

JOURNAL OF THE HOUSE

Monday, March 29, 2004.

Joint Session.

Met according to adjournment, at ten o'clock A.M.

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

At five minutes past ten o'clock A.M., the two Houses met in

JOINT SESSION

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

Pledge of allegiance.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Prayer.

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

Eternal God, the Ultimate Source of Compassion and Truth, during this moment of reflection and prayer, we focus our attention on You and on spiritual and human values. In carrying out our many and varied responsibilities, we depend upon You and Your assistance in our efforts to serve You faithfully and people thoughtfully. Help us to achieve the purpose for which we have been created by You. As elected leaders, in addressing and resolving complex, sensitive and emotional issues and policies, teach us to respect the dignity and the uniqueness of each individual person in our diverse communities. Let our disagreements on issues be respectful, civil and rational. During these times of possible terrorists activity, inspire us to work together in building a peaceful, caring and just society in which the common good is a common goal. May we remain faithful to our philosophical principles and religious commitments and beliefs.

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

Proposal for a Legislative Amendment to the Constitution, affirmation of marriage.

The Proposal for a Legislative Amendment to the Constitution relative to the affirmation of marriage (House, No. 3190, amended) was read a third time.

The Proposal was as follows:—

ARTICLE OF AMENDMENT.

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 common-

wealth. 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 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.

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.”

Pending the question on agreeing to the amendment, Messrs. Berry and Baddour moved to amend the proposal by striking out the text and inserting in place thereof the following text:—

“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 meet the requirements set forth by law for marriage. Civil unions for same sex persons 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.

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.” (as corrected BTR.)

Pending the question on adoption on the amendment, Messrs. Travaglini and Lees moved to amend the amendment by striking out the text and inserting in place thereof the following text:—

“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, privileges and obligations as are afforded to married persons, while recognizing that under present federal law benefits 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 the 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.

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.” (as corrected BTR)

Pending the question on adoption of the further amendment (Travaglini-Lees), Mr. Peterson of Grafton raised a point of order, which being stated, that the amendment being debated was out of order for the reason that it was accepted in improper order.

The Chair ruled that the point of order was NOT well taken, inasmuch as the amendments were not taken improperly.

Point of Order.

NOT well taken.

Mr. Jones of North Reading appealed the ruling of the Chair and it was seconded by Mr. Peterson of Grafton.

During consideration of the appeal, at two minutes past two o'clock A.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 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 twenty-three minutes before eleven o'clock A.M., as follows to wit (Answered Present 188) [**Senate Yeas and Nays No. 496**] [**House Yeas and Nays No. 568**]:

ANSWERED "PRESENT" — (188).

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.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Lees, Brian 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.	deMacedo, Viriato Manuel
Blumer, Deborah D.	Demakis, Paul C.
Bosley, Daniel E.	Dempsey, Brian S.
Bradley, Garrett J.	DiMasi, Salvatore F.
Buoniconiti, Stephen J.	Donato, Paul J.
Cabral, Antonio F. D.	Donelan, Christopher J.
Callahan, Jennifer M.	Donovan, Carol A.
Canavan, Christine E.	Driscoll, Joseph R.
Candaras, Gale D.	Eldridge, James B.
Carron, Mark J.	Evangelidis, Lewis G.
Ciampa, Vincent P.	Fagan, James H.
Coppola, Michael J.	Fallon, Christopher G.

Falzone, Mark V.	Nangle, David M.
Fennell, Robert F.	Naughton, Harold P., Jr.
Festa, Michael E.	Nyman, Robert J.
Finegold, Barry R.	O'Brien, Thomas J.
Finneran, Thomas M.	O'Flaherty, Eugene L.
Flynn, David L.	Parente, Marie J.
Fox, Gloria L.	Patrick, Matthew C.
Fresolo, John P.	Paulsen, Anne M.
Frost, Paul K.	Pedone, Vincent A.
Galvin, William C.	Peisch, Alice Hanlon
Garry, Colleen M.	Perry, Jeffrey Davis
George, Thomas N.	Petersen, Douglas W.
Gifford, Susan Williams	Peterson, George N., Jr.
Gobi, Anne M.	Petrolati, Thomas M.
Goguen, Emile J.	Petrucelli, Anthony
Golden, Brian Paul	Pignatelli, Smitty William
Golden, Thomas A., Jr.	Poirier, Elizabeth
Gomes, Shirley	Polito, Karyn E.
Grant, Mary E.	Pope, Susan W.
Greene, William G., Jr.	Quinn, John F.
Haddad, Patricia A.	Rivera, Cheryl A.
Hargraves, Robert S.	Rodrigues, Michael J.
Harkins, Lida E.	Rogeness, Mary S.
Hill, Bradford	Ruane, J. Michael
Hillman, Reed V.	Rush, Michael F.
Honan, Kevin G.	Rushing, Byron
Howland, Mark A.	Sánchez, Jeffrey
Humason, Donald F., Jr.	Scaccia, Angelo M.
Hynes, Frank M.	Scibak, John W.
Jehlen, Patricia D.	Smizik, Frank I.
Jones, Bradley H., Jr.	Speliotis, Theodore C.
Kafka, Louis L.	Spellane, Robert
Kane, Michael F.	Spiliotis, Joyce A.
Kaufman, Jay R.	Spilka, Karen
Keenan, Daniel F.	Stanley, Harriett L.
Kelly, Shaun P.	Stanley, Thomas M.
Khan, Kay	St. Fleur, Marie P.
Knuuttila, Brian	Story, Ellen
Kocot, Peter V.	Straus, William M.
Koczera, Robert M.	Sullivan, David B.
Koutoujian, Peter J.	Swan, Benjamin
Kujawski, Paul	Teahan, Kathleen M.
Kulik, Stephen	Timilty, Walter F.
Lantigua, William	Tobin, A. Stephen
Larkin, Peter J.	Toomey, Timothy J., Jr.
Leary, James B.	Torrisi, David M.
LeDuc, Stephen P.	Travis, Philip
Lepper, John A.	Turkington, Eric
Linsky, David Paul	Vallee, James E.
L'Italien, Barbara A.	Verga, Anthony J.
Loscocco, Paul J. P.	Wagner, Joseph F.
Malia, Elizabeth A.	Wallace, Brian P.
Mariano, Ronald	Walrath, Patricia A.
Marzilli, J. James, Jr.	Walsh, Martin J.
Miceli, James R.	Walsh, Steven Myles
Murphy, Charles A.	Webster, Daniel K.
Murphy, James M.	Wolf, Alice K. — 149.
Murphy, Kevin J.	

Proposal for a
Legislative
Amendment
to the
Constitution,
affirmation
of marriage.

NAYS — 0.

ABSENT OR NOT VOTING — (11).

Senator.

Magnani, David P. — 1.

Representatives.

Broadhurst, Arthur J.	Kennedy, Thomas P.
Casey, Paul C.	Owens-Hicks, Shirley
Connolly, Edward G.	Reinstein, Kathi-Anne
Hall, Geoffrey D.	Rogers, John H.
Kaprielian, Rachel	Simmons, Mary Jane — 10.

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

The question, "Shall the decision of the Chair stand as the judgment of the Joint Session?" was then considered; and the question thereon was determined by a call of the yeas and nays, at three minutes before eleven o'clock A.M., on motion of Mr. Peterson, as follows, to wit (yeas 148 — nays 48) [**Senate Yeas and Nays No. 497**] [**House Yeas and Nays No. 569**]:

YEAS — (148).

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.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Lees, Brian P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 39.
Menard, Joan M.	

Representatives.

Atkins, Cory	Buoniconiti, Stephen J.
Ayers, Bruce J.	Cabral, Antonio F. D.
Balsler, Ruth B.	Candaras, Gale D.
Binienda, John J.	Ciampa, Vincent P.
Blumer, Deborah D.	Costello, Michael A.
Bosley, Daniel E.	Coughlin, Robert K.
Bradley, Garrett J.	DeLeo, Robert A.
Broadhurst, Arthur J.	Demakis, Paul C.

Dempsey, Brian S.	Murphy, Kevin J.
DiMasi, Salvatore F.	Naughton, Harold P., Jr.
Donato, Paul J.	Nyman, Robert J.
Donelan, Christopher J.	O'Brien, Thomas J.
Donovan, Carol A.	O'Flaherty, Eugene L.
Eldridge, James B.	Parente, Marie J.
Fallon, Christopher G.	Patrick, Matthew C.
Falzone, Mark V.	Paulsen, Anne M.
Fennell, Robert F.	Pedone, Vincent A.
Festa, Michael E.	Peisch, Alice Hanlon
Finegold, Barry R.	Petersen, Douglas W.
Finneran, Thomas M.	Petrolati, Thomas M.
Fox, Gloria L.	Petruccelli, Anthony
Fresolo, John P.	Pignatelli, Smitty William
Galvin, William C.	Quinn, John F.
Gobi, Anne M.	Reinstein, Kathi-Anne
Goguen, Emile J.	Rivera, Cheryl A.
Grant, Mary E.	Rodrigues, Michael J.
Haddad, Patricia A.	Rogers, John H.
Harkins, Lida E.	Ruane, J. Michael
Honan, Kevin G.	Rushing, Byron
Howland, Mark A.	Sánchez, Jeffrey
Hynes, Frank M.	Scibak, John W.
Jehlen, Patricia D.	Smizik, Frank I.
Kafka, Louis L.	Speliotis, Theodore C.
Kaprielian, Rachel	Spellane, Robert
Kaufman, Jay R.	Spiliotis, Joyce A.
Keenan, Daniel F.	Spilka, Karen
Kelly, Shaun P.	Stanley, Harriett L.
Khan, Kay	Stanley, Thomas M.
Kocot, Peter V.	Story, Ellen
Koczera, Robert M.	Straus, William M.
Koutoujian, Peter J.	Sullivan, David B.
Kujawski, Paul	Swan, Benjamin
Kulik, Stephen	Teahan, Kathleen M.
Leary, James B.	Torrisi, David M.
LeDuc, Stephen P.	Travis, Philip
Linsky, David Paul	Turkington, Eric
L'Italien, Barbara A.	Verga, Anthony J.
Malia, Elizabeth A.	Wagner, Joseph F.
Mariano, Ronald	Walrath, Patricia A.
Marzilli, J. James, Jr.	Walsh, Martin J.
Murphy, Charles A.	Walsh, Steven Myles
Murphy, James M.	Wolf, Alice K. — 104.

NAYS — (48).

Representatives.

Asselin, Christopher P.	deMacedo, Viriato Manuel
Atsalis, Demetrius J.	Driscoll, Joseph R.
Callahan, Jennifer M.	Evangelidis, Lewis G.
Canavan, Christine E.	Fagan, James H.
Carron, Mark J.	Flynn, David L.
Casey, Paul C.	Frost, Paul K.
Coppola, Michael J.	Garry, Colleen M.
Correia, Robert	George, Thomas N.
Creedon, Geraldine	Gifford, Susan Williams

Proposal for a
Legislative
Amendment
to the
Constitution,
affirmation
of marriage.

Golden, Brian Paul
Golden, Thomas A., Jr.
Gomes, Shirley
Greene, William G., Jr.
Hall, Geoffrey D.
Hargraves, Robert S.
Hill, Bradford
Hillman, Reed V.
Humason, Donald F., Jr.
Jones, Bradley H., Jr.
Kane, Michael F.
Knuuttila, Brian
Larkin, Peter J.
Lepper, John A.
Loscocco, Paul J. P.

Miceli, James R.
Nangle, David M.
Owens-Hicks, Shirley
Perry, Jeffrey Davis
Peterson, George N., Jr.
Poirier, Elizabeth
Polito, Karyn E.
Pope, Susan W.
Rogeness, Mary S.
Rush, Michael F.
Timilty, Walter F.
Tobin, A. Stephen
Vallee, James E.
Wallace, Brian P.
Webster, Daniel K. — 48.

ABSENT OR NOT VOTING — (8).

Senator.

Magnani, David P. — 1.

Representatives.

Connolly, Edward G.
Kennedy, Thomas P.
Lantigua, William
Scaccia, Angelo M.

Simmons, Mary Jane
St. Fleur, Marie P.
Toomey, Timothy J., Jr. — 7.

The yeas and nays having been completed at four minutes past eleven o'clock A.M., the ruling of the Chair was sustained.

Mr. Peterson of Grafton raised a point of order, which, being stated, was that the further amendment (Travaglini-Lees) is out of order for the reason that the further amendment should not have been allowed to have been filed without knowing what was before the joint session.

The point of order was NOT well taken, inasmuch as the amendments were accepted in the order in which they were received.

Mr. Jones of North Reading appealed the ruling of the Chair and it was seconded by Mr. Peterson of Grafton.

The question, "Shall the decision of the Chair stand as the judgment of the Joint Session?" was sustained.

The pending further amendment (Travaglini-Lees) was adopted.

Mr. Peterson of Grafton doubted the vote and asked for a call of the yeas and nays, and sufficient number of members joining him in this request, the yeas and nays were ordered.

The question on adoption of the further amendment was determined by a call of the yeas and nays at eighteen minutes past eleven o'clock A.M., as follows to wit (yeas 116 — nays 81) [**Senate Yeas and Nays No. 498**] [**House Yeas and Nays No. 570**]:

YEAS — (116).

Senators.

Antonioni, Robert A.
Baddour, Steven A.

Barrios, Jarrett T.
Berry, Frederick E.

Brewer, Stephen M.
Chandler, Harriette L.
Creem, Cynthia Stone
Glodis, Guy W.
Hart, John A., Jr.
Havern, Robert A.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
McGee, Thomas M.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.

Murray, Therese
Nuciforo, Andrea F., Jr.
O'Leary, Robert A.
Pacheco, Marc R.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian — 30.

Representatives.

Atkins, Cory
Atsalis, Demetrius J.
Balsler, Ruth B.
Binienda, John J.
Blumer, Deborah D.
Bosley, Daniel E.
Buoniconti, Stephen J.
Cabral, Antonio F. D.
Callahan, Jennifer M.
Canavan, Christine E.
Candaras, Gale D.
Casey, Paul C.
Costello, Michael A.
Coughlin, Robert K.
DeLeo, Robert A.
Demakis, Paul C.
Donelan, Christopher J.
Donovan, Carol A.
Eldridge, James B.
Fagan, James H.
Fallon, Christopher G.
Falzone, Mark V.
Fennell, Robert F.
Festa, Michael E.
Finogold, Barry R.
Finneran, Thomas M.
Flynn, David L.
Fox, Gloria L.
Gobi, Anne M.
Grant, Mary E.
Haddad, Patricia A.
Harkins, Lida E.
Honan, Kevin G.
Howland, Mark A.
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 B.
LeDuc, Stephen P.
Linsky, David Paul
L'Italien, Barbara A.
Malia, Elizabeth A.
Mariano, Ronald
Marzilli, J. James, Jr.
Murphy, Charles A.
Murphy, Kevin J.
Naughton, Harold P., Jr.
Patrick, Matthew C.
Paulsen, Anne M.
Pedone, Vincent A.
Peisch, Alice Hanlon
Petersen, Douglas W.
Petrolati, Thomas M.
Petruccelli, Anthony
Pignatelli, Smitty William
Reinstein, Kathi-Anne
Rivera, Cheryl A.
Rodrigues, Michael J.
Rushing, Byron
Scibak, John W.
Smizik, Frank I.
Spellane, Robert
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.
Torrise, David M.
Turkington, Eric
Verga, Anthony J.
Wagner, Joseph F.
Walrath, Patricia A.
Walsh, Martin J.
Walsh, Steven Myles
Wolf, Alice K. — 86.

Point of
Order.

NOT
well taken.

Proposal for a Legislative Amendment to the Constitution, affirmation of marriage.

NAYS — (81).

Senators.

- | | |
|-------------------------|-------------------------|
| Brown, Scott P. | Morrissey, Michael W. |
| Creedon, Robert S., Jr. | Panagiotakos, Steven C. |
| Fargo, Susan C. | Sprague, Jo Ann |
| Hedlund, Robert L. | Walsh, Marian — 9. |
| Moore, Richard T. | |

Representatives.

- | | |
|--------------------------|--------------------------|
| Asselin, Christopher P. | Knuuttila, Brian |
| Ayers, Bruce J. | Koczera, Robert M. |
| Bradley, Garrett J. | Kujawski, Paul |
| Broadhurst, Arthur J. | Lantigua, William |
| Carron, Mark J. | Larkin, Peter J. |
| Ciampa, Vincent P. | Lepper, John A. |
| Connolly, Edward G. | Loscocco, Paul J. P. |
| Coppola, Michael J. | Miceli, James R. |
| Correia, Robert | Murphy, James M. |
| Creedon, Geraldine | Nangle, David M. |
| deMacedo, Viriato Manuel | Nyman, Robert J. |
| Dempsey, Brian S. | O'Brien, Thomas J. |
| DiMasi, Salvatore F. | O'Flaherty, Eugene L. |
| Donato, Paul J. | Owens-Hicks, Shirley |
| Driscoll, Joseph R. | Parente, Marie J. |
| Evangelidis, Lewis G. | Perry, Jeffrey Davis |
| Fresolo, John P. | Peterson, George N., Jr. |
| Frost, Paul K. | Poirier, Elizabeth |
| Galvin, William C. | Polito, Karyn E. |
| Garry, Colleen M. | Pope, Susan W. |
| George, Thomas N. | Quinn, John F. |
| Gifford, Susan Williams | Rogeness, Mary S. |
| Goguen, Emile J. | Rogers, John H. |
| Golden, Brian Paul | Ruane, J. Michael |
| Golden, Thomas A., Jr. | Rush, Michael F. |
| Gomes, Shirley | Sánchez, Jeffrey |
| Greene, William G., Jr. | Scaccia, Angelo M. |
| Hall, Geoffrey D. | Spiliotis, Theodore C. |
| Hargraves, Robert S. | Spiliotis, Joyce A. |
| Hill, Bradford | Timilty, Walter F. |
| Hillman, Reed V. | Tobin, A. Stephen |
| Humason, Donald F., Jr. | Toomey, Timothy J., Jr. |
| Hynes, Frank M. | Travis, Philip |
| Jones, Bradley H., Jr. | Vallee, James E. |
| Kane, Michael F. | Wallace, Brian P. |
| Keenan, Daniel F. | Webster, Daniel K. — 72. |

ABSENT OR NOT VOTING — (2).

Senator.

- Magnani, David P. — 1.

Representative.

- Simmons, Mary Jane — 1.

The yeas and nays having been completed at one minute before twelve o'clock noon, the further amendment (Travaglini-Lees) was adopted.

Mr. Lees moved that the vote on adoption of the further amendment (Travaglini-Lees) be reconsidered.

Pending the question on the motion to reconsider, at twelve o'clock noon, at the request of Mr. Lees, for the purposes of a minority party caucus, the President declared a recess; and at nineteen minutes past one o'clock P.M., the Joint Session reassembled, the President in the Chair.

The motion to reconsider the adoption of the further amendment (Travaglini-Lees) was considered; and was *negated*.

At nineteen minutes past one o'clock P.M., Mr. Rogers of Norwood 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 twenty-three minutes past one o'clock P.M., as follows to wit (Answered Present 197) [Senate Yeas and Nays No. 499] [House Yeas and Nays No. 571]:

ANSWERED "PRESENT" — (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. |
| Brown, Scott P. | O'Leary, Robert A. |
| Chandler, Harriette L. | Pacheco, Marc R. |
| Creedon, Robert S., Jr. | Panagiotakos, Steven C. |
| Creem, Cynthia Stone | Resor, Pamela |
| Fargo, Susan C. | Rosenberg, Stanley C. |
| Glodis, Guy W. | Shannon, Charles E. |
| Hart, John A., Jr. | Sprague, Jo Ann |
| Havern, Robert A. | Tarr, Bruce E. |
| Hedlund, Robert L. | Tisei, Richard R. |
| Joyce, Brian A. | Tolman, Steven A. |
| Knapik, Michael R. | Travaglini, Robert E. |
| Lees, Brian P. | Tucker, Susan C. |
| McGee, Thomas M. | Walsh, Marian |
| Melconian, Linda J. | Wilkerson, Dianne — 39. |
| Menard, Joan M. | |

Representatives.

- | | |
|-------------------------|------------------------|
| Asselin, Christopher P. | Bosley, Daniel E. |
| Atkins, Cory | Bradley, Garrett J. |
| Atsalis, Demetrius J. | Broadhurst, Arthur J. |
| Ayers, Bruce J. | Buoniconti, Stephen J. |
| Balser, Ruth B. | Cabral, Antonio F. D. |
| Binienda, John J. | Callahan, Jennifer M. |
| Blumer, Deborah D. | Canavan, Christine E. |

Proposal for a
Legislative
Amendment
to the
Constitution,
affirmation
of marriage.

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 Williams
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 B.
LeDuc, Stephen P.
Lepper, John A.
Linsky, David Paul
L'Italien, Barbara A.
Loscocco, Paul J. P.
Malia, Elizabeth A.
Mariano, Ronald
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 C.
Paulsen, Anne M.
Pedone, Vincent A.
Peisch, Alice Hanlon
Perry, Jeffrey Davis
Petersen, Douglas W.
Peterson, George N., Jr.
Petrolati, Thomas M.
Petruccelli, Anthony
Pignatelli, Smitty William
Poirier, Elizabeth
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.

Smizik, Frank I.
Speliotis, Theodore C.
Spellane, Robert
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.
Torrissi, 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 Myles
Webster, Daniel K.
Wolf, Alice K. — 158.

NAYS — 0.

ABSENT OR NOT VOTING — (2)

Senator.

Magnani, David P. — 1.

Representative.

Simmons, Mary Jane — 1.

The yeas and nays having been completed at twenty-seven minutes before two 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, amended),— was further considered, the question being substitution of the further amendment (Travaglini-Lees) for the pending amendment (Berry-Baddour).

Pending the question on substitution of the further amendment, Mr. Rogers of Norwood asked unanimous consent to further amend the amendment (Travaglini-Lees) 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 persons are established by the 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.

No individual, acting within the free exercise of religion, or religious organization shall be required to solemnize or recognize a union between persons of the same-sex, nor shall any such individual or organization be penalized by the government in any manner for exercising either their religious beliefs or conscientious objection and refusing to solemnize or recognize a union between persons of the same-sex.

Proposal for a Legislative Amendment to the Constitution, affirmation of marriage.

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.”,— **but objection was made thereto; and the amendment was laid aside.**

After debate, the question on adoption of the pending amendment (Berry-Baddour), as amended (Travaglini-Lees), was determined by a call of the yeas and nays at nineteen minutes past two o'clock P.M. as follows to wit (yeas 111 — nays 86) [**Senate Yeas and Nays No. 500**] [**House Yeas and Nays No. 572**]:

YEAS — (111).

Senators.

- Antonioni, Robert A.
- Baddour, Steven A.
- Barrios, Jarrett T.
- Berry, Frederick E.
- Brewer, Stephen M.
- Chandler, Harriette L.
- Creem, Cynthia Stone
- Hart, John A., Jr.
- Havern, Robert A.
- Joyce, Brian A.
- Knapik, Michael R.
- Lees, Brian P.
- McGee, Thomas M.
- Melconian, Linda J.
- Menard, Joan M.
- Montigny, Mark C.
- Murray, Therese
- Nuciforo, Andrea F., Jr.
- O’Leary, Robert A.
- Pacheco, Marc R.
- Resor, Pamela
- Rosenberg, Stanley C.
- Shannon, Charles E.
- Tarr, Bruce E.
- Tisei, Richard R.
- Tolman, Steven A.
- Travaglini, Robert E.
- Tucker, Susan C.
- Wilkerson, Dianne — 29.

Representatives.

- Atkins, Cory
- Atsalis, Demetrius J.
- Balsler, Ruth B.
- Binienda, John J.
- Blumer, Deborah D.
- Bosley, Daniel E.
- Buoniconiti, Stephen J.
- Cabral, Antonio F. D.
- Callahan, Jennifer M.
- Canavan, Christine E.
- Candaras, Gale D.
- Casey, Paul C.
- Costello, Michael A.
- Coughlin, Robert K.
- DeLeo, Robert A.
- Demakis, Paul C.
- Donelan, Christopher J.
- Eldridge, James B.
- Fallon, Christopher G.
- Falzone, Mark V.
- Festa, Michael E.
- Finegold, Barry R.
- Finneran, Thomas M.
- Fox, Gloria L.
- Gobi, Anne M.
- Grant, Mary E.
- Haddad, Patricia A.
- Harkins, Lida E.
- Honan, Kevin G.
- Howland, Mark A.
- 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 B.
- LeDuc, Stephen P.
- Linsky, David Paul
- L’Italien, Barbara A.
- Malia, Elizabeth A.
- Mariano, Ronald
- Marzilli, J. James, Jr.
- Murphy, Charles A.
- Murphy, Kevin J.
- Naughton, Harold P., Jr.

- Patrick, Matthew C.
- Paulsen, Anne M.
- Pedone, Vincent A.
- Peisch, Alice Hanlon
- Petersen, Douglas W.
- Petrolati, Thomas M.
- Petrucelli, Anthony
- Pignatelli, Smitty William
- Reinstein, Kathi-Anne
- Rivera, Cheryl A.
- Rodrigues, Michael J.
- Rushing, Byron
- Scibak, John W.
- Smizik, Frank I.
- Spellane, Robert
- 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.
- Torrisi, David M.
- Turkington, Eric
- Verga, Anthony J.
- Wagner, Joseph F.
- Walrath, Patricia A.
- Walsh, Martin J.
- Walsh, Steven Myles
- Wolf, Alice K. — 82.

NAYS — (86).

Senators.

- Brown, Scott P.
- Creedon, Robert S., Jr.
- Fargo, Susan C.
- Glodis, Guy W.
- Hedlund, Robert L.
- Moore, Richard T.
- Morrissey, Michael W.
- Panagiotakos, Steven C.
- Sprague, Jo Ann
- Walsh, Marian — 10.

Representatives.

- Asselin, Christopher P.
- Ayers, Bruce J.
- Bradley, Garrett J.
- Broadhurst, Arthur J.
- Carron, Mark J.
- Ciampa, Vincent P.
- Connolly, Edward G.
- Coppola, Michael J.
- Correia, Robert
- Creedon, Geraldine
- deMacedo, Viriato Manuel
- Dempsey, Brian S.
- DiMasi, Salvatore F.
- Donato, Paul J.
- Donovan, Carol A.
- Driscoll, Joseph R.
- Evangelidis, Lewis G.
- Fagan, James H.
- Fennell, Robert F.
- Flynn, David L.
- Fresolo, John P.
- Frost, Paul K.
- Galvin, William C.
- Garry, Colleen M.
- George, Thomas N.
- Gifford, Susan Williams
- 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.
- Humason, Donald F., Jr.
- Hynes, Frank M.
- Jones, Bradley H., Jr.
- Kane, Michael F.
- Keenan, Daniel F.
- Knuuttila, Brian
- Koczera, Robert M.
- Kujawski, Paul
- Lantigua, William
- Larkin, Peter J.
- Lepper, John A.
- Loscocco, Paul J. P.
- Miceli, James R.
- Murphy, James M.
- Nangle, David M.
- Nyman, Robert J.
- O’Brien, Thomas J.
- O’Flaherty, Eugene L.
- Owens-Hicks, Shirley
- Parente, Marie J.
- Perry, Jeffrey Davis
- Peterson, George N., Jr.
- Poirier, Elizabeth
- Polito, Karyn E.
- Pope, Susan W.

Proposal for a Legislative Amendment to the Constitution, affirmation of marriage.

Quinn, John F.
Rogeness, Mary S.
Rogers, John H.
Ruane, J. Michael
Rush, Michael F.
Sánchez, Jeffrey
Scaccia, Angelo M.
Speliotis, Theodore C.

Spiliotis, Joyce A.
Timilty, Walter F.
Tobin, A. Stephen
Toomey, Timothy J., Jr.
Travis, Philip
Vallee, James E.
Wallace, Brian P.
Webster, Daniel K. — 76.

ABSENT OR NOT VOTING — (2)

Senator.

Magnani, David P. — 1.

Representative.

Simmons, Mary Jane — 1.

The yeas and nays having been completed at twenty-eight minutes before three o'clock P.M., the pending amendment (Berry-Baddour), as amended (Travaglini-Lees) was adopted, as amended.

Recess.

At the request of Mr. Jones of North Reading, for the purposes of a minority caucus, the President declared a recess; and at twenty-three minutes before four o'clock P.M., the Joint Session reassembled, the President in the Chair.

Proposal for a Legislative Amendment to the Constitution, affirmation of marriage.

The Proposal for a Legislative Amendment to the Constitution relative to the affirmation of marriage (House, No. 3190, amended),— was further considered, the question being on agreeing to the amendment.

Mr. Peterson of Grafton moved to reconsider the vote on the adoption of the pending amendment (Berry-Baddour), as amended (Travaglini-Lees), but the Chair ruled that the motion was out of order in that it was not made in timely manner as prescribed by the rules.

Mr. Hynes of Marshfield moved to divide the question, but objection was made thereto.

Quorum.

At nineteen minutes before four o'clock P.M., Mr. Hynes of Marshfield 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 nineteen minutes before four o'clock P.M., as follows to wit (Answered Present 195) [Senate Yeas and Nays No. 501] [House Yeas and Nays No. 573]:

ANSWERED "PRESENT" — (195).

Senators.

Antonioni, Robert A.
Baddour, Steven A.

Barrios, Jarrett T.
Berry, Frederick E.

Brewer, Stephen M.
Brown, Scott P.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian 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 — 38.

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.
Buoniconti, Stephen J.
Cabal, Antonio F. D.
Callahan, Jennifer M.
Canavan, Christine E.
Candaras, Gale D.
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 Williams
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
Knuutila, Brian
Kocot, Peter V.

Proposal for a
Legislative
Amendment
to the
Constitution,
affirmation
of marriage.

Koczera, Robert M.
Koutoujian, Peter J.
Kujawski, Paul
Kulik, Stephen
Lantigua, William
Larkin, Peter J.
Leary, James B.
LeDuc, Stephen P.
Lepper, John A.
Linsky, David Paul
L'Italien, Barbara A.
Loscocco, Paul J. P.
Malia, Elizabeth A.
Mariano, Ronald
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 C.
Paulsen, Anne M.
Pedone, Vincent A.
Peisch, Alice Hanlon
Perry, Jeffrey Davis
Petersen, Douglas W.
Peterson, George N., Jr.
Petrolati, Thomas M.
Petruccelli, Anthony
Pignatelli, Smitty William
Poirier, Elizabeth
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.
Smizik, Frank I.
Spiliotis, Theodore C.
Spellane, Robert
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 Myles
Webster, Daniel K.
Wolf, Alice K. — 157.

NAYS — 0.

ABSENT OR NOT VOTING — (4).

Senators.

Hart, John A., Jr.

Magnani, David P. — 2.

Representatives.

Carron, Mark J.

Simmons, Mary Jane — 2.

After debate, 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 one minute before six o'clock P.M., as follows, to wit (yeas 105 — nays 92) **[Senate Yeas and Nays No. 502] [House Yeas and Nays No. 574]:**

YEAS — (105).

Senators.

Baddour, Steven A.
Berry, Frederick E.
Brewer, Stephen M.
Brown, Scott P.
Glodis, Guy W.
Hart, John A., Jr.
Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.

Menard, Joan M.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Pacheco, Marc R.
Panagiotakos, Steven C.
Tarr, Bruce E.
Travaglini, Robert E. — 17.

Representatives.

Asselin, Christopher P.
Atsalis, Demetrius J.
Ayers, Bruce J.
Binienda, John J.
Bradley, Garrett J.
Broadhurst, Arthur J.
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
Coughlin, Robert K.
Creedon, Geraldine
DeLeo, Robert A.
Dempsey, Brian S.
Donato, Paul J.
Driscoll, Joseph R.
Evangelidis, Lewis G.
Fagan, James H.
Fennell, Robert F.
Finneran, Thomas M.
Flynn, David L.
Fresolo, John P.
Frost, Paul K.
Garry, Colleen M.
George, Thomas N.
Gifford, Susan Williams
Gobi, Anne M.
Goguen, Emile J.
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.
Kane, Michael F.
Keenan, Daniel F.
Kennedy, Thomas P.
Knuuttila, Brian
Koczera, Robert M.
Kujawski, Paul
Lantigua, William
Larkin, Peter J.
Leary, James B.
LeDuc, Stephen P.
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 Davis
Petrolati, Thomas M.
Petruccelli, Anthony
Polito, Karyn E.
Pope, Susan W.
Quinn, John F.
Rodrigues, Michael J.

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

Mr. Hynes of Marshfield then moved to suspend the provisions of House Rule 74, but an objection was made thereto.

Proposal for a Legislative Amendment to the Constitution, affirmation of marriage.

Rogeness, Mary S.	Tobin, A. Stephen
Rogers, John H.	Travis, Philip
Ruane, J. Michael	Turkington, Eric
Rush, Michael F.	Vallee, James E.
Scaccia, Angelo M.	Verga, Anthony J.
Spiliotis, Joyce A.	Wagner, Joseph F.
Straus, William M.	Wallace, Brian P.
Timilty, Walter F.	Walrath, Patricia A. — 88.

NAYS — (92).

Senators.

Antonioni, Robert A.	Nuciforo, Andrea F., Jr.
Barrios, Jarrett T.	O’Leary, Robert A.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Shannon, Charles E.
Fargo, Susan C.	Sprague, Jo Ann
Havern, Robert A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 22.

Representatives.

Atkins, Cory	Kulik, Stephen
Balsler, Ruth B.	Lepper, John A.
Blumer, Deborah D.	Linsky, David Paul
Bosley, Daniel E.	L’Italien, Barbara A.
Cabral, Antonio F. D.	Loscocco, Paul J. P.
Costello, Michael A.	Malia, Elizabeth A.
deMacedo, Viriato Manuel	Mariano, Ronald
Demakis, Paul C.	Marzilli, J. James, Jr.
DiMasi, Salvatore F.	Murphy, Charles A.
Donelan, Christopher J.	Patrick, Matthew C.
Donovan, Carol A.	Paulsen, Anne M.
Eldridge, James B.	Peisch, Alice Hanlon
Fallon, Christopher G.	Petersen, Douglas W.
Falzone, Mark V.	Peterson, George N., Jr.
Festa, Michael E.	Pignatelli, Smitty William
Finegold, Barry R.	Poirier, Elizabeth
Fox, Gloria L.	Reinstein, Kathi-Anne
Galvin, William C.	Rivera, Cheryl A.
Golden, Brian Paul	Rushing, Byron
Grant, Mary E.	Sánchez, Jeffrey
Haddad, Patricia A.	Scibak, John W.
Harkins, Lida E.	Smizik, Frank I.
Honan, Kevin G.	Speliotis, Theodore C.
Jehlen, Patricia D.	Spellane, Robert
Jones, Bradley H., Jr.	Spilka, Karen
Kafka, Louis L.	Stanley, Harriett L.
Kaprielian, Rachel	Stanley, Thomas M.
Kaufman, Jay R.	St. Fleur, Marie P.
Kelly, Shaun P.	Story, Ellen
Khan, Kay	Sullivan, David B.
Kocot, Peter V.	Swan, Benjamin
Koutoujian, Peter J.	Teahan, Kathleen M.

Toomey, Timothy J., Jr.	Walsh, Steven Myles
Torrissi, David M.	Webster, Daniel K.
Walsh, Martin J.	Wolf, Alice K. — 70.

ABSENT OR NOT VOTING — (2).

Senator.

Magnani, David P. — 1.

Representative.

Simmons, Mary Jane — 1.

The yeas and nays having been completed at eight minutes past six o’clock P.M., the amendment was agreed to.

Mr. Lees moved reconsideration the vote on agreeing to the amendment; and this motion was *negatived*.

Without further action on the matters duly and constitutionally assigned for consideration, at nine minutes past six o’clock P.M., the Joint Session was recessed until Tuesday, March 30, 2004 at one o’clock P.M.

Message from the Governor — Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill authorizing the town of Wellesley to establish a group insurance liability fund [see House, No. 3869] (for message, see House, No. 4618) was filed in the office of the Clerk on Friday, March 26.

Wellesley, retirees health insurance.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon “before the General Court and subject to amendment and re-enactment”.

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Ms. Peisch of Wellesley, to the committee on Bills in the Third Reading.

Appointment to an Advisory Board.

The Speaker announced the appointment of Representative Bosley of North Adams to the Advisory Board established (under Section 60 of Chapter 141 of the Acts of 2003) to advise the International Trade Council on the scope of services provided to said council by the contractor providing international marketing and tourism promotion services on behalf of the Commonwealth.

Tourism Fund Advisory Board.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Representatives Broadhurst of Methuen, L’Italien of Andover and Torrissi of North Andover) honoring United States Marine Corporal David Vicente;

David Vicente.

John Howcroft.
 Resolutions (filed by Mr. Koczera of New Bedford) congratulating John Howcroft on the occasion of his retirement from the Massachusetts Department of Transitional Assistance;

Mary Helen Barrett.
 Resolutions (filed by Mrs. Pope of Wayland) congratulating Mary Helen Barrett on the occasion of her one hundredth birthday; and

Paul A. Johnston.
 Resolutions (filed by Mr. Walsh of Boston) congratulating Officer Paul A. Johnston on the occasion of his retirement from the Boston Police Department;

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Petrolati of Ludlow, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

Plymouth Deeds Registry.
 A communication from the Plymouth County Registry of Deeds (under Section KKK of Chapter 29 of the General Laws as inserted by Section 4 of Chapter 4 of the Acts of 2003) submitting an initial plan for technological improvements at said registry (copies of said communication referred, as required under said law, to the committee on Ways and Means and the committee on Post Audit and Oversight), was placed on file.

Petitions.

Fitchburg, retired police.
 Mr. Goguen of Fitchburg presented a petition (accompanied by bill, House, No. 4617) of Emile J. Goguen, Robert A. Antonioni and Brian Knuuttila (with the approval of the mayor and city council) relative to the appointment of retired police officers in the city of Fitchburg; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

State education aid.
 Petitions severally were presented and referred as follows:
 By Mr. Atsalis of Barnstable, petition (subject to Joint Rule 12) of Demetrius J. Atsalis relative to the determination of distribution of state aid for education.

West Springfield, land.
 By Mr. Buoniconti of West Springfield, petition (subject to Joint Rule 12) of Stephen J. Buoniconti (by vote of the town) that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land to the town of West Springfield.

Cities and towns, taxes.
 By the same member, petition (subject to Joint Rule 12) of Stephen J. Buoniconti relative to tax receivables of cities and towns.

Elisabeth H. Hathaway.
 By Mr. DiMasi of Boston (by request), petition (subject to Joint Rule 12) of Charlotte Harris that the Division of Professional Licensure be authorized to issue a license to Elisabeth H. Hathaway to practice as a psychologist in the Commonwealth.

Motor vehicles, tax compliance.
 By Mr. Finegold of Andover, petition (subject to Joint Rule 12) of Barry R. Finegold for legislation to improve tax compliance associated with the registration of motor vehicles.

Animals, cruelty.
 By Mr. Hill of Ipswich, petition (subject to Joint Rule 12) of Bradford Hill relative to the penalty for the confinement of pigs and calves.

Constables, fees.
 By Mr. Jones of North Reading, petition (subject to Joint Rule 12) of Sally M. Hoyt and another relative to fees for the service of process by constables.

Math, high school.
 By Mr. Kelly of Dalton, petition (subject to Joint Rule 12) of Shaun P. Kelly relative to certain math courses in public high schools.

Smoking.
 By Mr. Kennedy of Brockton, petition (subject to Joint Rule 12) of Paul F. Murphy and Thomas P. Kennedy relative to cigarette smoking in the presence of minors.

Biomedical research day.
 By Mr. Koutoujian of Waltham, petition (subject to Joint Rule 12) of Peter J. Koutoujian and Richard T. Moore for the issuance of an annual proclamation by the Governor establishing October twenty-first as Biomedical Research Day.

Low-income housing.
 By Mr. Larkin of Pittsfield, petition (subject to Joint Rule 12) of Peter J. Larkin and other members of the General Court for legislation to make permanent the low-income housing tax credit of the Commonwealth.

Boston, M W R A easement.
 By Mr. Petrucci of Boston, petition (subject to Joint Rule 12) of Anthony Petrucci that the Water Resources Authority be authorized to convey to the Commonwealth a certain parcel of land located in the East Boston district of the city of Boston.

Salem Retirement Board.
 By Mr. Ruane of Salem, petition (subject to Joint Rule 12) of J. Michael Ruane relative to the Salem Retirement Board.

Gas and electric companies.
 By Mr. Sánchez of Boston, petition (subject to Joint Rule 12) of Jeffrey Sánchez relative to the environmental impact to the long range plans of gas and electric companies.

UMass, mutual aid.
 By Ms. Story of Amherst, petition (subject to Joint Rule 12) of Ellen Story, Stephen Kulik, John W. Scibak, Peter V. Kocot, Christopher J. Donelan and Stanley C. Rosenberg for legislation to authorize the University of Massachusetts at Amherst to enter into mutual aid agreements with municipal police departments.

Roads, subdivisions.
 By Mr. Vallee of Franklin, petition (subject to Joint Rule 12) of James E. Vallee, David P. Magnani and Scott P. Brown relative to subdivision roads accepted by municipalities.

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

Papers from the Senate.

Public accountancy, exam.
 A Bill relative to the computerization of the examination for certification for the practice of public accountancy (Senate, No. 2210, amended by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2305) (on Senate, No. 2174), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33B, to the committee on Science and Technology.

Bills
 Relative to the registration of podiatrists (Senate, No. 671) (on a petition);
 Podiatrists, registration.

Municipal elections, ballots.
 Requiring late counting of certain overseas absentee ballots in city elections (Senate, No. 2164) (on a petition);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2314) of Thomas M. McGee, Steven A. Baddour, Michael A. Costello and J. Michael Ruane for legislation to establish a sick leave bank for Leslie A. Donahue, a Justice of the Trial Court of the Commonwealth. To the committee on the Judiciary.

Petition (accompanied by bill, Senate, No. 2315) of Shirley J. Smith for legislation to encourage water conservation by private investor-owned water supply companies. To the committee on Natural Resources and Agriculture.

Petition (accompanied by bill, Senate, No. 2313) of Richard T. Moore, Paul Kujawski and Jennifer M. Callahan for legislation relative to the disposition of easements or other interests in land in Uxbridge under the care and control of the department of conservation and recreation. To the committee on State Administration.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Marie J. Parente that mortgagors be required to offer mortgagees "rate-lock" commitments upon submission of mortgage applications. To the committee on Banks and Banking.

Petition (accompanied by bill) of A. Stephen Tobin, James E. Vallee and Reed V. Hillman relative to the DNA database within the Department of State Police. To the committee on Criminal Justice.

Petition (accompanied by bill) of Christine E. Canavan and Kathleen M. Teahan for legislation to regulate contributions by the city and the towns for operation of the Southeastern Regional School District. To the committee on Education, Arts and Humanities.

Petition (accompanied by bill) of Peter J. Koutoujian and other members of the General Court that the children of certain low-income households be granted access to basic health care. To the committee on Health Care.

Petition (accompanied by bill) of Geoffrey D. Hall and Robert S. Hargraves that operators of snowmobiles be prohibited from operating such recreational vehicles under the influence of alcoholic beverages or controlled substances. To the committee on Public Safety.

Petition (accompanied by bill) of Lewis G. Evangelidis relative to authorizing the Teachers' Retirement Board to refund a certain sum of money to Linda Miller, a former teacher in the Southboro School District. To the committee on Public Service.

Petition (accompanied by bill) of Lewis G. Evangelidis that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land in the town of Holden to John P. Foley and Janet Foley. To the committee on State Administration.

Under suspension of the rules, on motion of Mr. Scaccia, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Binienda of Worcester, for the committee on Energy, on a part of House, No. 631 (section 1) and House, No. 660, an Order relative to authorizing the committee on Energy to make an investigation and study of certain House documents concerning alternative fuel facilities (House, No. 4614).

By Mr. Bosley of North Adams, for the committee on Government Regulations, on House, Nos. 8, 25, 49, 50, 130, 131, 139, 140, 340, 341, 342, 343, 344, 543, 546, 887, 888, 890, 891, 892, 896, 1083, 1084, 1085, 1275, 1276, 1277, 1463, 1465, 1466, 1468, 1469, 1471, 1472, 1475, 1476, 1478, 1655, 1656, 1657, 1658, 1659, 1661, 2039, 2040, 2043, 2044, 2047, 2233, 2235, 2421, 2422, 2423, 2426, 2427, 2429, 2592, 2593, 2594, 2790, 2791, 2794, 2796, 2954, 2955, 2956, 3147, 3148, 3326, 3514, 3647, 3648, 3650, 3651, 3652, 3976, 4118, 4147 and 4378, an Order relative to authorizing the committee on Government Regulations to make an investigation and study of certain House documents concerning licensing, utilities, alcohol, ticket reselling, vital statistics, racing, gaming and telecommunications (House, No. 4615).

By Mr. Mariano of Quincy, for the committee on Insurance, on House, Nos. 168, 169, 170, 376, 377, 562, 563, 564, 724, 725, 726, 920, 922, 923, 924, 925, 926, 927, 928, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1305, 1306, 1307, 1308, 1309, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1679, 1680, 1681, 1682, 1683, 1686, 1687, 1688, 1689, 1690, 1691, 1693, 1695, 1697, 1702, 1704, 1826, 1875, 1877, 1878, 1880, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 2075, 2076, 2077, 2078, 2079, 2082, 2084, 2085, 2086, 2254, 2258, 2446, 2447, 2448, 2449, 2451, 2452, 2624, 2625, 2626, 2629, 2630, 2631, 2632, 2633, 2820, 2822, 2824, 2825, 2826, 2986, 3179, 3180, 3181, 3182, 3183, 3338, 3339, 3340, 3341, 3342, 3536, 3537, 3538, 3539, 3540, 3667, 3797, 3798, 3801, 3808, 3875, 3876 and 4447, an Order relative to authorizing the committee on Insurance to make an investigation and study of certain House documents concerning insurance regulations (House, No. 4616).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Order.

On motion of Mr. Finneran of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at twelve o'clock noon; and that, notwithstanding the provisions of House Rule 12, the Clerk be authorized to dispense with the printing of a Calendar for said sitting.

Alternative fuel, study.

Government Regulations, study.

Insurance regulations.

Next sitting and printing of Calendar.

Justice Leslie A. Donahue, sick leave bank.

Water conservation.

Uxbridge, easements.

Mortgages.

DNA database.

Regional School District.

Health care, access.

Recreational vehicles, drunk driving.

Linda Miller, retirement.

Holden, land.

At twenty-five minutes after six o'clock P.M., on motion of Mr. Scaccia of Boston (Mr. DiMasi of Boston being in the Chair), the House adjourned, to meet tomorrow at twelve o'clock noon.