

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.



JOURNAL OF THE SENATE.

Wednesday, July 31, 2002.

Met at twenty-four minutes past two o'clock P.M.

Distinguished Guests.

There being no objection, the President introduced, seated in the rear of the Chamber, members of the Allen family reunion. Mr. Allen is the brother of Senator Jo Ann Sprague, and he was accompanied by his family. They were the guests of Senator Sprague.\

There being no objection, the President introduced, seated in rear of the Chamber, members of the Ogonowski family of Dracut. The family members were visiting the State House as part of a dedication ceremony in honor of Captain John Ogonowski, pilot of one of the doomed airliners that hit the World Trade Center on September 11. Include in the group was the pilot's wife Peg, his parents Mr. and Mrs. Alex Ogonowski, his brother James and his sister Carol. They were the guests of Senator Tucker.

Reports of Committees.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Joseph McMann, an employee of the Trial Court (Senate, No. 922), ought to pass, with an amendment, substituting a new draft entitled: "An Act allowing Joseph McMann, a former employee of the Trial Court, an ordinary disability retirement option" (Senate, No. 2459).
Referred, under Senate Rule 26, to the committee on Steering and Policy.

Mr. Magnani, for the Senate committee on Science and Technology, to whom was referred the House Bill relative to fuel cell technology (House, No. 5063), reported recommending ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2451;
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

Bill Recalled from the Acting Governor

Laid Before the Senate.

On motion of Mr. Antonioni, it was voted that a messenger be appointed to wait upon Her Honor the Lieutenant-Governor, Acting Governor, requesting the return to the Senate of the engrossed Bill relative to safety of school sponsored travel (see House, No. 4937).

Mr. Antonioni was appointed the messenger. Subsequently, the bill was returned and was laid before the Senate.

There being no objection, on motion of Mr. Antonioni, the Senate reconsidered the vote by which, at a previous session, it had passed the bill to be enacted.

On motion of the same Senator, Senate Rule 49 was suspended.

Ms. Creem presented an amendment in section 3, by striking out, in the first sentence, the word “selectmen” and inserting in place thereof the following word:— “education”.

This amendment was adopted.

Sent to the House for concurrence in the amendment.

Report of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to lease a parcel of land located in the city of Holyoke under the care and control of the Department of Environmental Management (Senate, No. 1850),— ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2452).

The rules were suspended, on motion of Ms. Melconian, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2452) was then 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.

An engrossed Bill relative to the production and preservation of affordable housing in the Commonwealth (see House, No. 5288), 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 question on adopting the emergency preamble was determined by a call of the yeas and nays, at twenty-three minutes before three o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 28 — nays 11):

YEAS.

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O’Leary, Robert A.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
	28.

NAYS.

Brewer, Stephen M.	Pacheco, Marc R.
Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.
Moore, Richard T.	Tucker, Susan C. — 11.
Murray, Therese	

The yeas and nays having been completed at a quarter before three o'clock P.M., the emergency preamble was adopted. The bill was signed by the Acting President (Mr. Travaglini) and sent to the House for enactment.

An engrossed Bill relative to authorizing the financing of the production and preservation of affordable housing (see House, No. 4274, 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 Acting President (Mr. Travaglini) and sent to the House for enactment.**

Reports of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to the disposition of certain state owned property in the city of Somerville (House, No. 5138),— ought to pass.

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

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill directing the commissioner of the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester county 4H center (Senate, No. 1942),— ought to pass, with an amendment, substituting a new draft entitled “An Act authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester County 4H Center” (Senate, No. 2453).

The rules were suspended, on motion of Mr. Brewer, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2453) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing certain conveyances of land to establish the Southeastern Massachusetts Bioreserve (House, No. 5270),— ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2450.

The rules were suspended, on motion of Ms. Menard, 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, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain easements in the towns of Groton and Pepperell (House, No. 1879, amended),— ought to pass.

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

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to grant certain easements to the town of Plymouth (House, No. 4975),— ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2454; and by striking out the title and inserting in place thereof the following title: “An Act authorizing the division of capital asset management and maintenance to grant certain easements to the town of Plymouth over lands held for conservation and recreation purposes.”

The rules were suspended, on motion of Ms. Murray, 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, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

A Bill authorizing the town of Dedham to reimburse certain real estate taxes (House, No. 5062,— on petition) [Local approval received],— was read.

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

A Bill authorizing the town of Dedham to send certain information to the voters of the town (House, No. 5055, changed and amended,— on petition) [Local approval received],— was read.

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

Mr. Travaglini in the Chair, a Bill authorizing the repaying of certain sewer fees paid in error by the town of Dedham (House, No. 4694,— on petition) [Local approval received],— was read.

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

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered, as follows:

The House bills

Providing for a betterment program for private road improvements in the city of Gloucester (House, No. 4835); and

Authorizing the town of Shrewsbury to establish certain special funds (House, No. 4940);

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

Report of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill authorizing the Department of Environmental Management and the Division of Fisheries and Wildfire to acquire conservation restrictions in and to the lands owned by the cities of New Bedford and Taunton and located in the towns of Freetown, Lakeville, Middleborough and Rochester (Senate, No. 2427),— ought to pass.

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

Sent to the House for concurrence

PAPER FROM THE HOUSE.

A Bill authorizing the Division of Fisheries and Wildlife and the Department of Environmental Management to take or acquire conservation restrictions in and to lands of the town of Plymouth (House, No. 5294,— on House, No. 5276),— was read.

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

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

July 31, 2002.

Patrick F. Scanlan
Clerk of the Senate
State House, Room 335
Boston, Massachusetts 02133

Dear Mr. Clerk:

Due to the fact that I was detained in another part of the building, I was absent from the Senate Chambers for a brief period on Tuesday, July 30 and missed the roll call vote taken on House Bill 5288, relative to the Conference Committee report on the Housing Bond Bill. Had I been present, I would have voted in the affirmative on this matter.

I would respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for July 30, 2002. Thank you in advance for your assistance in this matter.

Sincerely,
CHARLES E. SHANNON,
State Senator.

On motion of Mr. Panagiotakos, the above communication was ordered printed in the Senate Journal.

PAPERS FROM THE HOUSE.

The House Bill authorizing the Division of Capital Asset Management and Maintenance to convey an easement to the town of Milford (House, No. 4754, amended),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2377.

The rules were suspended, on motion of Mr. Moore, and on further motion of the same Senator, the Senate receded from its amendment.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the Metropolitan District Commission and the Massachusetts Bay Transportation Authority to enter into certain temporary construction agreements and convey certain permanent easements to facilitate the reconstruction of the Red Line Charles/MGH station in the city of Boston (see Senate, No. 2373) (which originated in the Senate), 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 six minutes past three o'clock P.M., as follows, to wit (yeas 39 — nays 0):

YEAS.

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

NAYS — 0.

The yeas and nays having been completed at ten minutes past three 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 Acting President (Mr. Travaglini) and laid before the Acting Governor for her approbation.

The House Bill providing for insurance coverage of certain clinical trials (House, No. 4376, amended),— came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2121, *with further amendments*, by striking out section 1; and in section 6 by striking out the year "2002" and inserting in place thereof the year "2003".

The rules were suspended, on motion of Ms. Murray, and the House amendment was considered forthwith and adopted, in concurrence.

The President in the Chair, the House Bill relative to licensing hospice programs (House, No. 1756, changed),— came from the House with the endorsement that the House had concurred in the Senate amendment striking out, in line 22 (as printed), the word “Said”, the second time it appears, and inserting in place thereof the words “The department shall issue not more than 6 licenses under this section to maintain an inpatient hospice program and shall promulgate regulations to govern the issuance of licenses to such programs. Hospice program”, *with a further amendment*, by adding the following section:—

“SECTION 2. Two years after the effective date of this act the department of public health shall conduct an interim review of the number of licenses allowed for inpatient hospice programs. After 4 years of the effective date of this act, the department of public health shall conduct a final review, and shall expand or contract the number of licenses allowed for inpatient hospice programs through regulation if appropriate to meet patient demand.”.

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

After remarks, the question on concurring in the adoption of the House amendment was determined by a call of the yeas and nays, at twenty-one minutes past three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 — nays 0):

YEAS.

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

NAYS — 0.

Mr. Travaglini in the Chair, the yeas and nays having been completed at twenty-five minutes past three o'clock P.M., the Senate concurred in the further House amendment.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing an exchange of certain land between the town of Tewksbury and the Commonwealth (see Senate, No. 2342, amended) (which originated in the Senate), 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 past three o'clock P.M., as follows, to wit (yeas 38 — nays 1):

YEAS.

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

NAYS.

Lees, Brian P. — 1.

The yeas and nays having been completed at twenty-nine minutes past three 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 Acting President (Mr. Travaglini) and laid before the Acting Governor for her approbation.

Engrossed Bill.

An engrossed Bill relative to the employment of certain minors (see House, No. 4310, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the Acting President (Mr. Travaglini) and again laid before the Acting Governor for her approbation.**

The Senate Bill relative to certificates of birth resulting in stillbirth (Senate, No. 2160, amended),— came from the House passed to be engrossed, in concurrence, *with amendments*, in line 6 by striking out the words “each fetal death” and inserting in place thereof the words “fetal deaths”; in line 7 by inserting after the word “more.” (inserted by the committee on Senate B.T.R.) the following sentence: “The certificate will be issued only at the request of either individual listed as mother and father on the report of fetal death.”; in line 9 by striking out the words “and filing”; in line 15 by striking out the word “designated” and inserting in place thereof the word “state”.

The rules were suspended, on motion of Mr. Shannon, and the House amendment was considered forthwith and adopted, in concurrence.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:

Resolutions (filed by Mr. Rosenberg) “honoring American Prisoners of War and Soldiers Missing In Action.”

Papers from the House.

The Senate Bill reducing medication waste in certain licensed facilities (Senate, No. 2186),— came from the House passed to be engrossed, in concurrence, *with amendments*, in section 1, in line 28, by inserting after the word “Association” the words “, the

Long-Term Care Pharmacy Alliance, the Home and Health Care Association of Massachusetts”; and by striking out section 2 and inserting in place thereof the following section:—

“SECTION 2. The task force shall submit a report to the joint committee on health care and the house and senate committees on ways and means, on or before September 30, 2002.”

The rules were suspended, on motion of Mr. McGee, and the House amendments were considered forthwith.

The question on concurring in the adoption of the House amendments was determined by a call of the yeas and nays, at twenty-eight minutes before four o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 — nays 0):

YEAS.

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

NAYS — 0.

The yeas and nays having been completed at twenty-four minutes before four o’clock P.M., the Senate concurred in the House amendments.

Engrossed Bills — Land Taking for Conservation, Etc.

An engrossed Bill relative to the transfer of land in the town of Sharon (see House, No. 5131) (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-three minutes before four o’clock P.M., as follows, to wit (yeas 38 — nays 0):

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.

Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Walsh, Marian — 1.

The yeas and nays having been completed at nineteen minutes before four 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 Acting President (Mr. Travaglini) and laid before the Acting Governor for her approbation.

An engrossed Bill authorizing the town of Saugus to convey certain parcels of land (see Senate, No. 2411) (which originated in the Senate), 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 nineteen minutes before four o'clock P.M., as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.	Creem, Cynthia Stone
Baddour, Steven A.	Fargo, Susan C.
Berry, Frederick E.	Glodis, Guy W.
Brewer, Stephen M.	Hart, John A., Jr.
Chandler, Harriette L.	Havern, Robert A.
Creedon, Robert S., Jr.	Hedlund, Robert L.
Jacques, Cheryl A.	Pacheco, Marc R.
Joyce, Brian A.	Panagiotakos, Steven C.
Knapik, Michael R.	Resor, Pamela
Lees, Brian P.	Rosenberg, Stanley C.
Magnani, David P.	Shannon, Charles E.
McGee, Thomas M.	Sprague, Jo Ann
Melconian, Linda J.	Tarr, Bruce E.
Menard, Joan M.	Tisei, Richard R.
Montigny, Mark C.	Tolman, Steven A.
Moore, Richard T.	Travaglini, Robert E.
Morrissey, Michael W.	Tucker, Susan C.
Murray, Therese	Walsh, Marian
Nuciforo, Andrea F., Jr.	Wilkerson, Dianne —

O'Leary, Robert A.

NAYS — 0.

The yeas and nays having been completed at sixteen minutes before four 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 Acting President (Mr. Travaglini) and laid before the Acting Governor for her approbation.

Engrossed Bill.

An engrossed Bill relative to the membership of the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (see House, No. 5142) (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.

After remarks, the question on passing the bill to be enacted was determined by a call of the yeas and nays, at a quarter before four o'clock P.M., on motion of Mr. O'Leary, as follows, to wit (yeas 38 — nays 1):

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —
	38.

NAYS.

O'Leary, Robert A. — 1.

The yeas and nays having been completed at thirteen minutes before four o'clock P.M., the bill was passed to be enacted and it was signed by the Acting President (Mr. Travaglini) and laid before the Acting Governor for her approbation.

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered, as follows:

The House Bill relative to school committee members (House, No. 783, changed and amended),— having been laid aside at the previous session with no further action, was further considered, the main question being on passing it to be engrossed, in concurrence.

The pending motion, previously moved by Mr. Lees, to postpone the matter until the next session was declared moot, and laid aside.

Mr. Lees moved that the matter be laid on the table; and, this being considered the last week of the session, the motion was brought to the floor immediately.

After debate, the question on laying the matter on the table was determined by a call of the yeas and nays, at four o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 32):

YEAS.

Baddour, Steven A.	Sprague, Jo Ann
Berry, Frederick E.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. — 7.
Lees, Brian P.	

NAYS.

Antonioni, Robert A.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Murray, Therese
Creem, Cynthia Stone	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	O'Leary, Robert A.
Glodis, Guy W.	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Jacques, Cheryl A.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Knapik, Michael R.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 32.

The yeas and nays having been completed at four minutes past four o'clock P.M., the motion to lay on the table was *negatived*.

The bill was then passed to be engrossed, in concurrence, with the amendment previously adopted by the Senate. Sent to the House for concurrence in the amendment.

The Senate Bill relative to the estate of homestead (Senate, No. 850),— was read a third time.

After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at eleven minutes past four o'clock P.M., on motion of Mr. Creedon, as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven

Glodis, Guy W.	C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne—
	39.

NAYS — 0.

The yeas and nays having been completed at fourteen minutes past four o'clock P.M., the bill was passed to be engrossed. Sent to the House for concurrence.

Paper from the House.

A Bill relative to the dissemination of information to private detectives (House, No. 2957,— on petition),— was read.

There being no objection, the rules were suspended, on motion of Mr. Glodis, and the bill was read a second time, ordered to a third reading and read a third time.

After debate, the question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and the nays, at twenty-two minutes past four o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 14 — nays 24):

YEAS.

Chandler, Harriette L.	Morrissey, Michael W.
Creem, Cynthia Stone	Pacheco, Marc R.
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Joyce, Brian A.	Tolman, Steven A.
Menard, Joan M.	Travaglini, Robert E. —
	14.

NAYS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Brewer, Stephen M.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	O'Leary, Robert A.
Hedlund, Robert L.	Panagiotakos, Steven C.
Jacques, Cheryl A.	Resor, Pamela
Knapik, Michael R.	Shannon, Charles E.
Lees, Brian P.	Tisei, Richard R.
Magnani, David P.	Tucker, Susan C.

McGee, Thomas M.
Melconian, Linda J.

Walsh, Marian
Wilkerson, Dianne — 24.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

Ms. Melconian in the Chair, the yeas and nays having been completed at twenty-nine minutes before five o'clock P.M., the bill was rejected.

Subsequently (Mr. Rosenberg in the Chair), Mr. Glodis moved reconsideration and the motion prevailed. Pending the recurring question on passing the bill to be engrossed, the same Senator moved that the bill be recommitted to the committee on Public Safety; and the motion prevailed.

Engrossed Bills.

Ms. Melconian in the Chair (having been appointed by the President, under the authority conferred by Senate Rule 4, to perform the duties of the Chair), the following engrossed bills (all of which originated in the House), 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 Acting President (Ms. Melconian) and laid before the Acting Governor for her approbation, to wit:

Relative to homeowner testing for urea formaldehyde foam insulation (see House, No. 3307);

Authorizing the city of Holyoke to enter into contracts for a sewer works system and operation (see House, No. 4271, changed); and

Further regulating limited liability companies relative to certain alcoholic beverage licenses (see House, No. 4727, amended).

Report of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing an alternative method of construction for the Blue Hills and Spot Pond area covered water storage tanks (House, No. 4816, amended),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Montigny and the bill was read a second time.

Pending the main question on ordering the bill to a third reading, Ms. Wilkerson offered an amendment, by adding in section 1, the following paragraph:—

“In order to effectuate an open, competitive and fair procurement process, the authority shall, not less than 45 days prior to the advertisement of the invitation for competitive bids for each of the above referenced projects, submit to the inspector general all procedures and criteria developed for the implementation of the alternative method, including the construction bid packages and evaluation criteria. The inspector general shall submit written comments on the procedures to the authority not less than 30 days prior to the advertisement. The authority shall submit the procedures and criteria and the comments of the inspector general to the joint committee on state administration and the house and senate committees on ways and means at least 15 days before the advertisement of any contract for each of the above referenced projects. Such procedures and criteria shall be approved by a vote of the authority. The authority shall submit to the committees a report on the results of such procurement. If the authority awards any such contract to other than the lowest responsive bidder, the authority shall submit to the inspector general and to the committees a written justification describing in detail why such award is in the best interest of the authority. Except as otherwise provided in this act, the procedures to be followed and the terms and conditions of such procurement process shall be determined by the authority in consultation with the inspector general and subject to review by the inspector general as set forth above, including written procedures for the selection of construction, design and other professionals for the project and the procedures shall also be approved by the authority’s board of directors.”

This amendment was rejected.

The bill was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered, as follows:

The Senate Bill relative to promoting safety by making gas gate boxes easily accessible to gas company service employees and emergency public service personnel (Senate, No. 467),— was read a third time.

Pending the question on passing the bill to be engrossed, Messrs. Tolman and McGee moved that the bill be amended substituting a new draft entitled "An Act relative to gas company gate boxes". (Senate, No. 2455).

After remarks, the question on substitution of the new draft was determined by a call of the yeas and nays, at nineteen minutes before five o'clock P.M., on motion of Mr. Tolman, as follows, to wit (yeas 39 — nays 0):

YEAS.

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

NAYS — 0.

The yeas and nays having been completed at a quarter before five o'clock P.M., the new draft (Senate, No. 2455) was substituted.

The bill (Senate, No. 2455) was then passed to be engrossed.

Sent to the House for concurrence.

Reports of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the commissioner of the Division of Capital Asset Management and Maintenance to convey certain easements in the town of North Andover (House, No. 5200),— ought to pass.

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

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain easement (House, No. 4260),— ought to pass.

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

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to payment of certain medical expenses of Boston firefighters Joseph Cady and Alonzo P. Brooks (House, No. 4056),— ought to pass.

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

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the conveyance of certain property in the city of Boston (House, No. 3630, amended),— ought to pass.

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

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to the powers of state chartered banks (House, No. 4358, amended),— ought to pass.

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

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill to provide pediatric palliative care to children with life-limiting illnesses in the Commonwealth (Senate, No. 565),— ought to pass.

There being no objection, the rules were suspended, 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 three minutes before five o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 — nays 0):

YEAS.

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

NAYS — 0.

The yeas and nays having been completed at two minutes past five o'clock P.M., the bill was passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act providing pediatric palliative care to children with life-limiting illnesses."
Sent to the House for concurrence.

Papers from the House.

A Bill authorizing the Division of Capital Asset Management and Maintenance to convey an easement in certain park land in the city of Chelsea (House, No. 5169, changed,— on petition),— was read.

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

Emergency Preamble Adopted.

An engrossed Bill releasing certain land in the town of Hadley from the operation of an agricultural preservation restriction (see Senate, No. 2387), 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 4 to 0. The bill was signed by the Acting President (Ms. Melconian) and sent to the House for enactment.**

Engrossed Bills.

The following engrossed bills (both of which originated in the House), 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 Acting President (Ms. Melconian) and laid before the Acting Governor for her approbation, to wit:

Authorizing the city of Lowell to pay a certain unpaid bill (see House, No. 5112); and

Authorizing the town of Westford to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 5130).

Emergency Preamble Adopted.

An engrossed Bill relative to handicapped stickers for motorcycle license plates (see House, No. 4099, 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 11 to 0. The bill was signed by the Acting President (Ms. Melconian) and sent to the House for enactment.**

A Bill relative to the sale of certain land by the city of Chicopee (House, No. 5182,— on petition) [Local approval received],— was read.

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

A Bill authorizing the city of Springfield to convey a certain parcel of land (House, No. 5115,— on petition) [Local approval received],— was read.

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

Engrossed Bills.

An engrossed Bill authorizing the town of Dedham to reimburse certain sewer use fees (see House, No. 5058) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Ms. Melconian) and laid before the Acting Governor for her approbation.**

An engrossed Bill relative to the production and preservation of affordable housing in the Commonwealth (see House, No. 5288) (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.

The President in the Chair, after debate, the question on passing the bill to be enacted was determined by a call of the yeas and nays, at eleven minutes before six o'clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (yeas 26 — nays 13):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.

Creem, Cynthia Stone	O'Leary, Robert A.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Travaglini, Robert E.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 26.

NAYS.

Brewer, Stephen M.	Murray, Therese
Creedon, Robert S., Jr.	Pacheco, Marc R.
Fargo, Susan C.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Jacques, Cheryl A.	Tisei, Richard R.
Knapik, Michael R.	Tucker, Susan C. — 13.
Lees, Brian P.	

The yeas and nays having been completed at six minutes before six o'clock P.M., the bill was passed to be enacted and it was signed by the President and laid before the Acting Governor for her approbation.

Engrossed Bill — State Loan.

An engrossed Bill relative to authorizing the financing of the production and preservation of affordable housing (see House, No. 4274) (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 borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, after remarks, the question on passing it to be enacted was determined by a call of the yeas and nays, at five minutes past six o'clock P.M., as follows, to wit (yeas 39 — nays 0):

YEAS.

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

McGee, Thomas M. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne—
39.
Menard, Joan M.

NAYS — 0.

The yeas and nays having been completed at nine minutes past six 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 her approbation.

Engrossed Bill.

An engrossed Bill relative to court advisement (see House, No. 4413) (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.

After remarks, the question on passing the bill to be enacted was determined by a call of the yeas and nays, at twelve minutes past six o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 — nays 0):

YEAS.

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

NAYS — 0.

The yeas and nays having been completed at sixteen minutes past six o'clock P.M., the bill was passed to be enacted and it was signed by the President and laid before the Acting Governor for her approbation.

A Bill releasing certain land in the town of Whately from the operation of an agricultural preservation restriction (House, No. 732,— on petition),— was read.

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

Report of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill providing for capital facility improvements and repairs for the Commonwealth (printed in House, No. 5037),— ought to pass.

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

Report of a Committee.

Mr. Travaglini in the Chair, Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to nuclear power plants (House, No. 4913),— ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2456.

The rules were suspended, on motion of Mr. Havern, 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 and read a third time.

After remarks, the question on passing the bill to be engrossed, in concurrence, with the amendment, was determined by a call of the yeas and nays, at twenty-six minutes past six o'clock P.M., on motion of Ms. Murray, as follows, to wit (yeas 39 — nays 0):

YEAS.

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

NAYS — 0.

The yeas and nays having been completed at twenty-nine minutes past six o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment. Sent to the House for concurrence in the amendment.

Paper from the House.

Engrossed Bill.

An engrossed Bill relative to funding for certain telecommunications programs within the Commonwealth (see House, No. 1751, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. Travaglini) and laid before the Acting Governor for her approbation.**

Suspension of Senate Rule 38A.

Mr. Havern moved that Senate Rule 38A be suspended to allow the Senate to continue in session beyond the hour of eight o'clock P.M.; **and, there being no objection, on further motion of the same Senator, the rule was suspended without a recorded yeas and nays vote.**

Recess.

There being no objection, at twenty-nine minutes before seven o'clock P.M., the Chair (Mr. Travaglini) declared a recess subject to the call of the Chair; and, at sixteen minutes before eight o'clock P.M., the Senate reassembled, Mr. Brewer in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Papers from the House.

Emergency Preamble Adopted.

An engrossed Bill providing for the preservation and improvement of the environmental assets of the Commonwealth (see Senate, No. 2319), 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 3 to 0. The bill was signed by the Acting President (Mr. Brewer) and sent to the House for enactment.**

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill releasing certain land in the town of Hadley from the operation of an agricultural preservation restriction (see Senate, No. 2387) (which originated in the Senate), 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 a quarter before eight o'clock P.M., as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Creedon, Robert S., Jr.
Baddour, Steven A.	Creem, Cynthia Stone
Brewer, Stephen M.	Fargo, Susan C.
Chandler, Harriette L.	Glodis, Guy W.
Hart, John A., Jr.	Murray, Therese
Havern, Robert A.	Nuciforo, Andrea F., Jr.
Hedlund, Robert L.	O'Leary, Robert A.
Jacques, Cheryl A.	Pacheco, Marc R.
Joyce, Brian A.	Panagiotakos, Steven C.
Knapik, Michael R.	Resor, Pamela
Lees, Brian P.	Rosenberg, Stanley C.
Magnani, David P.	Sprague, Jo Ann
McGee, Thomas M.	Tarr, Bruce E.
Melconian, Linda J.	Tisei, Richard R.

Menard, Joan M.	Tolman, Steven A.
Montigny, Mark C.	Tucker, Susan C.
Moore, Richard T.	Walsh, Marian
Morrissey, Michael W.	Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Travaglini, Robert E. — 3.
Shannon, Charles E.	

Mr. Rosenberg in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), the yeas and nays having been completed at four minutes before eight 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 Acting President (Mr. Rosenberg) and laid before the Acting Governor for her approbation.

*Motion to Discharge a Matter from the
Committee on Ways and Means.*

Mr. Lees moved that, under the provisions of Senate Rule 27C, the House Bill further regulating firearms (House, No. 5102, amended),— be discharged from the committee on Ways and Means.

Under the provisions of the same rule, the motion to discharge was postponed, without question, to the next session.

Mr. Lees then moved that the Senate adjourn and that it reconvene forthwith for a second legislative day.

After remarks, the question on adjournment was determined by a call of the yeas and the nays, at one minute past eight o'clock P.M., on motion of Mr. Lees, as follows, to (yeas 12 — nays 25):

YEAS.

Baddour, Steven A.	Lees, Brian P.
Brewer, Stephen M.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Glodis, Guy W.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 12.

NAYS.

Antonioni, Robert A.	Creem, Cynthia Stone
Chandler, Harriette L.	Fargo, Susan C.
Hart, John A., Jr.	Nuciforo, Andrea F., Jr.
Havern, Robert A.	O'Leary, Robert A.
Jacques, Cheryl A.	Pacheco, Marc R.
Joyce, Brian A.	Resor, Pamela
Magnani, David P.	Rosenberg, Stanley C.
McGee, Thomas M.	Shannon, Charles E.
Melconian, Linda J.	Tolman, Steven A.
Menard, Joan M.	Tucker, Susan C.
Montigny, Mark C.	Walsh, Marian
Moore, Richard T.	Wilkerson, Dianne — 25.

Murray, Therese

ABSENT OR NOT VOTING.

Berry, Frederick E. Travaglini, Robert E. —
2.

The yeas and nays having been completed at seven minutes past eight o'clock P.M., the motion to adjourn was *negatived*, and the Senate continued its proceedings.

PAPER FROM THE HOUSE.

A Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain conservation land to the town of Sandwich (printed as Senate, No. 2446,— on petition) [Local approval received],— was read.

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

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

July 31, 2002.

Patrick F. Scanlan
Clerk of the Massachusetts Senate
State House, Room 335
Boston, Massachusetts 02133

Dear Mr. Clerk:

On July 30, due to circumstances beyond my control, I was unable to vote on Senate Bill 2122, A Bill establishing the crime of communicating a terroristic threat. Had I had been in attendance I would have voted in the *affirmative* on this matter.

I respectfully request that this communication be printed in the Journal and I thank you in advance for your consideration of this matter.

Sincerely,
RICHARD R. TISEI,
State Senator.

There being no objection, the communication was ordered printed in the Senate Journal.

PAPER FROM THE HOUSE.

A Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to the town of Wellesley (House, No. 5271,— on House, No. 5036),— was read.

There being no objection, the rules were suspended, on motion of Ms. Fargo, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Wellesley."

Engrossed Bill.

An engrossed Bill relative to handicapped stickers for motorcycle license plates (see House, No. 4099, amended) (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.

After remarks, the question on passing the bill to be enacted was determined by a call of the yeas and nays, at twenty-four minutes past eight o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 37 — nays 2):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 37.
Montigny, Mark C.	

NAYS.

Berry, Frederick E.	Creem, Cynthia Stone — 2.
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The yeas and nays having been completed at twenty-eight minutes past eight o'clock P.M., the bill was passed to be enacted and it was signed by the Acting President (Mr. Travaglini) and laid before the Acting Governor for her approbation.

At twenty-nine minutes past eight o'clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the Chair (Mr. Rosenberg) declared a recess; and, at nine o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

Engrossed Bill — State Loan.

An engrossed Bill providing for the preservation and improvement of the environmental assets of the Commonwealth (see Senate, No. 2319) (which originated in the Senate), 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 borrowing of money, in accordance with the provisions of Section 3 of Article LXII 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 a quarter past nine o'clock P.M., as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.

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

NAYS — 0.

Mr. Travaglini in the Chair, the yeas and nays having been completed at twenty minutes past nine 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 Acting President (Mr. Travaglini) and laid before the Acting Governor for her approbation.

Bill Returned with Recommendation of Amendment.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill relative to enhancing English opportunities for all students in the Commonwealth (see House, No. 5010, amended) [for message, see House, No. 5302] was filed in the office of the Clerk of the House on Wednesday, July 31, 2002,— came from the House with endorsement that the House had adopted the amendment as recommended by Her Honor the Lieutenant-Governor, Acting Governor, as follows:

In section 16, in lines 28 and 29, in line 32, and in line 36 (as engrossed), by striking out, in each instance, the word “full-time”; and in section 17, in line 217 (as engrossed), by inserting after the word “remain” the words “or be placed”.

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

The rules were suspended, on motion of Mr. Panagiotakos, and the amendment was adopted, in concurrence. Sent to the House for re-enactment.

Emergency Preamble Adopted.

An engrossed Bill relative to the disposition of certain state-owned property in the city of Somerville (see House, No. 5138), 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 5 to 0. The bill was signed by the Acting President (Mr. Travaglini) and sent to the House for enactment.**

The House Bill relative to commercial area revitalization districts (House, No. 4637),— came from the House with the endorsement that the House had concurred in the Senate amendment in section 1, by inserting after the word “institutions” in line 5, the words “within the city of Boston”, *with a further amendment*, striking out section 1 and inserting in place thereof the following section:

“SECTION 1. The third paragraph of subsection (a) of section 8 of chapter 23G of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following sentence:—Notwithstanding any provision of this paragraph to the contrary, the agency may finance projects for institutions without meeting any of the requirements other than those contained in the first two sentences of this paragraph.”

The rules were suspended, on motion of Mr. Nuciforo, and the House amendment was considered forthwith. After remarks, the further House amendment was adopted, in concurrence.

Engrossed Bill.

An engrossed Bill authorizing the town of Dedham to send certain information to the voters of the town (see House, No. 5055, changed and amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. Travaglini) and laid before the Acting Governor for her approbation.**

An engrossed Bill relative to certificates of birth resulting in stillbirth (see Senate, No. 2160, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at twenty-nine minutes before ten o'clock P.M., on motion of Mr. Shannon, as follows, to wit (yeas 39 — nays 0):

YEAS.

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

NAYS — 0.

The yeas and nays having been completed at twenty-six minutes before ten o'clock P.M., the bill was passed to be enacted and it was signed by the Acting President (Mr. Travaglini) and laid before the Acting Governor for her approbation.

A Bill authorizing the Commonwealth to take or acquire conservation restrictions in and to lands of the Auburn Water District (House, No. 5295 — being a new draft of Senate, No. 2435),— was read.

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

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain easements in the towns of Groton and Pepperell (see House, No. 1879, amended) (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-four minutes before ten o'clock P.M., as follows, to wit (yeas 39 — nays 0):

YEAS.

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

NAYS — 0.

The yeas and nays having been completed at nineteen minutes before ten 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 Acting President (Mr. Travaglini) and laid before the Acting Governor for her approbation.

A Bill authorizing the town of Hopedale to use certain conservation land for water supply purposes (House, No. 5287,— on petition) [Local approval received],— was read.

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

Report of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill relative to the creditable service of certain employees of educational collaboratives (Senate, No. 2415),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Havern, and the bill was read a second time, ordered to a third reading and read a third time.

**The President in the Chair, after remarks, the bill was then passed to be engrossed.
Sent to the House for concurrence.**

Papers from the house.

Emergency Preambles Adopted.

An engrossed Bill authorizing the Division of Fisheries and Wildlife and the Department of Environmental Management to take or acquire conservation restrictions in and to lands of the town of Plymouth (see House, No. 5294), 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 5 to 0.**
The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain property in the city of North Adams (see House, No. 4595, 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.

Report of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to the retirement benefits of certain public employees (House, No. 4456),— ought to pass.
There being no objection, the rules were suspended, on motion of Mr. Montigny, and the bill was read a second time, and, after remarks, was ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Engrossed Bill Returned by Acting Governor

With Her Objections Thereto.

The engrossed Bill relative to the implementation of a housing improvement plan in the city of Fall River (see House, No. 4971), which, on Wednesday, July 31, 2002, had been laid before Her Honor the Lieutenant-Governor, Acting Governor, for her approbation,— came from the House, the same having been returned by Her Honor the Lieutenant-Governor, Acting Governor, with her objections thereto in writing (for message, see House, No. 5303) and having passed that branch, notwithstanding said objections.

The message (House, No. 5303) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

After debate, the question on passing the bill, in concurrence, the objections of Her Honor the Lieutenant-Governor, Acting Governor, to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at seven minutes past eleven o'clock P.M., as follows, to wit (yeas 26 — nays 13):

YEAS.

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Brewer, Stephen M.	Montigny, Mark C.
Creedon, Robert S., Jr.	Moore, Richard T.
Glodis, Guy W.	Morrissey, Michael W.
Hart, John A., Jr.	Murray, Therese
Havern, Robert A.	Nuciforo, Andrea F., Jr.
Hedlund, Robert L.	O'Leary, Robert A.
Jacques, Cheryl A.	Pacheco, Marc R.
Joyce, Brian A.	Rosenberg, Stanley C.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Travaglini, Robert E.
Magnani, David P.	Walsh, Marian — 26.

NAYS.

Berry, Frederick E.	Shannon, Charles E.
Chandler, Harriette L.	Sprague, Jo Ann
Creem, Cynthia Stone	Tarr, Bruce E.

Fargo, Susan C. Tolman, Steven A.
McGee, Thomas M. Tucker, Susan C.
Panagiotakos, Steven C. Wilkerson, Dianne — 13.
Resor, Pamela

The yeas and nays having been completed at ten minutes past eleven o'clock P.M., the bill was passed by the Senate, notwithstanding the objections of Her Honor the Lieutenant-Governor, Acting Governor, two-thirds of the members present having approved the same.

The Senate Bill providing for capital facility improvements and repairs for the Commonwealth (Senate, No. 2271),— came from the House passed to be engrossed, in concurrence, *with an amendment*, striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5290.

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

The same Senator moved that the Senate concur in the House amendment, *with a further amendment*, striking out all after section 1 and inserting in place thereof the text of Senate document numbered 2458.

The further amendment was adopted.

The House amendment, as amended, was then adopted.

Sent to the House for concurrence in the further amendment.

Report of a Committee.

Mr. Montigny, for the committee on Ways and Means, reported, on House, No. 2169, in part, a “Bill protecting patient access to medicaid pharmacy services” (Senate, No. 2457);

The bill was read.

There being no objection, the rules were suspended, on motion of Ms. Menard, and the bill was read a second time.

Mr. Morrissey offered an amendment, in section 2, in clause (4), by inserting after the word “drugs” the following words:— “, including any special contractual relationships or agreements with drug manufacturers or distributors”.

After remarks, this amendment was adopted.

After further remarks, the bill (Senate, No. 2457, amended), was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

The House Bill relative to gift certificates (House, No. 216),—came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2413; and by striking out the title and inserting in place thereof the following title: “An Act further regulating the expiration dates of gift certificates and certain other mediums of exchange”., *with further amendments*, striking out section 5; and by striking out section 8 and inserting in place thereof the following section:

“SECTION 8. Notwithstanding any general or special law to the contrary, a gift certificate that has been issued but not redeemed as of the effective date of this act, shall expire 7 years after the gift certificate’s date of issuance. If the date of issuance is not clearly marked on its face, the gift certificate shall be redeemable in perpetuity.”

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

On further motion of Messrs. Moore, Pacheco and Hedlund, the Senate concurred in the further House amendment, *with a still further amendment*, by inserting after section 4 the following section:—

“SECTION 5. Section 6B of said chapter 200A is hereby amended by striking out subsection (a), as appearing in the 2000 Official Edition, and inserting in place thereof the following subsection:—

(a) Subject to subsection (b) of this section and section 1A, a sum payable on a certified check, draft, cashier’s check, treasurer’s check, registered check or other similar written instrument, other than a third-party bank check, on which a person is directly liable shall be presumed abandoned under this section if it has been outstanding for more than 3 years from the date it was payable, or from the date of its issuance if payable on demand or, in the case of a traveler’s checks, has been outstanding for more than 15 years or, in the case of a money order, has been outstanding for more than 7 years from the date of its issuance, unless the owner has within 3 years, or within 15 years in the case of a traveler’s checks, or within 7 years in the case of a money

order, corresponded in writing with the person concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the person. A new person shall be directly liable if it is the actual holder of the fund representing the face amount of such instrument at the time of presumed abandonment under this section.”

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

Engrossed Bills — Land Takings for Conservation, Etc.

There being no objection, the following engrossed bills were considered, as follows:

Authorizing the Division of Capital Asset Management and Maintenance to convey permanent easements on state property in the town of North Andover to Lucent Technologies, Inc. for the purpose of water and sewer force mains (see Senate, No. 1868) (which originated in the Senate);

Releasing certain land in the town of Whately from the operation of an agricultural preservation restriction (see House, No. 732) (which originated in the House);

Authorizing the Division of Capital Asset Management and Maintenance to grant certain easements to the town of Plymouth (see House, No. 4975) (which originated in the House);

Authorizing the city of Springfield to convey a certain parcel of land (see House, No. 5115) (which originated in the House);

Relative to the disposition of certain state-owned property in the city of Somerville (see House, No. 5138) (which originated in the House);

Authorizing the Division of Capital Asset Management and Maintenance to convey an easement in certain park land (see House, No. 5169, changed) (which originated in the House);

Authorizing the Division of Fisheries and Wildlife and the Department of Environmental Management to take or acquire conservation restrictions in and to lands of the town of Plymouth (see House, No. 5294) (which originated in the House).

The bills, having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— were put upon their final passage; and, these being bills 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 them to be enacted was determined by a call of the yeas and nays, at twenty-eight minutes before twelve o'clock midnight, as follows, to wit (yeas 38 — nays 1):

YEAS.

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

NAYS.

Knapik, Michael R. — 1.

The yeas and nays having been completed at twenty-six minutes before twelve o'clock midnight, the bills were passed to be enacted, two-thirds of the members present having agreed to pass the same, and they were signed by the President and laid before the Acting Governor on Thursday, August 1, 2002, for her approbation.

Engrossed Bill — State Loan.

An engrossed Bill providing for capital facility improvements and repairs for the Commonwealth (see printed in House, No. 5037) (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 borrowing of money, in accordance with the provisions of Section 3 of Article LXII 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-four minutes before twelve o'clock midnight, as follows, to wit (yeas 39 — nays 0):

YEAS.

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

NAYS — 0.

The yeas and nays having been completed at twenty-two minutes before twelve o'clock midnight, 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 on Thursday, August 1, 2002 for her approbation.

Report of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill providing for the transfer and preservation of certain interests in land held for natural resource purposes of the abolished counties (Senate, No. 2427),— ought to pass. **There being no objection, the rules were suspended, on motion of Mr. Montigny, and the bill was read a second time,**

**ordered to a third reading, read a third time and passed to be engrossed.
Sent to the House for concurrence.**

Emergency Preambles Adopted.

An engrossed Bill authorizing an alternative method of construction for the Blue Hills and Spot Pond area covered water storage tanks (see House, No. 4816, 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 14 to 0.**
The bill was signed by the President and sent to the House for enactment.

An engrossed Bill relative to the terms of certain bonds issued by the Commonwealth (see House, No. 5198), 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.

A Bill authorizing the Division of Capital and Management to convey easements and land originally acquired for water quality protection for the Sudbury Reservoir in the city of Marlborough (House, No. 3192, changed,— on petition) [Local approval received],— 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, read a third time and passed to be engrossed, in concurrence.

Engrossed Bills.

An engrossed Bill relative to enhancing English opportunities for all students in the Commonwealth (see House, No. 5010, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the President and again laid before the Acting Governor on Thursday, August 1, 2002 for her approbation.**

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 on Thursday, August 1, 2002 for her approbation, to wit:

Designating a walking path at Squantum Point Park in the city of Quincy as the Janet Niles Murphy Harbor View Walkway (see Senate, No. 627, amended);

Establishing an affordable housing trust fund in the town of Provincetown (see House, No. 4145);

Providing for insurance coverage of certain clinical trials (see House, No. 4376, amended);

Establishing standards for stage II vapor recovery systems (see House, No. 4379, amended);

Relative to the use of asthma inhalers by students in public schools (see House, No. 4411);

Relative to affordable housing in the town of Truro (see House, No. 4476);

Relative to the Provincetown Pier Corporation (see House, No. 4976); and

Providing for liens for molders (see House, No. 5079, amended);

Emergency Preambles Adopted.

An engrossed Bill authorizing the conveyance of certain property in the city of Boston (see House, No. 3630, 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 enactment.

An engrossed Bill authorizing the commissioner of the Division of Capital Asset Management and Maintenance to convey certain easements in the town of North Andover (see House, No. 5200), 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 enactment.

Engrossed Bill.

An engrossed Bill regulating telemarketing solicitation (see House, No. 5225) (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.

After remarks, the question on passing the bill to be enacted was determined by a call of the yeas and nays, at seventeen minutes before twelve o'clock midnight, on motion of Mr. Lees, as follows, to wit (yeas 39 — nays 0):

YEAS.

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

NAYS — 0.

The yeas and nays having been completed at a quarter before twelve o'clock midnight, the bill was passed to be enacted and it was signed by the President and laid before the Acting Governor on Thursday, August 1, 2002 for her approbation.

PAPERS FROM THE HOUSE.

Message from the Acting Governor —

Disapproval and Reductions in General Appropriation Bill.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning, with her disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2003 for the maintenance of the departments, boards commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House. No. 5300), on Friday, July 19, 2002 had been laid before the Acting Governor for her approbation,— came from the House, in part,

several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Acting Governor.

The message (House, No. 5301) was read; and the Senate proceeded to reconsider several items which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 4110-1000 (Community services program) was considered, as follows:

“4110-1000 For the community services program; [A] provided, that not less than \$350,000 shall be expended from this item for the deaf-blind community access network; provided further, that not less than \$500,000 shall be expended for the talking information center; provided further, that not less than \$10,000 shall be expended for the Audible Local Ledger of Falmouth; provided further, that the Massachusetts commission for the blind shall work in collaboration with the Massachusetts commission for the deaf and hard of hearing to provide assistance and services to the deaf-blind community through the deaf-blind community access network; provided further, that the commissioner may transfer an amount not to exceed \$400,000 from this item to item 4110-2000; and provided further, that 30 days prior to any such transfer, the commissioner shall submit an allocation plan, which shall detail by subsidiary the distribution of the funds, to the house and senate committees on ways and means 3,768,186”.

[The Acting Governor reduced the item to \$2,908,186 and disapproved of the following wording at [“A”]: “; provided, that not less than \$350,000 shall be expended from this item for the deaf-blind community access network; provided further, that not less than \$500,000 shall be expended for the talking information center; provided further, that not less than \$10,000 shall be expended for the Audible Local Ledger of Falmouth”.]

The question on passing item. 4110-1000 (contained in section 2) notwithstanding the reduction and disapproval, in part, of Her Honor the Lieutenant-Governor, Acting Governor, to the contrary, was determined by a call of the yeas and nays, at fourteen minutes before twelve o'clock midnight, as follows, to wit (yeas 36 — nays 3):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Tarr, Bruce E.
Jacques, Cheryl A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne —
	36.

NAYS.

Lees, Brian P.	Sprague, Jo Ann — 3.
Melconian, Linda J.	

The yeas and nays having been completed at twelve minutes before twelve o'clock midnight, item 4110-1000 (contained in section 2) stands, in concurrence, notwithstanding the objections of Her Honor the Lieutenant Governor, Acting Governor, two-thirds of the members present and voting having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 7002-0700 (Joint Labor-Management Committee) was considered, as follows:

“7002-0700 For the operation of the joint labor-management committee 259,858” .

[The Acting Governor reduced the item to \$129,929.]

The question on passing item 7002-0700 (contained in section 2) notwithstanding the reduction of Her Honor the Lieutenant-Governor, Acting Governor, to the contrary, was determined by a call of the yeas and nays, at eleven minutes before twelve o'clock midnight, as follows, to wit (yeas 37 — nays 2):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Tarr, Bruce E.
Jacques, Cheryl A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne— 37.
Menard, Joan M.	

NAYS.

Lees, Brian P.	Sprague, Jo Ann — 2.
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The yeas and nays having been completed at ten minutes before twelve o'clock midnight, item 7002-0700 (contained in section 2) stands, in concurrence, notwithstanding the objections of Her Honor the Lieutenant-Governor, Acting Governor, two-thirds of the members present and voting having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 1108-5200, (Group Insurance Benefits Premium-State Share) was considered, as follows:

“1108-5200 For the commonwealth's share of the group insurance premium and plan costs incurred in fiscal year 2003; provided, that the secretary of administration and finance shall charge the division of employment and training and other departments, authorities, agencies and divisions, which have federal or other funds allocated to them for this purpose, for that portion of insurance premiums and plan costs as the secretary determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided further, that prior year costs incurred by the

state indemnity health insurance plan and the preferred provider organization shall be funded from this item; provided further, that the group insurance commission shall report quarterly to the house and senate committees on ways and means the amounts expended from this item for said prior year costs; provided further, that the group insurance commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state appropriation; provided further, that the secretary of administration and finance may charge all agencies for the commonwealth's share of the health insurance costs incurred on behalf of any employees of those agencies who are on leave of absence for a period of more than one year; provided further, that the amounts received in payment for such charges shall be credited to the general fund; provided further, that notwithstanding section 26 of chapter 29 of the General Laws, the commission may negotiate, purchase and execute contracts before July 1 of each year for policies of group insurance as authorized by chapter 32A of the General Laws; [A] provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of said chapter 32A and for the purposes of section 14 of said chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired before July 1, 1994 shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994 shall be 85 per cent; provided further, that the commission shall provide the number of retirees for whom the commonwealth pays said 85 per cent to the house and senate committees on ways and means by February 1 of each year; provided further, that the commonwealth's share of such premiums for active state employees shall be 85 per cent of such premiums and rates; provided further, that notwithstanding chapter 150E of the General Laws, retirees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall continue to pay the same percentage, if any, of the health insurance premium that they paid on June 1, 1994; provided further, that active employees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall pay 15 per cent of such premiums and rates; provided further, that the commission shall notify the house and senate committees on ways and means by March 15 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year; and provided further, however, that the commission shall issue, at the request of the beneficiary, a separate identification number for enrollment and benefit purposes instead of the social security number744,063,652”.

[The Acting Governor reduced the item to \$706,063,652 and disapproved of the following wording at [“A”]: “; provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of said chapter 32A and for the purposes of section 14 of said chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired before July 1, 1994 shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994 shall be 85 per cent; provided further, that the commission shall provide the number of retirees for whom the commonwealth pays said 85 per cent to the house and senate committees on ways and means by February 1 of each year; provided further, that the commonwealth's share of such premiums for active state employees shall be 85 per cent of such premiums and rates”.]

The question on passing item 1108-5200 (contained in section 2) notwithstanding the reduction and disapproval, in part, of Her Honor the Lieutenant-Governor, Acting Governor, to the contrary, was determined by a call of the yeas and nays, at eight minutes before twelve o'clock midnight, as follows, to wit (yeas 37 — nays 2):

YEAS.

- | | |
|-------------------------|-------------------------|
| Antonioni, Robert A. | Magnani, David P. |
| Baddour, Steven A. | McGee, Thomas M. |
| Berry, Frederick E. | Melconian, Linda J. |
| Brewer, Stephen M. | Menard, Joan M. |
| Chandler, Harriette L. | Montigny, Mark C. |
| Creedon, Robert S., Jr. | Moore, Richard T. |
| Creem, Cynthia Stone | Morrissey, Michael W. |
| Fargo, Susan C. | Murray, Therese |
| Glodis, Guy W. | O'Leary, Robert A. |
| Hart, John A., Jr. | Pacheco, Marc R. |
| Havern, Robert A. | Panagiotakos, Steven C. |
| Hedlund, Robert L. | Resor, Pamela |
| Jacques, Cheryl A. | Rosenberg, Stanley C. |
| Joyce, Brian A. | Shannon, Charles E. |
| Knapik, Michael R. | Sprague, Jo Ann |

Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.

Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

NAYS.

Lees, Brian P.

Nuciforo, Andrea F., Jr. — 2.

The yeas and nays having been completed at six minutes before twelve o'clock midnight, item 1108-5200 (contained in section 2) stands, in concurrence, notwithstanding the objections of Her Honor the Lieutenant-Governor, Acting Governor, two-thirds of the members present and voting having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 8100-0301 (State Police directed patrols) was considered, as follows:

“8100-0301 For the payroll costs of the state police directed patrols; provided that \$365,000 shall be expended for the Medford state police barracks entitled Zero Tolerance and Fire Risk Prevention to increase patrols and public safety using bicycles and other policing means within the Middlesex Fells Fellsmere Pond area and Mystic River Reservation district; provided further, that the station commanders who have been allocated funding under this item may utilize any special operations units necessary to further the public safety goals of their district; provided further, that this money shall not be used by the special operations marine unit of the State Police unless specifically authorized by the station commander who will denote the hours of need to coincide with the Zero Tolerance Program; provided further, that \$12,700 shall be expended at the direction of the Bourne barracks for increased traffic detail on Cape Cod and in the town of Plymouth; provided further, that \$45,360 shall be expended for the costs associated with providing state police patrols 3 nights per week in the city of Brockton, south between Montello street and Warren avenue and north to Battle street between Montello street and Warren avenue, or at other locations, and such patrols shall be assigned between the hours of 8:00 p.m. and 4:00 a.m. beginning July 1, 2001 for a period of 18 weeks, as deemed necessary; provided further, that \$30,000 shall be expended for the costs associated with providing state police services at Breakheart Reservation; provided further, that \$75,000 shall be expended for the costs of state police patrols along the Charles river esplanade and the Charlesgate area of the city of Boston; provided further, that \$40,000 shall be expended for patrols along Revere beach, which shall be assigned between the hours of 10 p.m. and 4 a.m. nightly from July 1 through September 15 inclusive; provided further, that \$49,860 shall be expended for the costs of state police patrols at Lynn Shore drive, Lynn beach, Kings beach, Nahant causeway, and Nahant beach; provided further, that \$116,500 shall be expended for the costs associated with state police mounted patrols on Lynn beach, Kings beach, and Red Rock park, so-called; provided further, that \$35,000 shall be expended for the costs associated with patrols of the Wollaston beach, Quincy Shore drive section of Quincy; provided further, that \$355,550 shall be expended for the purposes of increased patrols during the months of April to October, inclusive, at Winthrop beach and Winthrop Shore drive in the town of Winthrop, Revere beach in the city of Revere and Constitution beach and Belle Islands marsh in the East Boston section of the city of Boston; provided further, that not less than \$282,310 shall be expended to provide motorcycle patrols along the southwest corridor, so-called; provided further, that \$100,000 shall be expended for the plain clothes foot patrol and bike patrol of the Upper Reservation Basin area along the Charles river; provided further, that \$45,000 shall be expended to provide patrols of Blue Hill and Stonybrook reservations and those parklands and roadways under the care and control of the metropolitan district commission patrolled by the state police in the Hyde Park, West Roxbury, Roslindale and Readville sections of the city of Boston and in the towns of Canton, Milton and Randolph; provided further, that \$5,000 shall be expended to patrol the state-owned portion of Willard Street adjacent to the Shea rink in the city of Quincy and other property under the care, custody and control of the metropolitan district commission in the city of Quincy; provided further, that not less than \$50,000 shall be expended to provide increased patrols during the months of April to October, inclusive, at Mary O'Malley park in the city of Chelsea; provided further, that not less than \$130,000 shall be expended for the cost of state police patrols for the Neponset river bicycle path in the town of Milton and the Dorchester section of the city of Boston; provided further, that not less than \$280,000 shall be expended for the costs of increased patrols during the months of June to September, inclusive, for Nantasket beach in the town of Hull; provided further, that not less than \$15,000 shall be expended for the costs of increased patrols from November 1 to December 31 between the hours of 3:30 p.m. and 7:30 p.m. from the state route 24 south ramp to state route 140 in the city of Taunton; provided further, that \$46,666 shall be expended for patrols of properties of the metropolitan district commission located along Day boulevard in the South Boston section of the city of Boston; provided further, that the patrols along Day boulevard shall be

assigned between the hours of 8 p.m. and 4 a.m. nightly until November 1, 2001; provided further, that \$40,000 shall be expended for patrols along state highway route 2 between the city of Fitchburg and the town of Greenfield; provided further, that \$15,500 shall be expended for patrols along state highway route 88 in the town of Westport; provided further, that \$18,500 shall be expended for patrols along state highway route 18 in the city of New Bedford; provided further, that the station commanders who have been allocated funding under this item may utilize any special operations units necessary to further the public safety goals of their districts; provided further, that notwithstanding the provisions of any general or special laws to the contrary, all funds appropriated herein shall be scheduled in the AA subsidiary, so-called; provided further, that \$31,000 shall be expended for the purpose of assigning 1 State Trooper to Fort Revere in the town of Hull during the hours of peak nefarious activity of the summer months; provided further, that \$20,000 shall be expended for the purpose of a state police patrol in the Willow street area, so called, of Yarmouth; and provided further, that not less than \$125,000 shall be expended for state police service at Salisbury Beach between Memorial Day, May 27, 2002 and Labor Day, September 2, 20022,3\$28,946

Local Aid Fund100.00%”.

[The Acting Governor disapproved the item.]

The question on passing item 8100-0301 (contained in section 2) notwithstanding the disapproval of Her Honor the Lieutenant-Governor, Acting Governor, to the contrary, was determined by a call of the yeas and nays, at five minutes before twelve o'clock midnight, as follows, to wit (yeas 35 — nays 4):

YEAS.

- | | |
|--------------------------|-------------------------|
| Antonioni, Robert A. | Fargo, Susan C. |
| Baddour, Steven A. | Glodis, Guy W. |
| Berry, Frederick E. | Hart, John A., Jr. |
| Brewer, Stephen M. | Havern, Robert A. |
| Chandler, Harriette L. | Hedlund, Robert L. |
| Creedon, Robert S., Jr. | Jacques, Cheryl A. |
| Creem, Cynthia Stone | Joyce, Brian A. |
| Knepik, Michael R. | Pacheco, Marc R. |
| Magnani, David P. | Panagiotakos, Steven C. |
| McGee, Thomas M. | Resor, Pamela |
| Melconian, Linda J. | Rosenberg, Stanley C. |
| Menard, Joan M. | Shannon, Charles E. |
| Montigny, Mark C. | Tarr, Bruce E. |
| Moore, Richard T. | Tolman, Steven A. |
| Morrissey, Michael W. | Travaglini, Robert E. |
| Murray, Therese | Walsh, Marian |
| Nuciforo, Andrea F., Jr. | Wilkerson, Dianne — 35. |
| O’Leary, Robert A. | |

NAYS.

- | | |
|-----------------|-----------------------|
| Lees, Brian P. | Tisei, Richard R. |
| Sprague, Jo Ann | Tucker, Susan C. — 4. |

The yeas and nays having been completed at four minutes before twelve o'clock midnight, item 8100-0301 (contained in section 2) stands, in concurrence, notwithstanding the objections of Her Honor the Lieutenant-Governor, Acting Governor, two-thirds of the members present and voting having approved the same.
The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 7030-1002 (Kindergarten development grants) was considered, as follows:

“7030-1002 For kindergarten development grants to provide ongoing grant awards to continue quality enhancement of existing full day kindergarten classrooms and to encourage the transition of half day classrooms into full day kindergarten classrooms; provided, that the office of school readiness shall administer a grant program to encourage the voluntary expansion of high quality, full day kindergarten education throughout the commonwealth; provided further, that grants of not more than \$18,000 per classroom shall be made available to public schools for the enhancement of existing full day kindergarten classrooms and for the transition of existing half day kindergarten classrooms into full day kindergarten classrooms; provided further, that said grants shall be awarded pursuant to guidelines established by the department relative to the application and award process which shall include eligibility criteria, allowable grant expenditures and grant recipient obligations; provided further, that guidelines for transition grants shall require applicants for such grants to identify obstacles that impede the transition to full day kindergarten; provided further, that said guidelines shall require grant recipients to identify the anticipated date by which the implementation of quality enhancement or transition projects shall commence; provided further, that said guidelines shall detail the range of permissible grant expenditures which shall include, but not be limited to, the expenditure of funds for facility improvements or other expenses, necessary to provide adequate space for the transition from half day kindergarten classrooms into full day kindergarten classrooms; provided further, that grants funded through this appropriation shall not annualize to more than \$18,000 per classroom in subsequent fiscal years; provided further, that preference shall be given to grant applicants with high percentages of students scoring in levels one or two on the Massachusetts comprehensive assessment system exam, so-called, as determined by the department based on available data; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that such program shall supplement and shall not supplant currently funded local, state and federal programs at the school or district; provided further, that not later than January 15, 2003 said department shall report to the house and senate committees on ways and means on the total number of enhancement and transition grants requested and awarded; provided further, that said report shall detail common factors associated with both successful and unsuccessful applications and shall include the total number of full day and half day kindergarten classrooms projected to be in operation in Massachusetts public schools in fiscal year 2004; provided further, that funds appropriated herein for transition grant awards may be expended through August 31, 2003 for the purposes of transition projects scheduled for the school year beginning in September, 2003; and provided further, that the department may expend not more than \$200,000 to administer the grants program established herein

.....27,940,000

Local Aid Fund100.00%”.

[The Acting Governor disapproved the item.]

The question on passing item 7030-1002 (contained in section 2) notwithstanding the disapproval of Her Honor the Lieutenant-Governor, Acting Governor, to the contrary, was determined by a call of the yeas and nays, at three minutes before twelve o'clock midnight, as follows, to wit (yeas 38 — nays 1):

YEAS.

Antonioni, Robert A.	Berry, Frederick E.
Baddour, Steven A.	Brewer, Stephen M.
Chandler, Harriette L.	Moore, Richard T.
Creedon, Robert S., Jr.	Morrissey, Michael W.
Creem, Cynthia Stone	Murray, Therese
Fargo, Susan C.	Nuciforo, Andrea F., Jr.
Glodis, Guy W.	O’Leary, Robert A.
Hart, John A., Jr.	Pacheco, Marc R.
Havern, Robert A.	Panagiotakos, Steven C.
Hedlund, Robert L.	Resor, Pamela
Jacques, Cheryl A.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Knapik, Michael R.	Tarr, Bruce E.

Lees, Brian P.	Tisei, Richard R.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 38.

NAYS.

Sprague, Jo Ann — 1.

The yeas and nays having been completed at two minutes before twelve o'clock midnight, item 7030-1002 (contained in section 2) stands, in concurrence, notwithstanding the objections of Her Honor the Lieutenant-Governor, Acting Governor, two-thirds of the members present and voting having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 7066-0009 (New England board of higher education) was considered, as follows:

“7066-0009 For the New England board of higher education 668,004”.

[The Acting Governor reduced the item to \$300,004.]

The question on passing item 7066-0009 (contained in section 2) notwithstanding the reduction of Her Honor the Lieutenant-Governor, Acting Governor, to the contrary, was determined by a call of the yeas and nays, at one minute before twelve o'clock midnight, as follows, to wit (yeas 36 — nays 2):

YEAS.

Antonioni, Robert A.	Joyce, Brian A.
Baddour, Steven A.	Knapik, Michael R.
Berry, Frederick E.	Magnani, David P.
Brewer, Stephen M.	McGee, Thomas M.
Chandler, Harriette L.	Melconian, Linda J.
Creedon, Robert S., Jr.	Menard, Joan M.
Creem, Cynthia Stone	Montigny, Mark C.
Fargo, Susan C.	Moore, Richard T.
Glodis, Guy W.	Morrissey, Michael W.
Hart, John A., Jr.	Murray, Therese
Havern, Robert A.	Nuciforo, Andrea F., Jr.
Hedlund, Robert L.	O'Leary, Robert A.
Jacques, Cheryl A.	Pacheco, Marc R.
Panagiotakos, Steven C.	Tolman, Steven A.
Resor, Pamela	Travaglini, Robert E.
Rosenberg, Stanley C.	Tucker, Susan C.
Shannon, Charles E.	Walsh, Marian
Tarr, Bruce E.	Wilkerson, Dianne — 36.

NAYS.

Sprague, Jo Ann	Tisei, Richard R. — 2.
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ANSWERED "PRESENT".

Lees, Brian P. — 1.

The yeas and nays having been completed at one minute past twelve o'clock midnight, item 7066-0009 (contained in section 2) stands, in concurrence, notwithstanding the objections of Her Honor the Lieutenant-Governor, Acting Governor, two-thirds of the members present and voting having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 4100-0068 (Community health centers) was considered, as follows:

"4100-0068 For the purpose of awarding one-time grants in fiscal year 2003 to qualifying community health centers located in communities with demonstrated significant barriers to care or serving patients with unusually high acuity, notwithstanding the provisions of any general or special law to the contrary; provided, that criteria established by the division for the award of such grants shall be based on barriers to care in a community including, but not limited to, language, ethnicity, race, insurance status and patient acuity factors; provided further, that such factors shall include multi-system failures, psycho-social needs, endemic incidence of substance abuse and nutritional and dietary deficiencies underlying the disease process; provided further, that such grants shall be awarded consistent with the recommendations of an advisory council consisting of the commissioner of the division of health care finance and policy, the commissioner of medical assistance, the commissioner of public health, the executive director of the Massachusetts League of Community Health Centers, the executive director of Health Care for All, and the secretary of health and human services, who shall chair the advisory group, or the designees of any such member thereof; provided further, that said advisory group shall recommend to the division not later than September 1, 2002 the most efficacious means of awarding such grants; provided further, that all grants shall be awarded no later than six months after the effective date of this act; provided further, that not more than \$100,000 shall be expended for a program of technical assistance to applicants for and recipients of said grants by a state primary care association qualified under section 330(f)(1) of the United States Public Health Service Act 42 USC 254C(f); provided further that such grants shall be awarded within six months of the effective date of this act; provided further, that the commissioner of health care finance and policy shall submit a report to the secretary of health and human services and the house and senate committees on ways and means at least 30 days prior to any grants being awarded, including, a listing of facilities that applied for grants, the methodology used to determine the disbursement of grants, the amount projected to be paid to each community health center, and the projected impact of said grants on patient care and the promotion of public health at each facility; and provided further, that all grants shall be distributed no later than 6 months after the effective date of this act

.....5,000,000

Tobacco Settlement Fund100.00%".

[The Acting Governor disapproved of the Item.]

The question on passing item 4100-0068 (contained in section 2) notwithstanding the disapproval of Her Honor the Lieutenant-Governor, Acting Governor, to the contrary, was determined by a call of the yeas and nays, at one minute past twelve o'clock midnight, as follows, to wit (yeas 35 — nays 1):

YEAS.

- | | |
|-------------------------|--------------------------|
| Antonioni, Robert A. | Montigny, Mark C. |
| Baddour, Steven A. | Moore, Richard T. |
| Berry, Frederick E. | Morrissey, Michael W. |
| Brewer, Stephen M. | Murray, Therese |
| Chandler, Harriette L. | Nuciforo, Andrea F., Jr. |
| Creedon, Robert S., Jr. | O'Leary, Robert A. |
| Creem, Cynthia Stone | Pacheco, Marc R. |
| Fargo, Susan C. | Panagiotakos, Steven C. |
| Glodis, Guy W. | Resor, Pamela |
| Hart, John A., Jr. | Rosenberg, Stanley C. |

Havern, Robert A. Shannon, Charles E.
Jacques, Cheryl A. Tarr, Bruce E.
Joyce, Brian A. Tolman, Steven A.
Knapik, Michael R. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne —
Menard, Joan M. 35.

NAYS.

Sprague, Jo Ann — 1.

ANSWERED “PRESENT”.

Hedlund, Robert L. Tisei, Richard R. — 3.
Lees, Brian P.

The yeas and nays having been completed at three minutes past twelve o'clock midnight, item 4100-0068 (contained in section 2) stands, in concurrence, notwithstanding the objections of Her Honor the Lieutenant-Governor, Acting Governor, two-thirds of the members present and voting having approved the same.

The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 1108-5400 (Retired municipal teachers' premiums) was considered, as follows:

“1108-5400 For the costs of the retired municipal teachers' premiums and the audit of such premiums 41,710,424”.

[The Acting Governor reduced the item to \$38,710,424.]

The question on passing item 1108-5400 (contained in section 2) notwithstanding the reduction of Her Honor the Lieutenant-Governor, Acting Governor, to the contrary, was determined by a call of the yeas and nays, at four minutes past twelve o'clock midnight, as follows, to wit (yeas 37 — nays 0):

YEAS.

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

Melconian, Linda J.
Menard, Joan M.

Wilkerson, Dianne — 37.

NAYS — 0.

ANSWERED “PRESENT”.

Lees, Brian P.

Tisei, Richard R. — 2.

The yeas and nays having been completed at six minutes past twelve o'clock midnight, item 1108-5400 (contained in section 2) stands, in concurrence, notwithstanding the objections of Her Honor the Lieutenant Governor, Acting Governor, two-thirds of the members present and voting having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Recess.

There being no objection, at eleven minutes past twelve o'clock midnight, the President declared a recess subject to the call of the Chair; and, at nineteen minutes before one o'clock A.M., the Senate reassembled, the President in the Chair.

Paper from the House.

The Senate Bill providing for certain transportation improvements (Senate, No. 2245, amended),— came from the House with the endorsement that the House had concurred in the *further* Senate amendment striking out all after the enacting and inserting in place thereof the text of Senate document 2440, printed as amended, *with still further amendments*, striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5310; and by striking out the the emergency preamble and inserting in place thereof the following emergency preamble:

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide for a capital transportation development and improvements in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The rules were suspended, on motion of Mr. Montigny, and the further House amendment was considered forthwith and adopted, in concurrence.

Recess.

There being no objection, at eighteen minutes before one o'clock A.M., the President declared a recess subject to the call of the Chair; and, at seventeen minutes past one o'clock A.M., the Senate reassembled, the President in the Chair.

Emergency Preambles Adopted.

An engrossed Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to the town of Wellesley (see House, No. 5271), 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 4 to 0.

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

An engrossed Bill authorizing the Commonwealth to take or acquire conservation restrictions in and to lands of the Auburn Water District (see House, No. 5295), 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 4 to 0.

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

An engrossed Bill providing for capital facility improvements and repairs for the Commonwealth (see Senate, No. 2271, 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 3 to 0.

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

An engrossed Bill providing for certain transportation improvements (see Senate, No. 2245, 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 9 to 0.

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

Engrossed Bills — Land Taking for Conservation, Etc.

There being no objection, the following engrossed bills were considered, as follows:

Authorizing the Department of Highways to acquire land in the city of Quincy for the purpose of flood control and prevention (see Senate, No. 2232) (which originated in the Senate);

Directing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land located in the town of Randolph (see Senate, No. 2443) (which originated in the Senate);

Authorizing the Division of Capital Asset Management and Maintenance to convey certain conservation land to the town of Sandwich (see printed as Senate, No. 2446) (which originated in the House):

Authorizing the Division of Capital Asset Management and Maintenance to convey easements and land originally acquired for water quality protection for the Sudbury Reservoir in the city of Marlborough (see House, No. 3192, changed and amended) (which originated in the House);

Authorizing the conveyance of certain property in the city of Boston (see House, No. 3630, amended) (which originated in the House);

Authorizing the commissioner of the Division of Capital Asset Management and Maintenance to convey certain easements in the town of North Andover (see House, No. 5200) (which originated in the House);

Authorizing certain conveyance of land to establish the Southeastern Massachusetts Bioreserve (see House, No. 5270) (which originated in the House);

Authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to the town of Wellesley (see House, No. 5271);

Authorizing the town of Hopedale to use certain conservation land for water supply purposes (see House, No. 5287) (which originated in the House); and

Authorizing the Commonwealth to take or acquire conservation restrictions in and to land of the Auburn Water District (see printed as House, No. 5295) (which originated in the House).

The bills, having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— were put upon their final passage; and, these being bills 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 the bills to be enacted was determined by a call of the yeas and nays, at ten minutes before two o'clock A.M., as follows, to wit (yeas 33 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian

Melconian, Linda J. Wilkerson, Dianne —
33.
Menard, Joan M.

NAYS — 0.

ANSWERED “PRESENT”.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 6.

The yeas and nays having been completed at eight minutes before two o’clock A.M., the bills were passed to be enacted, two-thirds of the members present having agreed to pass the same, and they were signed by the President and laid before the Acting Governor on Thursday, August 1, 2002 for her approbation.

Engrossed Bill — Land Taking for

Conservation, Etc.— State Loan.

An engrossed Bill providing for certain transportation improvements (see Senate, No. 2245, amended) (which originated in the Senate), 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 and other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution; and, this being a bill that provided for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, after remarks, the question on passing it to be enacted was determined by a call of the yeas and nays, at one minute before two o’clock A.M., as follows, to wit (yeas 36 — nays 1):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 36.

NAYS.

Hedlund, Robert L. — 1.

ANSWERED “PRESENT”.

Lees, Brian P.

Tisei, Richard R. — 2.

The yeas and nays having been completed at one minute past two o'clock A.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 on Thursday, August 1, 2002, for her approbation.

Engrossed Bill — State Loan.

An engrossed Bill providing for capital facility improvements and repairs for the Commonwealth (see Senate, No. 2271, amended) (which originated in the Senate), 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 borrowing of money, in accordance with the provisions of Section 3 of Article LXII 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 two minutes past two o'clock A.M., as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 36.

NAYS — 0.

ANSWERED "PRESENT".

Hedlund, Robert L.	Tisei, Richard R. — 3.
Lees, Brian P.	

The yeas and nays having been completed at four minutes past two o'clock A.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 on Thursday, August 1, 2002 for her approbation.

Paper from the House.

Message from the Acting Governor —

Disapproval and Reductions in General Appropriation Bill.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning, with her disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2003 for the maintenance of the departments, boards commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300), on Friday, July 19, 2002 had been laid before the Acting Governor for her approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Acting Governor.

The message (House, No. 5301) was read; and the Senate proceeded to reconsider item 4130-1000 (contained in section 2) which had been reduced in accordance with the provisions of the Constitution.

Item 4130-1000 (Statewide neonatal and postnatal home parenting program) was considered, as follows:

“4130-1000 For statewide neonatal and postnatal home parenting education and home visiting programs for at-risk newborns to be administered by the Children’s Trust Fund; provided, that such services shall be made available statewide to all parents under the age of 21 years within the amount appropriated herein
.....19,12
1,630”.

[The Acting Governor reduced the item to \$17,121,630.]

Pending the question on passing the item notwithstanding the reduction of the Acting Governor, Mr. Lees arose to a point of order which, being stated, was that the Senate was considering formal business beyond the hour of twelve o’clock midnight in violation of the rules.

The President ruled that the point of order was well taken; and accordingly, the matter was laid aside.

Order Adopted.

On motion of Ms. Melconian,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o’clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Mr. Lees, at seven minutes past two o’clock A.M. (Thursday, August 1), the Senate adjourned to meet on the following Monday at eleven o’clock A.M.