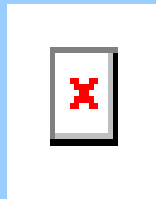


NOTICE: - While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **not** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



Tuesday, July 28, 1998.

Met at twenty-six minutes past one o'clock P.M.

Report.

A report of the Bureau of Special Investigations (under the provisions of Section 15D(6) of Chapter 22 of the General Laws) submitting a report of its activities for the month of June 1998 (received Tuesday, July 28, 1998),— **was read and sent to the House for its information.**

Petition.

Mr. Norton presented a petition (subject to Joint Rule 12) of Thomas C. Norton for legislation to protect the contractual rights of employees at electric generating facilities within the Commonwealth,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Ms. Fargo, for the committee on Local Affairs, on petition, a Bill relative to the acceptance of streets in the town of Tolland (Senate, No. 2285) [Local approval received];
Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Mr. Berry, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill authorizing the establishment of the Burncoat Pond watershed district in the towns of Leicester and Spencer (House, No. 5558, amended).

Papers from the House

Bills

Designating an overpass in the town of Somerset as the John Marshall overpass (House, No. 5430,— on petition); and

Validating the acts and proceedings of the annual and special town meetings held in the town of Stoughton (printed in House, No. 5640,— being a message from His Honor the Lieutenant Governor, Acting Governor);

Were severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

Distinguished Guests.

The President introduced, seated in the gallery, students from the University of Massachusetts at Lowell College Prep Program. The group included 120 students from Lawrence and 30 staff people, including Hector N. Torres, program coordinator. They were the guests of Senator O'Brien.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Relative to the investment of trust funds by the city of Worcester (Senate, No. 2261); and Exempting the position of school nurse in the town of Brookline from the civil service law (House, No. 5612);

Were severally read a second time and ordered to a third reading.

The House bills

Relative to nomination papers (House, No. 5074);

Relative to certain licenses to exhibit by movie theaters (House, No. 5010);

Relative to early intervention programs for injured public employees (House, No. 5020);

Relative to periodic payments to contractors on public works contracts (House, No. 5595); and

Relative to the terms of certain bonds and notes to be issued by the Commonwealth (printed in House, No. 5603);

Were severally read a third time and passed to be engrossed, in concurrence.

The Senate Bill relative to a reversionary interest of the Commonwealth in land in the town of Tewksbury (Senate, No. 1424) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill authorizing the Division of Capital Planning and Operations to convey certain property located in the town of Wakefield to the owner of an abutting parcel (Senate, No. 2246, amended) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill authorizing long term leases for offices for the Department of Public Health in the Dudley Square area of the city of Boston (Senate, No. 2282) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate bills

Authorizing licensed educational psychologists to receive certain insurance payments (Senate, No. 2287);

To provide access to certain commuter rail stations of the Massachusetts Bay Transportation Authority (Senate, No. 2290); and

Relative to promoting job growth in the Commonwealth (Senate, No. 2294);

Were severally read a third time and passed to be engrossed.

Severally sent to the House for concurrence.

The Senate Bill further regulating the compensation of victims of violent crimes (Senate, No. 2288) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill authorizing the Division of Capital Planning and Operations and the Metropolitan District Commission to convey certain land in the city of Boston (Senate, No. 2289) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill to protect consumers from the unauthorized switching of their local and long distance telecommunications service providers (Senate, No. 2291),— was read a third time and passed to be engrossed.

Subsequently, there being no objection, on motion of Mr. Morrissey, the Senate considered no action having been taken on the question on passing the bill to be engrossed.

Pending the question on passing the bill to be engrossed, on motion of Mr. Morrissey, the further consideration thereof was postponed until the next session.

The House Bill authorizing the Division of Capital Planning and Operations to convey a certain parcel of land in the town of Bridgewater (House, No. 4534, amended),— **was read a third time and passed to be engrossed, in concurrence.**

Sent to the House for concurrence in the amendment previously adopted by the Senate.

The House Bill authorizing the Division of Capital Planning and Operations to grant interests in certain land to the town of Franklin (House, No. 4697),— **was read a third time and passed to**

be engrossed, in concurrence.

Sent to the House for concurrence in the amendment previously adopted by the Senate.

The House Bill further regulating the powers of the Massachusetts State College Building Authority (House, No. 5581, amended),— **was read a third time and passed to be engrossed, in concurrence.**

Sent to the House for concurrence in the amendment previously adopted by the Senate.

The House Bill authorizing the Registrar of Motor Vehicles to update address information (House, No. 5401),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Jajuga moved that the bill be amended by striking out the sentence contained in lines 24 to 26 (as printed), inclusive. The amendment was adopted.

After remarks on the question on passing the bill to be engrossed, the Chair placed the matter at the end of the matters passed for consideration in the orders of the Day.

Subsequently, the matters passed for consideration in the Orders of the Day having been disposed of, the bill was further considered.

Messrs. Jajuga, Tisei and Lees moved that the bill be further amended by inserting in line 20 (as printed), after the word "purposes" the following sentence:— "If the registrar obtains information from the department of revenue, he shall have access only to individuals' names and addresses."

The amendment was adopted.

The bill was then passed to be engrossed, in concurrence.

Sent to the House for concurrence in the amendments adopted by the Senate.

The House Bill relative to false impersonation (House, No. 5147),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Jajuga moved that the bill be amended by striking out the words "(1) an arrest on a misdemeanor charge shall be punished by a fine of not more than \$500 or imprisonment in a house of correction for not more than six months, or both, or (2) an arrest on a felony charge shall be punished by a fine of not more than \$1,000 or by imprisonment in a house of correction or a state prison for not more than one year, or both. Any sentence imposed pursuant to this section" and inserting in place thereof the following words:— "an arrest shall be punished by a fine of not more than \$1,000 or by imprisonment in a house of correction for not more than one year or by both such fine and imprisonment. Such sentence."

After remarks, the amendment was adopted.

Ms. Jacques moved that the bill be amended by inserting after the enacting clause the following section:—

"SECTION 1. Chapter 266 of the General Laws is hereby amended by inserting after section 37D, as appearing in the 1996 Official Edition, the following section:—

Section 37E. (a) Whoever, with intent to defraud, poses as another person without the express authorization of that person and uses such person's personal identifying information to obtain or to attempt to obtain money, credit, goods, services, anything of value, any identification card or other evidence of such person's identity, or to harass another shall be guilty of identity fraud and shall be punished by a fine of not more than \$5,000 or imprisonment in a house of correction for not more than two and one-half years, or by both such fine and imprisonment.

(b) Whoever, with intent to defraud, obtains personal identifying information about another person without the express authorization of such person or who obtains personal identifying

information about a person without the express authorization of such person in order to assist another to pose as such person, with the intent to pose as such person in order to obtain money, credit, goods, services, anything of value, any identification card or other evidence of such person's identity, or to harass another shall be guilty of the crime of identity fraud and shall be punished by a fine of not more than \$5,000 or imprisonment in a house of correction for not more than two and one-half years. or by both such fine and imprisonment.

For purposes of this section, the following terms shall have the following meanings:

(I) "Harass", willfully and maliciously engaging in an act directed at a specific person or persons, which act seriously alarms or annoys such person or persons and would cause a reasonable person to suffer substantial emotional distress.

(ii) "Personal identifying information", any name or number that may be used, alone or in conjunction with any other information, to assume the identity of an individual, including any name, address, telephone number, driver's license number, social security number, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number, credit card number or computer password identification.

(iii) "Pose", to falsely represent oneself, directly or indirectly, as another person or persons.

(iv) "Victim", any person who has suffered financial loss or any entity that provided money, credit, goods, services or anything of value and has suffered financial loss as a direct result of the commission or attempted commission of a violation of this section.

(d) A person found guilty of violating any provisions of this section shall, in addition to any other punishment, be ordered to make restitution for financial loss sustained by a victim as a result of such violation. Financial loss may include any costs incurred by such victim in correcting the credit history of such victim or any costs incurred in connection with any civil or administrative proceeding to satisfy any debt or other obligation of such victim, including lost wages and attorney's fees."; and by striking out the title and inserting in place thereof the following title:— "An Act relative to false impersonation and identity fraud."

The amendment was adopted.

The question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays, at eighteen minutes before two o'clock P.M., on motion of Ms. Jacques, as follows, to wit (yeas 37 — nays 0):

YEAS.

Amorello, Matthew J.

Antonioni, Robert A.

Bernstein, Robert A.

Berry, Frederick E.

Fargo, Susan C.

Havern, Robert A.

Hedlund, Robert L.

Jacques, Cheryl A.

Jajuga, James P.

Joyce, Brian A.

Keating, William R.

Knapik, Michael R.

Brewer, Stephen M.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Durand, Robert A.

Murray, Therese

Norton, Thomas C.

Nuciforo, Andrea F., Jr.

O'Brien, John D.

Pacheco, Marc R.

Panagiotakos, Steven C.

Pines, Lois G.

Rosenberg, Stanley C.

Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.
Moore, Richard T.
Morrisey, Michael W.

Shannon, Charles E.
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Warren E.
Walsh, Marian
Wilkerson, Dianne

— 37.

NAYS. — 0

ABSENT OR NOT VOTING.

Rauschenbach, Henri S.

Travaglini, Robert E.

— 2.

The yeas and nays having been completed at eleven minutes before two o'clock P.M., the bill was passed to be engrossed, in concurrence.

Sent to the House for concurrence in the amendments adopted by the Senate.

Papers from the House

There being no objection, during the consideration of the Orders of the Day, the following matter was considered as follows:

A Bill protecting consumers in managed care health plans and for the promotion of parity in the treatment of mental disorders (House, No. 5740 — on House, No. 4372),— was read and, under Senate Rule 27, referred to the committee on Ways and Means.

Subsequently, Mr. Rosenberg, for the said committee on Ways and Means, reported, recommending that the bill ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2300; and by striking out the title and inserting in place thereof the following title: "An Act to protect consumers in managed care health plans in the Commonwealth,"

There being no objection, the rules were suspended, on motion of Mr. Rosenberg,, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading.

Senate Order Adopted.

Mr. Rosenberg offered the following order, to wit:

Ordered, That, notwithstanding any rules to the contrary, full consideration, without delay, shall be allowed by Senate on Wednesday, July 29, on House Bill No. 5740, a bill to protect

consumers in managed care health plans in the Commonwealth. All amendments, offered by members, shall be third reading amendments and shall be filed in the office of the Clerk of the Senate no later than eleven o'clock A.M. on Wednesday, July 29.

The order was considered forthwith; and there being no objection, it was adopted.

At two minutes before two o'clock P.M., the Senate proceeded to the Chamber of the House of Representatives, under the escort of the Sergeant-at-Arms for the purpose of considering proposals for legislative amendments to the Constitution, which had been called for consideration in conformity with a provision of the Constitution.

Tuesday, July 28, 1998.

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

At six minutes past two o'clock P.M., pursuant to assignment, the two Houses met in

JOINT SESSION

and were called to order by the Honorable Thomas F. Birmingham, President of the Senate. The Proposal for a Legislative Amendment to the Constitution repealing the requirement that a person be able to read English and write his name in order to vote (see House, No. 478) (with reference to which the committee on Election Laws had reported recommending that the amendment ought to pass),— was read twice in accordance with the provisions of the special rules.

The proposal reads as follows:

Proposal for a Legislative Amendment to the Constitution repealing the requirement that a person be able to read English and write his name in order to vote.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

Article XX of the Amendments of the Constitution is hereby annulled.

The proposal was ordered to a third reading.

On motion of Ms. Fargo, the rules were suspended, and the proposal was read a third time (the committee on Bills in the Third Reading of the two houses, acting jointly, having reported it to be correctly drawn).

The title having been changed by the committee on Bills in the Third Reading of the two houses, acting jointly reads as follows:

Proposal for a legislative amendment to the Constitution repealing the literacy requirement for voting and holding office.

After remarks, the question on agreeing to the amendment was determined by a call of the yeas and nays, as required by Article XLVIII of the Amendments to the Constitution, at ten minutes past two o'clock P.M., as follows, to wit (yeas 168 — nays 17):

Yeas (168).
Senators.

| | |
|-------------------------|--------------------------|
| Amorello, Matthew J. | Melconian, Linda J. |
| Antonioni, Robert A. | Montigny, Mark C. |
| Bernstein, Robert A. | Moore, Richard T. |
| Berry, Frederick E. | Morrissey, Michael W. |
| Brewer, Stephen M. | Murray, Therese |
| Clancy, Edward J., Jr. | Norton, Thomas C. |
| Creedon, Robert S., Jr. | Nuciforo, Andrea F., Jr. |
| Durand, Robert A. | O'Brien, John D. |
| Fargo, Susan C. | Pacheco, Marc R. |
| Havern, Robert A. | Panagiotakos, Steven C. |
| Jacques, Cheryl A. | Pines, Lois G. |
| Jajuga, James P. | Shannon, Charles E. |
| Joyce, Brian A. | Tarr, Bruce E. |
| Keating, William R. | Tisei, Richard R. |
| Knapik, Michael R. | Tolman, Warren E. |
| Lees, Brian P. | Walsh, Marian |
| Lynch, Stephen F. | Wilkerson, Dianne |
| Magnani, David P. | |

— 35.

Representatives.

| | |
|------------------------|--------------------------|
| Angelo, Steven | Kujawski, Paul |
| Bellotti, Michael G. | Kulik, Stephen |
| Binienda, John J. | Landers, Patrick F., III |
| Bosley, Daniel E. | Lane, Harold M., Jr. |
| Broadhurst, Arthur J. | Larkin, Peter J. |
| Businger, John A. | LeDuc, Stephen P. |
| Cabral, Antonio F. D. | LeLacheur, Edward A. |
| Cahill, Michael P. | Lepper, John A. |
| Cahir, Thomas S. | Lewis, Maryanne |
| Canavan, Christine E. | Locke, John A. |
| Candaras, Gale D. | Malia, Elizabeth A. |
| Caron, Paul E. | Mariano, Ronald |
| Casey, Paul C. | Marzilli, J. James, Jr. |
| Chandler, Harriette L. | McGee, Thomas M. |

Chesky, Evelyn G.
Ciampa, Vincent P.
Cleven, Carol C.
Connolly, Edward G.
Correia, Robert
Creedon, Geraldine
Cresta, Brian M.
Cuomo, Donna F.
DeLeo, Robert A.
Demakis, Paul C.
Dempsey, Brian S.
DiMasi, Salvatore F.
Donnelly, David T.
Donovan, Carol A.
Fagan, James H.
Fallon, Christopher G.
Fennell, Robert F.
Finegold, Barry R.
Finnegan, Kevin L.
Finneran, Thomas M.
Fitzgerald, Kevin W.
Flavin, Nancy
Fox, Gloria L.
Gallitano, Joseph R.
Galvin, William C.
Gardner, Barbara
Garry, Colleen M.
Gately, David F.
Giglio, Anthony P.
Glodis, Guy
Goguen, Emile J.
Golden, Thomas A., Jr.
Greene, William G., Jr.
Haley, Paul R.
Hall, Geoffrey D.
Hargraves, Robert S.
Harkins, Lida E.
Hart, John A., Jr.
Honan, Kevin G.
Hynes, Frank M.
Iannuccillo, M. Paul
Jehlen, Patricia D.
Jones, Bradley H., Jr.
Kafka, Louis L.
Kaprielian, Rachel
Kaufman, Jay R.
McIntyre, Joseph B.
Menard, Joan M.
Merrigan, John F.
Miceli, James R.
Murphy, Charles A.
Murphy, Dennis M.
Murphy, Kevin J.
Nagle, William P., Jr.
Naughton, Harold P., Jr.
O'Brien, Janet W.
O'Brien, Thomas J.
O'Flaherty, Eugene L.
Parente, Marie J.
Paulsen, Anne M.
Pedone, Vincent A.
Petersen, Douglas W.
Petrolati, Thomas M.
Provost, Ruth W.
Quinn, John F.
Resor, Pamela P.
Richie, Charlotte Golar
Rodrigues, Michael J.
Rogers, John H.
Rushing, Byron
Scaccia, Angelo M.
Serra, Emanuel G.
Simmons, Mary Jane
Slattery, John P.
Speliotis, Theodore C.
Sprague, Jo Ann
Stanley, Harriett L.
Stasik, John H.
Stefanini, John A.
Story, Ellen
Straus, William M.
Sullivan, David B.
Sullivan, Joseph C.
Swan, Benjamin
Teahan, Kathleen M.
Thompson, Alvin E.
Tobin, A. Stephen
Tolman, Steven A.
Toomey, Timothy J., Jr.
Travis, Philip
Turkington, Eric
Tuttle, David H.

Keenan, Daniel F.
Kennedy, Thomas P.
Khan, Kay
Klimm, John C.
Knuuttila, Brian
Koczera, Robert M.
Koutoujian, Peter J.

Vallee, James E.
Verga, Anthony J.
Wagner, Joseph F.
Walrath, Patricia A.
Walsh, Martin J.
Wolf, Alice K.

— 133.

Nays (17).
Senators.

Hedlund, Robert L.

— 1.

Representatives.

Clark, Forrester A., Jr.
DeFilippi, Walter A.
Frost, Paul K.
Gauch, Ronald W.
George, Thomas N.
Gomes, Shirley
Hahn, Cele
Kelly, Shaun P.

Marini, Francis L.
Murray, Mary Jeanette
Peters, David M.
Peterson, George N., Jr.
Poirier, Kevin
Pope, Susan W.
Rogeness, Mary S.
Stoddart, Douglas W.

— 16.

ABSENT or Not Voting (10).
Senators.

Rauschenbach, Henri S.
Rosenberg, Stanley C.

Travaglini, Robert E.

— 3.

Representatives.

Hodgkins, Christopher J.
Hyland, Barbara C.
Lewis, Jacqueline
McManus, William J., II

Owens-Hicks, Shirley
Ruane, J. Michael
Scibelli, Anthony M.

— 7.

The yeas and nays having been completed at twenty-four minutes past two o'clock P.M., the amendment was agreed to, a majority of all members elected having voted in the affirmative.

In accordance with the requirements of the Constitution, the amendment was referred to the next General Court.

The Proposal for a Legislative Amendment to voting residency the Constitution abolishing durational residence requirements for voting (see House, No. 496) (with reference to which the committee on Election Laws had reported recommending that the amendment ought to pass),— was read twice in accordance with the provisions of the special rules.

The proposal reads as follows:—

Proposal for a Legislative Amendment to the Constitution abolishing durational residence requirements for voting.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

ART. Article III of the Amendments to the Constitution is annulled and the following is adopted in its place.

Article 111. Every citizen of eighteen years of age and upwards, excepting persons under guardianship and persons temporarily or permanently disqualified by law because of corrupt practices in respect to elections, who resides within the city or town in which he claims a right to vote shall have a right to vote in any election of governor, lieutenant governor, senators or representatives; and no other person shall be entitled to vote in such election.

Pending the question on ordering the proposal to a third reading, Mr. Nuciforo and Mr. Broadhurst of Methuen moved that the proposal be amended by adding the following sentence:— "The general court may provide by law that voters shall be registered for a reasonable time, not exceeding 20 days, before a primary or election."

The amendment was adopted.

The proposal, as amended, was then ordered to a third reading. On motion of Mr. Nuciforo, the rules were suspended, and the proposal was read a third time. (The committees on Bills in the Third Reading of the two houses, acting jointly, having reported it to be correctly drawn). The proposal, as amended, reads as follows:

Proposal for a Legislative Amendment to the Constitution abolishing durational residence requirements for voting.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

ART. . Article III of the Amendments to the Constitution is annulled and the following is adopted in its place.

Article III. Every citizen of eighteen years of age and upwards, excepting persons under guardianship and persons temporarily or permanently disqualified by law because of corrupt practices in respect to elections, who resides within the city or town in which he claims a right to vote shall have a right to vote in any election of governor, lieutenant governor, senators or representatives; and no other person shall be entitled to vote in such election. The general court may provide by law that voters shall be registered for a reasonable time, not exceeding 20 days, before a primary or election.

After remarks, the question on agreeing to the amendment was determined by a call of the yeas and nays, as required by Article XLVIII of the Amendments to the Constitution, at sixteen minutes before three o'clock P.M., as follows, to wit (yeas 186 — nays 0):

Yeas (186).
Senators.

| | |
|-------------------------|--------------------------|
| Amorello, Matthew J. | Melconian, Linda J. |
| Antonioni, Robert A. | Montigny, Mark C. |
| Bernstein, Robert A. | Moore, Richard T. |
| Berry, Frederick E. | Morrissey, Michael W. |
| Brewer, Stephen M. | Murray, Therese |
| Clancy, Edward J., Jr. | Norton, Thomas C. |
| Creedon, Robert S., Jr. | Nuciforo, Andrea F., Jr. |
| Durand, Robert A. | O'Brien, John D. |
| Fargo, Susan C. | Pacheco, Marc R. |
| Havern, Robert A. | Panagiotakos, Steven C. |
| Hedlund, Robert L. | Pines, Lois G. |
| Jacques, Cheryl A. | Rauschenbach, Henri S. |
| Jajuga, James P. | Shannon, Charles E. |
| Joyce, Brian A. | Tarr, Bruce E. |
| Keating, William R. | Tisei, Richard R. |
| Knapik, Michael R. | Tolman, Warren E. |
| Lees, Brian P. | Walsh, Marian |
| Lynch, Stephen F. | Wilkerson, Dianne |
| Magnani, David P. | |

— 37.

Representatives.

| | |
|-----------------------|--------------------------|
| Angelo, Steven | Kujawski, Paul |
| Bellotti, Michael G. | Kulik, Stephen |
| Binienda, John J. | Landers, Patrick F., III |
| Bosley, Daniel E. | Lane, Harold M., Jr. |
| Broadhurst, Arthur J. | Larkin, Peter J. |

Businger, John A.
Cabral, Antonio F. D.
Cahill, Michael P.
Cahir, Thomas S.
Canavan, Christine E.
Candaras, Gale D.
Caron, Paul E.
Casey, Paul C.
Chandler, Harriette L.
Chesky, Evelyn G.
Ciampa, Vincent P.
Clark, Forrester A., Jr.
Cleven, Carol C.
Connolly, Edward G.
Correia, Robert
Creedon, Geraldine
Cresta, Brian M.
Cuomo, Donna F.
DeFilippi, Walter A.
DeLeo, Robert A.
Demakis, Paul C.
Dempsey, Brian S.
DiMasi, Salvatore F.
Donnelly, David T.
Donovan, Carol A.
Fagan, James H.
Fallon, Christopher G.
Fennell, Robert F.
Finegold, Barry R.
Finnegan, Kevin L.
Finneran, Thomas M.
Fitzgerald, Kevin W.
Flavin, Nancy
Fox, Gloria L.
Frost, Paul K.
Gallitano, Joseph R.
Galvin, William C.
Gardner, Barbara
Garry, Colleen M.
Gately, David F.
Gauch, Ronald W.
George, Thomas N.
Giglio, Anthony P.
Glodis, Guy
Gougen, Emile J.
Golden, Thomas A., Jr.

LeDuc, Stephen P.
LeLacheur, Edward A.
Lepper, John A.
Lewis, Maryanne
Locke, John A.
Malia, Elizabeth A.
Mariano, Ronald
Marini, Francis L.
Marzilli, J. James, Jr.
McGee, Thomas M.
McIntyre, Joseph B.
Menard, Joan M.
Merrigan, John F.
Miceli, James R.
Murphy, Charles A.
Murphy, Dennis M.
Murphy, Kevin J.
Murray, Mary Jeanette
Nagle, William P., Jr.
Naughton, Harold P., Jr.
O'Brien, Janet W.
O'Brien, Thomas J.
O'Flaherty, Eugene L.
Parente, Marie J.
Paulsen, Anne M.
Pedone, Vincent A.
Peters, David M.
Petersen, Douglas W.
Peterson, George N., Jr.
Petrolati, Thomas M.
Poirier, Kevin
Pope, Susan W.
Provost, Ruth W.
Quinn, John F.
Resor, Pamela P.
Richie, Charlotte Golar
Rodrigues, Michael J.
Rogeness, Mary S.
Rogers, John H.
Rushing, Byron
Scaccia, Angelo M.
Serra, Emanuel G.
Simmons, Mary Jane
Slattery, John P.
Speliotis, Theodore C.
Sprague, Jo Ann

Gomes, Shirley
Greene, William G., Jr.
Hahn, Cele
Haley, Paul R.
Hall, Geoffrey D.
Hargraves, Robert S.
Harkins, Lida E.
Hart, John A., Jr.
Honan, Kevin G.
Hynes, Frank M.
Iannuccillo, M. Paul
Jehlen, Patricia D.
Jones, Bradley H., Jr.
Kafka, Louis L.
Kaprielian, Rachel
Kaufman, Jay R.
Keenan, Daniel F.
Kelly, Shaun P.
Kennedy, Thomas P.
Khan, Kay
Klimm, John C.
Knuuttila, Brian
Koczera, Robert M.
Koutoujian, Peter J.

Stanley, Harriett L.
Stasik, John H.
Stefanini, John A.
Stoddart, Douglas W.
Story, Ellen
Straus, William M.
Sullivan, David B.
Sullivan, Joseph C.
Swan, Benjamin
Teahan, Kathleen M.
Thompson, Alvin E.
Tobin, A. Stephen
Tolman, Steven A.
Toomey, Timothy J., Jr.
Travis, Philip
Turkington, Eric
Tuttle, David H.
Vallee, James E.
Verga, Anthony J.
Wagner, Joseph F.
Walrath, Patricia A.
Walsh, Martin J.
Wolf, Alice K.

— 149.

Nays — 0.

ABSENT or Not Voting (10).
Senators.

Rosenberg, Stanley C.

Travaglini, Robert E.

— 2.

Representatives.

Hodgkins, Christopher J.
Hyland, Barbara C.
Lewis, Jacqueline
McManus, William J., II

Owens-Hicks, Shirley
Ruane, J. Michael
Scibelli, Anthony M.

— 7.

The yeas and nays having been completed at seventeen minutes before three o'clock P.M., the amendment was agreed to, a majority of all members elected having voted in the affirmative. In accordance with the requirements of the Constitution, the amendment was referred to the next General Court.

The Proposal for a Legislative Amendment to the Constitution relative to the right to vote for incarcerated persons (see House, No. 1105) (with reference to which the committee on Election Laws had reported recommending that the amendment ought NOT to pass) [Note: This title was inserted in the journal for information purposes. The original document is untitled]. The proposal was read twice in accordance with the provisions of the special rules.

The proposal reads as follows:

The Proposal for a Legislative Amendment to the Constitution relative to the right to vote for incarcerated persons.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

Article III of the Amendments to the Constitution, as amended, is hereby further amended by inserting after the word "elections" the words:— nor shall persons convicted of murder in any degree, rape, other sex related offenses or the possession or sale of controlled substances and who are incarcerated in a state prison.

Pending the question on ordering the proposal to a third reading, Ms. Jehlen of Somerville moved that proposal be committed to a special committee of the joint session, consisting of three members of the Senate to be appointed by the President, and eight members of the House of Representatives, to be appointed by the Speaker.

Said committee shall make a detailed investigation and study of the definition of the words "domicile" and "residence" as determined by the Supreme Court of the Commonwealth and whether said proposed amendment is violative of the Constitution of the United States (see Section 1 of Article 14 of the Amendments) concerning "the right of citizens to vote shall not be denied or abridged by the United States or by any state—". Said committee shall make a report of its findings and its recommendations to a joint session called for the purpose of receiving such report during the current session of the General Court.

After debate on the question on adoption of the motion, Mr. Gauch of Shrewsbury requested that when a vote be taken, it be taken by a call of the yeas and nays. An insufficient number of members joining with him in this request, a call of the yeas and nays was not ordered.

The motion to commit the proposal to a special committee of the joint session was further considered; and, after further debate, the motion was *negatived*.

Mr. Nuciforo, Mr. Broadhurst of Methuen and Mr. Bellotti of Quincy then moved that the proposal be amended by striking out the text contained in lines 1 to 6 (as printed in the calendar), inclusive, and inserting in place thereof the following:

"Article III of the amendments to the Constitution, as amended, is hereby further amended by inserting after the word "upwards" the following words:— , excepting persons who are

incarcerated in a correctional facility due to a felony conviction, and".

After remarks, the amendment was adopted.

The proposal, as amended, was then ordered to a third reading.

Mr. Antonioni moved that the rule be suspended to allow the proposal to be considered further.

After remarks, the motion to suspend the rule to consider the proposal further was determined by a call of the yeas and nays, at twelve minutes past three o'clock P.M., on motion of Ms, Paulsen of Belmont, as follows, to wit (yeas 148 — nays 39):

Yeas (148).

Senators.

| | |
|-------------------------|-------------------------|
| Amorello, Matthew J. | Lees, Brian P. |
| Antonioni, Robert A. | Lynch, Stephen F. |
| Bernstein, Robert A. | Melconian, Linda J. |
| Berry, Frederick E. | Montigny, Mark C. |
| Brewer, Stephen M. | Moore, Richard T. |
| Clancy, Edward J., Jr. | Morrissey, Michael W. |
| Creedon, Robert S., Jr. | Murray, Therese |
| Durand, Robert A. | Norton, Thomas C. |
| Havern, Robert A. | O'Brien, John D. |
| Hedlund, Robert L. | Pacheco, Marc R. |
| Jacques, Cheryl A. | Panagiotakos, Steven C. |
| Jajuga, James P. | Rauschenbach, Henri S. |
| Joyce, Brian A. | Shannon, Charles E. |
| Keating, William R. | Tarr, Bruce E. |
| Knapik, Michael R. | Tisei, Richard R. |

— 30.

Representatives.

| | |
|--------------------------|--------------------------|
| Angelo, Steven | Klimm, John C. |
| Bellotti, Michael G. | Knuuttila, Brian |
| Binienda, John J. | Koczera, Robert M. |
| Broadhurst, Arthur J. | Koutoujian, Peter J. |
| Cahill, Michael P. | Kujawski, Paul |
| Cahir, Thomas S. | Kulik, Stephen |
| Canavan, Christine E. | Landers, Patrick F., III |
| Caron, Paul E. | Lane, Harold M., Jr. |
| Casey, Paul C. | Larkin, Peter J. |
| Chandler, Harriette L. | LeDuc, Stephen P. |
| Chesky, Evelyn G. | LeLacheur, Edward A. |
| Ciampa, Vincent P. | Lepper, John A. |
| Clark, Forrester A., Jr. | Lewis, Maryanne |
| Cleven, Carol C. | Locke, John A. |
| Connolly, Edward G. | Mariano, Ronald |

Correia, Robert
 Creedon, Geraldine
 Cresta, Brian M.
 Cuomo, Donna F.
 DeFilippi, Walter A.
 DeLeo, Robert A.
 Dempsey, Brian S.
 DiMasi, Salvatore F.
 Donnelly, David T.
 Donovan, Carol A.
 Fallon, Christopher G.
 Fennell, Robert F.
 Finegold, Barry R.
 Finnegan, Kevin L.
 Finneran, Thomas M.
 Flavin, Nancy
 Frost, Paul K.
 Gallitano, Joseph R.
 Galvin, William C.
 Gardner, Barbara
 Garry, Colleen M.
 Gately, David F.
 Gauch, Ronald W.
 George, Thomas N.
 Giglio, Anthony P.
 Glodis, Guy
 Goguen, Emile J.
 Golden, Thomas A., Jr.
 Gomes, Shirley
 Greene, William G., Jr.
 Hahn, Cele
 Haley, Paul R.
 Hall, Geoffrey D.
 Hargraves, Robert S.
 Harkins, Lida E.
 Hart, John A., Jr.
 Hynes, Frank M.
 Iannuccillo, M. Paul
 Jones, Bradley H., Jr.
 Kafka, Louis L.
 Kaprielian, Rachel
 Keenan, Daniel F.
 Kelly, Shaun P.
 Kennedy, Thomas P.
 Marini, Francis L.
 McIntyre, Joseph B.
 Menard, Joan M.
 Merrigan, John F.
 Miceli, James R.
 Murphy, Dennis M.
 Murphy, Kevin J.
 Murray, Mary Jeanette
 Nagle, William P., Jr.
 Naughton, Harold P., Jr.
 O'Brien, Thomas J.
 Parente, Marie J.
 Pedone, Vincent A.
 Peters, David M.
 Petersen, Douglas W.
 Peterson, George N., Jr.
 Petrolati, Thomas M.
 Poirier, Kevin
 Pope, Susan W.
 Quinn, John F.
 Rodrigues, Michael J.
 Rogeness, Mary S.
 Rogers, John H.
 Scaccia, Angelo M.
 Serra, Emanuel G.
 Simmons, Mary Jane
 Slattery, John P.
 Speliotis, Theodore C.
 Sprague, Jo Ann
 Stanley, Harriett L.
 Stefanini, John A.
 Straus, William M.
 Sullivan, David B.
 Sullivan, Joseph C.
 Teahan, Kathleen M.
 Tobin, A. Stephen
 Toomey, Timothy J., Jr.
 Travis, Philip
 Tuttle, David H.
 Vallee, James E.
 Verga, Anthony J.
 Wagner, Joseph F.
 Walrath, Patricia A.
 Walsh, Martin J.

Nays (39).
Senators.

Fargo, Susan C.
Magnani, David P.
Nuciforo, Andrea F., Jr.
Pines, Lois G.

Tolman, Warren E.
Walsh, Marian
Wilkerson, Dianne

— 7.

Representatives.

Bosley, Daniel E.
Businger, John A.
Cabral, Antonio F. D.
Candaras, Gale D.
Demakis, Paul C.
Fagan, James H.
Fitzgerald, Kevin W.
Fox, Gloria L.
Hodgkins, Christopher J.
Honan, Kevin G.
Jehlen, Patricia D.
Kaufman, Jay R.
Khan, Kay
Malia, Elizabeth A.
Marzilli, J. James, Jr.
McGee, Thomas M.

Murphy, Charles A.
O'Brien, Janet
O'Flaherty, Eugene L.
Paulsen, Anne M.
Provost, Ruth W.
Resor, Pamela P.
Richie, Charlotte Golar
Rushing, Byron
Stasik, John H.
Stoddart, Douglas W.
Story, Ellen
Swan, Benjamin
Thompson, Alvin E.
Tolman, Steven A.
Turkington, Eric
Wolf, Alice K.

— 32.

ABSENT or Not Voting (8).
Senators.

Rosenberg, Stanley C.

Travaglini, Robert E.

— 2.

Representatives.

Hyland, Barbara C.
Lewis, Jacqueline
McManus, William J., II

Owens-Hicks, Shirley
Ruane, J. Michael
Scibelli, Anthony M.

— 6.

The yeas and nays having been completed at twenty-eight minutes before four o'clock P.M., the motion to suspend the rules was negatived (less than four-fifths of the members present and voting, having voted in the affirmative).

At twenty-seven minutes before four o'clock P.M., on motion of Mr. Panagiotakos, the joint session was recessed until two o'clock P.M., on Wednesday, July 29, and the Senate returned to its Chamber, under the escort of the Sergeant-at-Arms.

At thirteen minutes before four o'clock P.M., the Senate reassembled, the President in the Chair.

Papers from the House.

There being no objection, during the consideration of the Orders of the Day, the following matter was considered, as follows:

A Resolve in favor of the widow of the late William G. Reinstein (House, No. 5627,— on petition),— was read.

There being no objection, the rules were suspended, on motion of Mr. Clancy, and the resolve was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Engrossed Bills.

There being no objection, during the consideration of the Orders of the Day, the following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Acting Governor for his approbation, to wit: Designating a certain parcel of land in the city of Quincy as the Don Kent's Ocean View (see Senate, No. 528);

Relative to a certain advisory committee of the Department of Mental Health (see House, No. 2492);

Relative to motor vehicle liability policies for antique automobiles (see House, No. 4785);

Relative to dental service corporations (see House, No. 5386); and

Designating a certain boathouse in the city of Worcester as the Allan Fearn Boathouse at Regatta Point (see House, No. 5423).

Report of a Committee.

There being no objection, during the consideration of the Orders of the Day, the following matter was considered, as follows:

By Mr. Rosenberg, for the committee on Ways and Means, that the Senate Bill relative to the Appellate Tax Board (Senate, No. 1739), ought to pass, with an amendment, substituting a new draft entitled: "An Act reforming the tax laws of the Commonwealth" (Senate, No. 2302).

There being no objection, the rules were suspended, on motion of Mr. Tolman, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The new draft (Senate, No. 2302) was ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

Papers from the House. *Emergency Preamble Adopted.*

There being no objection, during the consideration of the Orders of the Day, an engrossed Bill relative to the condominium and time-share laws (see House, No. 5054, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 10 to 0. The bill was signed by the President and sent to the House for re-enactment.**

Orders of the Day

The Orders of the Day were further considered.

The Senate Bill authorizing the cities and towns within ten miles of the New York border to sell certain alcoholic beverages on Sundays (Senate, No. 2269),— **was read a third time; and, after remarks, was passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill improving access to rehabilitation counseling (Senate, No. 2286),— **was read a third time; and, after remarks, it was passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill relative to adjudicatory procedures for the Commonwealth Automobile Reinsurers (Senate, No. 2295),— was read a third time.

Pending the main question on passing the bill to be engrossed, on motion of Mr. Lees, the further consideration thereof was postponed until the next session.

After remarks, Mr. Lees moved that the matter be considered in its entirety on Wednesday, July 29; and that all amendments to this bill be filed in the office of the Clerk of the Senate no later than eleven o'clock A.M. on Wednesday, July 29. This motion prevailed.

The House Bill extending certain capital spending authorizations (printed in House, No. 5607),— was read a third time.

Pending the question on passing the bill to be engrossed, on motion of Mr. Rosenberg, the further consideration thereof was postponed until the next session.

The House Bill relative to compliance with safety codes, remediation of environmental hazards and the preservation and maintenance of the Commonwealth's real property assets (House, No. 5669) (its title having been changed by the committee on Bills in the Third Reading) was read a

third time.

After remarks, pending the question on passing the bill to be engrossed, on motion of Mr. Rosenberg, the further consideration thereof was postponed until the next session.

The Senate bill relative to health care facilities (Senate, No. 2252),— was considered, the main question being on passing the bill to be engrossed. The motion, previously moved by Ms. Walsh, that the bill be laid on the table, was considered; and, was *negatived*.

Pending the question on passing to be engrossed, Mr. Lynch moved that the bill be amended in section 2, by striking out, in line 11, the words "exit from, or driveway of" and inserting in place thereof the following words: "or exit from"; and by striking out, in line 14, the words "exit from, or driveway of," and inserting in place thereof the following words:— "or exit from".

Mr. Antonioni moved that the amendment and all amendments presently filed with the Senate Clerk be printed in the Calendar, pursuant to the provisions of Senate Rule 31. He was joined in this request by Mr. Joyce.

Mr. Lees moved that the Senate fully consider this matter on Wednesday, July 29; and that all amendments filed with the Senate Clerk be filed no later than eleven o'clock A.M., on Wednesday, July 29. This motion prevailed.

Pursuant to the provisions of Senate Rule 31, the bill was laid over until the next session with the amendments pending.

Report of a Committee.

Mr. Rosenberg, for the committee on Ways and Means, on House, No. 5114, reported, in part, a "Bill relative to certain health care benefits" (Senate, No. 2301).

The bill was read. There being no objection, the rules were suspended, on motion of Ms. Melconian, and the bill was read a second time, ordered to a third reading and read a third time. After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twelve minutes past four o'clock P.M., on motion of Ms. Melconian, as follows, to wit (yeas 36 — nays 0):

YEAS.

Amorello, Matthew J.
Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Creedon, Robert S., Jr.
Durand, Robert A.
Fargo, Susan C.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.

Montigny, Mark C.
Moore, Richard T.
Morrisey, Michael W.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
O'Brien, John D.
Pacheco, Marc R.
Panagiotakos, Steven C.
Pines, Lois G.
Rauschenbach, Henri S.
Rosenberg, Stanley C.

Keating, William R.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.

Shannon, Charles E.
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Warren E.
Walsh, Marian
Wilkerson, Dianne

— 36.

NAYS. — 0

ABSENT OR NOT VOTING.

Clancy, Edward J., Jr.
Havern, Robert A.

Travaglini, Robert E.

— 3.

Ms. Melconian in the Chair,— the yeas and nays having been completed at twenty-seven minutes before five o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

Papers from the House.

Engrossed Bill — Land Taking for Conservation, Etc.

The President in the Chair,— an engrossed Bill authorizing the town of North Reading to convey certain conservation land (see House, No. 5473) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-six minutes before five o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Amorello, Matthew J.
Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Creedon, Robert S., Jr.
Durand, Robert A.

Montigny, Mark C.
Moore, Richard T.
Morrisey, Michael W.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
O'Brien, John D.

Fargo, Susan C.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Keating, William R.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.

Pacheco, Marc R.
Panagiotakos, Steven C.
Pines, Lois G.
Rauschenbach, Henri S.
Rosenberg, Stanley C.
Shannon, Charles E.
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Warren E.
Walsh, Marian
Wilkerson, Dianne

— 37.

NAYS. — 0

ABSENT OR NOT VOTING.

Clancy, Edward J., Jr.

Travaglini, Robert E.

— 2.

The yeas and nays having been completed at twenty-two minutes before five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Acting Governor for his approbation.

Orders of the Day.

The Senate Bill providing health care for breast reconstruction after mastectomy surgery for the treatment of breast cancer (Senate, No. 678, amended) was read a third time and passed to be engrossed.

Subsequently, on motion of Mr. Bernstein, the Senate considered no action having been taken on the question on passing the bill to be engrossed.

The question on passing the bill to be engrossed, was determined by a call of the yeas and nays, at sixteen minutes before five o'clock P.M., on motion of Mr. Bernstein, as follows, to wit (yeas 37 — nays 0):

YEAS.

Amorello, Matthew J.

Montigny, Mark C.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Creedon, Robert S., Jr.
Durand, Robert A.
Fargo, Susan C.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Keating, William R.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.

Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
O'Brien, John D.
Pacheco, Marc R.
Panagiotakos, Steven C.
Pines, Lois G.
Rauschenbach, Henri S.
Rosenberg, Stanley C.
Shannon, Charles E.
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Warren E.
Walsh, Marian
Wilkerson, Dianne

— 37.

NAYS. — 0

ABSENT OR NOT VOTING.

Clancy, Edward J., Jr.

Travaglini, Robert E.

— 2.

The yeas and nays having been completed at twelve minutes before five o'clock P.M., the bill (Senate, No. 678, amended) was passed to be engrossed.

Sent to the House for concurrence.

Papers from the House.
Emergency Preambles Adopted.

An engrossed Bill authorizing the transfer of certain state owned land in the town of Canton (see House, No. 5722), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble**

was of the adopted, in concurrence, by a vote of 7 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing the Commissioner of the Division of Capital Planning and Operations to grant a permanent easement to the town of Hinsdale (see House, No. 5666, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 8 to 0.**

The bill was signed by the President and sent to the House for enactment.

The engrossed Bill limiting the liability of adult foster caregivers (Senate, No. 2031),— came from the House amended by striking out all after the enacting clause and inserting in place thereof the following:

"Section 1 of chapter 258 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in lines 31 and 32, the words "but solely with respect to claims against such caregiver by a child in the temporary custody and" and inserting in place thereof the following words:— with respect to claims against such caregiver by a child in the temporary custody and care of such caregiver or an adult in the."

The rules were suspended, on motion of Ms. Melconian, and the House amendment was considered forthwith.

Mr. Rauschenbach moved that the Senate concur in the House amendment with a still further amendment striking out all after the enacting clause and inserting in place thereof the following text:—

"Section 1 of chapter 258 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in lines 31 and 32, the words but solely with respect to claims against such caregiver by a child in the temporary custody and care of such caregiver for injury' and inserting in place thereof the following words:— with respect to claims against such caregiver by a child in the temporary custody and care of such caregiver or an adult in the care of such caregiver for injury or death'."

The further (Rauschenbach) amendment was adopted. The House amendment, as amended, was then adopted.

Sent to the House for concurrence in the Senate further amendment.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5753) of Peter J. Larkin, Daniel E. Bosley, Christopher J. Hodgkins and Andrea F. Nuciforo, Jr., for legislation to transfer the operation and management of the Berkshire County Registry of Deeds to the Commonwealth;

Under suspension of Joint Rule 12, to the committee on Counties.

Petition (accompanied by bill, House, No. 5754) of Mary Jeanette Murray, Robert L. Hedlund and another relative to the sale of alcoholic beverages by ship chandlers;

Under suspension of Joint Rule 12, to the committee on Government Regulations.

Matter Taken out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the notice section of the calendar and considered, as follows:

The House Bill relative to the authority of police officers of the cities of Boston and Newton and the town of Brookline (House, No. 5019),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Order Adopted.

On motion of Mr. Durand,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M.

On motion of Mr. Lees, at five minutes before five o'clock P.M., the Senate adjourned to meet on the following day at one o'clock P.M.