

July 27, 2015

To: Clerk of Court

Maine Supreme Judicial Court
205 Newbury Street Rm 139
Portland, Maine 04101

RECEIVED
JUL 27 2015
Clerk's Office
Maine Supreme Judicial Court

From: Audrey Spence

68 Wolcott Street
Portland, Maine 04102

in Re: DOCKET NO. OJ-15-2 GOVERNOR'S REQUEST FOR OPINION OF
THE JUSTICES

Dear Clerk,

Please find for filing, 2 copies of an, and the same, "Interested Party" Response Brief in the matter above, with a deadline of Wednesday July 29, 2015 for filing. Thank you for your time and attention to this matter.

Respectfully submitted to the Court,

July 27, 2015



Audrey Spence

July 27, 2015

STATE OF MAINE

SUPREME JUDICIAL COURT

DOCKET NO. OJ-15-2

CUMBERLAND COUNTY

(of Interested Party Residence)

INTERESTED PARTY RESPONSE

(Deadline Wed. July 29, 2015- Noon)

Audrey Spence

68 Wolcott Street

Portland, Maine 04102

In Re: GOVERNOR'S REQUEST FOR OPINION OF THE
JUSTICES

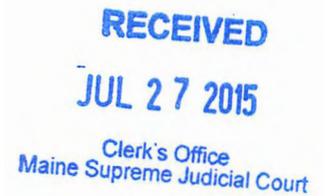


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Introduction

Continuing under all previously asserted in Interested Party Brief of Audrey Spence, including to that of gratitude and appreciation and Standing to have been claimed to be that of being more to tenets of Equity, as in "equitable", than to that of specifically and "only" matters of Law; and under DOCKET NO. OJ-15-2 of the Maine Supreme Judicial Court, I respectfully continue in the stating of the following,

BRIEF FOLLOW-UP HISTORY

1. On July 24, 2015, after the deadline for Briefs in this matter to have been filed by 4:00PM and beginning a couple of hours after that deadline had passed, I read long into the night until finally having to stop at about half way into the next to the last Brief when it became apparent that I was no longer absorbing the written content and context because I was actually instead spending more time nodding in and out of fighting off "falling asleep"; and not because of any kind of boredom or monotony, but because I was tired from an already long and grueling day of other happenings in my Life, even as I still wasn't in any way, at all, feeling disengaged from the subject at hand. So I

left it at that and picked up again the next day, (Saturday); and in fairness I started again back at the beginning, instead of the middle, of where I had left off on that next to the last Brief, so as to be sure that I did read each and every Brief in an absorbing frame of mind from beginning to end. I began with the Brief of the ACLU and knew immediately that I wanted and needed to put in a response to the Court, even though it was in no way based on wanting to single out or look for anything that could mistakenly be construed as favoritism looking to be received or given, and even as the same still to be presented in the "General Response" before that of the more narrowed response, I immediately took great comfort in seeing that Zach Heiden, as the Legal Director of the ACLU had taken it upon that particular Organization to weigh in on the matter. And even though he and I apparently are actually on opposite sides of the issue in conclusion, I personally, in opinion, thought the Brief to be outstanding in one particular perspective of "History" presented of the actual job of the Legislator and its relativity to being that of exactly other than being a "Career Politician"; although I in no way, either, am in agreement with or support "Term Limits" in being of Constitutional correctness. And though I can't be exactly sure, because I don't know the exact History and have only Newspaper accounts to go by, it

seems to me, now, and seemed to me a while ago, that Zach Heiden's arrival onto the scene of the ACLU marked some kind of turning point for that Organization, and again in at least what I had suddenly begun to see more of in Newspaper accounts, anyway; and from that suddenness I began to see and notice such a change for what seemed like the more positive, not only in what and how the ACLU seemed to be stretching itself and extending into more individually personalized situations, such as wrongful and out of proper process removal of Tenants from their homes, by Police, as just one example, but also times of less divisive and more balanced restraint were being shown to be exercised by the ACLU in another example, just as one, of the Abortion Protester dispute in downtown Portland when the ACLU, and specifically spoken of and to by Zach Heiden, took the "wait and see, it's in the Court" approach. I can't have helped but notice those such positive changes seeming to have begun and become more consistent since the name of Zach Heiden as Legal Director of the ACLU seeming to come onto the scene at the same time; and for whatever it's worth to the Court, in this instance, I can't have helped noticing immediately the level of comfort taken in seeming "credibility" upon seeing and then reading the Brief from the ACLU with the name Zach Heiden affixed, to an Institution here in America, strictly of and for the People,

and to exactly what that Institution, here, in Portland Maine is under the obvious and excellent direction of, and by whom, to be.

RESPONSE (generally)

2. Saturday arrived, and so, too, did the continued relief begun from the night before. "Maine" was going to be alright, and so, too, "The People" of Maine were going to be alright. And even still with 2 more complete Briefs ahead to read, I took the first part of the day to ponder, first, how it was and why it was going to be alright. All the Briefs I had read so far, including the Brief from the Pro-se Group of Individuals, were just magnificent, in every "respect"; and even though there were opposites on the issue, there was no more division. And again, in continuing, but in no way being or seeking to either find or receive favoritism, I knew that any response from me would have to include an excerpt of the text of Rule 1. SCOPE OF RULES, of the Rules of Appellate Procedure:

["They shall be construed to secure the just, speedy and inexpensive determination of every appeal."]

And for the History and Precedent cited throughout all the magnificent Briefs already read and still to read later that day, this Rule 1 was

always at the back of my mind and in my knowing and in its own form of History and Precedent as the Maine Supreme Judicial Court and its own contributions to the making and sustaining of what, and even known to me, firsthand, had come to be regarded "Nationwide" as the "Great" State of Maine. From a Court that would sit as the highest Court in this land, but take care and respect to travel the State to hold session at times in areas other than Maine's largest City and at High Schools around the State and invitation and opportunity to "Interested Parties" from anywhere and all over the State, to be as participants. Maine was going to be alright. The People of Maine were going to be alright. And the divisions and contentious "infighting" that was spilling out, and in such a polluting manner of happenings was going to end. I claimed "Standing" to be that of first and foremost being a US Citizen, but I wasted no time and had no hesitation to claiming "secondly, but not less importantly to 'resident' Citizenship of the State of Maine", because it is and has always been a privilege, to me, to live in the great State of Maine, exactly as just that, "in being, knowing and feeling privileged" as being a "resident" Citizen of Maine, and even taking that with me whenever I happen to not be in Maine, whether a weekend, week or longer at a time, because even though it's been said that "you can never go home"...that is not true. "The People" of the

State of Maine, whether they know it not and whether they realize it or not are privileged, not in a matter of over abundance of things or being splurged upon and spoiled and given more than they deserve....but so very much at the opposite of all of that, in foundation and fundamentality; and that is exactly the privilege that so many from Maine have gone on and out to the Nation at "larger" to achieve and accomplish outstanding things and accolades received...because they're "privileged" at their foundations from having been one of "The People" of the State of Maine...and they can always go home....because those same foundations are always here, just as they are and have come to the forefront in these issues at hand and presently before the Court, at this time. Maine is going to be alright. The People of Maine are going to be alright. To me, the Maine Supreme Judicial Court issued its Procedural Order, like an old Perry Mason, gavel slapping "ORDER in the Court!"....and magnificently, so many, and so compliantly varied, but still unified, responded. Once I got all that figured out, as to why I was feeling so overwhelmed, but in a good way....I reread one and finished by reading the last Brief, from the Attorney General. And the magnificence of it all never diminished. The History, the Precedent, the highest Court in the State, the highest Lawyer in the State, some really great People of the State of Maine all

coming together to reinforce the foundation. The People of the great State of Maine are going to be alright!

RESPONSE (more narrowly)

3. Having not had the opportunity, yet, to delve into so many case law offerings to read; and actually this response, in its entirety, being a major reason for that lack of opportunity so far, because I instead have to be doing this today, even though Wednesday is the deadline, because tomorrow (Mon) will be my only opportunity to get it filed before Wednesday. But, throughout all the reading of the Briefs I did manage to somewhat keep mental notes in the back of my mind for what I knew would be a narrower response on a few points that were jumping out at me. And those being:

a. From the Brief of the Governor, I wholeheartedly and entirely agree that interpretation seems like it should be going more to "the effect" than to too narrowly trying to define "adjournment". And I believe I back that up and support just that in my Brief 1) with my Horse and Cart argument on that point and 2) with the SCOTUS quote imported in from Appendix Exhibit 7, [" But the narrower interpretation risks undermining constitutionally conferred powers more seriously and more often"]. And additionally, but separately from my Brief, 3) I

believe it is in the Brief of Kenneth Freddette that again SCOTUS language pertaining to a time and issue such as this needing use of a broader interpretation, even as, here, referring to that of a US Constitutional perspective in order to achieve the "broader"; and even further, still, on that point, I, at least, see "the broader" going to a more proper context where "The People", as Individuals would be more considered into the equation.

b. The Brief of the House and Senate, I immediately agreed with the point on the issue that was raised regarding not extending the session until June 18th instead of June 17th, and again I would point to the same imported quote from SCOTUS, as above in (a), regarding undue risks of narrower interpretations and to another point, but limited, in the claim to intrusion by the Executive into Legislative workings on exactly that issue raised. And I say "limited" because even though I would agree at that point, I went on to find myself later disagreeing with where and how far that separation of power argument went in the Brief to where it seemed like the Legislature was then trying to use "Legislative Rules" too conveniently to suit other purposes that they weren't applicable to. And even though I felt that way about that particular point, I continued through and finished the

Brief through the Affidavits and emails and letters at the end and found myself thinking ["Oh, no...there are things in here that I was not aware of, including some obvious undue Media influence that had taken place, and maybe I shouldn't have so quickly taken the position that I did....and now I might have to go back and completely change my position!"] Then I spent time pondering how it could be that I now see so much merit in the exact opposite of my position, as if I'd been completely wrong, and it then turned out to be only momentary as I rediscovered that even though the Legislature seemed like it was trying to present itself in light of "Good Faith" actions being taken, the actions really weren't and seemed to be just more of that same "convenience" use, for whatever the reasons, including "inadvertant" and actually seemed like more of an intrusion into the power and authority of the Executive, by the Legislature, instead. And this would go on to be confirmed for me in the final Brief, that of the Attorney General's, read the next day.

c. In between the House and Senate Brief and the very last one I read, there were points brought up about such things as streamlining the 3 questions into 1 and shifting more focus for accountability onto the Executive and a really great point, I thought, again about the

absence of the Legislature and the difference between Clerks and others on the periphery of the actual "deliberative" body, that being the members of the Legislature, themselves, and only them and it really brought it home to me the level to which the "Individual" in this situation of issues was continuing to be left out of the equation, and by the Legislature, itself, as a body of one and how the Individual was seeming to be left out of the equation in relationship to that body of one and its own Rules, was by those Rules seeming to wrongly draw a line between Legislators and Process (due), Regard, and Expectation/s of The People, as Individuals, who sent them there, in the first place. And not to make Rules that would "only" exclude and shield. I really began to notice the starkness and severity of, me, being the only one who had paid attention to and used a different section of Me. Const. Art. IV, Part 3rd, sect 2 and again the "pick and choose" mentality in what seemed like some kind of continuous and continuing "form over substance" arguing seemed to be taking place; although it was very interesting to see what got picked and chosen when given the broader entirety of the clause to choose from.

d. As stated above in #2, I read most of the Briefs and spent the first part of the day just as outlined and stated above, and then I got

the opportunity to sit down and read the entirety of the last 2 Briefs. The first one, and being more awake now while reading it, called for the streamlining of the 3 questions into one and now really seemed objectionable to me, as it seemed like a continuation of form over substance arguing, but now with a more pronounced emphasis on wanting to even more specifically change the form to being what was wanting to be dealt with instead of what actually was. And the next and final Brief was the Attorney General's and it just came screaming in with great clarity, I thought; and especially in the area of the actual and factual History of the issue. And although I had, at this point, already comfortably gone back to my original position, it was just this such clarity in this Brief that confirmed my position for me, even though I still remained on the opposite side of its conclusion. I stand by my original position that it seems the only way to remedy and resolve the situation being in a "matter-of-factly" measured weight of accountability and responsibility to that of the whole situation even coming into being, when it didn't have to, on the part of the Legislature. 51% accountable and responsible for the missteps to the Executive's 49% to any missteps. As far as I can tell, they had 4 Legislative Days left, and as far as I know, they also could have extended the session for an additional 5 days, plus one, for a total of

11, altogether, even though there would have been only 10 left. Instead of sending People and emails and letters to the Executive to actually intrude upon them and try to get them to conform to the Legislature's schedule as it had been set, they owed it to The People of Maine to be more alert and in confidence and competence, (matter-of-factly spoken, and not intended derogatory), to not have allowed this to happen. For the Executive's part in this, I don't think there's any way to 100% say that everything was above board, including in intent; but none of that does anything to change the assignment of 51% accountability and responsibility on the Legislature, from me. And being so, it really seems the only just and equitable remedy is for the Bills to be returned to the Legislature for "reconsideration" of the Vetoes issued by the Governor.

ONE CLARIFICATION IN MY OWN BRIEF

5. It wasn't 'til long after my Brief being filed and the first of the Briefs being read by me that I noticed and became aware that I had somewhat misunderstood the 3rd question, or at least in relation to how many others were also answering "No" to it, even though they were of the opposite conclusion of mine. I need to clarify my answer, here, by also clarifying the context from which it should be taken.

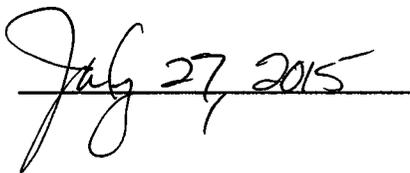
["Are the 65 bills I returned to the Legislature on July 16 properly before that body for reconsideration?"] Continued as my answer: "No". Clarified as to context, and actually being in no way different from all that I've provided to support it, including in agreement with the Governor's Brief in "effect" being the weightier, it's just that same "effect" that is the context from which my answer of "No" is drawn. The Bills did not properly "of Process" and because of prevention, end up before that body, so they can't possibly be properly before that body. And my argument continues, of course, that the weightier amount of accountability and responsibility for missteps that prevented them from properly being before that body is with that body, itself, the Legislature; even if remedy, at this point, needs to begin with a resubmission from the Executive Branch before moving on to "reconsideration" by the Legislature.

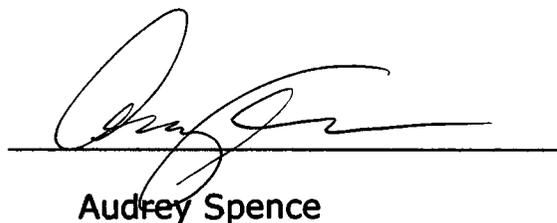
CLOSURE

5. I hesitate to close out, here, with "Conclusion" as all of such being as "Response" would also be just one long conclusion; and I apologize for any undue lengthiness, if that were to be the case, and will only say, here, that I have never done an official response under circumstances like this and am unfamiliar with the exact form. But,

perhaps there will be other responses that will end up on the same Website as the Briefs for also reading; and I will look forward to that occurring, if indeed it does. Thank you, again, to the Court for this opportunity and to also all Parties, and Interested Parties that filed and made their Briefs and input available for the reading and pondering. I apologize, also, for the lack of strict detailing in the narrower response and would be more than willing to provide a more individually detailed to each Brief response, if the Court should so deem to be necessary, even after Oral Arguments taking place, as I know already that I will not be able to attend because of the scheduled time for such; and even anytime thereafter.

Respectfully submitted to the Court,

A handwritten signature in cursive script that reads "July 27, 2015". The signature is written over a horizontal line.

A handwritten signature in cursive script, appearing to read "Audrey Spence". The signature is written over a horizontal line.

Audrey Spence