

JOURNAL OF THE HOUSE.

Thursday, February 12, 2004.

Met at a quarter before twelve o'clock noon, with Mr. DiMasi of Boston in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Gracious God, the Ultimate Source of Wisdom and Truth, we place our hope and trust in You, in Your ways and in the values which You have made known to us. In Your goodness, You have shown us a way of life and a path to follow which offers personal happiness, meaning and purpose. Help us, in turn, to deepen our trust in each other, in our basic institutions and in our time-honored common values. On Monday, we observe and celebrate Presidents Day. This annual occasion gives us an opportunity to reflect, ever so briefly, on the personal sacrifices, the accomplishments, the integrity and leadership qualities of both national heroes. Maybe, with open hearts and minds, learn from the intellectual and political skills and moral commitments of both leaders as we struggle to unite people, in our diverse society, in pursuing common goals in these changing times. Grant us patience in evaluating current legislative and policy issues and clarity of vision in planning for the future.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. DiMasi), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Petitions.

Petitions severally were presented and referred as follows:

Revere, director of finance.

By Mr. DeLeo of Winthrop, petition (accompanied by bill, House, No. 4508) of Thomas A. Ambrosino (mayor), Robert A. DeLeo, Kathi-Anne Reinstein, Robert E. Travaglini and Jarrett T. Barrios (with the approval of the mayor and city council) for legislation to create the position of director of finance in the city of Revere; and

Lynn, inspectional services.

By Mr. Fennell of Lynn, petition (accompanied by bill, House, No. 4509) of Robert F. Fennell (with the approval of the mayor and city council) for legislation to make certain changes within the department of inspectional services in the city of Lynn;

Severally to the committee on Local Affairs and Regional Government. Severally sent to the Senate for concurrence.

Adams, land.

Petitions severally were presented and referred as follows:

By Mr. Bosley of North Adams, petition (subject to Joint Rule 12) of Daniel E. Bosley that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land located in the town of Adams to said town.

By Mr. Dempsey of Haverhill, petition (subject to Joint Rule 12) of Brian S. Dempsey that the State Retirement Board be directed to grant creditable service to Carolyn J. Whittaker for certain employment in the Haverhill District Court.

Retirement, creditable service.

By the same member, petition (subject to Joint Rule 12) of Brian S. Dempsey, Barbara A. L'Italien, Steven A. Baddour and Harriett L. Stanley (with the approval of the mayor and city council) that the city of Haverhill be authorized to expedite the sale of real estate by public auctions.

Haverhill, public auction.

By Mr. Galvin of Canton, petition (subject to Joint Rule 12) of William C. Galvin that persons insured under accident and sickness policies be authorized to assign benefits to health care providers.

Health insurance.

By Mr. Murphy of Lowell, petition (subject to Joint Rule 12) of Kevin J. Murphy, David M. Nangle, Thomas A. Golden, Jr. and Steven C. Panagiotakos for legislation to protect owners of manufactured homes from attachment under the homestead law of the Commonwealth.

Homesteads.

By Ms. Spilka of Ashland, petition (subject to Joint Rule 12) of Karen Spilka for legislation to establish a charter school building assistance program within the Department of Education.

Charter schools.

Severally, under Rule 24, to the committee on Rules.

Paper from the Senate.

A petition (accompanied by bill, Senate, No. 2213) of Marc R. Pacheco, James H. Fagan, Patricia A. Haddad and Mark A. Howland (with the approval of the Mayor and the city council) for legislation relative to water and sewer service in the city of Taunton, was referred, in concurrence, to the committee on Local Affairs and Regional Government.

Water and sewer service in Taunton.

Recess.

At thirteen minutes before twelve o'clock noon, on motion of Mr. DeLeo of Winthrop (Mr. DiMasi of Boston being in the Chair), the House recessed until twelve o'clock noon; and at that time the House was called to order with the Speaker in the Chair.

Recess.

Joint Session of the Two Houses to Consider Specific Amendments to the Constitution.

At six minutes past twelve o'clock noon, the two Houses met in

Joint session.

JOINT SESSION

and were called to order by the Honorable Robert E. Travaglini, President of the Senate.

The Proposal for a Legislative Amendment to the Constitution relative to the affirmation of marriage (House, No. 3190) was considered, the question being on ordering the proposal to a third reading.

The Proposal was as follows:—

ARTICLE OF AMENDMENT.

It being the public policy of this Commonwealth to protect the unique relationship of marriage in order to promote, among other goals, the stability and welfare of society and the best interest of children, only the union of one man and one woman shall be valid or recognized as a marriage in Massachusetts. Any other relationship shall not be recognized as a marriage or its legal equivalent.

Pending the question on ordering the proposal to a third reading, the amendment previously moved by Mr. Barrios that the proposal be amended by substituting the following new text: “It is the public policy of this commonwealth to protect the unique relationship of marriage in order to promote, among other goals, the stability and welfare of society. All marriages between two people shall be eligible for all the rights and benefits of marriage”,— was considered, the question being on adoption of the amendment.

Pending the question on adoption of the amendment, Mr. Loscocco of Holliston moved that the amendment be further amended by striking out the text and inserting in place thereof the following:—

“It being the public policy of this commonwealth to protect the unique relationship of marriage, only the union of one man and one woman shall be valid or recognized as a marriage in Massachusetts.

This article is self-executing, but the General Court may enact laws not inconsistent with anything herein contained to carry out the purpose of this Article. Without limiting the foregoing provisions of this Article, the general court shall enact such laws as it shall determine necessary to establish in the commonwealth civil unions as may be defined by the general court from time to time.”

Point of order.

Ms. Murray raised a point of order, which being stated that the amendment offered by Mr. Loscocco was out of order for the reason that it was duplicative of the previous amendment offered by Mr. Finneran.

Ms. Murray withdrew her point of order.

Subsequently, there being no objection, Mr. Loscocco withdrew his amendment.

The recurring question came on adoption of the pending amendment (Barrios). Mr. Travis of Rehoboth moved that the amendment be further amended by striking out the text and inserting in place thereof the following text:—

It being the public policy of this Commonwealth to protect the unique relationship of marriage in order to promote, among other goals, the stability and welfare of society and the best interest of children, only the union of one man and one woman shall be valid or recognized as a marriage in Massachusetts. Nothing in the article requires or prohibits Civil Unions.

Motion to adjourn.

During consideration, Mr. Kelly of Dalton moved to adjourn the Joint Session, and the question on adjourning the Joint Session was determined by a call of the yeas and nays at a quarter before one o'clock P.M., as follows to wit (Yeas 44 — Nays 153) [**Senate Yeas and Nays No. 455**] [**House Yeas and Nays No. 525**]:

YEAS (44).

Senators.

Antonioni, Robert A.
Barrios, Jarret T.
Creem, Cynthia Stone
Fargo, Susan C.
Havern, Robert A.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.

Nuciforo, Andrea F., Jr.
Resor, Pamela
Rosenberg, Stanley C.
Sprague, Jo Ann
Tisei, Richard R.
Tolman, Steven A.
Walsh, Marian
Wilkerson, Dianne — 16.

Representatives.

Atkins, Cory
Balsler, Ruth B.
Blumer, Deborah D.
Bosley, Daniel E.
Demakis, Paul C.
Donovan, Carol A.
Falzone, Mark V.
Festa, Michael E.
Finegold, Barry R.
Fox, Gloria L.
Honan, Kevin G.
Jehlen, Patricia D.
Kelly, Shaun P.
Kennedy, Thomas P.

Khan, Kay
Malia, Elizabeth A.
Marzilli, J. James, Jr.
Paulsen, Anne M.
Rivera, Cheryl A.
Rushing, Byron
Sánchez, Jeffrey
Smizik, Frank Israel
Stanley, Thomas M.
St. Fleur, Marie P.
Story, Ellen
Swan, Benjamin
Toomey, Timothy J., Jr.
Wolf, Alice K. — 28.

NAYS (153).

Senators.

Baddour, Steven A.
Berry, Frederick E.
Brewer, Stephen M.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Glodis, Guy W.
Hart, John A., Jr.
Hedlund, Robert L.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Magnani, David P.

McGee, Thomas M.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
O'Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Shannon, Charles E.
Tarr, Bruce E.
Travaglini, Robert E.
Tucker, Susan C. — 23.

Representatives.

Asselin, Christopher P.
Atsalis, Demetrius J.
Ayers, Bruce J.
Binienda, John J.
Bradley, Garrett J.
Broadhurst, Arthur J.
Brown, Scott P.
Buoniconti, Stephen J.
Cabral, Antonio F. D.
Callahan, Jennifer M.
Canavan, Christine E.

Candaras, Gale D.
Carron, Mark J.
Casey, Paul C.
Ciampa, Vincent P.
Connolly, Edward G.
Coppola, Michael J.
Correia, Robert
Costello, Michael A.
Coughlin, Robert K.
Creedon, Geraldine
DeLeo, Robert A.

deMacedo, Viriato Manuel
 Dempsey, Brian S.
 DiMasi, Salvatore F.
 Donato, Paul J.
 Donelan, Christopher J.
 Driscoll, Joseph R.
 Eldridge, James B.
 Evangelidis, Lewis G.
 Fagan, James H.
 Fallon, Christopher G.
 Fennell, Robert F.
 Finneran, Thomas M.
 Flynn, David L.
 Fresolo, John P.
 Frost, Paul K.
 Galvin, William C.
 Garry, Colleen M.
 George, Thomas N.
 Gifford, Susan W.
 Gobi, Anne M.
 Goguen, Emile J.
 Golden, Brian Paul
 Golden, Thomas A., Jr.
 Gomes, Shirley
 Grant, Mary E.
 Greene, William G., Jr.
 Haddad, Patricia A.
 Hall, Geoffrey D.
 Hargraves, Robert S.
 Harkins, Lida E.
 Hill, Bradford
 Hillman, Reed V.
 Howland, Mark A.
 Humason, Donald F., Jr.
 Hynes, Frank M.
 Jones, Bradley H., Jr.
 Kafka, Louis L.
 Kane, Michael F.
 Kaprielian, Rachel
 Kaufman, Jay R.
 Keenan, Daniel F.
 Knuutila, Brian
 Kocot, Peter V.
 Koczera, Robert M.
 Koutoujian, Peter J.
 Kujawski, Paul
 Kulik, Stephen
 Lantigua, William
 Larkin, Peter J.
 Leary, James Brendan
 LeDuc, Stephen P.
 Lepper, John A.
 Linsky, David P.
 Loscocco, Paul J.

ABSENT OR NOT VOTING.

Mariano, Ronald

L'Italien, Barbara A.
 Miceli, James R.
 Murphy, Charles A.
 Murphy, James M.
 Murphy, Kevin J.
 Nangle, David M.
 Naughton, Harold P., Jr.
 Nyman, Robert J.
 O'Brien, Thomas J.
 O'Flaherty, Eugene L.
 Parente, Marie J.
 Patrick, Matthew
 Pedone, Vincent A.
 Peisch, Alice H.
 Perry, Jeffrey D.
 Petersen, Douglas W.
 Peterson, George N., Jr.
 Petrolati, Thomas M.
 Petrucci, Anthony
 Pignatelli, Smitty
 Poirier, Elizabeth A.
 Polito, Karyn E.
 Pope, Susan W.
 Quinn, John F.
 Reinstein, Kathi-Anne
 Rodrigues, Michael J.
 Rogeness, Mary S.
 Rogers, John H.
 Ruane, J. Michael
 Rush, Michael F.
 Scaccia, Angelo M.
 Scibak, John W.
 Simmons, Mary Jane
 Spiliotis, Theodore C.
 Spellane, Robert P.
 Spiliotis, Joyce A.
 Spilka, Karen
 Stanley, Harriett L.
 Straus, William M.
 Sullivan, David B.
 Teahan, Kathleen M.
 Timilty, Walter F.
 Tobin, A. Stephen
 Torrisi, David M.
 Travis, Philip
 Turkington, Eric
 Vallee, James E.
 Verga, Anthony J.
 Wagner, Joseph F.
 Wallace, Brian P.
 Walrath, Patricia A.
 Walsh, Martin J.
 Walsh, Steven M.
 Webster, Daniel K. — 130.

Owens-Hicks, Shirley — 2.

The yeas and nays having been completed at four minutes before one o'clock P.M., the motion to adjourn was *negatived*.

During further consideration, at sixteen minutes before two o'clock P.M., Ms. Jehlen of Somerville doubted the presence of a quorum; and, a count of the Joint Session determined that a quorum was not present. Subsequently, at twelve minutes before two o'clock P.M., the President declared that a quorum was present; and the Joint Session proceeded with the business at hand.

At eleven minutes before two o'clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the President declared a recess; and at eleven minutes before three o'clock P.M., the Joint Session reassembled, the President in the Chair.

At ten minutes before three o'clock P.M., Ms. Murray doubted the presence of a quorum and asked for a call of the yeas and nays to ascertain if a quorum was present. The President, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum at nine minutes before three o'clock P.M., as follows to wit (Yeas 197 — Nays 0) [**Senate Yeas and Nays No. 456**] [**House Yeas and Nays No. 526**]:

YEAS (197).

Senators.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 38.

Representatives.

Asselin, Christopher P.	Binienda, John J.
Atkins, Cory	Blumer, Deborah D.
Atsalis, Demetrius J.	Bosley, Daniel E.
Ayers, Bruce J.	Bradley, Garrett J.
Balsler, Ruth B.	Broadhurst, Arthur J.

Brown, Scott P.
 Buoniconti, Stephen J.
 Cabral, Antonio F. D.
 Callahan, Jennifer M.
 Canavan, Christine E.
 Candaras, Gale D.
 Carron, Mark J.
 Casey, Paul C.
 Ciampa, Vincent P.
 Connolly, Edward G.
 Coppola, Michael J.
 Correia, Robert
 Costello, Michael A.
 Coughlin, Robert K.
 Creedon, Geraldine
 DeLeo, Robert A.
 deMacedo, Viriato Manuel
 Demakis, Paul C.
 Dempsey, Brian S.
 DiMasi, Salvatore F.
 Donato, Paul J.
 Donelan, Christopher J.
 Donovan, Carol A.
 Driscoll, Joseph R.
 Eldridge, James B.
 Evangelidis, Lewis G.
 Fagan, James H.
 Fallon, Christopher G.
 Falzone, Mark V.
 Fennell, Robert F.
 Festa, Michael E.
 Finegold, Barry R.
 Finneran, Thomas M.
 Flynn, David L.
 Fox, Gloria L.
 Fresolo, John P.
 Frost, Paul K.
 Galvin, William C.
 Garry, Colleen M.
 George, Thomas N.
 Gifford, Susan W.
 Gobi, Anne M.
 Goguen, Emile J.
 Golden, Brian Paul
 Golden, Thomas A., Jr.
 Gomes, Shirley
 Grant, Mary E.
 Greene, William G., Jr.
 Haddad, Patricia A.
 Hall, Geoffrey D.
 Hargraves, Robert S.
 Harkins, Lida E.
 Hill, Bradford
 Hillman, Reed V.
 Honan, Kevin G.
 Howland, Mark A.
 Humason, Donald F., Jr.
 Hynes, Frank M.

Jehlen, Patricia D.
 Jones, Bradley H., Jr.
 Kafka, Louis L.
 Kane, Michael F.
 Kaprielian, Rachel
 Kaufman, Jay R.
 Keenan, Daniel F.
 Kelly, Shaun P.
 Kennedy, Thomas P.
 Khan, Kay
 Knuuttila, Brian
 Kocot, Peter V.
 Koczera, Robert M.
 Koutoujian, Peter J.
 Kujawski, Paul
 Kulik, Stephen
 Lantigua, William
 Larkin, Peter J.
 Leary, James Brendan
 LeDuc, Stephen P.
 Lepper, John A.
 Linsky, David P.
 Loscocco, Paul J.
 L'Italien, Barbara A.
 Malia, Elizabeth A.
 Marzilli, J. James, Jr.
 Miceli, James R.
 Murphy, Charles A.
 Murphy, James M.
 Murphy, Kevin J.
 Nangle, David M.
 Naughton, Harold P., Jr.
 Nyman, Robert J.
 O'Brien, Thomas J.
 O'Flaherty, Eugene L.
 Owens-Hicks, Shirley
 Parente, Marie J.
 Patrick, Matthew
 Paulsen, Anne M.
 Pedone, Vincent A.
 Peisch, Alice H.
 Perry, Jeffrey D.
 Petersen, Douglas W.
 Peterson, George N., Jr.
 Petrolati, Thomas M.
 Petruccelli, Anthony
 Pignatelli, Smitty
 Poirier, Elizabeth A.
 Polito, Karyn E.
 Pope, Susan W.
 Quinn, John F.
 Reinstein, Kathi-Anne
 Rivera, Cheryl A.
 Rodrigues, Michael J.
 Rogeness, Mary S.
 Rogers, John H.
 Ruane, J. Michael
 Rush, Michael F.

Rushing, Byron
 Sánchez, Jeffrey
 Scaccia, Angelo M.
 Scibak, John W.
 Simmons, Mary Jane
 Smizik, Frank Israel
 Speliotis, Theodore C.
 Spellane, Robert P.
 Spiliotis, Joyce A.
 Spilka, Karen
 Stanley, Harriett L.
 Stanley, Thomas M.
 St. Fleur, Marie P.
 Story, Ellen
 Straus, William M.
 Sullivan, David B.
 Swan, Benjamin

Teahan, Kathleen M.
 Timilty, Walter F.
 Tobin, A. Stephen
 Toomey, Timothy J., Jr.
 Torrisi, David M.
 Travis, Philip
 Turkington, Eric
 Vallee, James E.
 Verga, Anthony J.
 Wagner, Joseph F.
 Wallace, Brian P.
 Walrath, Patricia A.
 Walsh, Martin J.
 Walsh, Steven M.
 Webster, Daniel K.
 Wolf, Alice K. — 159.

ABSENT OR NOT VOTING.

Barrios, Jarrett T. — 1.

The yeas and nays having been completed at five minutes past three o'clock P.M., a quorum was declared present.

The Proposal for a Legislative Amendment to the Constitution relative to the affirmation of marriage (House, No. 3190),— was further considered, the question being on ordering the proposal to a third reading, with the amendment (Barrios) pending, coming first on the further amendment offered by Mr. Travis of Rehoboth.

During consideration of the further amendment, at eight minutes past four o'clock P.M., Ms. Fargo doubted the presence of a quorum and asked for a call of the yeas and nays to ascertain if a quorum was present. The President, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum at eight minutes past four o'clock P.M., as follows to wit (Yeas 196 — Nays 0) [**Senate Yeas and Nays No. 457**] [**House Yeas and Nays No. 527**]:

YEAS (196).

Senators.

Antonioni, Robert A.
 Baddour, Steven A.
 Barrios, Jarrett T.
 Berry, Frederick E.
 Brewer, Stephen M.
 Chandler, Harriette L.
 Creedon, Robert S., Jr.
 Creem, Cynthia Stone
 Fargo, Susan C.
 Glodis, Guy W.
 Hart, John A., Jr.
 Havern, Robert A.
 Hedlund, Robert L.

Joyce, Brian A.
 Knapik, Michael R.
 Lees, Brian P.
 Magnani, David P.
 McGee, Thomas M.
 Melconian, Linda J.
 Menard, Joan M.
 Montigny, Mark C.
 Moore, Richard T.
 Morrissey, Michael W.
 Murray, Therese
 Nuciforo, Andrea F., Jr.
 O'Leary, Robert A.

Quorum.

Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.

Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

Representatives.

Asselin, Christopher P.
Atkins, Cory
Atsalis, Demetrius J.
Ayers, Bruce J.
Balsler, Ruth B.
Binienda, John J.
Blumer, Deborah D.
Bosley, Daniel E.
Bradley, Garrett J.
Broadhurst, Arthur J.
Brown, Scott P.
Buoniconti, Stephen J.
Cabral, Antonio F. D.
Callahan, Jennifer M.
Canavan, Christine E.
Carron, Mark J.
Casey, Paul C.
Ciampa, Vincent P.
Connolly, Edward G.
Coppola, Michael J.
Correia, Robert
Costello, Michael A.
Coughlin, Robert K.
Creedon, Geraldine
DeLeo, Robert A.
deMacedo, Viriato Manuel
Demakis, Paul C.
Dempsey, Brian S.
DiMasi, Salvatore F.
Donato, Paul J.
Donelan, Christopher J.
Donovan, Carol A.
Driscoll, Joseph R.
Eldridge, James B.
Evangelidis, Lewis G.
Fagan, James H.
Fallon, Christopher G.
Falzone, Mark V.
Fennell, Robert F.
Festa, Michael E.
Finegold, Barry R.
Finneran, Thomas M.
Flynn, David L.
Fox, Gloria L.
Fresolo, John P.
Frost, Paul K.
Galvin, William C.
Garry, Colleen M.

Gifford, Susan W.
Gobi, Anne M.
Goguen, Emile J.
Golden, Brian Paul
Golden, Thomas A., Jr.
Gomes, Shirley
Grant, Mary E.
Greene, William G., Jr.
Haddad, Patricia A.
Hall, Geoffrey D.
Hargraves, Robert S.
Harkins, Lida E.
Hill, Bradford
Hillman, Reed V.
Honan, Kevin G.
Howland, Mark A.
Humason, Donald F., Jr.
Hynes, Frank M.
Jehlen, Patricia D.
Jones, Bradley H., Jr.
Kafka, Louis L.
Kane, Michael F.
Kaprielian, Rachel
Kaufman, Jay R.
Keenan, Daniel F.
Kelly, Shaun P.
Kennedy, Thomas P.
Khan, Kay
Knuuttila, Brian
Kocot, Peter V.
Koczera, Robert M.
Koutoujian, Peter J.
Kujawski, Paul
Kulik, Stephen
Lantigua, William
Larkin, Peter J.
Leary, James Brendan
LeDuc, Stephen P.
Lepper, John A.
Linsky, David P.
Loscocco, Paul J.
L'Italien, Barbara A.
Malia, Elizabeth A.
Marzilli, J. James, Jr.
Miceli, James R.
Murphy, Charles A.
Murphy, James M.
Murphy, Kevin J.

Nangle, David M.
Naughton, Harold P., Jr.
Nyman, Robert J.
O'Brien, Thomas J.
O'Flaherty, Eugene L.
Owens-Hicks, Shirley
Parente, Marie J.
Patrick, Matthew
Paulsen, Anne M.
Pedone, Vincent A.
Peisch, Alice H.
Perry, Jeffrey D.
Petersen, Douglas W.
Peterson, George N., Jr.
Petrolati, Thomas M.
Petruccelli, Anthony
Pignatelli, Smitty
Poirier, Elizabeth A.
Polito, Karyn E.
Pope, Susan W.
Quinn, John F.
Reinstein, Kathi-Anne
Rivera, Cheryl A.
Rodrigues, Michael J.
Rogeness, Mary S.
Rogers, John H.
Ruane, J. Michael
Rush, Michael F.
Sánchez, Jeffrey
Scaccia, Angelo M.

Scibak, John W.
Simmons, Mary Jane
Smizik, Frank Israel
Speliotis, Theodore C.
O'Flaherty, Eugene L.
Spellane, Robert P.
Spiliotis, Joyce A.
Spilka, Karen
Stanley, Harriett L.
Stanley, Thomas M.
St. Fleur, Marie P.
Story, Ellen
Straus, William M.
Sullivan, David B.
Swan, Benjamin
Teahan, Kathleen M.
Timilty, Walter F.
Tobin, A. Stephen
Toomey, Timothy J., Jr.
Torrise, David M.
Travis, Philip
Turkington, Eric
Vallee, James E.
Verga, Anthony J.
Wagner, Joseph F.
Wallace, Brian P.
Walrath, Patricia A.
Walsh, Martin J.
Walsh, Steven M.
Webster, Daniel K.
Wolf, Alice K. — 156.

ABSENT OR NOT VOTING.

Candaras, Gale D.
George, Thomas N.

Mariano, Ronald
Rushing, Byron — 4.

The yeas and nays having been completed at sixteen minutes past four o'clock P.M., a quorum was declared present.

During further consideration, the Speaker having taken the Chair; at a quarter before five o'clock P.M., the Speaker declared a recess; and at three minutes before six o'clock P.M., the Joint Session reassembled, Mr. Havern in the Chair. Recess.

Subsequently, at two minutes before six o'clock P.M., Mr. Peterson of Grafton moved that the Joint Session be in recess until the hour of a half past six o'clock P.M.; and at twenty-four minutes before seven o'clock P.M., the Joint Session reassembled, the Speaker in the Chair.

At twenty-four minutes before seven o'clock P.M., Mr. Jones of North Reading doubted the presence of a quorum and asked for a call of the yeas and nays to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum. Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum at twenty-three minutes before seven o'clock P.M., as follows to wit (Yeas 197 — Nays 0) [**Senate Yeas and Nays No. 458**] [**House Yeas and Nays No. 528**]:

YEAS (197).

Senators.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 39.
Menard, Joan M.	

Representatives.

Asselin, Christopher P.	Demakis, Paul C.
Atkins, Cory	Dempsey, Brian S.
Atsalis, Demetrius J.	DiMasi, Salvatore F.
Ayers, Bruce J.	Donato, Paul J.
Balser, Ruth B.	Donelan, Christopher J.
Binienda, John J.	Donovan, Carol A.
Blumer, Deborah D.	Driscoll, Joseph R.
Bosley, Daniel E.	Eldridge, James B.
Bradley, Garrett J.	Evangelidis, Lewis G.
Broadhurst, Arthur J.	Fallon, Christopher G.
Brown, Scott P.	Falzone, Mark V.
Buoniconti, Stephen J.	Fennell, Robert F.
Cabral, Antonio F. D.	Festa, Michael E.
Callahan, Jennifer M.	Finegold, Barry R.
Canavan, Christine E.	Finneran, Thomas M.
Candaras, Gale D.	Flynn, David L.
Carron, Mark J.	Fox, Gloria L.
Casey, Paul C.	Fresolo, John P.
Ciampa, Vincent P.	Frost, Paul K.
Connolly, Edward G.	Galvin, William C.
Coppola, Michael J.	Garry, Colleen M.
Correia, Robert	George, Thomas N.
Costello, Michael A.	Gifford, Susan W.
Coughlin, Robert K.	Gobi, Anne M.
Creedon, Geraldine	Goguen, Emile J.
DeLeo, Robert A.	Golden, Brian Paul
deMacedo, Viriato Manuel	Golden, Thomas A., Jr.

Gomes, Shirley	Pedone, Vincent A.
Grant, Mary E.	Peisch, Alice H.
Greene, William G., Jr.	Perry, Jeffrey D.
Haddad, Patricia A.	Petersen, Douglas W.
Hall, Geoffrey D.	Peterson, George N., Jr.
Hargraves, Robert S.	Petrolati, Thomas M.
Harkins, Lida E.	Petruccelli, Anthony
Hill, Bradford	Pignatelli, Smitty
Hillman, Reed V.	Poirier, Elizabeth A.
Honan, Kevin G.	Polito, Karyn E.
Howland, Mark A.	Pope, Susan W.
Humason, Donald F., Jr.	Quinn, John F.
Hynes, Frank M.	Reinstein, Kathi-Anne
Jehlen, Patricia D.	Rivera, Cheryl A.
Jones, Bradley H., Jr.	Rodrigues, Michael J.
Kafka, Louis L.	Rogeness, Mary S.
Kane, Michael F.	Rogers, John H.
Kaprielian, Rachel	Ruane, J. Michael
Kaufman, Jay R.	Rush, Michael F.
Keenan, Daniel F.	Rushing, Byron
Kelly, Shaun P.	Sánchez, Jeffrey
Kennedy, Thomas P.	Scaccia, Angelo M.
Khan, Kay	Scibak, John W.
Knuutila, Brian	Simmons, Mary Jane
Kocot, Peter V.	Smizik, Frank Israel
Koczera, Robert M.	Spiliotis, Theodore C.
Koutoujian, Peter J.	Spellane, Robert P.
Kujawski, Paul	Spiliotis, Joyce A.
Kulik, Stephen	Spilka, Karen
Lantigua, William	Stanley, Harriett L.
Larkin, Peter J.	Stanley, Thomas M.
Leary, James Brendan	St. Fleur, Marie P.
LeDuc, Stephen P.	Story, Ellen
Lepper, John A.	Straus, William M.
Linsky, David P.	Sullivan, David B.
Loscocco, Paul J.	Swan, Benjamin
L'Italien, Barbara A.	Teahan, Kathleen M.
Malia, Elizabeth A.	Timilty, Walter F.
Marzilli, J. James, Jr.	Tobin, A. Stephen
Miceli, James R.	Toomey, Timothy J., Jr.
Murphy, Charles A.	Torrisi, David M.
Murphy, James M.	Travis, Philip
Murphy, Kevin J.	Turkington, Eric
Nangle, David M.	Vallee, James E.
Naughton, Harold P., Jr.	Verga, Anthony J.
Nyman, Robert J.	Wagner, Joseph F.
O'Brien, Thomas J.	Wallace, Brian P.
O'Flaherty, Eugene L.	Walrath, Patricia A.
Owens-Hicks, Shirley	Walsh, Martin J.
Parente, Marie J.	Walsh, Steven M.
Patrick, Matthew	Webster, Daniel K.
Paulsen, Anne M.	Wolf, Alice K. — 158.

ABSENT OR NOT VOTING.

Fagan, James H.

Mariano, Ronald — 2.

The President in the Chair, the yeas and nays having been completed at thirteen minutes before seven o'clock P.M., a quorum was declared present.

The Proposal for a Legislative Amendment to the Constitution relative to the affirmation of marriage (House, No. 3190),— was further considered, the question being on ordering the proposal to a third reading, with the amendment (Barrios) pending, coming first on the further amendment offered by Mr. Travis of Rehoboth.

During further consideration, Mr. Pedone moved the previous question be taken forthwith on the pending further amendment.

On the motion for the previous question, the sense of the Joint Session was taken by a call of the yeas and nays, at the request of the same member at two minutes past seven o'clock P.M., as follows to wit (Yeas 170 — Nays 27) [**Senate Yeas and Nays No. 459**] [**House Yeas and Nays No. 529**]:

YEAS (170).

Senators.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 39.
Menard, Joan M.	

Representatives.

Asselin, Christopher P.	Correia, Robert
Atkins, Cory	Costello, Michael A.
Atsalis, Demetrius J.	Coughlin, Robert K.
Ayers, Bruce J.	Creedon, Geraldine
Balsler, Ruth B.	DeLeo, Robert A.
Binienda, John J.	Demakis, Paul C.
Blumer, Deborah D.	Dempsey, Brian S.
Bosley, Daniel E.	DiMasi, Salvatore F.
Bradley, Garrett J.	Donato, Paul J.
Broadhurst, Arthur J.	Donelan, Christopher J.
Buoniconiti, Stephen J.	Donovan, Carol A.
Callahan, Jennifer M.	Driscoll, Joseph R.
Canavan, Christine E.	Eldridge, James B.
Candaras, Gale D.	Fallon, Christopher G.
Carron, Mark J.	Falzone, Mark V.
Casey, Paul C.	Fennell, Robert F.
Ciampa, Vincent P.	Festa, Michael E.
Connolly, Edward G.	Finegold, Barry R.

Finneran, Thomas M.	Owens-Hicks, Shirley
Fox, Gloria L.	Parente, Marie J.
Fresolo, John P.	Patrick, Matthew
Galvin, William C.	Paulsen, Anne M.
Garry, Colleen M.	Pedone, Vincent A.
Gobi, Anne M.	Peisch, Alice H.
Goguen, Emile J.	Petersen, Douglas W.
Golden, Brian Paul	Petrolati, Thomas M.
Golden, Thomas A., Jr.	Petrucelli, Anthony
Grant, Mary E.	Pignatelli, Smitty
Greene, William G., Jr.	Quinn, John F.
Haddad, Patricia A.	Reinstein, Kathi-Anne
Hall, Geoffrey D.	Rivera, Cheryl A.
Harkins, Lida E.	Rodrigues, Michael J.
Honan, Kevin G.	Rogers, John H.
Howland, Mark A.	Ruane, J. Michael
Hynes, Frank M.	Rush, Michael F.
Jehlen, Patricia D.	Rushing, Byron
Kafka, Louis L.	Sánchez, Jeffrey
Kane, Michael F.	Scibak, John W.
Kaprielian, Rachel	Simmons, Mary Jane
Kaufman, Jay R.	Smizik, Frank Israel
Keenan, Daniel F.	Spellane, Robert P.
Kennedy, Thomas P.	Spiliotis, Joyce A.
Khan, Kay	Spilka, Karen
Knuuttila, Brian	Stanley, Harriett L.
Kocot, Peter V.	Stanley, Thomas M.
Koczera, Robert M.	St. Fleur, Marie P.
Koutoujian, Peter J.	Story, Ellen
Kujawski, Paul	Straus, William M.
Kulik, Stephen	Sullivan, David B.
Lantigua, William	Swan, Benjamin
Larkin, Peter J.	Teahan, Kathleen M.
Leary, James Brendan	Timilty, Walter F.
LeDuc, Stephen P.	Tobin, A. Stephen
Linsky, David P.	Toomey, Timothy J., Jr.
L'Italien, Barbara A.	Torrisi, David M.
Malia, Elizabeth A.	Travis, Philip
Marzilli, J. James, Jr.	Turkington, Eric
Miceli, James R.	Vallee, James E.
Murphy, Charles A.	Verga, Anthony J.
Murphy, James M.	Wagner, Joseph F.
Murphy, Kevin J.	Wallace, Brian P.
Nangle, David M.	Walrath, Patricia A.
Naughton, Harold P., Jr.	Walsh, Martin J.
Nyman, Robert J.	Walsh, Steven M.
O'Brien, Thomas J.	Wolf, Alice K. — 131.
O'Flaherty, Eugene L.	

NAYS (27).

Representatives.

Brown, Scott P.	Flynn, David L.
Cabral, Antonio F. D.	Frost, Paul K.
Coppola, Michael J.	George, Thomas N.
deMacedo, Viriato Manuel	Gifford, Susan W.
Evangelidis, Lewis G.	Gomes, Shirley

Hargraves, Robert S.
Hill, Bradford
Hillman, Reed V.
Humason, Donald F., Jr.
Jones, Bradley H., Jr.
Kelly, Shaun P.
Lepper, John A.
Loscocco, Paul J.
Perry, Jeffrey Davis

Peterson, George N., Jr.
Poirier, Elizabeth A.
Polito, Karyn E.
Pope, Susan W.
Rogeness, Mary S.
Scaccia, Angelo M.
Spiliotis, Theodore C.
Webster, Daniel K. — 27.

ABSENT OR NOT VOTING.

Fagan, James H.

Mariano, Ronald — 2.

The yeas and nays having been completed at thirteen minutes past seven o'clock P.M., the motion to order the previous question prevailed.

Accordingly, the question on adoption of the further amendment (Travis) was determined by a call of the yeas and nays at seventeen minutes past eight o'clock P.M. as follows to wit (Yeas 96 — Nays 103) [**Senate Yeas and Nays No. 460**] [**House Yeas and Nays No. 530**]:

YEAS (96).

Senators.

Brewer, Stephen M.
Creedon, Robert S., Jr.
Glodis, Guy W.
Hart, John A., Jr.
Hedlund, Robert L.

Moore, Richard T.
Morrissey, Michael W.
Pacheco, Marc R.
Panagiotakos, Steven C. — 9.

Representatives.

Asselin, Christopher P.
Atsalis, Demetrius J.
Ayers, Bruce J.
Binienda, John J.
Bradley, Garrett J.
Broadhurst, Arthur J.
Brown, Scott P.
Buoniconti, Stephen J.
Callahan, Jennifer M.
Canavan, Christine E.
Candaras, Gale D.
Carron, Mark J.
Casey, Paul C.
Ciampa, Vincent P.
Connolly, Edward G.
Coppola, Michael J.
Correia, Robert
Creedon, Geraldine
deMacedo, Viriato Manuel
Dempsey, Brian S.
Donato, Paul J.
Driscoll, Joseph R.
Evangelidis, Lewis G.
Fennell, Robert F.

Finneran, Thomas M.
Flynn, David L.
Fresolo, John P.
Frost, Paul K.
Garry, Colleen M.
George, Thomas N.
Gifford, Susan W.
Gobi, Anne M.
Goguen, Emile J.
Golden, Brian Paul
Golden, Thomas A., Jr.
Gomes, Shirley
Greene, William G., Jr.
Hall, Geoffrey D.
Hargraves, Robert S.
Hill, Bradford
Hillman, Reed V.
Howland, Mark A.
Humason, Donald F., Jr.
Hynes, Frank M.
Jones, Bradley H., Jr.
Kane, Michael F.
Keenan, Daniel F.
Knuutila, Brian

Koczera, Robert M.
Kujawski, Paul
Lantigua, William
Larkin, Peter J.
LeDuc, Stephen P.
Lepper, John A.
Loscocco, Paul J.
Miceli, James R.
Murphy, James M.
Nangle, David M.
Naughton, Harold P., Jr.
Nyman, Robert J.
O'Flaherty, Eugene L.
Parente, Marie J.
Perry, Jeffrey D.
Peterson, George N., Jr.
Petrolati, Thomas M.
Poirier, Elizabeth A.
Polito, Karyn E.

Pope, Susan W.
Quinn, John F.
Rogeness, Mary S.
Rogers, John H.
Ruane, J. Michael
Rush, Michael F.
Scaccia, Angelo M.
Simmons, Mary Jane
Spiliotis, Joyce A.
Timilty, Walter F.
Tobin, A. Stephen
Travis, Philip
Vallee, James E.
Verga, Anthony J.
Wagner, Joseph F.
Wallace, Brian P.
Walrath, Patricia A.
Webster, Daniel K. — 85.

NAYS (103).

Senators.

Antonioni, Robert A.
Baddour, Steven A.
Barrios, Jarrett T.
Berry, Frederick E.
Chandler, Harriette L.
Creem, Cynthia Stone
Fargo, Susan C.
Havern, Robert A.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Magnani, David P.
McGee, Thomas M.
Melconian, Linda J.
Menard, Joan M.

Montigny, Mark C.
Murray, Therese
Nuciforo, Andrea F., Jr.
O'Leary, Robert A.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 30.

Representatives.

Atkins, Cory
Balsler, Ruth B.
Blumer, Deborah D.
Bosley, Daniel E.
Cabral, Antonio F. D.
Costello, Michael A.
Coughlin, Robert K.
DeLeo, Robert A.
Demakis, Paul C.
DiMasi, Salvatore F.
Donelan, Christopher J.
Donovan, Carol A.
Eldridge, James B.
Fallon, Christopher G.
Falzone, Mark V.
Festa, Michael E.
Finegold, Barry R.
Fox, Gloria L.

Galvin, William C.
Grant, Mary E.
Haddad, Patricia A.
Harkins, Lida E.
Honan, Kevin G.
Jehlen, Patricia D.
Kafka, Louis L.
Kaprielian, Rachel
Kaufman, Jay R.
Kelly, Shaun P.
Kennedy, Thomas P.
Khan, Kay
Kocot, Peter V.
Koutoujian, Peter J.
Kulik, Stephen
Leary, James Brendan
Linsky, David P.
L'Italien, Barbara A.

Malia, Elizabeth A.
Marzilli, J. James, Jr.
Murphy, Charles A.
Murphy, Kevin J.
O'Brien, Thomas J.
Owens-Hicks, Shirley
Patrick, Matthew
Paulsen, Anne M.
Pedone, Vincent A.
Peisch, Alice H.
Petersen, Douglas W.
Petruccelli, Anthony
Pignatelli, Smitty
Reinstein, Kathi-Anne
Rivera, Cheryl A.
Rodrigues, Michael J.
Rushing, Byron
Sánchez, Jeffrey
Scibak, John W.

Smizik, Frank Israel
Speliotis, Theodore C.
Spellane, Robert P.
Spilka, Karen
Stanley, Harriett L.
Stanley, Thomas M.
St. Fleur, Marie P.
Story, Ellen
Straus, William M.
Sullivan, David B.
Swan, Benjamin
Teahan, Kathleen M.
Toomey, Timothy J., Jr.
Torrise, David M.
Turkington, Eric
Walsh, Martin J.
Walsh, Steven M.
Wolf, Alice K. — 73.

The yeas and nays having been completed at twenty minutes past seven o'clock P.M., the further amendment was *rejected*.

Recess.

During further consideration, and pending the question on adoption of the pending amendment (Barrios), at twenty-five minutes past seven o'clock P.M. at the request of Mr. Jones of North Reading for the purpose of a minority caucus, the President declared a recess; and at three minutes before eight o'clock P.M., the Joint Session reassembled, the President in the Chair.

Quorum.

At three minutes before eight o'clock P.M., Mr. Baddour doubted the presence of a quorum and at two minutes past eight o'clock P.M., a quorum was deemed present.

The recurring question came on adoption of the pending amendment (Barrios), Messrs. Finneran, Travaglini, Lees, Rogers, Baddour, Leary, Pedone and Spellane moved that the amendment be further amended by striking out the text and inserting in place thereof the following text:—

It being the public policy of this Commonwealth to protect the unique relationship of marriage, only the union of one man and one woman shall be valid or recognized as a marriage in Massachusetts.

Two persons of the same sex shall have the right to form a civil union if they meet the requirements set forth by law for marriage. Civil Unions for same sex couples are established hereunder and shall provide entirely the same benefits, protections, rights and responsibilities that are afforded to couples married under Massachusetts law. All laws applicable to marriage shall also apply to civil unions.

This Article is self-executing, but the General Court may enact laws not inconsistent with anything herein contained to carry out the purpose of this Article.

At eighteen minutes before nine o'clock P.M., Mrs. Harkins of Needham doubted the presence of a quorum, but a quorum was deemed present. Quorum.

During further consideration, Mrs. Sprague moved that the Joint Session recess until Wednesday, March 10, 2004, and this motion was *negatived*. Motion to recess.

The President then placed before the Joint Session the question on suspension of House Rule 1A in order that the Joint Session might continue to meet beyond the hour of nine o'clock P.M. Suspension of House Rule 1A.

Accordingly, the question on suspension of Rule 1A was determined by a call of the yeas and nays at one minute past nine o'clock P.M., as follows to wit (Yeas 135 — Nays 62) [**Senate Yeas and Nays No. 461**] [**House Yeas and Nays No. 531**]:

YEAS (135).

Senators.

Baddour, Steven A.
Berry, Frederick E.
Brewer, Stephen M.
Creedon, Robert S., Jr.
Glodis, Guy W.
Hart, John A., Jr.
Hedlund, Robert L.
Lees, Brian P.

Magnani, David P.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
O'Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Tarr, Bruce E. — 16.

Representatives.

Asselin, Christopher P.
Atkins, Cory
Atsalis, Demetrius J.
Ayers, Bruce J.
Binienda, John J.
Bradley, Garrett J.
Broadhurst, Arthur J.
Brown, Scott P.
Buoniconti, Stephen J.
Callahan, Jennifer M.
Canavan, Christine E.
Candaras, Gale D.
Carron, Mark J.
Casey, Paul C.
Ciampa, Vincent P.
Connolly, Edward G.
Coppola, Michael J.
Correia, Robert
Costello, Michael A.
Coughlin, Robert K.
Creedon, Geraldine
DeLeo, Robert A.
deMacedo, Viriato Manuel
Dempsey, Brian S.
DiMasi, Salvatore F.
Donato, Paul J.
Donelan, Christopher J.
Driscoll, Joseph R.

Evangelidis, Lewis G.
Fennell, Robert F.
Finneran, Thomas M.
Flynn, David L.
Fresolo, John P.
Frost, Paul K.
Galvin, William C.
Garry, Colleen M.
George, Thomas N.
Gifford, Susan W.
Gobi, Anne M.
Goguen, Emile J.
Golden, Brian Paul
Golden, Thomas A., Jr.
Gomes, Shirley
Greene, William G., Jr.
Haddad, Patricia A.
Hall, Geoffrey D.
Hargraves, Robert S.
Harkins, Lida E.
Hill, Bradford
Hillman, Reed V.
Howland, Mark A.
Humason, Donald F., Jr.
Hynes, Frank M.
Jones, Bradley H., Jr.
Kafka, Louis L.
Kane, Michael F.

Keenan, Daniel F.
 Kelly, Shaun P.
 Knuutila, Brian
 Koczera, Robert M.
 Koutoujian, Peter J.
 Kujawski, Paul
 Lantigua, William
 Larkin, Peter J.
 Leary, James Brendan
 LeDuc, Stephen P.
 Lepper, John A.
 Loscocco, Paul J.
 L'Italien, Barbara A.
 Malia, Elizabeth A.
 Miceli, James R.
 Murphy, James M.
 Murphy, Kevin J.
 Nangle, David M.
 Naughton, Harold P., Jr.
 Nyman, Robert J.
 O'Brien, Thomas J.
 O'Flaherty, Eugene L.
 Owens-Hicks, Shirley
 Parente, Marie J.
 Pedone, Vincent A.
 Perry, Jeffrey D.
 Peterson, George N., Jr.
 Petrolati, Thomas M.
 Pignatelli, Smitty
 Poirier, Elizabeth A.
 Polito, Karyn E.
 Pope, Susan W.

NAYS (62).

Senators.

Antonioni, Robert A.
 Barrios, Jarrett T.
 Chandler, Harriette L.
 Creem, Cynthia Stone
 Fargo, Susan C.
 Havern, Robert A.
 Joyce, Brian A.
 Knapik, Michael R.
 McGee, Thomas M.
 Melconian, Linda J.
 Menard, Joan M.
 Montigny, Mark C.

Representatives.

Balsler, Ruth B.
 Blumer, Deborah D.
 Bosley, Daniel E.
 Cabral, Antonio F. D.
 Demakis, Paul C.
 Donovan, Carol A.
 Eldridge, James B.

Quinn, John F.
 Reinstein, Kathi-Anne
 Rodrigues, Michael J.
 Rogeness, Mary S.
 Rogers, John H.
 Ruane, J. Michael
 Rush, Michael F.
 Sánchez, Jeffrey
 Scaccia, Angelo M.
 Simmons, Mary Jane
 Speliotis, Theodore C.
 Spellane, Robert P.
 Spiliotis, Joyce A.
 Spilka, Karen
 Stanley, Harriett L.
 St. Fleur, Marie P.
 Straus, William M.
 Teahan, Kathleen M.
 Tilty, Walter F.
 Tobin, A. Stephen
 Torrisi, David M.
 Travis, Philip
 Turkington, Eric
 Vallee, James E.
 Verga, Anthony J.
 Wagner, Joseph F.
 Wallace, Brian P.
 Walrath, Patricia A.
 Walsh, Martin J.
 Walsh, Steven M.
 Webster, Daniel K. — 119.

Nuciforo, Andrea F., Jr.
 Resor, Pamela
 Rosenberg, Stanley C.
 Shannon, Charles E.
 Sprague, Jo Ann
 Tisei, Richard R.
 Tolman, Steven A.
 Travaglini, Robert E.
 Tucker, Susan C.
 Walsh, Marian
 Wilkerson, Dianne — 23.

Fallon, Christopher G.
 Falzone, Mark V.
 Festa, Michael E.
 Finegold, Barry R.
 Fox, Gloria L.
 Grant, Mary E.
 Honan, Kevin G.

Jehlen, Patricia D.
 Kaprielian, Rachel
 Kaufman, Jay R.
 Kennedy, Thomas P.
 Khan, Kay
 Kocot, Peter V.
 Kulik, Stephen
 Linsky, David P.
 Marzilli, J. James, Jr.
 Murphy, Charles A.
 Patrick, Matthew
 Paulsen, Anne M.
 Peisch, Alice H.

Fagan, James H.

Petersen, Douglas W.
 Petrucci, Anthony
 Rivera, Cheryl A.
 Rushing, Byron
 Scibak, John W.
 Smizik, Frank Israel
 Stanley, Thomas M.
 Story, Ellen
 Sullivan, David B.
 Swan, Benjamin
 Toomey, Timothy J., Jr.
 Wolf, Alice K. — 39.

Mariano, Ronald — 2.

ABSENT OR NOT VOTING.

The yeas and nays having been completed at twelve minutes past nine o'clock P.M., House Rule 1A was suspended.

At thirteen minutes past nine o'clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the President declared a recess; and at seventeen minutes past ten o'clock P.M., the Joint Session reassembled, the President in the Chair. Recess.

At seventeen minutes past ten o'clock P.M., Mr. Baddour doubted the presence of a quorum and at twenty-two minutes past ten o'clock P.M., a quorum was deemed present. Quorum.

During further consideration, at fourteen minutes before eleven o'clock P.M., Mr. Baddour doubted the presence of a quorum and asked for a call of the yeas and nays to ascertain if a quorum was present. The President, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum. R.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum at thirteen minutes before eleven o'clock P.M., as follows to wit (Yeas 191 — Nays 0) [**Senate Yeas and Nays No. 462**] [**House Yeas and Nays No. 532**]:

YEAS (191).

Senators.

Antonioni, Robert A.
 Baddour, Steven A.
 Barrios, Jarrett T.
 Berry, Frederick E.
 Brewer, Stephen M.
 Chandler, Harriette L.
 Creedon, Robert S., Jr.
 Creem, Cynthia Stone
 Fargo, Susan C.
 Glodis, Guy W.
 Hart, John A., Jr.

Havern, Robert A.
 Hedlund, Robert L.
 Joyce, Brian A.
 Knapik, Michael R.
 Lees, Brian P.
 Magnani, David P.
 McGee, Thomas M.
 Melconian, Linda J.
 Menard, Joan M.
 Montigny, Mark C.
 Moore, Richard T.

Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
O'Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.

Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

Representatives.

Asselin, Christopher P.
Atkins, Cory
Ayers, Bruce J.
Balsler, Ruth B.
Binienda, John J.
Blumer, Deborah D.
Bosley, Daniel E.
Bradley, Garrett J.
Broadhurst, Arthur J.
Brown, Scott P.
Buoniconti, Stephen J.
Cabral, Antonio F. D.
Callahan, Jennifer M.
Canavan, Christine E.
Candaras, Gale D.
Carron, Mark J.
Casey, Paul C.
Ciampa, Vincent P.
Connolly, Edward G.
Correia, Robert
Costello, Michael A.
Coughlin, Robert K.
Creedon, Geraldine
DeLeo, Robert A.
deMacedo, Viriato Manuel
Demakis, Paul C.
Dempsey, Brian S.
DiMasi, Salvatore F.
Donato, Paul J.
Donelan, Christopher J.
Donovan, Carol A.
Driscoll, Joseph R.
Eldridge, James B.
Evangelidis, Lewis G.
Fallon, Christopher G.
Falzone, Mark V.
Fennell, Robert F.
Festa, Michael E.
Finegold, Barry R.
Finneran, Thomas M.
Flynn, David L.
Fox, Gloria L.
Fresolo, John P.
Frost, Paul K.
Galvin, William C.
Garry, Colleen M.

George, Thomas N.
Gifford, Susan W.
Goguen, Emile J.
Golden, Brian Paul
Golden, Thomas A., Jr.
Gomes, Shirley
Grant, Mary E.
Greene, William G., Jr.
Haddad, Patricia A.
Hall, Geoffrey D.
Hargraves, Robert S.
Harkins, Lida E.
Hill, Bradford
Hillman, Reed V.
Honan, Kevin G.
Howland, Mark A.
Humason, Donald F., Jr.
Hynes, Frank M.
Jehlen, Patricia D.
Jones, Bradley H., Jr.
Kafka, Louis L.
Kane, Michael F.
Kaprielian, Rachel
Kaufman, Jay R.
Keenan, Daniel F.
Kelly, Shaun P.
Kennedy, Thomas P.
Khan, Kay
Knuutila, Brian
Kocot, Peter V.
Koczera, Robert M.
Koutoujian, Peter J.
Kujawski, Paul
Kulik, Stephen
Lantigua, William
Larkin, Peter J.
Leary, James Brendan
LeDuc, Stephen P.
Lepper, John A.
Linsky, David P.
Loscocco, Paul J.
L'Italien, Barbara A.
Marzilli, J. James, Jr.
Miceli, James R.
Murphy, Charles A.
Murphy, James M.

Murphy, Kevin J.
Nangle, David M.
Nyman, Robert J.
O'Brien, Thomas J.
O'Flaherty, Eugene L.
Owens-Hicks, Shirley
Parente, Marie J.
Patrick, Matthew
Paulsen, Anne M.
Pedone, Vincent A.
Peisch, Alice H.
Perry, Jeffrey D.
Petersen, Douglas W.
Peterson, George N., Jr.
Petrolati, Thomas M.
Petruccelli, Anthony
Pignatelli, Smitty
Poirier, Elizabeth A.
Polito, Karyn E.
Pope, Susan W.
Quinn, John F.
Reinstein, Kathi-Anne
Rivera, Cheryl A.
Rodrigues, Michael J.
Rogeness, Mary S.
Rogers, John H.
Ruane, J. Michael
Rush, Michael F.
Rushing, Byron
Sánchez, Jeffrey

Scaccia, Angelo M.
Scibak, John W.
Simmons, Mary Jane
Smizik, Frank Israel
Speliotis, Theodore C.
Spellane, Robert P.
Spiliotis, Joyce A.
Spilka, Karen
Stanley, Harriett L.
Stanley, Thomas M.
St. Fleur, Marie P.
Story, Ellen
Strauss, William M.
Sullivan, David B.
Swan, Benjamin
Teahan, Kathleen M.
Timilty, Walter F.
Toomey, Timothy J., Jr.
Torrise, David M.
Travis, Philip
Turkington, Eric
Vallee, James E.
Verga, Anthony J.
Wagner, Joseph F.
Wallace, Brian P.
Walrath, Patricia A.
Walsh, Martin J.
Walsh, Steven M.
Webster, Daniel K.
Wolf, Alice K. — 152.

ABSENT OR NOT VOTING.

Representatives.

Atsalis, Demetrius J.
Coppola, Michael J.
Fagan, James H.
Gobi, Anne M.

Malia, Elizabeth A.
Mariano, Ronald
Naughton, Harold P., Jr.
Tobin, A. Stephen — 8.

The yeas and nays having been completed at four minutes before eleven o'clock P.M., a quorum was declared present.

During further consideration, the Speaker in the Chair; the Speaker declared a recess for the purposes of a majority caucus of the House; and at sixteen minutes past eleven o'clock P.M., the Joint Session reassembled, the President in the Chair. *Recess.*

The Proposal for a Legislative Amendment to the Constitution relative to the affirmation of marriage (House, No. 3190),— was further considered, the question on ordering the proposal to a third reading, with the amendment (Barrios) pending, coming first on the further amendment offered by Messrs. Finneran, Travaglini, Lees, Rogers, Baddour, Leary, Pedone and Spellane.

During further consideration, at midnight, the President interrupted the proceedings to place before the Joint Session the question of suspension of House Rule 1A to work beyond the hour of midnight and objection was made thereto.

Accordingly, pending the question on adoption of the further amendment offered by Messrs. Finneran, Travaglini, Lees, Rogers, Baddour, Leary, Pedone and Spellane to the pending amendment (Barrios), pending the main question on ordering the proposal to a third reading, and without further action on the matters duly and constitutionally assigned for consideration, at one minute past twelve o'clock midnight, the Joint Session was recessed until Thursday, March 11, 2004 at two o'clock P.M.

At two minutes after twelve o'clock midnight (Friday, February 13) the Speaker took the Chair and, under the provisions of Rule 1A, the House adjourned until Wednesday next at the hour of eleven o'clock A.M., in an Informal Session.