

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Third Legislature  
State of Maine

Daily Edition

Second Regular Session  
January 2, 2008 to March 31, 2008

Pages 1320 - 1759

Representatives:

SIMPSON of Auburn  
BRYANT of Windham  
DUNN of Bangor  
MILLS of Farmington  
CASAVANT of Biddeford  
DILL of Cape Elizabeth  
BERUBE of Lisbon  
JACOBSEN of Waterboro  
GOULD of South Berwick  
NASS of Acton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-533)**.

Signed:

Senator:

NUTTING of Androscoggin

(Representative LORING of the Penobscot Nation - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (S-532)** Report.)

Reports **READ**.

Senator **HOBBINS** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-532)** Report.

On motion by Senator **NUTTING** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **HOBBINS** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-532)** Report.

Out of order and under suspension of the Rules, the Senate considered the following:

**REPORTS OF COMMITTEES**

**Senate**

**Pursuant to Joint Rule 309**

From the Committee on **JUDICIARY** on Bill "An Act To Amend the Maine Tort Claims Act"

S.P. 462 L.D. 1348

Which was received by the Secretary of the Senate on March 31, 2008, pursuant to Joint Rule 309.

**READ ONCE**.

Senator **HOBBINS** of York moved to **TABLE** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**.

Same Senator requested and received leave of the Senate to withdraw his motion to **TABLE** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**.

Under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **HOBBINS** of York, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**.

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From the Committee on **JUDICIARY** on Resolve, To Waive the Tort Claims Limitation on Damages Relative to the Traumatic Brain Injury of Lucas Tolliver

S.P. 463 L.D. 1349

Which was received by the Secretary of the Senate on March 31, 2008, pursuant to Joint Rule 309.

Under suspension of the Rules, **READ TWICE**.

On motion by Senator **HOBBINS** of York, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**.

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Senate at Ease.

Senate called to order by the President.

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Senator **BOWMAN** of York was granted unanimous consent to address the Senate off the Record.

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On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 7:00 in the evening.

After Recess

Senate called to order by the President.

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Out of order and under suspension of the Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009"

H.P. 1651 L.D. 2289

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Under suspension of the Rules, **READ TWICE**, without reference to a Committee.

On motion by Senator **MILLS** of Somerset, Senate Amendment "B" (S-534) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President. Senate Amendment "B" has a single purpose, Madame President. Basically, it is to restore what I would like to call the integrity of the Office of Program Evaluation and Government Accountability. I was concerned in reading the bill that came up to us from the other Body that it takes the staff of OPEGA, a staff that presently consists of four filled positions under the director, and cuts that staff in half and removes one of the open positions. Instead of having a staff of five, they would have a staff of two plus the director. I am, frankly, at a loss to understand why we would cut this agency in half at this juncture. The track record of the agency has been that they have found a number of very interesting deficiencies in the management of some of our larger programs. It seems to me that in these times when efficiency is required of state government that this agency, above all others, should be kept at its present level of activity. I also understand that the director has been able to operate the agency while leaving a considerable surplus and that this surplus has been turned over, and is turned over, for application against this budget. There are a host of reasons that we need not discuss again this evening. I would suggest that this Chamber ought to support the continuation of OPEGA in its present autonomous form. I think the independence of the agency is of extraordinary significance.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-534).

On motion by Senator **WESTON** of Waldo, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I rise just briefly to support the amendment offered by the Senator from Somerset, Senator Mills. I had also prepared an identical amendment. It is extremely important that we defeat the pending motion and support this amendment because otherwise the integrity of OPEGA will be severely compromised. The language in the budget, that this amendment would remove, directs OPEGA to engage in a process that, frankly, flies in the face of its mission. I think that it would be a very serious mistake, and a very untimely reversal of an important reform to state government, for an agency that has already, in its short time, become a very effective fiscal watchdog. There is no other agency in state government that is receiving as sharp a cut as OPEGA would be receiving with the loss of its staff as a result of the budget passed by the other Body. It is, as the Senator from

Somerset, Senator Mills, mentioned, an agency that has also literally put its money where its mouth is by operating efficiently and significantly under budget. I hope you will join with me in opposing the motion to Indefinitely Postpone.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator **MITCHELL:** Thank you, Madame President and colleagues in the Senate. It may come as a surprise to some of my Republican colleagues and perhaps some of my Democratic colleagues, no one ever intended for OPEGA to be a deal breaker. I have been associated with that, probably a little more than is fair or that I care to be. I happen to be Chair of the Committee and there were some issues in the past in terms of disagreements I may have had, but the last thing in the world I want is for our budget to fail over something that we don't disagree on that much. My colleagues and Democratic leadership in both the other Body and the Senate have made, and I will say this publicly, and reached out to our Republicans and Democrats who feel very strongly about this issue and have agreed to let an after deadline bill in which would be funded to restore OPEGA to what the sentiments are of the members of the other Body and the Senate. The reason I would be supporting Indefinite Postponement is not in opposition to the substance but the timing. I think we all know we're faced with a midnight deadline or curtailments will occur. I don't think that any of us wants to reach that brink because it's much too important. There is too much at stake here and we've come too far. I've wanted to say publicly, on the record, that we stand ready to work with you but not in the budget because the time prohibits our putting this in the budget. I hope that you will vote for Indefinite Postponement with the understanding that we can correct this disagreement that took place earlier in a separate bill. We can take that up tomorrow.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I guess I'm trying to figure out some of the previous comments a little bit. It seems kind of strange to me that when the budget discussions and deliberations broke down the Majority budget decided that they were going to take OPEGA out. Now all of a sudden it's a bargaining chip in order to get Republican support. I guess I'm having a hard time following that. Maybe I'm completely off base, but it would seem that when we go out and talk to the people of Maine, and they find out that this government oversight organization has been gutted, I think it's something they really are going to enjoy hearing the rest of the story on. I just can't believe that this Body and the other Body would go down this path. They've done some good work. It's not just cost savings, it's about the way our government structure treats children. The guardian ad litem situation in this state. There are so many good things that OPEGA has done and it's just off the ground. To pull the plug at this point, or to completely revamp it, or take away its independence, I believe is just a sad day for the people of this state. Thank you, Madame President.

**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Weston.

Senator **WESTON**: Thank you, Madame President, men and women of the Senate. I perhaps need to add my confusion to the good Senator from York, Senator Courtney's. This cut, decimation, to OPEGA was put into the budget at approximately 11:15 on the night that Appropriations met. I find it very difficult to understand why it has to come in to save it on a separate bill. It seems to me that if the people who voted to decimate it want to save it that now is the time to do it, in the very same document.

**THE PRESIDENT**: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER**: Thank you, Madame President, men and women of the Senate. I appreciate the willingness of the Body to allow me to speak. This issue, which came before our committee and we had a unanimous report to the Legislative Council, was about our commitment to the autonomy of this program. However, we are also committed, as a committee, to find inefficiencies and reductions. It was never intended to in any way take away that autonomy or decimate, in any way, government oversight. I am committed to government oversight. I think most of the people in this Chamber, as well as the other, are committed to governmental oversight. The real question is if we can do for less money and be more efficient, which I believe the people of the state of Maine want. That is the story. Do you want us to be more efficient? Do you want us to cut costs in state government? That is what the people in the state of Maine certainly have said to me. I think that we have to stick by that. When we're talking about what is disheartening, what is disheartening to me is that we have roughly 2% or 3% of the budget that we somehow can't come to an agreement on and politicking is going on. We are playing political football with a budget, which is absolutely outrageous to me. The people of the state of Maine do not want to see curtailments take place because that will be very hurtful to the people of the state of Maine. Many things that we all care about protecting will not be protected. That's the story. We have a responsibility to not play politics with this budget. 98% was unanimous out of the Appropriations and Financial Affairs Committee. We have a duty to stand by that. That was full of compromises. If anybody in this Body thinks I'm happy go lucky with what this budget is they are sorely mistaken. I have compromised a great deal in this budget. I'm asking for you to compromise as well. I'd like to pose a question through the Chair.

**THE PRESIDENT**: The Senator may pose her question.

Senator **SCHNEIDER**: Thank you, Madame President. I'd like to know if this amendment is added, will they vote for this budget?

**THE PRESIDENT**: The Senator from Penobscot, Senator Schneider poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS**: Thank you, Madame President. Friday night, Saturday, and Sunday, under the leadership of the Governor's staff, there was a substantial amount of work done on a compromise amendment that would have garnered, I believe, some measure of Republican support. I drove down here this morning at 8 o'clock thinking that maybe that was a prospect. I can tell you with certainty that the last 12 hours we have been sitting here shoving paper around, waiting for people to get back

from fundraisers, and wasting our time was for one reason only. That is to make sure that every single Republican vote on this budget is excluded from the process. That every single Republican in this Chamber, all 17 of us, are excluded completely from this process. It has been insulting to me, personally, and I think it's a very poor way to be ending this session because in the next two or three weeks we've got some other tough issues to get at. I think that the process that we've seen and been witness to, this long day that we've spent here, sets a precedent that people are going to find a lot of difficulty in living with. This is one agency that everybody in this room and everybody in the other Chamber knew was a centerpiece of Republican concern. There are others as well. They could have been accommodated. They could have been agreed to. They could have been worked on to reach towards a bipartisan budget. Those efforts, those overtures, and all the work that went into that was swept out the door this morning. I think it's a very, very poor precedent.

**THE PRESIDENT**: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN**: Thank you, Madame President and members of the Senate. It is amazing to me that good Senator from Somerset, Senator Mills, refers to a breakdown. The breakdown in the system fell apart last Wednesday night when we were informed by Republican leadership that they had no intention of supporting a 2/3 budget. On Thursday evening the Minority Leader in the other Body pulled those members away from the Appropriations process. You wonder why there was no 2/3 budget? Please don't look at us. Look at your leadership and not at us. I resent the condemnation that we have walked away from a 2/3 budget. That decision was made last week and continues tonight. There is no 2/3 budget. There will not be a 2/3 budget, but it is important that we have a budget. I want to comment on the comments of the Senator from Waldo, Senator Weston, and the Senator from York, Senator Courtney. In fact, what took place in this process that evening, when we never got to finalize that budget, were proposals that were outstanding between parties, in negotiations. When the negotiations fell apart, that's when it ended up that way. I personally have no interest in OPEGA. I don't care if it exists. I don't care if it doesn't exist. I believe the responsibility of every committee is to make sure that the work is done for its department. They know it best. I've not gotten involved, either way. The amendment I offered was on behalf of negotiations, trying to resolve the budget. Low and behold, the Republican members took the \$1.1 million saving that was presented at that point and only after we closed up the budget did they realize that it was \$1.1 million they didn't want because they had taken it as well in the final analysis. That's what happened. We never got back to that stage. The bill you have before you restores OPEGA in its entirety, the way it was, except the only thing left is the staffing question. That's all. What we have agreed to, which I agreed to and said publicly to a number of members of my own caucus, was that I had no problem finding the money to ensure that this continued at that level. We are in a position where we have four hours left before the curtailment order takes place. I said that we, and I, would be willing to support the money. I've told the Senator from Washington, Senator Raye, that. It wasn't good enough. Now we have the amendment. I can't do any more than that. That's where we were coming from. If members of the Minority refuse to

accept our word then so be it. That was the commitment that we made earlier today. We had intended to follow through with that.

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Madame President. I rise to bring us back to the topic. I thought we were talking about OPEGA instead of the whole budget process. I'd like to bring us back to that. I guess I'm one of the ones that is not confused on the issue of OPEGA. It has a certain function. I've been on it since it began and it is still in its infancy, by the way, of producing reports and doing its work. It's working quite well. I realized right from the very beginning, from the first report that was ever issued, that I was a good fit for that committee. The reason is that I am very familiar with the style of those reports. Having served on the Board of Directors of one of the largest banks in the state of Maine and served on the Audit Committee, I realize the functions of all types of audits. Let me just remind you what banks and businesses do, especially banks. They have several audit functions. One of them is an internal audit that they do themselves. A second audit is to hire an outside auditor, independent of everything else. That's not enough for the federal government because the SEC, Security and Exchange Commission, also come in and audit the banks. They are completely independent. Nobody on those committees, SEC, never asks if it's all right to publish a certain report before they put it out. OPEGA is pretty much like the SEC audit report. They have to be, and must be, completely independent in order to do their jobs. There is another thing I discovered about OPEGA that is similar to the SEC, they are never on a witch hunt. They just investigate programs that we ask them to and vote for them to do on the Government Oversight Committee. I would ask you to leave that accountability as independent as it was originally set up because it is of no value if they have to ask one or two other committees if the report is okay before it is issued. As I said before, it's never a witch hunt. It's always very good information we get and that information is given to the committee of jurisdiction. I believe that even though OPEGA is just in its infancy it has great future if we would just let it perform the original function as the way it was set up and continue that function. I'm sorry to see some of the funding disappear, but that just shows you how good OPEGA is at their own work and doing it consistently and always under budget. That's my pitch and I'm asking that everything be left the way it is. It needs to be left in the budget. That's where it belongs. If it's taken outside of the budget, and brought up as a separate bill, then we all know that the appropriations that go with that bill will just send it down to certain defeat in the Appropriations Committee. Thank you very much.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I guess I'm amazed this evening too. I'm not the only Senator that is amazed. I was told, until about 2 o'clock this afternoon, that because of time the Majority budget had to be the one that was introduced into the other Body. It would take time to make changes to it, so we had to do that. It had to be drafted just as it was voted out of the Appropriations Committee. Yet, low and behold, what we have before us, what

was passed out just a couple of minutes before we started debating, isn't what came out the Appropriations Committee, the Majority Report. Time was taken to amend this and to add the House Amendment to it before it was distributed. The argument about not having time to make any changes in the Majority Report isn't true, I now know, because the Majority Report combined OPEGA with OFPR. What is before us is the Representative Fisher amendment that keeps OPEGA by itself but cuts the staff in half. I'm now realizing that there really was time to amend this document to fully restore the staff of OPEGA because you took the time to amend it before it was distributed because this is different than what came out of the Appropriations Committee. My question is, if you can take the time to amend it one way, time could have been taken to amend it another, exactly the same.

I'd like, Madame President, to pose a question to anybody who could answer.

**THE PRESIDENT:** The Senator may pose his question.

Senator **NUTTING:** Thank you, Madame President. I appreciate our leaders commitment here verbally to find funds and to support restoring the positions to OPEGA so they can really do their job, continue to look at upper level positions, and our economic development programs, especially the Fund for Healthy Maine. My question would be, do we have a commitment from the other Body and the Governor's Office to fund this and to sign this into law? Thank you.

**THE PRESIDENT:** The Senator from Androscoggin, Senator Nutting poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President. First of all, let me respond in part to the first comments of the Senator from Androscoggin, Senator Nutting. What was done today was to take the original bill out of committee with the amendment that had been offered by the Representative from Presque Isle. That is what appears in this document. That's what was put together. In reference to the second portion, I'm not yet a member of the other Body, but in discussions with members of the other Body, they have agreed, my leadership not the other because they have agreed to nothing, with us that we will put the money in. In reference to the Chief Executive, at this point in time I think he'd be more than happy to do anything we ask him even though that question was not asked. I'm going to be honest about it. I can't commit him in this process, but I'd be more than happy to talk about it off the record.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President. I rise, if I may, to apologize for my comments concerning the fundraiser. It did not delay our activities. We had a supper hour that was coming anyways. I, frankly, threw that in as a makeweight. It was inappropriate.

I also wanted to say that I've got, I think, four other amendments here. I'm not intending to offer them because I don't want to run into any issues in regards to midnight. However, you've got to understand that this program is fairly important to many of us and there is a widespread division of opinion about

OPEGA. The budget, as written, cuts two positions out of the staff. They've only got four filled right now. It cuts three, actually, including an open one. We just have a lack of confidence that this agency's going to survive this budget process if it's cut this way. I think that's the reason why we're pressing this amendment at this time. I'm sorry that we are doing it at 8 o'clock at night, but those are the circumstances we've been handed. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. Very briefly, I rise to correct some information that was offered earlier in this evening's debate when it was said that the budget document before us restores OPEGA fully and it's only just about the staff positions. In fact, that is not the case. I would like, if I could, to read from the budget document that we are considering Part LLLL. 'The Director of the Office of Program Evaluation and Government Accountability, referred to in this section as OPEGA, in conjunction with the Directors of the Office of Fiscal and Program Review, the Office of Policy and Legal Analysis, and the State Auditor shall make recommendations by October 1, 2008, to the Joint Standing Committee on State and Local Government and the Government Oversight Committee regarding changes to operating procedures of OPEGA and relevant offices and agencies, including the Office of Fiscal and Program Review, the Office of Policy and Legal Analysis, the State Controller, and the State Auditor, that will facilitate the sharing of resources and coordination of program review across state government.' It goes on further in the Part LLLL to say that, 'The Joint Standing Committee of the Legislature, having jurisdiction over state and local government matters and the Government Oversight Committee, shall jointly report by January 15, 2009, to the Joint Standing Committee of the Legislature having jurisdiction over appropriations and financial affairs and the Legislative Council concerning any recommended changes to the Legislature's Government Oversight functions, including the structure and resources dedicated to those oversight functions and performance measures, to assess the effectiveness of those oversight functions.' As you can see, it was not simply reinstating OPEGA, but rather setting in place a process that, just as this agency is getting off the ground with its important work, would really practically cause upheaval. It would be very difficult, under these circumstances, for OPEGA to perform effectively the function that it is currently performing.

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you, Madame President, men and women of the Senate. Not to take the discussion off topic, but I do feel that I have to respond to the exchange that took place a little earlier and the response from the Senator from Aroostook, Senator Martin, regarding last week's negotiations. I did not respond to those comments a couple of days ago because I really didn't want to get into a 'he said, she said' exchange, but I have to complete this conversation. On Wednesday night, when those of us in leadership met, we came down to a central issue around containment of the MaineCare non-categorical waiver program. We had a discussion and the discussion was whether or not there was movement on either side to accept containment in that program and the response was that Democratic leadership

cannot move off that position and whether Republican leadership would be willing to consider alternatives. We said that as long as it was sustainable, but we needed long term sustainable alterations in these MaineCare programs and our proposal was the non-categorical waiver program. The next morning the Appropriations Committee went back to work and worked all day and into the evening in committee. The expectation was that things would wrap up around suppertime. The work continued and the members were still out there. After suppertime there was a break and there were several hours of behind-the-scenes work. Later that evening, when those two or three House members left to go home, the Appropriations Republican leaders remained, were there at the table, and ready to continue the work. The motion was then made to close the budget after the parties split on those areas of disagreement. I think the record of this session speaks more than the conversation around those two days. The record of this session is that this Appropriations team and this leadership team came together last year and agreed on a budget with a 2/3 majority after the cut-off date, well into 2/3 land, when many people said it couldn't be done and when it had not been done for many years. Previous biannual budgets that have passed by 2/3 have passed under the gun and deadline of the possibility of going into the Majority mode by the end of March. This was the first time in many years that we continued those negotiations past the cut-off date and successfully achieved a budget. The same held for the bond negotiations. We negotiated a two-year package. I think the record indicates that there is willingness, a desire, and goodwill when it comes to trying to work together. The disagreement around the supplemental budget is based on policy. As the Senator from Cumberland, Senator Bromley, mentioned the other evening, there is nothing wrong with disagreeing on policy. I'd like to pose, before I sit down, a question to anyone willing to respond.

**THE PRESIDENT:** The Senator may pose his question.

Senator **ROSEN:** Thank you, Madame President. On the calendar we have L.D. 2173, which is the budget bill that went through the Appropriations Committee process and the bill that we've been debating and voting on up to this point. This morning a ballot was circulated to allow in the bill that we are discussing now, L.D. 2289. Would someone please explain how and why it is that L.D. 2289 is before us now?

**THE PRESIDENT:** I will allow this one question to be asked. I will remind members that we are on an amendment having to do with OPEGA, so after this question is answered the discussion has to go back to that amendment. The Senator from Hancock, Senator Rosen poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President. Within the confines of the Senate President's ruling a few minutes ago, I'm somewhat limited by what I can say. The agreement to split the two issues was outside this floor.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I had a private conversation with

Madame President before this evening's session began. I remarked that it wasn't our finest hour. I stand by that statement, privately and publicly. I'm reminded of the movie starring Paul Newman where he was a prisoner in a southern state prison work detail. He kept escaping and coming back. The warden pounded the devil out of him one day and leaned into his face and said, 'What we have here is a failure to communicate.' When you think about that, what we have is a failure to communicate and keep talking with each other. To cast about the blame on why we are where we are at this moment, I think we can all look in the mirror and see the reason why. It isn't one side or the other. I think we all have a shared blame.

Now to the issue at hand, Madame President, if I'm able to read this budget document correctly, there is sufficient positive balance remaining in FY 09 to restore OPEGA to its rightful place and I would encourage you to consider voting against the pending motion to Indefinitely Postpone because we can restore this and keep the budget in balance. I would ask you to consider that as we finish up our discussion on this matter. Thank you, Madame President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Indefinitely Postpone Senate Amendment "B" (S-534). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#356)**

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MITCHELL, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MARTIN, MCCORMICK, MILLS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-534), **FAILED**.

On motion by Senator **MILLS** of Somerset, Senate Amendment "B" (S-534) **ADOPTED**.

On motion by Senator **MARTIN** of Aroostook, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "B" (S-534).

On motion by Senator **COURTNEY** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

Senator **MARTIN** of Aroostook moved to **TABLE** until Later in Today's Session, pending the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-534).

On motion by Senator **COURTNEY** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#357)**

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **MARTIN** of Aroostook to **TABLE** until Later in Today's Session, pending the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-534), **PREVAILED**. (Roll Call Ordered)

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

Bill "An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009"

H.P. 1651 L.D. 2289

Tabled - March 31, 2008, by Senator **MARTIN** of Aroostook

Pending - motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-534) (Roll Call Ordered)