

JOURNAL OF THE HOUSE

IN JOINT SESSION.

Wednesday, September 14, 2005.

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

At four minutes past one o'clock P.M., 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 President, members, guests and employees then recited the
pledge of allegiance to the flag.

Pledge of
allegiance.

At six minutes past one o'clock P.M., Mr. Lees doubted the pres-
ence of a quorum and asked for a call of the yeas and nays to ascer-
tain 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.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining
the presence of a quorum at six minutes past one o'clock P.M., as
follows to wit (Answered Present 188) **[Senate Yeas and Nays
No. 138] [House Yeas and Nays No. 173]:**

ANSWERED "PRESENT" — (188).

Senators.

Antonioni, Robert A.
Augustus, Edward M., Jr.
Baddour, Steven A.
Barrios, Jarrett T.
Berry, Frederick E.
Brewer, Stephen M.
Brown, Scott P.
Buoniconti, Stephen J.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Hart, John A., Jr.
Havern, Robert A.
Hedlund, Robert L.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
McGee, Thomas M.
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.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

Quorum.

Representatives.

Atkins, Cory	Jehlen, Patricia D.
Ayers, Bruce J.	Jones, Bradley H., Jr.
Balser, Ruth B.	Kafka, Louis L.
Binienda, John J.	Kane, Michael F.
Bradley, Garrett J.	Kaprielian, Rachel
Broadhurst, Arthur J.	Kaufman, Jay R.
Cabral, Antonio F. D.	Keenan, Daniel F.
Callahan, Jennifer M.	Keenan, John D.
Canavan, Christine E.	Khan, Kay
Candaras, Gale D.	Knuuttila, Brian
Canessa, Stephen R.	Kocot, Peter V.
Carron, Mark J.	Koczera, Robert M.
Casey, Paul C.	Koutoujian, Peter J.
Correia, Robert	Kujawski, Paul
Costello, Michael A.	Kulik, Stephen
Coughlin, Robert K.	Lantigua, William
Creedon, Geraldine	Leary, James B.
Curran, Sean	Lepper, John A.
DeLeo, Robert A.	Linsky, David Paul
deMacedo, Viriato Manuel	L'Italien, Barbara A.
Dempsey, Brian S.	Loscocco, Paul J.
DiMasi, Salvatore F.	Malia, Elizabeth A.
Donato, Paul J.	Mariano, Ronald
Donelan, Christopher J.	Marzilli, J. James, Jr.
Driscoll, Joseph R.	Miceli, James R.
Eldridge, James B.	Moran, Michael J.
Evangelidis, Lewis G.	Murphy, James M.
Fagan, James H.	Murphy, Kevin J.
Falzone, Mark V.	Nangle, David M.
Fennell, Robert F.	Natale, Patrick M.
Festa, Michael E.	Naughton, Harold P., Jr.
Finegold, Barry R.	Nyman, Robert J.
Flanagan, Jennifer L.	O'Brien, Thomas J.
Flynn, David L.	O'Flaherty, Eugene L.
Forry, Linda Dorcena	Owens-Hicks, Shirley
Fox, Gloria L.	Parente, Marie J.
Fresolo, John P.	Patrick, Matthew C.
Frost, Paul K.	Paulsen, Anne M.
Galvin, William C.	Pedone, Vincent A.
Garry, Colleen M.	Peisch, Alice Hanlon
Gifford, Susan Williams	Perry, Jeffrey Davis
Gobi, Anne M.	Petersen, Douglas W.
Goguen, Emile J.	Peterson, George N., Jr.
Golden, Thomas A., Jr.	Petrolati, Thomas M.
Gomes, Shirley	Petrucelli, Anthony
Grant, Mary E.	Pignatelli, William Smitty
Greene, William G., Jr.	Poirier, Elizabeth A.
Guyer, Denis E.	Polito, Karyn E.
Haddad, Patricia A.	Pope, Susan W.
Hall, Geoffrey D.	Quinn, John F.
Hargraves, Robert S.	Reinstein, Kathi-Anne
Harkins, Lida E.	Rivera, Cheryl A.
Hill, Bradford	Rodrigues, Michael J.
Honan, Kevin G.	Rogeness, Mary S.
Humason, Donald F., Jr.	Rogers, John H.
Hynes, Frank M.	Ross, Richard J.

Rush, Michael F.	Teahan, Kathleen M.
Rushing, Byron	Timilty, Walter F.
Sánchez, Jeffrey	Toomey, Timothy J., Jr.
Sannicandro, Tom	Torrisi, David M.
Scaccia, Angelo M.	Travis, Philip
Scibak, John W.	Turkington, Eric
Sciortino, Carl M., Jr.	Turner, Cleon H.
Smizik, Frank I.	Vallee, James E.
Smola, Todd M.	Verga, Anthony J.
Spellane, Robert	Wagner, Joseph F.
Speranzo, Christopher N.	Walrath, Patricia A.
Spiliotis, Joyce A.	Walsh, Martin J.
Stanley, Harriett L.	Walsh, Steven M.
Stanley, Thomas M.	Walz, Martha M.
St. Fleur, Marie P.	Webster, Daniel K.
Story, Ellen	Welch, James T.
Sullivan, David B.	Wolf, Alice K. — 147.
Swan, Benjamin	

NAYS — (0).

ABSENT OR NOT VOTING — (12).

Representatives.

Atsalis, Demetrius J.	LeDuc, Stephen P.
Blumer, Deborah D.	Murphy, Charles A.
Bosley, Daniel E.	Speliotis, Theodore C.
Connolly, Edward G.	Straus, William M.
Fallon, Christopher G.	Tobin, A. Stephen
Kennedy, Thomas P.	Wallace, Brian P.

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

Statement of Representative Connolly of Everett.

A statement of Representative Connolly of Everett was spread upon the records of the Joint Session, as follows:

MR. PRESIDENT: I would like to call to the attention of the Joint Session that I will be unable to be present in the House Chamber for today's Joint Session due to medical concerns that keep me confined to my office. Any quorum roll calls that I may miss today is due entirely to the reason stated.

Representative
Connolly of
Everett,
absence.

The Proposal for a Legislative Amendment to the Constitution relative to the affirmation of marriage (Senate, No. 5) [see Senate, No. 3190, amended, of 2004] was read, the question being on again agreeing to the amendment.

Constitution,
Affirmation of
marriage.

The Proposal was as follows:—

ARTICLE OF AMENDMENT.

The unified purpose of this Article is both to define the institution of civil marriage and to establish civil unions to provide same-sex persons with entirely the same benefits, protections, rights, privi-

Constitution,
Affirmation of
marriage.

leges and obligations as are afforded to married persons, while recognizing that under present federal law same-sex persons in civil unions will be denied federal benefits available to married persons.

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

During debate, Mr. Barrios moved that the remarks of Representative Kennedy of Brockton, which were read by Representative Teahan of Whitman, be printed in the Journal of the Joint Session; and this motion prevailed.

Remarks of Representative Kennedy of Brockton.

Dear Members and Colleagues of the Great and General Court:
Thank you for allowing Representative Teahan to read this statement on my behalf.

Much has changed since we last met to discuss this historic matter in this hallowed chamber. In February 2004, as we endlessly debated procedural motions and compromise amendments, I felt that we scarcely scratched the surface of the matter at hand. Many of us thought that legal wrangling by the Governor and others would postpone the effective date of the Supreme Judicial Court's ruling. Many of us were sure that when we met again this fall we would continue to discuss a matter that was theoretical, and not literal. It was in this mind that I voted in favor of the Compromise Amendment in 2004, thinking that I would have another eighteen months to reflect on the matter in the abstract.

Of course, we know that this was not the case. The legal roadblocks that many attempted to establish in order to prevent same-sex marriage failed, and these couples have had this freedom for 16 months. Having keenly observed these events over the past year and a half; having seen the joy on the faces of those who have married their long-time partners; having heard the stories of families made whole; and having witnessed the power of our nation's oldest Constitution in action, I cannot again vote to support this measure.

To support the Compromise Amendment now, after same-sex couples have had the right to marry for over a year, would be wrong. How can one justify taking away a constitutionally protected liberty? How can we not treat these couples, and the children they are raising, as fully equal?

My fellow members, it should not be our place to take rights and freedoms away from the citizens of Massachusetts. If I were present in this body today I would cast my vote against this amendment, and I urge you to do the same.

Although I am still confined to the hospital and awaiting additional surgery, I am following very closely the legislative issues and

matters that are before the General Court. Thank you again for your kind attention and for allowing me to make my thoughts known to the Convention.

Good luck and God bless you all.

Sincerely,

THOMAS P. KENNEDY,
State Representative,
9th Plymouth District.

After further consideration, Ms. Murray moved that a vote be taken forthwith on the main question on again agreeing to the amendment; and, there being no objection, the question on again agreeing to the amendment was taken by a call of the yeas and nays, as required by Article XLVIII of the Amendments to the Constitution, at a quarter before three o'clock P.M., as follows, to with (yeas 39 — nays 157) [**Senate Yeas and Nays No. 139**] [**House Yeas and Nays No. 174**]:

ANSWERED "PRESENT" — (39).

Senators.

Panagiotakos, Steven C. Travaglini, Robert E. — 2.

Representatives.

Binienda, John J.	Knuuttila, Brian
Canavan, Christine E.	Koczera, Robert M.
Candaras, Gale D.	Murphy, James M.
Casey, Paul C.	Murphy, Kevin J.
Connolly, Edward G.	Nangle, David M.
Curran, Sean	O'Flaherty, Eugene L.
DeLeo, Robert A.	Owens-Hicks, Shirley
Dempsey, Brian S.	Parente, Marie J.
Driscoll, Joseph R.	Perry, Jeffrey Davis
Evangelidis, Lewis G.	Petrolati, Thomas M.
Fagan, James H.	Polito, Karyn E.
Fresolo, John P.	Quinn, John F.
Garry, Colleen M.	Rogeness, Mary S.
Gifford, Susan Williams	Rogers, John H.
Greene, William G., Jr.	Rush, Michael F.
Hall, Geoffrey D.	Scaccia, Angelo M.
Hargraves, Robert S.	Timilty, Walter F.
Humason, Donald F., Jr.	Tobin, A. Stephen — 37.
Kane, Michael F.	

NAYS — (157).

Senators.

Antonioni, Robert A.	Buoniconti, Stephen J.
Augustus, Edward M., Jr.	Chandler, Harriette L.
Baddour, Steven A.	Creedon, Robert S., Jr.
Barrios, Jarrett T.	Creem, Cynthia Stone
Berry, Frederick E.	Fargo, Susan C.
Brewer, Stephen M.	Hart, John A., Jr.
Brown, Scott P.	Havern, Robert A.

Representative
Kennedy of
Brockton,
statement.

Constitution,
Affirmation of
marriage.

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

Representatives.

Atkins, Cory
Atsalis, Demetrius J.
Ayers, Bruce J.
Balser, Ruth B.
Blumer, Deborah D.
Bosley, Daniel E.
Bradley, Garrett J.
Broadhurst, Arthur J.
Cabral, Antonio F. D.
Callahan, Jennifer M.
Canessa, Stephen R.
Carron, Mark J.
Correia, Robert
Costello, Michael A.
Coughlin, Robert K.
Creedon, Geraldine
deMacedo, Viriato Manuel
DiMasi, Salvatore F.
Donato, Paul J.
Donelan, Christopher J.
Eldridge, James B.
Falzone, Mark V.
Fennell, Robert F.
Festa, Michael E.
Finegold, Barry R.
Flanagan, Jennifer L.
Flynn, David L.
Forry, Linda Dorcena
Fox, Gloria L.
Frost, Paul K.
Galvin, William C.
Gobi, Anne M.
Goguen, Emile J.
Golden, Thomas A., Jr.
Gomes, Shirley
Grant, Mary E.
Guyer, Denis E.
Haddad, Patricia A.
Harkins, Lida E.
Hill, Bradford
Honan, Kevin G.
Hynes, Frank M.
Jehlen, Patricia D.

Pacheco, Marc R.
Resor, Pamela
Rosenberg, Stanley C.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

Jones, Bradley H., Jr.
Kafka, Louis L.
Kaprielian, Rachel
Kaufman, Jay R.
Keenan, Daniel F.
Keenan, John D.
Khan, Kay
Kocot, Peter V.
Koutoujian, Peter J.
Kujawski, Paul
Kulik, Stephen
Lantigua, William
Leary, James B.
LeDuc, Stephen P.
Lepper, John A.
Linsky, David Paul
L'Italien, Barbara A.
Loscocco, Paul J.
Malia, Elizabeth A.
Mariano, Ronald
Marzilli, J. James, Jr.
Miceli, James R.
Moran, Michael J.
Murphy, Charles A.
Natale, Patrick M.
Naughton, Harold P., Jr.
Nyman, Robert J.
O'Brien, Thomas J.
Patrick, Matthew C.
Paulsen, Anne M.
Pedone, Vincent A.
Peisch, Alice Hanlon
Petersen, Douglas W.
Peterson, George N., Jr.
Petrucelli, Anthony
Pignatelli, William Smitty
Poirier, Elizabeth A.
Pope, Susan W.
Reinstein, Kathi-Anne
Rivera, Cheryl A.
Rodrigues, Michael J.
Ross, Richard J.
Rushing, Byron

Sánchez, Jeffrey
Sannicandro, Tom
Scibak, John W.
Sciortino, Carl M., Jr.
Smizik, Frank I.
Smola, Todd M.
Speliotis, Theodore C.
Spellane, Robert
Speranzo, Christopher N.
Spiliotis, Joyce A.
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.
Torrissi, David M.
Travis, Philip
Turkington, Eric
Turner, Cleon H.
Vallee, James E.
Verga, Anthony J.
Wagner, Joseph F.
Wallace, Brian P.
Walrath, Patricia A.
Walsh, Martin J.
Walsh, Steven M.
Walz, Martha M.
Webster, Daniel K.
Welch, James T.
Wolf, Alice K. — 120.

ABSENT OR NOT VOTING — (2).

Representatives.

Fallon, Christopher G.

Kennedy, Thomas P. — 2.

The yeas and nays having been completed at three o'clock P.M., the amendment was rejected.

Without further action on the matters duly and constitutionally assigned for consideration, on motion of Mr. Lees, at one minute past three o'clock P.M., the Joint Session was recessed until Wednesday, May 10, 2006 at one o'clock P.M.