passage of the budget and the start of the new fiscal year. In fact, just a few days after the meeting at which the funding was held up, Jonathan Wayne, executive Director of the Maine Commission on Governmental Ethics and Election Practices, interviewed James Jurdak, Treasurer of GWH, about the impact that the loss of this funding might have on GWH. Wayne reported in a letter to Speaker Eves on June 15 that, according to Jurdak, the loss of these funds would have virtually no impact on GWH.

"The GWH Director of Finance (who had consulted with the School's Director of Admissions) believed that the loss of the funding would have no significant impact on the number of students attending the School and would not expect a change in the salary of any manager or the laying off of any faculty or administrative staff." (OPEGA p. 17)

The next sentence of this letter states that "The other programs of GWH, such as the Glenn Stratton Learning Center and the College Step-Up program, would continue as well." (Wayne to Eves, 6/15/15)

4. **DOE still needed to make $1.5 million in cuts from the source of the GWH funds.**

The funds from which this GWH payment is drawn do not appear specifically in the enacted state budget. Instead, they fall under a line item in the budget known as "Miscellaneous Costs" that totals $67 million. During its deliberations, the legislature reduced the amount allocated in this line item by $1.5 million. At no time did it communicate to DOE where this reduction should come from. As such, the GWH funding was just as likely as many others to be reduced or eliminated to address this reduction.

Until the final budget was enacted into law, DOE leadership could not meet to decide what programs these cuts would come from. As such, sending a payment to GWH in June was

effectively making the commitment as to how much funding it would receive well before the appropriate time to make that decision.

As it turns out, DOE had no legal authority to send the check on June 9 due to the absence of an enacted budget and there were still more than three weeks left before the first day of the new fiscal year. I anticipated on June 9 that during the following three weeks any number of factors related to this funding could change. I was fully aware, for example, that DOE had to find more than $1.5 million in unspecified cuts to the line item from which the GWH funds would be paid. Knowing that DOE still had these three weeks before it must issue this payment, I told staff to hold (not cut, eliminate, or withdraw) the payment until we had all of the information that might become available during these three weeks.

After these three weeks had passed, the budget had been enacted and the new fiscal year had begun, I drafted and sent a new written agreement to the interim president at GWH to govern use of these funds. Just after the new fiscal year began, DOE leadership met and made the $1.5 million in cuts to various programs, deciding to leave the total GWH funding intact. During this interim, I also learned that the GWH Treasurer's statements to the Ethics Commission were grossly inaccurate and that GWH was in jeopardy of closing if they did not receive these funds. Once DOE received the signed agreement back from GWH, I asked staff to issue the quarterly payment which it did.

Had the payment been sent on June 9, it would have been too late to implement this written agreement. For this and other reasons, my decision to postpone the payment to GWH while we awaited further information was a sound one.

I have since directed DOE staff that the department will no longer issue checks prior to the enactment of the appropriate budget and the start of the new fiscal year.

I hope this helps provide some clarity to the committee.

Sincerely,

Tom Desjardin
Acting Commissioner

RECEIVED OCT 15 2015

PO Box 608
West Kennebunk, ME 04094
October 13, 2015

Government Oversight Committee
82 State House Station
Room 107, First Floor, Cross Office Building
Augusta, ME 04333-0082

I would like this to be entered into the record for Thursday's meeting regarding Governor LePage's actions against House Speaker Mark Eves and Mr. Eves' pursuit of a position at the Goodwill-Hinckley School.

Indeed, I feel that the Governor illegally threatened and intimidated the school for the sole purpose of punishing Mr. Eves.

I do hope Governor LePage is found guilty of this shocking abuse of power and subsequently removed from office.

I am so embarrassed to live in this state because of Mr. LePage's distain for and manipulation of our state government.

Sincerely,

Susan A Bloomfield

To the Maine State Legislature and to the Committee hearing Public Testimony today, 101515, at 82 State House Station, Room 107, Cross Office Building, Augusta, Maine:

Governor Paul LePage has, I believe, broken the law in regards to his actions in the Mark Eves/ Good Will-Hinckley episode. He has bullied his way to have his agenda supersede the mechanisms for the school to hire the person they felt was best qualified for the position.
He has committed blackmail to get his way. This is wrong, I believe, both morally and legally. This behavior alone warrants the Legislature's mechanisms to be initiated and see if criminal or civil charges may be considered or if impeachment proceedings are warranted.

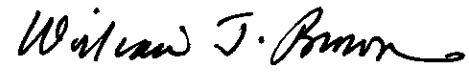
He has also bullied, blackmailed, lied and broken promises he made in regards to the LMF debacle. This is voter approved bond money to be used for a specific purpose. He refuses to sign off, this, a second time unless the Legislature gives in to his wishes. Again; he is a bully, and more importantly, he uses blackmail as his ultimate tool in hopes of achieving his agenda. Further, he has hogtied the LMF to keep it from functioning. This is also wrong and warrants your serious attention.

A third revelation about Gov. LePage is the recent disclosure of his request to investigate the Maine Human Rights Commission after they refused his requests in regard to the Moody's Diner case.
Firstly, it's not his business - just as Good Will-Hinckley and the LMF case are not his business. Secondly, the public notification date was grossly ignored, which is illegal. This is not an "Oh, sorry, I forgot" situation. Again, it is incumbent on you to respond with an inquiry.

A fourth concern is his present policy to have his Chief of Staff deal with the Legislature, because he "can't do anything in Augusta" This is no way to govern. He is thwarting anything and everything he can to get his way. He is costing the taxpayers of Maine a huge amount of money in his blind adventure. He will continue to hold this state hostage until his term expires if nothing is done, and frankly, we cannot afford that. We did not elect him for that function.
We elected him to govern, not command or rule as would a dictator.

This pattern has been evident in other situations, though with so many examples of his poor leadership and poor techniques in governance, as well as his general lack of rapport with the citizenry of the state, it is best to stick to just these four high profile situations at hand.

I would ask the Maine State Legislature: Please reconvene and deal with this sad and costly saga; not in January, but now.
Maine needs a governor that is able function for the people of Maine.



- William J. Brown,
16 Frohock Dr., Lincolnville, Maine 04849

RECEIVED SEP 2 2 2015

Andrew A. Cadot
45 Eastern Promenade 9.E
Portland, ME 04101

September19, 2015

Government Oversight Committee
82 State House Station
Room 107, First Floor, Cross Office Building
Augusta, ME 04333-0082

Re: Government Oversight Committee's inquiry into Governor LePage's interference with Good Will-Hinckley's choice for President

Dear Senator Katz and Rep. Kruger:

Thank you for the opportunity to submit comments on Governor LePage's interference with Good Will-Hinckley's choice for President in connection with a public hearing on October 15, 2015.

As set forth in the Summary of the Information Brief captioned, *Financial Risks Associated with Potential Loss Of State Funding Led GWH Board to Change Course on Its Decision for New President*:

"Good Will-Hinckley (GWH) is a non-profit organization located in Fairfield, Maine that offers educational programs for at-risk youths, one of them being a charter school. In 2009, GWH was in dire financial straits and had to discontinue many of its programs including its high school. In 2011, the Governor and the Harold Alfond Foundation (HAF) were pivotal in funding a plan to revitalize GWH, in part by re- opening a high school that earned charter school status as the Maine Academy of Natural Sciences (MeANS) in July 2012. The Governor's support of this effort effectively took the form of a State grant from the Department of Education (DOE) through a statutorily established program called the Center of Excellence for At-risk Youth (COE). The Governor proposed funding for COE in his Fiscal Year 2012 and 2013 biennial budget and the Legislature ultimately provided $330,000 and $530,000 for those years respectively. An Agreement between DOE and GWH required that GWH use those funds for its residential program. Although the funding was intended to be temporary to support MeANS until it got established as a charter school, GWH has continued to need the State's support. GWH has lobbied to retain the funding, the Governor has continued to include $530,000 per year for COE in each biennial budget, and the Legislature has approved continued support for this program.

In early June 2015, the Governor learned that GWH had hired the current Speaker of the House of Representatives as its next President. Both the Governor and the current Acting DOE Commissioner objected strongly.... The Governor, the Acting Commissioner and one of the Governor's Senior Policy Advisors immediately began

communicating to various GWH representatives and stakeholders that the Governor would have trouble supporting, or could not support, GWH with the Speaker there as President. Those on the receiving end of these communications clearly understood the Governor's "support" to mean the $530,000 in COE funding for the upcoming biennium. GWH began assessing how it might manage without the funding, as well as reaching out to other funders to try to replace the State dollars.

Events described in this Information Brief strongly suggest that the threat of GWH losing State COE funding, and the subsequent holding of a payment already in process for GWH's first quarter of FY2016, are directly linked to the Governor learning that GWH had decided to hire the Speaker as President."

To me, these facts constitute sufficient grounds to impeach Governor LePage for improper conduct and for misdemeanor in office. Finally the Governor's pettiness in opposing those with whom he disagrees has slid over the edge and become truly offensive and a breach of public trust. Please use your leadership of the GOC to begin the impeachment process.

Thank you for all you do for Maine.

Sincerely,

Andrew A. Cadot
45 Eastern Promenade 9E
Portland, ME 04101

HOUSE OF REPRESENTATIVES
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Government Oversight Committee Public Hearing
October 15, 2015
Testimony from Rep. Ben Chipman

The people of Maine deserve to have confidence in the integrity of our political system. The actions of Governor LePage raise serious questions about the misuse of public office and public funds.

I'm one of four lawmakers – Republican, Democratic and independent – who requested an investigation into the governor's threats to withhold state funds from Good Will-Hinckley, an organization that helps at-risk youths.

The independent Office of Program Evaluation and Government Accountability – OPEGA – confirmed the allegations: the governor threatened Good Will-Hinckley because it hired Speaker Mark Eves as its president, a state payment which was in process was withheld and restored only after the organization fired Speaker Eves to avert financial crisis.

If the governor is able to abuse his power to take revenge on a political rival, can any elected official – or any independent organization or any everyday Mainer – be safe?

Every elected official in Maine must be free to vote his or her conscience. Every independent organization should be free to make decisions in its own best interests. All Maine citizens should be free from the fear that their livelihoods depend on the whims of the governor – or any elected official.

While the report was very thorough, some matters need further attention. For one, there's a key meeting of top LePage staffers and Department of Education officials. It led to the Department of Education's extraordinary actions of pulling back more than half a million dollars that was already being processed for Good Will-Hinckley. There were differing accounts of what happened at this highly unusual meeting. This is why the Government Oversight Committee asked some individuals to appear at this public hearing.

Printed on recycled paper

Two top LePage staff members are refusing to appear and answer questions. I encourage you to issue subpoenas to these staff members so we can get to the bottom of what happened. These staff members are not parties in the lawsuit filed by the Speaker of the House so there is no reason why they should not appear before this committee and answer questions. I hope you will issues subpoenas right away.

OPEGA's task is a fact-finding one. As you know OPEGA does not determine whether laws were broken or not so it should not be a surprise to anyone that the report that was issued on September 8th does not say either way whether laws were broken. OPEGA gathers information and presents facts.

The OPEGA report is the beginning of a process that should not be considered finished. What we need to do now is determine, based on the information in the report, what specific laws, if any, were broken by the governor. My second request today is that you refer the 25 page OPEGA report and all other information associated with this investigation to a prosecutor or the Attorney General's office to make this important determination.

We need to get to the bottom of what happened and, if any laws were broken, hold the Governor and/or any staff members accountable. The people of Maine deserve and should expect nothing less.

RECEIVED OCT 13 2015

Government Oversight Committee at:
82 State House Station
Room 107, First Floor, Cross Office Living Building Challenge
Augusta, ME 04333-0082

Friday, October 9, 2015

Maine State Government Oversight Committee:

The purpose of this letter is to call to fore, during your investigation of Governor Paul LePage's recent, targeted actions against Representative Eves and other respected lawmakers, several other actions of our current governor throughout his reign that I find troubling, suspect are illegal, and compromise the integrity of the state of Maine. It is written in support of the public outcry to investigate impeachment of the governor, and put an end to this embarrassing and destructive assault on the reputation, procedural conduct and progress of Maine.

In addition to Governor LePage's blatant disregard of Maine law and his disdain for the thoughtful, humanistic past practices and environmentally sound decision-making from which the elected officials of this state have built their reputation, I, as a public school teacher for the past fourteen years, strongly object to the manner in which Mr. LePage governs himself and his administration on a day to day basis. Paul LePage's official conduct has often exhibited insulting, crude, bullying behavior, which exposes a horribly disfigured role-model for the young people of Maine, and taints our heretofore well deserved and hard earned reputation as a people who may disagree with each other, but do so in a way that inspires growth, embraces diversity, and promotes further understanding. Paul LePage's many embarrassing, irresponsible, disrespectful, demeaning, ridiculous and false statements (slander) about our citizens and elected officials make a mockery of Maine's governmental traditions.

While typical political rhetoric inevitably involves partisanship and party preference, LePage's behavior takes this language and attitude to an unprecedented level. His statements and actions make it clear that he favors the polarization of Maine people and views them as either "us" - anyone who agrees with him - or "them" - anyone who disagrees with him. Maine's Governor consistently applies this simplistic attitude to an absurd, irresponsible degree-referring to Southern Maine as the home of crooks and welfare cheats. It would seem that Mr. LePage isn't concerned with being the governor of all the people but of only the 38% who elected him. Most notably is his arrogant dismissal of Maine's democratic process in citizen initiatives by withholding funding of citizen-approved bond issues. In my view, this action alone warrants the dismissal of Paul LePage as our governor.

Another particular concern to me is one of our governor's first initiatives. Soon after taking office he began pushing for incentives that encourage natural gas pipeline expansion resulting in an infrastructure that used techniques that have since proven many of the pipelines dangerous, polluting and undependable. Undoubtedly catering to (and likely funded by) the ubiquitous, reckless and polluting natural gas industry, LePage claimed that natural gas would reduce the energy costs to businesses and homeowners dramatically. Meanwhile, he consistently acted to defund initiatives that encourage the development of renewable energy sources for both business and homeowners, most recently proposing a bill that, according an article by Tux Turkel

published May, 2015 in The Portland Press Herald, "would end Maine's four-to-eight million-dollar initiative that saves the largest manufacturing and industrial energy users and all ratepayers money on their bills through energy efficiency contracts."

Additionally, "[a] longstanding law that requires electricity suppliers to make up a percentage of their output from renewable generation is being targeted for destruction by a proposed bill called An Act to Focus Energy Laws on Energy Cost, a bill designed to repeal Maine's renewable portfolio standard." The fact that this bill would (a) do away with compensation to homeowners for their power generation and shift the focus of long-term contracts at the Public Utilities Commission away from wind and other renewable sources, (b) cut money available for energy conservation programs, and (c) have utilities provide a credit for agreements between natural gas shippers and large businesses seeking pipeline capacity, further illustrates our governor's commitment to an industry that favors the exploitation of a non-renewable, explosive, dangerous and air/water/ground polluting energy source *at the expense of* the development of renewable, safe, cost-effective and sustainable sources.

There are too many other violations by Governor LePage to cover in detail in one letter - unilateral assault on The Affordable Care Act, unfulfilled jobs promises, disrespect and disdain for Maine's educators and institutions of learning, attacks on Maine's unions, to name a few. Rather than exhaust all these issues here, I simply ask that in light of the practices of illegal actions, displays of disrespect, and abuses of power aimed to attack the environment and principles that have been stalwart mainstays of the people of this state (regardless of their political affiliation), I implore you to fully investigate these behaviors and seriously consider the dismissal of Paul LePage from the office of governor. To allow an elected official to conduct illegal actions, carry out a hidden anti-environment agenda, and erode the appropriate, respectful language, manner and attitude that we have come to expect of each other, is to be complicit in the degradation of all that Maine stands for. If to rid the office of this poison and deliver punitive measures to right the wrongs against the people of our state is what is warranted, then you must have the wisdom and find the courage to carry out this duty as our representatives. If public service is to remain effective, it must be conducted in a way that is acceptable *to* the public, of which I am a member. Please do not allow Paul LePage to wreck havoc on Maine in the way and for the same reasons that Scott Walker has done so in Wisconsin.

Respectfully,

Mary Chouinard

Mary Chouinard
Mercer, ME

October 15, 2015

TO: Chairs and Members of the Government Oversight Committee

RE: **OPEGA Hearing on LePage v. Goodwill Hinckley**

Hello Senator Katz, Representative Kruger and Members of this committee,

My name is Jeanie Coltart. I am testifying in support of removal of Governor Paul LePage from office through his forced resignation, or if he doesn't agree to resign, then by impeachment. My reasons for advocating for Governor LePage's removal from office are as follows.

Governor Lepage has consistently abused his powers ever since his first term as governor. He consistenly uses bullying and blackmail tactics to intimidate people who don't agree with him into submission and silence. He has interfered in situations in which he has no right to do so. **Some of many---known---examples of LePage's bullying and blackmail tactics** are:

Threatening and interfering with the Maine Human Rights Commission (over the Moody's Diner case);

Threatening to withhold state funding for two University of Maine college campuses unless the presidents of those two campuses resigned, which they did in order to protect their campuses;

Interfering with Maine's hearing process for unemployment insurance by pressuring hearing officers to rule in favor of employers and against unemployed workers (as per a letter released by the U. S. Department of Labor, which investigated this issue);

Blatantly insulting the NAACP, an organization that had kindly invited him to attend their annual function, instead of just graciously declining to attend;

Blatantly insulting several times by words and actions the U. S. President, including refusing to represent Maine at White House functions for state governors;

Meeting not once, but several times, in his office with members of a known Maine terrorist organization;

Withholding approved bonds and grants, such as the approved funds for Land for Maine's Future, in order to blackmail officials into submission;

Blatantly ignoring legal advice from Maine's Attorney General on several legal issues, resulting in taxpayer dollars being wasted in court proceedings---all in which the courts ruled against LePage, as the Attorney General warned would happen;

Intentionally out of spite against the Maine Legislature, he withheld legislative bills that had been sent to him for approval or rejection, missing the deadline for veto over the legislative session break, which resulted in his forcing the Maine Legislature to overtime, which cost Maine

taxpayers over $100,000 in overtime pay, while at the same time he continues trying to cut funding for welfare programs and victimizing the most vulnerable people in Maine---unemployed workers, food stamp recipients, and so on;

And most recently---threatening to withhold state funds from Goodwill-Hinkley unless their board fired Mark Eves, whom the Goodwill – Hinkley Board has hired to be president of their school.

It is very unfortunate that Governor LePage never learned how to work with people effectively, but instead resorts to bullying and blackmailing tactics in order to get his way. **Bullying and blackmailing people is NOT OKAY!** Effective leadership requires the ability to communicate well with people, to know when to push and when to stop pushing, to know how to use the art of compromise in working with people who don't happen to agree with you. Governor LePage has proven to lack these all-important leadership abilities.

The members of the Maine Legislature, both Democrats AND Republicans AND Independents, need to band together to do the right thing for Maine, however unpleasant it may be, and force Paul LePage out of the governorship. He does not serve in the best interests of the state of Maine and its citizens.

If the members of the Maine Legislature do not force Paul LePage out of the governorship, then they are part of the problem by being "enablers," by allowing LePage to continue his ravings and rants, and his blackmailing tactics. This would NOT be "okay!" It would instead, reflect very badly on members of the Legislature, who would be letting Maine citizens down by not forcing LePage out and replacing him with an effective person to be Governor who knows how to work well with people, which would be the current the Senate President.

Governor Paul LePage needs to either resign as governor or be impeached. Enough is enough!

Thank you for listening to my testimony.

Jean S. Coltart
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Monmouth, ME 04259
Sunflower18@roadrunner.com
(207) 933-3293

Testimony of Rep. Janice Cooper
Before the Government Oversight Committee
October 15, 2015

Good morning Chairmen Katz, Chairman Kruger and other distinguished members of the Government Oversight Committee. I am Janice Cooper, representative for House District #47, comprising Yarmouth, Chebeague Island and Long Island.

I appreciate this opportunity to present my statement to this committee as it oversees the OPEGA investigation of the withdrawal of the position as president of Good-Will Hinckley to Speaker Mark Eves by that school, allegedly because of threats of state defunding made by Governor Paul LePage.

On July 24, 2015, I wrote the Director of OPEGA, Beth Ashcroft, requesting that the Committee broaden its investigation to include other episodes that also may suggest similar improper uses of governmental power by the Chief Executive.

My requests urge the Committee to also instruct OPEGA to investigate the alleged threat by Governor Paul LePage to withhold public monies already committed to the World Acadian Congress unless that entity terminated its president, Jason Parent. According to newspaper accounts, the governor was displeased with Mr. Parent because of his association with the governor's campaign opponent, Mike Michaud. The coup de grace, according to the *Portland Press Herald*, was the fact Mr. Parent presented Mr. Michaud with some commemorative token before he had given one to the governor. Mr. Parent has resigned and I believe the state funding was subsequently provided. The newspaper accounts indicate that its sources are second hand, and that the parties directly privy to the alleged threat either denied the connection or were unwilling to confirm that Mr. Parent's resignation was a result of the governor's purported threat. There can be, of course, a world of difference between what a party will tell a newspaper and what evidence it must tell a legislative committee with the authority to compel testimony under oath through a subpoena. What is clear, in any event, is that if true, the reported allegations are disturbingly similar to the one at issue in the Goodwill-Hinckley matter.

When this Committee completes its work, its findings can be used in many different ways, at its sole discretion. One possibility, although certainly not foreordained, is that it will used by other members of the legislature or the Committee as the basis for the Maine House of Representatives to determine whether the governor has committed an impeachable offense. While this step is not at all certain to be taken, and I take no position on this, the Committee, **in determining the scope of its present investigation,** should bear in mind the relevant history and precedent regarding impeachment, an unprecedented step in Maine history.

What constitutes an impeachable offense is both a factual and legal determination. As counsel to the U.S. House Judiciary Committee in the late 1980s, I was part of a

legal team that represented the House in impeachment proceedings concerning a federal judge accused of conspiracy to commit bribery and other misdeeds. The factual investigation, the legal analysis, the proceedings before the Judiciary Subcommittee and full Committee, and presentation to the House, and the subsequent trial in the U.S. Senate consumed over three years. Accordingly, I became well acquainted with the concept of "impeachable offenses" as well as the process and procedures most commonly used and accepted in impeachment cases both at the federal and state level. "Impeachable offense" is a concept that goes back to English common law's understanding of the relevant terms in the 18th century, the time of the writing of the Constitution. So, for example, the federal standard of "high crimes and misdemeanors" does not mean "misdemeanors" in the modern sense of the word. Rather, the founders intended to reach only offenses that go to the heart of the civil officer's misuse of **official powers**. Purely private malfeasance was not the point of impeachment. I think it is fair to say that the absence of this element of official duty was the key reason for the acquittal of President Bill Clinton in his impeachment trial.

Second, the gravity of the offense—whether it is serious enough to warrant impeachment—relates to its impact. If the offense sets a chilling precedent for other government officials or members of the public, this is a factor the House may and, I believe, should consider. Indeed, the courts, including the U.S. Supreme Court, have made it clear that the legislature, not the courts, has the final say over impeachments, including what constitutes an impeachable offense. Likewise, process and procedures are up to the House and Senate to construct for each stage of the proceeding, although the public expects fundamental notions of due process and fairness to be followed.

Third and most important in this context, if there is a **pattern** of arguably impeachable offenses, this should weigh heavily in the determination of whether the misdeeds warrant an impeachment proceeding. This, too, however, initially is up to the House and then, if appropriate, the Senate, but I believe that the Committee should investigate whether there has been such a pattern.

My experience in Congress also taught me that it is appropriate to consider other charges against the official under investigation that may demonstrate a different type of malfeasance. In the case I prosecuted, the House charged the judge not only with several counts relating to his alleged conspiracy to commit bribery (upon which the Senate convicted him) but also violations of the federal wiretap laws for allegedly alerting the subject of an undercover investigation that his telephone calls were being monitored. Although the Senate acquitted the judge on these counts, no Senator questioned the propriety of combining the charges in the same proceeding.

This precedent is relevant in Maine because other examples of alleged misuse of official power have been raised, even substantiated. In particular, there is the federal report of February 2014 that concluded that the governor tried to pressure and intimidate administrative law judges to issue decisions more sympathetic to

employers. Senator Troy Jackson called for impeachment proceedings based on this report, but I do not believe any further action was taken by the legislature at that time. This conduct, if true, however, arguably goes to the heart of the separation of powers between executive and judicial functions, and seems to be an unethical if not illegal interference in the independence of administrative judges. Whether successful or not, such intimidation is surely chilling. In light of the above other claims of improper conduct, I urge this Committee to review this episode as well, to determine whether this is also an example of improper exercise of the governor's powers.

In addition, as we all know, at the end of the last session, Gov. LePage vowed to veto all bills sent to him. Initially, he applied this only to bills sponsored by Democrats; later, as tensions with his own party increased, he promised and did veto all bills that landed on his desk, regardless of merit (except for those bills he failed to veto within the allotted time). His explanation for the across-the-board veto policy was that all legislation should receive a 2/3 vote of approval by the legislature. This is not what the Maine Constitution requires. Vetoes are intended to be selective, based on reasoned legal or factual grounds. The governor has effectively de facto rewritten the Constitution. If this Committee finds that the additional requirement was motivated by political retribution for matters unrelated to the merits of the bills at hand, this, too, should be part of your inquiry.

Finally, I would add that recent statements by the governor to refrain from appointing new members to executive branch agencies or to allow his appointees to participate in agency votes and deliberations, if implemented, have the potential to bring many official acts of government to a halt. This, too, could be viewed as an abdication of the governor's official responsibility to govern as the chief executive.

Thank you for your attention to these complex issues. I hope that this Committee will, at some point, determine that an investigation of some or all of these additional points is of value to the legislature and the people of Maine.

EXHIBIT A

E-Mail of August 13, 2015

To the member of the Government Oversight and Accountability Committee:

In an email dated July 24 to OPEGA Director Beth Ashcroft, I requested this Committee to broaden its review of the facts pertaining to Governor Paul LePage's alleged activities regarding his threat to withhold public funding to the Good-Will Hinckley School to also include similar activities. As I wrote to Ms. Ashcroft, I request this Committee to also investigate "the reported involvement of Gov. LePage in threatening the loss of public funds to the World Acadian Congress unless its president, Jason Parent, were dismissed from office. President Parent did in fact leave that position, and according to news reports, his departure was the result of the governor's alleged threats.
See http://bangordailynews.com/2015/07/24/news/state/lepage-denies-forcing-ouster-of-acadian-congress-president/

"If accurate, this scenario closely resembles the one previously reported and now under investigation by your office, involving the governor's threat to withhold state funds unless the Good-Will Hinckley School rescinded its job offer to Speaker Mark Eves. The two episodes also mirror the sequence of events reported with respect to the firing of President John Fitzsimmons from the Maine Community College System. If true, these three events demonstrate a highly disturbing pattern of abuse of power by the governor, more than the previously reported albeit egregious episode.

"In addition, I ask that the committee use your offices to investigate the incident wherein the governor purportedly called workers compensation administrative judges to his office and berated them for issuing decisions he deemed pro-labor or pro-worker. If true, this, too, is an instance of improper use of the governor's authority, this time to influence the judicial process in administrative proceedings, also a clear violation of his duty to faithfully execute the powers of his office."

I understand that the Committee has already investigated and reached its conclusions on the incident regarding undue influence on administrative judges. However, if it appears that this is part of a pattern of misuse of government authority it may be appropriate to revisit this episode and consider whether it falls into such a pattern that together, form a serious violation of the governor's duty to faithfully execute the powers of his office.

Finally, I also advised Ms. Ashcroft and now this Committee that I believe the Committee should consider retaining independent counsel to advise it and the House, should that step become necessary. As I wrote, "Prior to moving to Maine, I worked for three years for the US House Judiciary Committee as counsel on the impeachment of US District Court Judge Alcee Hastings. In that capacity, I was part of a team that conducted the investigation, presented evidence to the House Judiciary Committee, the House of Representatives, and subsequently, in the trial before the US Senate. Accordingly, I am very familiar with the law regarding impeachment, including the meaning of impeachable offense, preferred procedures, standards, rules of evidence, etc. If I can be of any assistance to the committee or your office, please do not hesitate to contact me. One issue that has arisen that I think requires a closer look is the reliance on the Maine Attorney General Office for your legal advice. In the congressional impeachment cases, we took the position, which is shared by the federal courts, that impeachment is wholly a legislative function, and the executive and judicial branches have little if any role to play. Accordingly, I urge the Committee to retain outside counsel, responsible only to the House, so that this line is not crossed. I can anticipate situations where the advice of the AG's office may differ from those of the committee or other legal experts."

With best wishes,

Rep. Janice Cooper (Yarmouth, Chebeague Is., Long Is.)

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Filling In Some Blanks

Governor LePage's political enemies eagerly attribute the meanest of motives to him for rescinding Speaker Eves' appointment to head the Good Will-Hinckley school at the same time they attribute the purest of motives to the speaker's overnight conversion from a charter school critic to a wannabe charter school champion. The speaker's allies also want to gloss over Eves' paper-thin qualifications and the likelihood that a "sweetheart deal" was the deciding factor in his nimble move into a cushy, high-salaried job that is so unburdensome he could retain his job as speaker, virtually assuring Good Will-Hinckley that there would be no interruption in state funding.

In light of the speaker's previous opposition to the establishment of charter schools in Maine -- an achievement for which LePage is largely responsible -- the governor's preemptive action is eminently reasonable and justified. In an 8 June letter to the Board of Directors the governor laid out the reasons for opposing Eves' appointment -- that he was unfit for the job by virtue of his anti-charter school record plus his lack of credentials and experience.

LePage did not stand idly by and acquiesce in the appointment of a person to lead a school who might compromise its mission or, conceivably, close it because the speaker had recently stated that he "still had reservations" about charter schools. Would it make sense to appoint an atheist to be pastor of a church.

The combined enrollment of the two schools is a modest 112 students, staffed by sixteen or so - dedicated teachers and administrators, including a school principal. Hiring a moonlighting $120,000 a year novice to head the school would have imposed an additional cost of more that $1,000 for each of the 112 at-risk students -- an exorbitant charge of dubious worth.

Raise the principal's salary and hire a couple more teachers.

Walter J. Eno
Scarborough
207 730 5588

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Testimony before the Government Oversight Committee in reference to the Good-Will Hinckley OPEGA Brief. Presented by Representative Jeffrey Evangelos, House District 91, October 15, 2015.

Good morning Senator Katz, Representative Kruger, and other members of the Government Oversight Committee. I am Representative Jeffrey Evangelos from Friendship and I represent House District 91.

From the accounts I've read in the press I understand that Governor LePage's lawyer and Senior Policy Advisor, Cynthia Montgomery and Aaron Chadbourne, have declined to testify before your Committee today. This time they asserted the civil lawsuit pending between the Speaker of the House and the Governor as their grounds, despite the fact that neither of them are named as parties to the lawsuit. However, on June 30, 2015, counsel Montgomery had already informed the committee in a letter to Director Ashcroft of the Governor's intentions to assert separation of powers between the Executive and Legislative branch. Citing Article 3 of the Constitution without any specifics, counsel Montgomery contested the authority of OPEGA and the Government Oversight Committee to investigate Governor LePage, telling Legislators to look to the Constitution for the authority to investigate. Subsequent to these developments, Governor LePage has attacked the Committee's work and made comments unbecoming of a Chief Executive regarding members.

Concerning jurisdiction, it is important to note that the letter requesting an investigation submitted to the Government Oversight Committee on June 29, 2015, signed by Rep. Chipman, Warren, and Evangelos, included a clause citing the authority of Legislators to investigate the Governor under the Maine Constitution, Article 4, Part 1, Section 8, just as Ms. Montgomery has requested. Article 4, part 1 section 8 authorizes the Maine Legislature to investigate the Governor and that is what we asked the Government Oversight Committee to do on June 29th pertaining to the serious allegations discussed in the Good-Will Hinckley Brief.

As it is clear that Governor LePage and his administration are stonewalling the Committee and its investigation, I am requesting today that the Government Oversight Committee fully enhance its investigation with the full use of subpoena powers to depose witnesses under oath, including members of the Executive branch. You are vested with the full power and authority to do so. Historic legal precedents in the United States have always found that members of the Executive branch are required to testify, with Courts ruling consistently that the public's right to know outweighs any other considerations. I have the citations should you need them.

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In addition, given the seriousness of the allegations against the Governor and the damaging findings reported in the OPEGA Brief, and the Governor's own public admission on WMTW June 29th that he engaged in threats involving state assets, I am asking the Committee to request the appointment of a Special Prosecutor to investigate Governor LePage for the following possible criminal violations:

Title 17A section 355: Extortion
Title 17A section 603: Improper Influence
Title 17A section 903: Misuse of Entrusted Property
Copies of each law are attached as exhibits.

Our system of government relies on checks and balances and co-equal branches of government. The abuse of power by any Chief Executive must be held accountable to the rule of law. Just this week, in another sign that the rule of law within the LePage Administration is violated, we all learned that Governor LePage convened a Commission in secret to investigate the Maine Human Rights Commission, in clear contravention of the public right to know laws.

In closing, I'd like to discuss the meaning of the word discretion. There is a clear difference between discretion and abuse of power. Discretion is defined from various dictionaries as: the quality of having or showing discernment, good judgment, discreet, cautious reserve in speech so that people will not be harmed, the trait of judging wisely and objectively. Discreet means to be "wise or judicious in avoiding mistakes or faults; prudent; circumspect; cautious; not rash." In other words, discretion is exercising judgment tempered with these attributes in order to arrive at a final decision or outcome. These are not the attributes of Governor Paul LePage.

Abuse of power is defined as: The act of using one's position of power in an abusive way, manipulating someone with the ability to punish them if they don't comply, improper use of authority by someone who has that authority because he or she holds a public office. Abuse of Discretion is defined as: Any action by a government official by which that official renders decisions for a clearly improper purpose. These are the attributes that describe Governor Paul LePage.

Legislators can no longer remain silent. Many of us knew something was terribly amiss when on March 24th, 2015, "Gov. Paul LePage fired Brig. Gen. James D. Campbell, adjutant general of the Maine National Guard, just moments before Campbell was to deliver his annual "State of the Guard" speech to a joint session of the Legislature on Tuesday morning." (PP Herald) The manner in which this firing was conducted, moments before Brig. General Campbell was to address the joint session, with his wife, family and friends assembled in the audience along with members of the military, revealed a vicious, vindictive and ruthless approach to governance never before witnessed in our great state.

It's time we exercised our power as Legislators to hold Governor Paul LePage accountable to the rule of law.

Thank you for your consideration. That concludes my statement.

Maine Revised Statutes

§354-A Title 17-A: §356

§355 PDF
§355 MS-WORD
STATUTE SEARCH
CH. 15 CONTENTS
TITLE 17-A CONTENTS
LIST OF TITLES
DISCLAIMER
MAINE LAW
REVISOR'S OFFICE
MAINE LEGISLATURE

MAINE CRIMINAL CODE
Part 2: SUBSTANTIVE OFFENSES
Chapter 15: THEFT

§355. Theft by extortion

1. A person is guilty of theft if the person obtains or exercises control over the property of another as a result of extortion and with intent to deprive the other person of the property.

[2001, c. 383, §37 (AMD); 2001, c. 383, §156 (AFF) .]

2. As used in this section, extortion occurs when a person threatens to:

A. Cause physical harm in the future to the person threatened or to any other person or to property at any time; or [1975, c. 499, §1 (NEW).]

B. Do any other act that would not in itself substantially benefit the person but that would harm substantially any other person with respect to that person's health, safety, business, calling, career, financial condition, reputation or personal relationships. [2001, c. 383, §38 (AMD); 2001, c. 383, §156 (AFF).]

[2001, c. 383, §38 (AMD); 2001, c. 383, §156 (AFF) .]

3. Violation of this section is a Class C crime.

[2001, c. 383, §39 (NEW); 2001, c. 383, §156 (AFF) .]

SECTION HISTORY
1975, c. 499, §1 (NEW). 2001, c. 383, §§37-39 (AMD). 2001, c. 383, §156 (AFF).

Data for this page extracted on 01/05/2015 12:01:47.

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State House Room 108
Augusta, Maine 04333-0007

Maine Revised Statutes

§603 PDF
§603 MS-WORD
STATUTE SEARCH
CH. 25 CONTENTS
TITLE 17-A CONTENTS
LIST OF TITLES
DISCLAIMER
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REVISOR'S OFFICE
MAINE LEGISLATURE

§602 Title 17-A: §604

MAINE CRIMINAL CODE
Part 2: SUBSTANTIVE OFFENSES
Chapter 25: BRIBERY AND CORRUPT PRACTICES

§603. Improper influence

1. A person is guilty of improper influence if he:

A. Threatens any harm to a public servant, party official or voter with the purpose of influencing his action, decision, opinion, recommendation, nomination, vote or other exercise of discretion; [1975, c. 499, §1 (NEW).]

B. Privately addresses to any public servant who has or will have an official discretion in a judicial or administrative proceeding any representation, argument or other communication with the intention of influencing that discretion on the basis of considerations other than those authorized by law; or [1975, c. 499, §1 (NEW).]

C. Being a public servant or party official, fails to report to a law enforcement officer conduct designed to influence him in violation of paragraphs A or B. [1975, c. 499, §1 (NEW).]

[1975, c. 499, §1 (NEW) .]

2. "Harm" means any disadvantage or injury, pecuniary or otherwise, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official or voter is interested.

[1975, c. 499, §1 (NEW) .]

3. Improper influence is a Class D crime.

[1975, c. 499, §1 (NEW) .]

SECTION HISTORY
1975, c. 499, §1 (NEW).

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Maine Revised Statutes

§902 Title 17-A: §904

§903 PDF
§903 MS-Word
Statute Search
Ch. 37 Contents
Title 17-A Contents
List of Titles
Disclaimer
Maine Law
Revisor's Office
Maine Legislature

MAINE CRIMINAL CODE
Part 2: SUBSTANTIVE OFFENSES
Chapter 37: FRAUD

§903. Misuse of entrusted property

1. A person is guilty of misuse of entrusted property if that person deals with property that has been entrusted to that person as a fiduciary, or property of the government or of a financial institution, in a manner that that person knows is a violation of that person's duty and that involves a substantial risk of loss to the owner or to a person for whose benefit the property was entrusted.

[2013, c. 414, §5 (AMD) .]

2. As used in this section "fiduciary" includes any person carrying on fiduciary functions on behalf of an organization that is a fiduciary.

[2013, c. 414, §5 (AMD) .]

3. Except as provided in subsection 4, misuse of entrusted property is a Class D crime.

[2013, c. 414, §5 (AMD) .]

4. If a misuse of entrusted property results in the loss of a vulnerable person's property or the loss of property entrusted to a person for the benefit of a vulnerable person and, at the time of the offense, the owner or the beneficiary of the property is a vulnerable person:

A. If the value of the property is more than $1,000 but not more than $10,000, the misuse of entrusted property is a Class C crime; and [2013, c. 414, §5 (NEW).]

B. If the value of the property is more than $10,000, the misuse of entrusted property is a Class B crime. [2013, c. 414, §5 (NEW).]

As used in this subsection, "vulnerable person" means an incapacitated adult as defined in Title 22, section 3472, subsection 10 or a dependent adult as defined in Title 22, section 3472, subsection 6.

[2013, c. 414, §5 (NEW) .]

SECTION HISTORY
1975, c. 499, §1 (NEW). 2013, c. 414, §5 (AMD).

Data for this page extracted on 01/05/2015 12:01:47.

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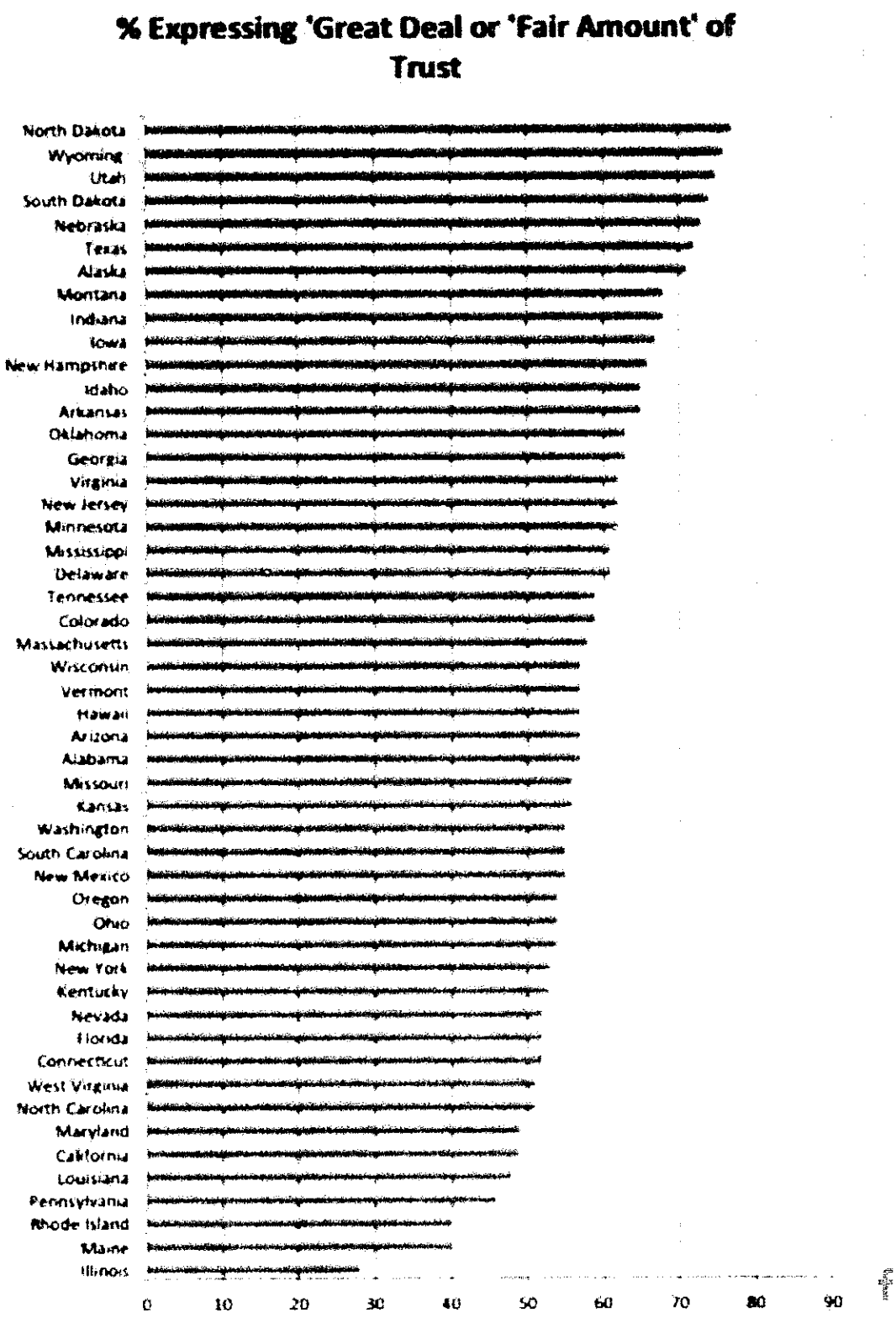

These data come from a poll released recently by Gallup. In the second half of 2013, Gallup interviewed a random sample of at least 600 residents in

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48 Hyler St.,
Thomaston ME 04861

Government Oversight Committee
82 State House Station
Room 107, First Floor, Cross Office Building
Augusta, ME 04333-0082

Sirs:

I am writing to express my distress at the actions of Paul LePage, Governor of the State of Maine. He has been rude, insulting, and boorish throughout his time in office, but the intimidation of those receiving State funding, the threatening of those in public office, and the negativity he expresses toward citizens/residents of the State are, in my mind, grounds for impeachment.

I am sure I do not need to enumerate the instances of intimidation and bullying for you as they have been widely discussed over the last five years. Nor do I need to tell you the our state is now the laughing stock of the world, as that has become more and more evident in newscasts, on comedy shows, and other media.

Thank you for your attention.

Judith Farley

October 15, 2015

Chairman Katz, Representative Kruger, distinguished members of the Committee on Government Oversight. I am Hendrik Gideonse from Brooklin.

I have read carefully the OPEGA report. Given the many real constraints associated with its development, it is a remarkably strong piece of reportage and analysis. Still, as a deceased architect friend used to say to me, it is just a point on a much, much larger curve. It is a sad day for Maine.

Governor LePage's negative effects on the processes of government present a highly unusual situation. Only the legislature can protect the State from further damage. One route entails passing several different forms of super-majority legislation to "bell the cat."[1] The other is to find LePage's performance malfeasance in office and remove him. That route would require a lot of work from your committee, and I'm going to suggest even a bit more.

Maine has a fundamental problem. We have in office a Governor who uses his power and authority vindictively and counter to the votes of the people, who withholds his department heads from legislative testimony, who has arguably broken and/or failed to comply with laws, who misuses and abuses his veto authority, who has failed to meet his responsibility to fill boards and commissions with members, and who spends public money without adequate safeguards to assure quality product. On their face, I would submit to you, and especially taken all together, these failures in office rise to the level of misdeeds, a reasonable common sense interpretation of the word "misdemeanor" in the Maine Constitution.[2]

I offer you four lines of counsel.

The first is to consider the nature of the judgment required of you. It is not a *political, partisan* matter; the Governor's actions have indiscriminately affected members of all parties. While it may ultimately include *criminal* matters, such proceedings are not the venue of the legislature. No, you are being called upon to perform *the most important kind of civil review of executive performance you will ever be called upon to make.*

The second line of counsel is to ask yourselves *what cumulative level of evidence must ground your recommendations to the legislative body*, i.e., as American jurisprudence refers to it, '*some* credible evidence', '*substantial* evidence', '*preponderance* of the evidence', *'clear and convincing* evidence'? ('Beyond a reasonable doubt.' the very highest evidentiary standard required for criminal conviction, does not apply to impeachment proceedings.)

The third is for you to keep clearly and constantly in mind *the consequences for the governance*

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[1] See Portland Press Herald October 11, 2015

[2] The concept of impeachment may be found on pages 3(Art.I, Sec.7), 9(Art.IV,Part First, Sec.8), 11(Art.IV, Part Second,Sec.7), 24 (Art.V,Part First, Sec. 11), 28(Art.VI,Sec.4), and 32(Art.IX,Sec.5) of the Maine Constitution and the word misdemeanor on page 32(Art.IX,Sec.5).

of Maine if we continue for three more years what we have lived through the last five. Should you and we have to accept that? I submit not.

Which takes me to a fourth line of counsel. Before you begin your particular deliberations, I would urge you to *afford yourselves a clear rendering of the pulse of the legislative body for which you are working.* Divide the other 174 members into twelve lists of 14 or 15, each list cutting across both houses and across political affiliations. Each of you would in the next two to three weeks complete one-on-one, twenty-minute, not-for-attribution scripted (see suggestions below) and confidential interviews with the legislators on your list. Each committee member would try to develop a sense of where your peers are on the nature of the issues, what's at stake, how they think it should be approached, how serious they think it is, whether it should be allowed to continue. The interview script should make it plain, however, that the interviews are <u>not</u> a "pre-poll" of legislative members' views on matters that you and they have yet to consider. Such a question would be premature and therefore inappropriate.

Were I in your shoes I would want to have that five-hour commitment from each of us under our belts before we proceeded – in public as you must – to address the issues and judgments LePage's shortcomings have obliged you to consider.

Thank you for your attention.

<u>Possible Elements for an Interview Script</u>

[It would be premature and inappropriate for this interview to address any interviewer or interviewee conclusions respecting the executive performance of the Governor.]

In any review of a governor's performance what might constitute unacceptable performance? Have you formulated criteria on this or do you "know it when you see it"? Is there any difference between unacceptable and impeachable? How would you distinguish between either of those compared with actions you simply disagree with?

Are their levels, or degrees, or can there be a cumulative effect of misdeeds in coming to an assessment of executive performance?

Have you yourself reviewed the constitutional language on impeachment? How do you understand the meaning of the Constitutional term "misdemeanor"? Did you know that the dictionary that would have been available to the writers of the Maine constitution at the time (Johnson's 1797) defined 'misdemeanor' as "offence; ill behaviour; something less than an atrocious crime."

What if the kinds of actions we've all been seeing continue for three more years?

Are you concerned about the consequences of an impeachment proceeding brought that does not end in replacement?

Short of impeachment what legislative measures might be brought to limit executive excesses that may have occurred?

October 15, 2015

Re: Testimony provided at the Public Hearing of the Government Oversight Committee on October 15, 2015

To the Twelve Members of the Government Oversight Committee,

My name is Becky Halbrook and I live in Phippsburg. As a Maine resident, I speak as a retired person, a mother, a grandmother, an aunt, great-aunt and the friend and neighbor of many residents of Sagadahoc County.

In addition, I represent the 700+ Mainers who have recently signed an online petition at the website DearLePage.com -- the website was launched in August in response to Gov. LePage's statement that if the people of Maine asked him to resign, he would do so. We are directly asking him via the online petition and by mailing postcards, sending emails and other messages – we ask him to resign immediately. We intend to continue this effort during the next few months and ultimately we hope that Gov. LePage will resign from his office.

Our message to the Committee today is as follows:

1. Regarding the Good Will-Hinckley investigation: We commend the Committee for pursuing the bipartisan investigation of Gov. LePage's involvement in the Good Will-Hinckley matter. We trust that the Committee will demonstrate its further determination and fortitude by continuing to pursue this investigation in order to produce a full and complete report of the Good Will-Hinckley matter. While the OPEGA informational brief is a good beginning, there are many unanswered questions remaining and those questions must be addressed and the answers must be documented. The people of Maine will not be satisfied until the investigation is completed and the full set of facts are available for all to assess. If there are witnesses and documents that can only be obtained by issuing subpoenas, those subpoenas should be issued by the Committee. Testimony should be taken under oath and the witnesses should be subject to cross-examination to ensure that the complete truth is told. The truth in this important matter is at stake and there is no alternative way to determine the truth and complete the investigation.

2. Regarding allegations of additional abuses of power: We encourage and support the Committee in pursuing the investigation of alleged abuses of power, other than the Good Will-Hinckley matter. We believe that the expansion of the investigation to include other allegations would be entirely appropriate. Such an expanded investigation should not be discredited or denigrated by anyone claiming "political motivations." Nor should the Committee or its members be "shamed" by any politician for conducting the work of this Committee. The people of Maine depend on the Committee to

pursue each and every credible allegation, find the facts and lay them before the Maine people for their assessment. The people of Maine depend on the Committee to do its professional work without regard or concern for attempts to sideswipe or discount its efforts by politicians or other persons.

3. Regarding the appointment of an Independent Prosecutor: We encourage and support the Committee as it seeks legal resources to assist on the details of the investigation(s) and to advise regarding possible violations of Maine law.

4. Another legal question that has been posed recently concerns the use of the attorneys' fees provision in the state's liability insurance policy for payment of the Governor's private attorney fees in the Eves civil lawsuit. An Independent Prosecutor could research the terms of the insurance policy and determine whether the insurance policy is available for payment of the Governor's attorneys' fees in his defense in the Eves lawsuit.

In conclusion, we commend to you the writing of Rep. Charlotte Warren whose words were published by the Kennebec Journal recently under the title "Governor's acts of intimidation threaten the fabric of our democracy" --

"I urge Mainers to make their voices heard at the public hearing on Thursday. It starts at 9 a.m. and will be held in Room 220 of the Cross Office Building. It's an opportunity to speak your minds about the report and your expectations for your government.

This fact-finding report will serve as the basis of any further action, including a determination that laws were broken, referral to a special prosecutor, or the initiation of impeachment proceedings.

The questions we must answer are very serious. Questions about intimidation by the state's highest elected official, the misuse of public funds to punish a lawmaker for his voting record and a political grudge turned personal vendetta that harmed a man's livelihood.

This is not simply about LePage and Eves.

It's about each and every Mainer in this state and whether they have to live their lives looking over their shoulders for fear that they might offend the wrong person in power. If they do or say the wrong thing, will they be punished? Do we want our elected representatives answering to us, those who elected them, or to another elected official?

This is, simply, about standing up for our democracy." Rep. Charlotte Warren published by Kennebec Journal

September 09, 2015

Members of Maine's Legislative Committee on Government Oversight

As a lifelong Maine resident, 23 year veteran of state and municipal government, and current Vassalboro resident, I request you support impeachment proceedings against Governor Paul Lepage.

With the conclusion of the Office of Program Evaluation and Government Accountability's (OPEGA) investigation and subsequent report, there is a strong likelihood the Governor has inappropriately used his influence and abused his power as the Governor of Maine. OPEGA has indicated there is no "smoking gun" yet this is likely due to the unwillingness of the Governor's office, including the Governor himself, to participate in OPEGA's fact finding session. Meaning, if the alleged perpetrator does not provide information nor respond to questions, a fact finding body (OPEGA) cannot reach a definitive conclusion; this is akin to a defendant in a court proceeding "pleading the 5th" against self-incrimination. However, OPEGA did determine a potential withholding of State funds did occur, in relation to the basis of Speaker Eves' employment with the Good Will-Hinckley institution.

Maine Constitution Article 9, Section 5. Removal by impeachment or address. Every person holding any civil office under this State, may be removed by impeachment, for misdemeanor in office.

OPEGA was not given, nor does it have, the authority to make a determination of misconduct. However, the Maine Legislature does have this authority. Even though there have never been impeachment proceedings of a Maine Governor, this is no reason to hesitate. As elected officials, you represent Maine citizens and businesses but you are also elected to uphold Maine's Constitution and Laws. With the OPEGA report as well as recorded statements of Governor Lepage to WMTW TV reporter Paul Merrill, there is a sufficient basis to hold impeachment hearings. The impeachment proceedings may likely include subpoenas of all involved parties, but specifically should include Good Will-Hinckley Board Chair Jack Moore, Acting Education Commissioner Tom Desjardin, and Governor Paul Lepage so the Maine Legislature, by way of the Maine Senate, can gather information to make an informed decision and determination of whether misconduct has or has not occurred.

In conclusion, it is clear that sufficient information has been presented to initiate impeachment proceedings. Even though this is unchartered territory, I urge Maine's Government Oversight Committee to not take the path of least resistance but to do the right thing; recommend and put forward legislation to Maine's House of Representatives that an impeachment of Governor Paul Lepage is warranted.

Sincerely,

Brian S. Hodges

Senator Katz, Representative Kruger, members of Maine's Government Oversight Committee

My name is Brian Hodges of Vassalboro Maine. I'm here today to request you initiate impeachment proceedings against our Governor, Paul Lepage, by taking a vote in the affirmative and then supporting such legislation. This is not a statement I, you, or any citizen of Maine should take lightly but given the circumstances, it is, unfortunately, appropriate.

For 46 years, I have called Maine my home. For 23 of those years, I dedicated my professional career to public service in State and municipal government. As each and every one of you know, public service is not a commitment to be taken lightly. For many of us, it is a calling that involves sacrificing time with family to serve the public. It is a calling to sacrifice more lucrative careers. Why do we make these sacrifices? We do so because we want to leave a legacy of making Maine a better place because of our efforts. But when serving the public, it is critical to do so with grace, with compassion, and with professionalism. Why is this important? Because the public wants to know they are treated fairly with the highest level of service possible. While I have lived in Maine for all 46 of my years, the past several years have resulted in me hesitating when asked if I'm proud to call Maine my home because of the reputation we've been given under the Lepage administration.

Nobody can question whether or not something happened between the Governor, Good Will Hinckley, and Mark Eves. Something has indeed happened as stated in the OPEGA report and I quote "*Events described in this Information Brief strongly suggest that the threat of Good Will Hinckley losing State funding, and the subsequent holding of a payment already in process for Good Will Hinckley's first quarter of FY2016, are directly linked to the Governor learning that Good Will Hinckley had decided to hire the Speaker as President.*" The question remains, what involvement did the Governor and his staff have and did any involvement rise to the level of misconduct by a government official which meets the Maine Constitution's definition of a basis for impeachment proceedings? You, the Government Oversight Committee, tasked OPEGA with investigating the allegation and reporting on their findings. In the State of Maine, across the country, and around the world, people experience allegations of wrongdoing but after an investigation of due diligence, determinations are made which sometimes result in charges being filed and other times do not.

With the Good Will Hinckley incident, that determination has not been reached yet. With an elected official ranking as high as the Governor, the roles of authority and oversight are different than dealing with ordinary citizens. While a citizen's fate is often impacted by District Attorneys, a Governor's oversight is the responsibility of the Legislature. You are the authorities. This committee is to the Governor as the District Attorney is to a citizen. This case is a clear example of why checks and balances are instituted between the Executive, Legislative, and Judicial branches. Maine citizens elected you to represent them and when you took your oath via Article 9 Section 1 of Maine's Constitution, you agreed to uphold Maine's Constitution...not parts of the Constitution but all of the Constitution.

The Governor and his administration would not fully participate in OPEGA's investigation. Accused individuals may never willingly participate so without the power of subpoenas, a body like OPEGA can never make a definitive conclusion. But you can. As Maine's Government Oversight Committee, you have the ability to ensure justice throughout State government prevails. Do not let this situation being the first of its kind dissuade you. Maine's Constitution does not require you to uphold your oath only when situations have a prior history. Instead, you are required to uphold your oath under any circumstance and the Maine Constitution clearly states via Article 9 Section 5 that every person holding any civil office in this state may be removed by impeachment, for misdemeanor in office.

In conclusion, due diligence is needed. Not only for Mark Eves, Good Will Hinckley, or even Governor Lepage. Due diligence is needed for Maine and all of its citizens to ensure our democracy is intact, credible, and worthy of support. Again, OPEGA was unable to make a determination of whether there was misconduct but you have the authority and responsibility to do so. I, and so many others, want to see a fair and impartial hearing conducted, whether or not the Governor and his staff participate. Your constituents deserve that. All Maine citizens deserve that. Maine deserves that. And even the Governor himself deserves a fair and impartial hearing so his name can either be cleared or justice can be served. Let's make Maine a place we're proud to serve and call home. Do the right thing and move the process of impeachment forward. Thank you for your commitment to serving the people of Maine.

October 15, 2015

Brian S. Hodgdon

Paul LePage has made a mockery of the first amendment. Paul LePage told a high school student that his father, who is a journalist, should be shot. He has caused more than one political rival to lose their jobs – and that's what we know about. He has vowed to veto every bill and go through referendums, but also refuses to follow the will of the people on referendums if he doesn't like them or wants to use them for playing political games. He has proven over and over his inability to understand the concept of democracy, never mind that of compromise.

I even hesitated to write this and put my name on it. Some of my thoughts..... Is someone in his office making a note and keeping a list of those speaking against him? Can this come back and hurt me or my family somehow? Am I unimportant enough in the scheme of things, that he won't bother remembering who I am, so that will keep me safe from reprisal?

These are things that no one in the United States should ever have to worry about when speaking of those elected to office. That these are things we have to worry about in Maine in relation to our governor seems incomprehensible to me. I have always believed Maine to be one of the most politically reasonable and democratic of states. But, sadly, this is now a concern here because of Paul LePage.

And unless we do speak out, nothing will change. Not even after he leaves office, if he is allowed to serve his full term. He will have set a precedent that allows a governor to bully, threaten and actually cause harm to those that disagree with him. And we will become more afraid to speak out.

We will always wonder if our legislature is voting in a way that reflects their beliefs about what is best for our state – or if they are voting in a way that protects them, not only politically (which is always a concern, unfortunately), but personally as well. Will we actually have a state legislature and population that is AFRAID to do what we believe is right. How can that be, in the US, in the 21st century?

Governor LePage said that he would step down if citizens of the state asked him to. The time has come for all of us to do just that. Because regardless of whether or not you agree with his economic policies or environmental policies, or other policies, he has shown a blatant disregard for the will of the people with his actions on the referendums on bond issues and an even more blatant disregard for one of the most basic rights under our constitution – the right to our freedom of speech.

There is a reason the freedom of speech is the first amendment. We need to understand that without that right, all of the others are meaningless. Because if we can't speak out when our rights are violated, what is the point of having them? If we are afraid to speak out for what is right, then we are truly lost.

Lianne Mitchell
Yarmouth, Maine

RECEIVED OCT 1 3 2015

Government Oversight Committee at:
82 State House Station
Room 107, First Floor, Cross Office Living Building Challenge
Augusta, ME 04333-0082

Maine State Government Oversight Committee:

Governor LePage has consistently spoken crudely and negatively about legislators, Maine schools and teachers, members of the NAACP, the Portland Press Herald, and the President, comparing the IRS to the Gestapo. The governor has the responsibility to perform the historic role of leadership defined by tradition and the democratic process; but, he does not have the right to bully or lie to the people of Maine, while ignoring citizen-led and approved initives like Land For Maine's Future. He claims to be a man of the people and then ignores what the voters have asked for. He has consistently refused to honor the bonds that the voters overwhelmingly voted for, holding the bonds as political hostage.

LePage's record as successful and shrewd business executive at the state level is abysmal. LePage had signs erected saying "Welcome to Maine, open for business." Yet under his leadership Maine paper mills (and their well-paid jobs) are being shuttered and sold for scrap. LePage has not succeeded at fulfilling his own billboard.

I offer the situation regarding the Dolby Landfill and the loan to Cate Street Capitol as an example of why the State of Maine cannot afford LePage's leadership. As part of the deal to keep the mills in Millinocket and East Millinocket open, the state agreed to take over the running and management of the Dolby Landfill so that Cate Street Capitol could purchase the Millinocket and East Millinocket mills for $1.00. Paul LePage spoke to the Board of FAME and encouraged a loan to Cate Street Capitol (It later emerged that Cate Street Capitol ...including corporate officers and their families donated $7,500.00 to LePage's

election campaign). Obviously the plans to keep the mills open failed miserably and Cate Street Capitol investors are earning $16 million in tax credits for monies that were in the state of Maine for minimal time. In the meantime the good taxpayers of Maine will also be paying for the closure of the Dolby landfill ...a cost estimated at up to $16 million (including testing). To make things worse for the people of Millinocket, Governor LePage later attempted to coerce Millinocket town officials into paying $50,000.00 a year instead of the one time fee of $50,000.00 they had originally agreed to kick in to manage the landfill. When the town officials refused to pay, LePage withheld $216.000.00 in sudden and severe impact funds....monies that were necessary to run the Millinocket schools.

Remembering LePage's comments about Maine's public schools, "If you want a good education, go to private schools. If you can't afford it, tough luck. You can go to public school." It is obvious that the Governor has no respect for Maine schools, students, parents, teachers, and taxpayers. Currently, the Annie E Casey Foundation Kids Count Data Center ranks Maine schools as the 16th best in the country...an amazing rating considering the poverty rate of many Maine children and families. For many years Maine has been ranked (by NAEP National Assessment of Educational Programs) among the highest states in the country for their public school systems.

Most recently, Governor LePage's behavior has alienated many in his own party. Last summer Republicans joined Democratic legislators when the Governor declared that the legislature had officially adjourned and that he did not need to veto numerous bills. Those bills have now become law, since the State Supreme Court ruled against the governor and the state is now involved in a further investigation regarding whether or not Mr. LePage blackmailed a charter school.

Maine needs an intelligent and creative governor, one who does not attempt to misuse his power and one who can unite the people of Maine. We need a governor who can attract business instead of handing out corporate welfare, rather than arrogantly questioning and squeezing each dollar spent on welfare for Maine's poor. Paul LePage's leadership has failed the people of Maine and it is time for him be removed from office. As horrible as his incompetence is, Paul LePage's performance as

a role model is even worse; he has demonstrated arrogance, rudeness, and a lack of respect for Maine's traditional democratic principles.

Respectfully,

E. C. Ramsey

Elisabeth C. Ramsey
PO Box 45, Smithfield, Maine, 452 Village Rd.
207-362-3366.....Airedale@tdstelme.net

RECEIVED OCT 14 2015

Government Oversight Committee at:
82 State House Station
Room 107, First Floor, Cross Office Living Building Challenge
Augusta, ME 04333-0082

Maine State Government Oversight Committee:

The purpose of my letter is to underscore the profoundly incompetent and arrogantly dismissive tenure of Governor Paul LaPage. As a public school teacher for over forty years I am extremely upset at LePage's rude, bullying behavior, offering a horribly destructive role model for the young people of Maine. Paul LePage's many embarrassing statements are well known to the citizens of Maine: his ridiculous statement that Maine students can't get into the best out-of-state universities is demeaning and false; equally irresponsible was his comment saying that he would like to blow up the *Portland Press Herald*, as was his disrespectful, inappropriate comment regarding the NAACP, as was his degrading reference to President Obama, as well as his attempted sexual-political reference to potential campaign opponent Troy Jackson; our Governor's countless crude, belittling statements about Mainers in general, whether they be students, legislators, or cabinet heads, make a mockery of Maine's governmental traditions.

While the realities of political office inevitably involve partisanship and party preference, it has become very clear that LePage lives in a world of "Good Guys"(Republicans-anyone who supports him) versus "Bad Guys"(Democrats-anyone who disagrees with him). Destructively, Maine's Governor consistently applies this simplistic attitude to an absurd, irresponsible degree-referring to Southern Maine as the home of crooks and welfare cheats. It would seem that Mr. LePage isn't concerned with being the Governor of all the people-but only those who reside in geographically pro-LePage areas. Central to his disdain for Maine citizens is his arrogant dismissal of the democratic process in citizen initiatives-most notably his withholding funding of citizen-approved bond issues; this subject alone would seem to warrant the dismissal of Paul LePage.

Our Governor began his tenure by pushing through significant tax breaks for the wealthiest Mainers, thus depleting Maine's financial resources; then, having taken away the State's money he pompously, deceptively announced that Maine had a severe economic problem and would have to face budget cuts impacting State programs-programs that he opposed. This began the LePage strategy of manufacturing relatively nonexistent problems which he would then use as a rationale to eviscerate anything he didn't like-integrating the priorities and solutions of the A.L.E.C. playbook.

LePage's arrogant adventurism has cost the State of Maine untold money....from prolonged lawyer's fees in his unilateral assault on Obamacare, as he attempted to undercut the breadth of Maine's responsibility to provide

Medicaid for children according to nationally proscribed levels. LePage has lost on this and other issues, while the citizens of Maine picked up the bill for his incompetence. Similar incompetence and arrogance can be seen in his making promises (which could not be fulfilled) to the individuals attempting to rejuvenate the East Millinocket Mill and landfill-which with the Governor's guidance went bust-and again the State had to pick up the tab. Initially, at the beginning of his tenure, Maine's chief administrator promised a dramatic increase in jobs-saying that he would "turn things around" in just eighteen months-that Mainers should hold him accountable. Of course, LePage's magic, irrational revolution has not fulfilled his jobs promise.....and sadly, his pro-gas and oil manipulation, at the same time undermining alternative energy options, has also diminished potential growth in Maine jobs.

I knew the State was in trouble when LePage categorically said that "tourism" is not an industry....whereas the environmentally fragile mining businesses that he is encouraging to set up in Northern Maine fulfill his definition of "industry" (evidently pollution of the environment must occur). Then, I became even more alarmed following an Environmental Roundtable in which twelve small businessmen (majority Republicans), utilizing Maine's natural resources, each discussed the absolute importance of maintaining a clean, viable environment, necessary to their business success. Sitting ten feet away from Mr. LePage, I listened to his response regarding air pollution from the Mid-West, when he feigned outrage at the coal companies for their eastward pollution; he said that pushing for more regulation of coal was a priority which he would act on immediately. I left the roundtable relieved, thinking that maybe Governor LePage would act responsibly. However, three days later LePage turned 180 degrees from his statement at the Environmental Roundtable, withdrawing from the group of NE Governors seeking increased regulatory strictures on Big Coal. This deception has become the dominant pattern of the LePage Administration.

Demeaning name calling, blatant misinformation, and bold lies-I could enumerate a long list of egregious LePage deceit and incompetence; yet, even worse is his rude, crude bullying, his arrogant condescension-defying Maine's history and tradition of democratic principles and outstanding statesmanship. Mr. LePage is a destructive role model for Maine's young people-cheapening the image of our state in the eyes of the rest of our country. Historically, Maine has taken great pride in its motto "Dirigo." We can't allow Paul LePage to destroy all that Maine stands for.

Respectfully,

Jim Ramsey

Jim Ramsey,
PO Box 45, Smithfield, Maine....04978
Airedale@tdstelme.net

Testimony of Cushing Samp before the Government Oversight Committee
October 15, 2015

Senate chairman Katz, House chairman Kruger, Members of the Committee, my name is Cushing Samp and I am a resident of Saco. My testimony is supported today by 24 other residents of Maine who are unable to be present today, Sandra Johnson and Sarah Clark of Orono, Margaret Baillie, Lee Souweine and Emily Bean of Bangor, Jean Camuso and Eric Brown M.D. of Hampden, Cheryl Olson and John Lorenz of Hermon, Carol Sullivan of Rangeley, Emily Hawkins of Deer Isle, Russ and Mel Banton of Brunswick, Jim Chute and Stephen Goetz of Freeport, Martica Douglas of Portland, Jody Sataloff of Cape Elizabeth, my husband, Eric Samp, Donna Beveridge, Betsey Pace, Deb C ote Anderson, Karyn Cote and Etienne Guillory of Saco, and Cornelia Kittredge of Arundel, as well as by four others who are unwilling to have their names made public.

First, I am not here to oppose any positions taken by the Governor, nor am I here because I am embarrassed by public statements that he has made. I am here because I cannot stand silent in the face of the blatant contempt that the Governor has demonstrated by his actions towards the governing process and, by extension, to the people of Maine.

With respect to the events surrounding the offer of employment extended to Speaker Eves and its subsequent withdrawal, the Governor has crossed the line. The Governor is entitled to express his opinion of Speaker Eves and to express it publicly. What he cannot do is use his authority as governor of this State to cause personal harm to a political opponent solely as a result of the views held by that opponent. Nor can he use his authority to blackmail an independent organization in this State. His authority over the funds in question may be "discretionary." However, "discretionary" cannot be construed to include the ability to withhold funds for a malicious purpose. That is clearly what the Governor, or the Governor's subordinates with his approbation, has done.

Failure to act further in this investigation will have the effect of empowering the Governor.

This is a man who has held hostage the Land for Maine's Future program by failing to issue bonds that have met every single constitutional requirement for issuance, save for his final signature. These are bonds that have been overwhelmingly approved by the voters of this State. While there is some latitude permitted in the timing of the issuance, it is clear that that latitude does not include refusing to issue the bonds for political purposes or because he disagrees with the purpose of the bonds.

This is a man who vetoed bills, not because, as he is constitutionally entitled to do, he disagreed with the bills, but for the stated purpose of wasting the Legislature's time.

This is a man who, either through gross incompetence or malicious intent, refused to veto bills, ignoring long-standing constitutional practice.

This is a man who has withdrawn names for filling vacancies on various boards and agencies so that they can do their work, not because he has been unable to find people who are qualified, but because he wants to hinder or destroy the proper functioning of state government .

This is a man who instituted an investigation of the Maine Human Rights Commission because he was not allowed to interfere with an administrative proceeding.

This is a man who state residents dare not speak about publicly because of fear of retaliation.

The Mark Eves incident, in and of itself disqualifies the Governor from continuing in his official capacity. When viewed in the context of the many other actions he has taken, the inescapable conclusion is that this Governor has violated his oath of office. He has spat in the face of our constitutional process. The people of Maine elected a governor, not a demagogue. Only the Legislature can stop him. You must issue subpoenas for witnesses today, you must make findings and and you must turn to matter over to the House for a decision on whether impeachment proceedings are warranted.

RECEIVED SEP 2 2 2015

10 Robinson ST
South Portland, ME 04106

September 18, 2015

Government Oversight Committee
c/o Office of Program Evaluation and Government Accountability
82 State House Station
Augusta, ME 04333

Gentlemen,

I believe your recent report verifies that Governor Paul LePage has grossly overstepped his office's prerogatives and should be brought to account for criminal extortion.

Sincerely,

Charles L. Sims

Oct. 15, 2015 Testimony for Government Oversight Committee Public Hearing

Dear Senate Chair Katz, House Chair Kruger, and Honorable Members of the Government Oversight Committee,

We have a crisis in this State which has prompted this Hearing. Our Governor has been testing the bounds of Executive Power and has seemingly crossed the line with his successful attempt to void an open-search hiring at Goddwill-Hinckley for political reasons. This cannot be allowed to stand unchallenged or without most serious repercussion unless we want a Maine in the future where job applicants must pass a litmus test of some sort. This turns us away from democracy and meritocracy to something perhaps resembling the McCarthy era of the early 50's when anyone who was tagged as a "communist sympathizer" was disqualified from service to country. I know this first hand because my father graduated from Georgetown University's School of Foreign Service in 1951, and could not get clearance for a State Department Job for two years due to the disfunction of government prevalent at the time. Sound familiar to anyone?

Our Senator Margaret Chase Smith stood up to McCarthy and delivered her Declaration of Conscience Speech, which is generally credited with recharting the ship of State back to our founding principles. This is that kind of a time, and demands that all of you give deep thought to what sort of State we want in the future. Do we want the best and the brightest to hold leadership positions, with a level playing field for all, or a State where all jobseekers with Executive discretion or influence on their funding are subject to that Executive's whims? Looking back in history, really bad things happen when good people do nothing . My observations of State Government show a lot of people making excuses or taking the easy path away from difficult tasks, on the basis of "Oh, we'd never get two-thirds vote" or "It won't get by Executive Council", when often what that really means is some lobbyists have them in a position where Just Doing The Right Thing becomes deleterious to some other issue being resolved.

I have heard both Sen. Katz and Rep. Kruger discussing the LePage/Goodwill-Hinckley/Eaves matter before you now on Stephen King's AM 620 radio station in Bangor, and these are rational and reasonable public servants. Now the question becomes, who will lead? My advice is to pursue the entire truth in this matter, whether that requires subpoenas and lengthy hearings or there is enough evidence already accumulated by OPEGA to form a conclusion of whether laws and rules were broken and what the consequences should be. Mohandas Gandhi followed the path of what he called Satyagraha, which means "insistence on the truth". To some he may have been a scrawny little foreigner with a walking stick in his hand and wearing a loin cloth, but he accomplished the same thing our tri-hat wearing, musket-carrying forefathers did for us: They threw off the yoke of British oppression.

There are certainly other grievous actions of this administration, like document-shredding at CDC and the Alexander Report, and certainly others will be brought to your attention in short order. You should also be aware that the State is about to expeditiously permit landfill capacity to Casella worth about a half a Billion Dollars. The funds threatened to be withheld if Rep. Eaves was hired was about a half a million dollars. A group of citizens and legislators approached GOC over three and a half years ago and pushed for a review of the State's dealings with Casella, who operates the State-owned Juniper Ridge

Landfill (JRL) in Old Town. While GOC declined to ask for an OPEGA investigation, you did send a letter to the Environment and Natural Resources Committee asking them to address four areas of concern. ENR has declined to do anything of the sort, and their Chair Saviello, who came to you 3 times back then to assure you of their careful oversight of JRL still shows no inclination to fulfill your Committee's formal request. Perhaps we will bring a new request to you soon. Currently, our DEP Commissioner has resigned, and the acting commissioner has kept his first job in the Governor's office. When BEP decided to take jurisdiction of the Expansion Hearing for JRL, which is coming soon, Chair Parker was surprised to see that the garbage company's attorney, Tom Doyle, would represent both Casella and the State's interests. Does this seem right to you? Our fear is that since the Bureau of General Services JRL overseer, Mike Barden, admits that the State has done nothing to seek alternatives to dumping in Old Town, that we will not get a full independent evaluation of the wisdom of building a 20 million cubic yard Dump in Old Town. It may seem like progress to some if the Department of Environment Protection becomes the Department of Expedited Permits, but there has been corruption in the process of JRL from its inception in 2003. This is not a partisan issue, as problems that began with a Democratic Executive giving Casella a half billion dollars worth of space have become a Republican Executive's apparent objective. So, where is the Review? If this were a like amount for liquor or gaming, there would be intense and massive efforts to understand exactly what is going on. Why does Garbage get a Free Pass? In my opinion, people at Pierce-Atwood have everything to do with it.

Suffice it to say, there are many issues of great importance facing the State right now, and one of them is before you now. Please follow your conscience and insist on the truth and please bring a forceful resolution to the people of Maine. I am not calling for Impeachment, although that may become an option. We deserve better, and we want transparency and accountability.

Respectfully submitted,

Ed Spencer

PO Box 12, Stillwater, ME 04489

827-8359

R E S T O R E:

TESTIMONY OF JAMES A. ST. PIERRE
MAINE DIRECTOR, RESTORE: THE NORTH WOODS
TO THE MAINE GOVERNMENT OVERSIGHT COMMITTEE

October 15, 2015

Sen. Katz, Rep. Kruger, and committee members: My name is James St. Pierre. I am Maine Director of RESTORE: The North Woods, a regional conservation organization based in Hallowell. I have been involved in land conservation and economic activities at the local, regional, and state levels in Maine for forty years. Our organization has been involved in wildlife and land issues in Maine for more than twenty years.

We believe that Governor Paul LePage has abrogated his responsibilities as Maine's top elected official.

As he has admitted, and as an independent probe by the Legislature's Office of Program Evaluation and Government Accountability has confirmed, he threatened to withhold state funds from the Good Will-Hinckley School unless it reversed its plans to hire a lawmaker with whom the Governor has strong policy disagreements.

Clearly, Governor LePage's goal was to punish a legislator for his voting record and his leadership. The Governor abused his public office turning a political grudge into a personal vendetta. He not only jeopardized the independence and livelihood of a fellow elected official, his misuse of taxpayer funds to bludgeon an important educational institution would have thrust the school to the edge of financial collapse if they had not done his apparently unlawful bidding.

However, the Good Will-Hinckley matter cannot be judged in isolation. It is part of a long pattern of behavior by Governor LePage that demonstrates that he is unwilling to properly discharge many of the essential constitutional powers and duties of his office.

For instance, Governor LePage has improperly withheld funds authorized by the Maine Legislature and approved by the voters. He has abandoned his obligation to submit a balanced budget. He has arbitrarily vetoed dozens of legislative bills without any cause. He has refused to fill scores of crucial appointments so that lawfully constituted boards and commissions can conduct their business as they are legally obligated to do.

In addition, in the areas of environmental and conservation concerns, which are especially important to our work, Governor LePage and his Administration have taken numerous actions to:

- reject new conservation lands
- sabotage implementation of the Kid-Safe Product Act
- undermine sustainable logging on Maine's state forests
- advocate development of a toxic mine at Bald Mountain
- subvert the Efficiency Maine Trust weatherization program
- waste millions of dollars on the bankrupt Great Northern Paper Co. mills
- submerge the Department of Conservation into the Department of Agriculture
- push nuclear power plants while defunding renewable and solar energy initiatives
- send anti park letters to President Obama and Maine's congressional delegation
- dismantle the State Planning Office, Land Use Regulation Commission and other agencies
- destroy institutional memory by driving long-time employees from key environmental agencies

In short, not only has Governor LePage caused serious harm to the government, the economy, the environment, and the people of Maine by his actions and inactions, he has violated and even scorned his constitutional duties to "take care that the laws be faithfully executed." (Maine Constitution, Article V, Section 12)

What can Maine citizens do about this? Unlike a dozen and a half other states, Maine has no process for citizens to recall a sitting Governor. However, the Maine state constitution provides that "Every person holding any civil office under this State, may be removed by impeachment" upon presentation of charges by the Maine House of Representatives against a public official "for misdemeanor in office" and trial before the Maine Senate. (Maine Constitution, Article IX, Section 5)

During one weekend last month, by standing in just one place, we collected hundreds of signatures on petitions requesting that the Maine House of Representatives present charges against Governor LePage "for misdemeanor in office," (Maine Constitution, Article IV, Part First, Section 8) and that the Maine Senate try the impeachment to judge whether the charges warrant "removal from office." (Maine Constitution, Article IV, Part Second, Section 7)

Other petitions we have seen online seeking impeachment or recall of Governor LePage have amassed nearly 40,000 signatures.

So we are exercising the only legal recourse that is available to Maine citizens to seek redress of our grievances against a Governor who has shown himself repeatedly to be defiant in the face of the law.

We respectfully request that the Maine Legislature uphold its constitutional responsibility to the people by impeaching and trying Governor LePage for misdemeanor in office.

This is serious business, which we do not take lightly. We have seen how Governor LePage has used intimidation and retribution against others who challenge him and his Administration. Frankly, my appearance before you causes me deep concern. But the future well being of my home state is more important to me than the fear of retaliation.

Thank you for your service to Maine and for the opportunity to present our petitions to the Maine Legislature today.

Comments Offered to Government Oversite Committee
In Regard to Goodwill-Hinckley
October 15th, 2015

Good morning, Senator Katz, Representative Kruger, and members of the Government Oversite Committee, my name is Alan Tibbetts, I am here today as a concerned Maine citizen to voice my comments on the Goodwill-Hinckley situation.

We would not be at this stage if this was not a serious matter requiring serious consideration. Governor LePage is entitled to his opinions and entitled to give voice to those opinions. I question whether voicing his opinions on hiring decisions by private sector entities in his capacity as Governor on official stationary was proper. But we are not here to discuss the propriety of voicing an opinion. We are here to discuss his use of discretionary authority over funds to pressure private sector entities to fire someone. This is the equivalent of Governor Baldacci going to Cianbro and saying: "Fire Peter Cianchette or you will never get another state contract as long as I am Governor."

You must also consider where not taking any action in this case leads. If at some future date Representative Sanderson displeases the Governor does that jeopardize funding for Maine Veteran's Homes or mean board members for that organization will stop showing up for meetings? In my opinion, if Governor LePage gets a free pass on this every legislator, every regulator, every municipal official, every "independent" commission and every business with a state contract will be fair game.

It is time for this committee and this legislature to hold Governor LePage accountable.

Alan Tibbetts
23 Field Rd
Sidney, ME 04330