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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE IN JOINT SESSION.



JOURNAL OF THE SENATE IN JOINT SESSION.

Thursday, February 12, 2004.

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

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

JOINT SESSION

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

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

The Proposal was as follows:--

ARTICLE OF AMENDMENT.

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

Pending the question on ordering the proposal to a third reading, the amendment previously moved by Mr. Barrios that the proposal be amended by substituting the following new text:-

"It is the public policy of this commonwealth to protect the unique relationship of marriage in order to promote, among other goals, the stability and welfare of society. All marriages between two people shall be eligible for all the rights and benefits of marriage",- was considered, the question being on adoption of the amendment.

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

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

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

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

Ms. Murray withdrew her point of order.

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

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

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

During consideration, Mr. Kelly of Dalton moved to adjourn the Joint Session, and the question on adjourning the Joint Session was determined by a call of the yeas and nays at a quarter before one o'clock P.M., as follows to wit (Yeas 44 - Nays 153)

[Senate Yeas and Nays No. 455] [House Yeas and Nays No. 525]

YEAS (44).

Senators.

Antonioni, Robert A.	Nuciforo, Andrea F., Jr.
Barrios, Jarrett T.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Sprague, Jo Ann
Havern, Robert A.	Tisei, Richard R.
Melconian, Linda J.	Tolman, Steven A.
Montigny, Mark C.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 16.

Representatives.

Atkins, Cory	Khan, Kay
Balsler, Ruth B.	Malia, Elizabeth A.
Blumer, Deborah D.	Marzilli, J. James, Jr.
Bosley, Daniel E.	Paulsen, Anne M.
Demakis, Paul C.	Rivera, Cheryl A.
Donovan, Carol A.	Rushing, Byron
Falzone, Mark V.	Sánchez, Jeffrey
Festa, Michael E.	Smizik, Frank I.
Finegold, Barry R.	Stanley, Thomas M.
Fox, Gloria L.	St. Fleur, Marie P.
Honan, Kevin G.	Story, Ellen
Jehlen, Patricia D.	Swan, Benjamin
Kelly, Shaun P.	Toomey, Timothy J., Jr.
Kennedy, Thomas P.	Wolf, Alice K. — 28.

NAYS (153).

Senators.

Baddour, Steven A.	McGee, Thomas M.
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Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	O'Leary, Robert A.
Glodis, Guy W.	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Hedlund, Robert L.	Shannon, Charles E.
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Travaglini, Robert E.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	— 23.

Representatives.

Asselin, Christopher P.	Koczera, Robert M.
Atsalis, Demetrius J.	Koutoujian, Peter J.
Ayers, Bruce J.	Kujawski, Paul
Binienda, John J.	Kulik, Stephen
Bradley, Garrett J.	Lantigua, William
Broadhurst, Arthur J.	Larkin, Peter J.
Brown, Scott P.	Leary, James B.
Buoniconti, Stephen J.	LeDuc, Stephen P.
Cabral, Antonio F. D.	Lepper, John A.
Callahan, Jennifer M.	Linsky, David Paul
Canavan, Christine E.	L'Italien, Barbara A.
Candaras, Gale D.	Loscocco, Paul J. P.
Carron, Mark J.	Miceli, James R.
Casey, Paul C.	Murphy, Charles A.
Ciampa, Vincent P.	Murphy, James M.
Connolly, Edward G.	Murphy, Kevin J.
Coppola, Michael J.	Nangle, David M.
Correia, Robert	Naughton, Harold P., Jr.

Costello, Michael A.	Nyman, Robert J.
Coughlin, Robert K.	O'Brien, Thomas J.
Creedon, Geraldine	O'Flaherty, Eugene L.
DeLeo, Robert A.	Parente, Marie J.
deMacedo, Viriato Manuel	Patrick, Matthew C.
Dempsey, Brian S.	Pedone, Vincent A.
DiMasi, Salvatore F.	Peisch, Alice Hanlon
Donato, Paul J.	Perry, Jeffrey Davis
Donelan, Christopher J.	Petersen, Douglas W.
Driscoll, Joseph R.	Peterson, George N., Jr.
Eldridge, James B.	Petrolati, Thomas M.
Evangelidis, Lewis G.	Petrucelli, Anthony
Fagan, James H.	Pignatelli, William Smitty
Fallon, Christopher G.	Poirier, Elizabeth
Fennell, Robert F.	Polito, Karyn E.
Finneran, Thomas M.	Pope, Susan W.
Flynn, David L.	Quinn, John F.
Fresolo, John P.	Reinstein, Kathi-Anne
Frost, Paul K.	Rodrigues, Michael J.
Galvin, William C.	Rogeness, Mary S.
Garry, Colleen M.	Rogers, John H.
George, Thomas N.	Ruane, J. Michael
Gifford, Susan Williams	Rush, Michael F.
Gobi, Anne M.	Scaccia, Angelo M.
Goguen, Emile J.	Scibak, John W.
Golden, Brian Paul	Simmons, Mary Jane
Golden, Thomas A., Jr.	Speliotis, Theodore C.
Gomes, Shirley	Spellane, Robert
Grant, Mary E.	Spiliotis, Joyce A.

Greene, William G., Jr.	Spilka, Karen
Haddad, Patricia A.	Stanley, Harriett L.
Hall, Geoffrey D.	Straus, William M.
Hargraves, Robert S.	Sullivan, David B.
Harkins, Lida E.	Teahan, Kathleen M.
Hill, Bradford	Timilty, Walter F.
Hillman, Reed V.	Tobin, A. Stephen
Howland, Mark A.	Torrisi, David M.
Humason, Donald F., Jr.	Travis, Philip
Hynes, Frank M.	Turkington, Eric
Jones, Bradley H., Jr.	Vallee, James E.
Kafka, Louis L.	Verga, Anthony J.
Kane, Michael F.	Wagner, Joseph F.
Kaprielian, Rachel	Wallace, Brian P.
Kaufman, Jay R.	Walrath, Patricia A.
Keenan, Daniel F.	Walsh, Martin J.
Knuuttila, Brian	Walsh, Steven Myles
Kocot, Peter V.	Webster, Daniel K. — 130.
ABSENT OR NOT VOTING.	
Mariano, Ronald	Owens-Hicks, Shirley — 2.

The yeas and nays having been completed at four minutes before one o'clock P.M., the motion to adjourn was *negatived*. During further consideration, at sixteen minutes before two o'clock P.M., Ms. Jehlen of Somerville doubted the presence of a quorum; and, a count of the Joint Session determined that a quorum was not present. Subsequently, at twelve minutes before two o'clock P.M., the President declared that a quorum was present; and the Joint Session proceeded with the business at hand.

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

At ten minutes before three o'clock P.M., Ms. Murray doubted the presence of a quorum and asked for a call of the yeas and nays to ascertain if a quorum was present. The President, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum. Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum at nine minutes before three o'clock P.M., as follows to wit (Yeas 197 - Nays 0) [**Senate Yeas and Nays No. 456**] [**House Yeas and Nays No. 526**]

ANSWERED "PRESENT" (197).

Senators.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.

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

38.

Representatives.

Asselin, Christopher P.	Koczera, Robert M.
Atkins, Cory	Koutoujian, Peter J.
Atsalis, Demetrius J.	Kujawski, Paul
Ayers, Bruce J.	Kulik, Stephen
Balsler, Ruth B.	Lantigua, William
Binienda, John J.	Larkin, Peter J.
Blumer, Deborah D.	Leary, James B.
Bosley, Daniel E.	LeDuc, Stephen P.
Bradley, Garrett J.	Lepper, John A.
Broadhurst, Arthur J.	Linsky, David Paul
Brown, Scott P.	L'Italien, Barbara A.
Buoniconti, Stephen J.	Loscocco, Paul J. P.
Cabral, Antonio F. D.	Malia, Elizabeth A.
Callahan, Jennifer M.	Marzilli, J. James, Jr.
Canavan, Christine E.	Miceli, James R.
Candaras, Gale D.	Murphy, Charles A.
Carron, Mark J.	Murphy, James M.
Casey, Paul C.	Murphy, Kevin J.
Ciampa, Vincent P.	Nangle, David M.
Connolly, Edward G.	Naughton, Harold P., Jr.
Coppola, Michael J.	Nyman, Robert J.
Correia, Robert	O'Brien, Thomas J.
Costello, Michael A.	O'Flaherty, Eugene L.
Coughlin, Robert K.	Owens-Hicks, Shirley
Creedon, Geraldine	Parente, Marie J.
DeLeo, Robert A.	Patrick, Matthew C.

deMacedo, Viriato Manuel	Paulsen, Anne M.
Demakis, Paul C.	Pedone, Vincent A.
Dempsey, Brian S.	Peisch, Alice Hanlon
DiMasi, Salvatore F.	Perry, Jeffrey Davis
Donato, Paul J.	Petersen, Douglas W.
Donelan, Christopher J.	Peterson, George N., Jr.
Donovan, Carol A.	Petrolati, Thomas M.
Driscoll, Joseph R.	Petrucelli, Anthony
Eldridge, James B.	Pignatelli, William Smitty
Evangelidis, Lewis G.	Poirier, Elizabeth
Fagan, James H.	Polito, Karyn E.
Fallon, Christopher G.	Pope, Susan W.
Falzone, Mark V.	Quinn, John F.
Fennell, Robert F.	Reinstein, Kathi-Anne
Festa, Michael E.	Rivera, Cheryl A.
Finegold, Barry R.	Rodrigues, Michael J.
Finneran, Thomas M.	Rogeness, Mary S.
Flynn, David L.	Rogers, John H.
Fox, Gloria L.	Ruane, J. Michael
Fresolo, John P.	Rush, Michael F.
Frost, Paul K.	Rushing, Byron
Galvin, William C.	Sánchez, Jeffrey
Garry, Colleen M.	Scaccia, Angelo M.
George, Thomas N.	Scibak, John W.
Gifford, Susan Williams	Simmons, Mary Jane
Gobi, Anne M.	Smizik, Frank I.
Goguen, Emile J.	Speliotis, Theodore C.
Golden, Brian Paul	Spellane, Robert
Golden, Thomas A., Jr.	Spiliotis, Joyce A.
Gomes, Shirley	Spilka, Karen
Grant, Mary E.	Stanley, Harriett L.
Greene, William G., Jr.	Stanley, Thomas M.
Haddad, Patricia A.	St. Fleur, Marie P.
Hall, Geoffrey D.	Story, Ellen
Hargraves, Robert S.	Straus, William M.
Harkins, Lida E.	Sullivan, David B.
Hill, Bradford	Swan, Benjamin
Hillman, Reed V.	Teahan, Kathleen M.
Honan, Kevin G.	Timilty, Walter F.
Howland, Mark A.	Tobin, A. Stephen
Humason, Donald F., Jr.	Toomey, Timothy J., Jr.
Hynes, Frank M.	Torrissi, David M.

Jehlen, Patricia D.	Travis, Philip
Jones, Bradley H., Jr.	Turkington, Eric
Kafka, Louis L.	Vallee, James E.
Kane, Michael F.	Verga, Anthony J.
Kaprielian, Rachel	Wagner, Joseph F.
Kaufman, Jay R.	Wallace, Brian P.
Keenan, Daniel F.	Walrath, Patricia A.
Kelly, Shaun P.	Walsh, Martin J.
Kennedy, Thomas P.	Walsh, Steven Myles
Khan, Kay	Webster, Daniel K.
Knuuttila, Brian	Wolf, Alice K. — 159.
Kocot, Peter V.	

ABSENT OR NOT VOTING.

Barrios, Jarrett T.	Mariano, Ronald — 2.
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The yeas and nays having been completed at five minutes past three o'clock P.M., a quorum was declared present. The Proposal for a Legislative Amendment to the Constitution relative to the affirmation of marriage (House, No. 3190),- was further considered, the question being on ordering the proposal to a third reading, with the amendment (Barrios) pending, coming first on the further amendment offered by Mr. Travis of Rehoboth.

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

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

ANSWERED “PRESENT” (195).

Senators.

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

Representatives.

Asselin, Christopher P.	Koczera, Robert M.
Atkins, Cory	Koutoujian, Peter J.
Atsalis, Demetrius J.	Kujawski, Paul
Ayers, Bruce J.	Kulik, Stephen
Balsler, Ruth B.	Lantigua, William
Binienda, John J.	Larkin, Peter J.
Blumer, Deborah D.	Leary, James B.
Bosley, Daniel E.	LeDuc, Stephen P.
Bradley, Garrett J.	Lepper, John A.
Broadhurst, Arthur J.	Linsky, David Paul
Brown, Scott P.	L'Italien, Barbara A.
Buoniconti, Stephen J.	Loscocco, Paul J. P.
Cabral, Antonio F. D.	Malia, Elizabeth A.
Callahan, Jennifer M.	Marzilli, J. James, Jr.
Canavan, Christine E.	Miceli, James R.
Carron, Mark J.	Murphy, Charles A.
Casey, Paul C.	Murphy, James M.
Ciampa, Vincent P.	Murphy, Kevin J.
Connolly, Edward G.	Nangle, David M.
Coppola, Michael J.	Naughton, Harold P., Jr.
Correia, Robert	Nyman, Robert J.
Costello, Michael A.	O'Brien, Thomas J.
Coughlin, Robert K.	O'Flaherty, Eugene L.
Creedon, Geraldine	Owens-Hicks, Shirley
DeLeo, Robert A.	Parente, Marie J.
deMacedo, Viriato Manuel	Patrick, Matthew C.
Demakis, Paul C.	Paulsen, Anne M.
Dempsey, Brian S.	Pedone, Vincent A.
DiMasi, Salvatore F.	Peisch, Alice Hanlon
Donato, Paul J.	Perry, Jeffrey Davis
Donelan, Christopher J.	Petersen, Douglas W.
Donovan, Carol A.	Peterson, George N., Jr.
Driscoll, Joseph R.	Petrolati, Thomas M.
Eldridge, James B.	Petrucelli, Anthony
Evangelidis, Lewis G.	Pignatelli, William Smitty
Fagan, James H.	Poirier, Elizabeth
Fallon, Christopher G.	Polito, Karyn E.
Falzone, Mark V.	Pope, Susan W.
Fennell, Robert F.	Quinn, John F.
Festa, Michael E.	Reinstein, Kathi-Anne
Finegold, Barry R.	Rivera, Cheryl A.
Finneran, Thomas M.	Rodrigues, Michael J.
Flynn, David L.	Rogeness, Mary S.

Fox, Gloria L.	Rogers, John H.
Fresolo, John P.	Ruane, J. Michael
Frost, Paul K.	Rush, Michael F.
Galvin, William C.	Sánchez, Jeffrey
Garry, Colleen M.	Scaccia, Angelo M.
Gifford, Susan Williams	Scibak, John W.
Gobi, Anne M.	Simmons, Mary Jane
Goguen, Emile J.	Smizik, Frank I.
Golden, Brian Paul	Speliotis, Theodore C.
Golden, Thomas A., Jr.	Spellane, Robert
Gomes, Shirley	Spiliotis, Joyce A.
Grant, Mary E.	Spilka, Karen
Greene, William G., Jr.	Stanley, Harriett L.
Haddad, Patricia A.	Stanley, Thomas M.
Hall, Geoffrey D.	St. Fleur, Marie P.
Hargraves, Robert S.	Story, Ellen
Harkins, Lida E.	Straus, William M.
Hill, Bradford	Sullivan, David B.
Hillman, Reed V.	Swan, Benjamin
Honan, Kevin G.	Teahan, Kathleen M.
Howland, Mark A.	Timilty, Walter F.
Humason, Donald F., Jr.	Tobin, A. Stephen
Hynes, Frank M.	Toomey, Timothy J., Jr.
Jehlen, Patricia D.	Torrisi, David M.
Jones, Bradley H., Jr.	Travis, Philip
Kafka, Louis L.	Turkington, Eric
Kane, Michael F.	Vallee, James E.
Kaprielian, Rachel	Verga, Anthony J.
Kaufman, Jay R.	Wagner, Joseph F.
Keenan, Daniel F.	Wallace, Brian P.
Kelly, Shaun P.	Walrath, Patricia A.
Kennedy, Thomas P.	Walsh, Martin J.
Khan, Kay	Walsh, Steven Myles
Knuuttila, Brian	Webster, Daniel K.
Kocot, Peter V.	Wolf, Alice K. — 156.
ABSENT OR NOT VOTING.	
Candaras, Gale D.	Mariano, Ronald
George, Thomas N.	Rushing, Byron — 4.

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

During further consideration, the Speaker having taken the Chair; at a quarter before five o'clock P.M., the Speaker declared a recess; and at three minutes before six o'clock P.M., the Joint Session reassembled, Mr. Havern in the Chair. Subsequently, at two minutes before six o'clock P.M., Mr. Peterson of Grafton moved that the Joint Session be in recess until the hour of half past six o'clock P.M.; and at twenty-four minutes before seven o'clock P.M., the Joint Session reassembled, the

Speaker in the Chair.

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

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

ANSWERED "PRESENT" (197).

Senators.

Antonioni, Robert A.	Lees, Brian P.
Baddour, Steven A.	Magnani, David P.
Barrios, Jarrett T.	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.	Nuciforo, Andrea F., Jr.
Hart, John A., Jr.	O'Leary, Robert A.
Havern, Robert A.	Pacheco, Marc R.
Hedlund, Robert L.	Panagiotakos, Steven C.
Joyce, Brian A.	Resor, Pamela
Knapik, Michael R.	Rosenberg, Stanley C.
Shannon, Charles E.	Travaglini, Robert E.
Sprague, Jo Ann	Tucker, Susan C.
Tarr, Bruce E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 39.
Tolman, Steven A.	

Representatives.

Asselin, Christopher P.	Garry, Colleen M.
Atkins, Cory	George, Thomas N.
Atsalis, Demetrius J.	Gifford, Susan Williams
Ayers, Bruce J.	Gobi, Anne M.
Balsler, Ruth B.	Goguen, Emile J.
Binienda, John J.	Golden, Brian Paul
Blumer, Deborah D.	Golden, Thomas A., Jr.
Bosley, Daniel E.	Gomes, Shirley
Bradley, Garrett J.	Grant, Mary E.
Broadhurst, Arthur J.	Greene, William G., Jr.
Brown, Scott P.	Haddad, Patricia A.
Buoniconti, Stephen J.	Hall, Geoffrey D.
Cabral, Antonio F. D.	Hargraves, Robert S.
Callahan, Jennifer M.	Harkins, Lida E.

Canavan, Christine E. Hill, Bradford
Candaras, Gale D. Hillman, Reed V.
Carron, Mark J. Honan, Kevin G.
Casey, Paul C. Howland, Mark A.
Ciampa, Vincent P. Humason, Donald F.,
Jr.
Connolly, Edward G. Hynes, Frank M.
Coppola, Michael J. Jehlen, Patricia D.
Correia, Robert Jones, Bradley H., Jr.
Costello, Michael A. Kafka, Louis L.
Coughlin, Robert K. Kane, Michael F.
Creedon, Geraldine Kaprielian, Rachel
DeLeo, Robert A. Kaufman, Jay R.
deMacedo, Viriato Keenan, Daniel F.
Manuel
Demakis, Paul C. Kelly, Shaun P.
Dempsey, Brian S. Kennedy, Thomas P.
DiMasi, Salvatore F. Khan, Kay
Donato, Paul J. Knuuttila, Brian
Donelan, Christopher J. Kocot, Peter V.
Donovan, Carol A. Koczera, Robert M.
Driscoll, Joseph R. Koutoujian, Peter J.
Eldridge, James B. Kujawski, Paul
Evangelidis, Lewis G. Kulik, Stephen
Fallon, Christopher G. Lantigua, William
Falzone, Mark V. Larkin, Peter J.
Fennell, Robert F. Leary, James B.
Festa, Michael E. LeDuc, Stephen P.
Finegold, Barry R. Lepper, John A.
Finneran, Thomas M. Linsky, David Paul
Flynn, David L. L'Italien, Barbara A.
Fox, Gloria L. Loscocco, Paul J. P.
Fresolo, John P. Malia, Elizabeth A.
Frost, Paul K. Marzilli, J. James, Jr.
Galvin, William C. Miceli, James R.
Murphy, Charles A. Sánchez, Jeffrey
Murphy, James M. Scaccia, Angelo M.
Murphy, Kevin J. Scibak, John W.
Nangle, David M. Simmons, Mary Jane
Naughton, Harold P., Jr. Smizik, Frank I.
Nyman, Robert J. Speliotis, Theodore C.
O'Brien, Thomas J. Spellane, Robert
O'Flaherty, Eugene L. Spiliotis, Joyce A.
Owens-Hicks, Shirley Spilka, Karen
Parente, Marie J. Stanley, Harriett L.
Patrick, Matthew C. Stanley, Thomas M.

Paulsen, Anne M.	St. Fleur, Marie P.
Pedone, Vincent A.	Story, Ellen
Peisch, Alice Hanlon	Straus, William M.
Perry, Jeffrey Davis	Sullivan, David B.
Petersen, Douglas W.	Swan, Benjamin
Peterson, George N., Jr.	Teahan, Kathleen M.
Petrolati, Thomas M.	Timilty, Walter F.
Petruccelli, Anthony	Tobin, A. Stephen
Pignatelli, William	Toomey, Timothy J., Jr.
Smitty	
Poirier, Elizabeth	Torrissi, David M.
Polito, Karyn E.	Travis, Philip
Pope, Susan W.	Turkington, Eric
Quinn, John F.	Vallee, James E.
Reinstein, Kathi-Anne	Verga, Anthony J.
Rivera, Cheryl A.	Wagner, Joseph F.
Rodrigues, Michael J.	Wallace, Brian P.
Rogeness, Mary S.	Walrath, Patricia A.
Rogers, John H.	Walsh, Martin J.
Ruane, J. Michael	Walsh, Steven Myles
Rush, Michael F.	Webster, Daniel K.
Rushing, Byron	Wolf, Alice K. — 158.
ABSENT OR NOT VOTING.	
Fagan, James H	Mariano, Ronald — 2.

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

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

During further consideration, Mr. Pedone moved the previous question be taken forthwith on the pending further amendment. On the motion for the previous question, the sense of the Joint Session taken by a call of the yeas and nays, at the request of the same member at two minutes past seven o'clock P.M., as follows to wit (Yeas 170 - Nays 27) [**Senate Yeas and Nays No. 459**] [**House Yeas and Nays No. 529**]

YEAS (170).

Senators.

Antonioni, Robert A.	Lees, Brian P.
Baddour, Steven A.	Magnani, David P.
Barrios, Jarrett T.	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.	Nuciforo, Andrea F., Jr.
Hart, John A., Jr.	O'Leary, Robert A.
Havern, Robert A.	Pacheco, Marc R.

Hedlund, Robert L.
Joyce, Brian A.
Knapik, Michael R.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.

Panagiotakos, Steven
C.
Resor, Pamela
Rosenberg, Stanley C.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne —
39.

Representatives.

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

Falzone, Mark V.
Fennell, Robert F.
Festa, Michael E.
Finegold, Barry R.
Finneran, Thomas M.
Fox, Gloria L.
Fresolo, John P.
Galvin, William C.
Garry, Colleen M.
Gobi, Anne M.
Goguen, Emile J.
Golden, Brian Paul
Golden, Thomas A., Jr.
Grant, Mary E.
Greene, William G., Jr.
Haddad, Patricia A.
Hall, Geoffrey D.
Harkins, Lida E.
Honan, Kevin G.
Howland, Mark A.
Hynes, Frank M.
Jehlen, Patricia D.
Kafka, Louis L.
Kane, Michael F.
Kaprielian, Rachel
Kaufman, Jay R.
Keenan, Daniel F.
Kennedy, Thomas P.
Khan, Kay
Knuuttila, Brian
Kocot, Peter V.
Koczera, Robert M.
Rodrigues, Michael J.
Rogers, John H.
Ruane, J. Michael

Lantigua, William	Rush, Michael F.
Larkin, Peter J.	Rushing, Byron
Leary, James B.	Sánchez, Jeffrey
LeDuc, Stephen P.	Scibak, John W.
Linsky, David Paul	Simmons, Mary Jane
L'Italien, Barbara A.	Smizik, Frank I.
Malia, Elizabeth A.	Spellane, Robert
Marzilli, J. James, Jr.	Spiliotis, Joyce A.
Miceli, James R.	Spilka, Karen
Murphy, Charles A.	Stanley, Harriett L.
Murphy, James M.	Stanley, Thomas M.
Murphy, Kevin J.	St. Fleur, Marie P.
Nangle, David M.	Story, Ellen
Naughton, Harold P., Jr.	Straus, William M.
Nyman, Robert J.	Sullivan, David B.
O'Brien, Thomas J.	Swan, Benjamin
O'Flaherty, Eugene L.	Teahan, Kathleen M.
Owens-Hicks, Shirley	Timilty, Walter F.
Parente, Marie J.	Tobin, A. Stephen
Patrick, Matthew C.	Toomey, Timothy J., Jr.
Paulsen, Anne M.	Torrisi, David M.
Pedone, Vincent A.	Travis, Philip
Peisch, Alice Hanlon	Turkington, Eric
Petersen, Douglas W.	Vallee, James E.
Petrolati, Thomas M.	Verga, Anthony J.
Petrucelli, Anthony	Wagner, Joseph F.
Pignatelli, William	Wallace, Brian P.
Smitty	
Polito, Karyn E.	Walrath, Patricia A.
Pope, Susan W.	Walsh, Martin J.
Quinn, John F.	Walsh, Steven Myles
Reinstein, Kathi-Anne	Webster, Daniel K.
Rivera, Cheryl A.	Wolf, Alice K. — 131.

NAYS (27).

Representatives.

Brown, Scott P.	Jones, Bradley H., Jr.
Cabral, Antonio F. D.	Kelly, Shaun P.
Coppola, Michael J.	Lepper, John A.
deMacedo, Viriato Manuel	Loscocco, Paul J. P.
Evangelidis, Lewis G.	Perry, Jeffrey Davis
Flynn, David L.	Peterson, George N., Jr.
Frost, Paul K.	Poirier, Elizabeth
George, Thomas N.	Polito, Karyn E.
Gifford, Susan Williams	Pope, Susan W.

Gomes, Shirley	Rogeness, Mary S.
Hargraves, Robert S.	Scaccia, Angelo M.
Hill, Bradford	Speliotis, Theodore C.
Hillman, Reed V.	Webster, Daniel K. —
	27.
Humason, Donald F., Jr.	

ABSENT OR NOT VOTING.

Fagan, James H.	Mariano, Ronald —
	2.

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

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

YEAS (94).

Senators.

Brewer, Stephen M.	Moore, Richard T.
Creedon, Robert S., Jr.	Morrissey, Michael W.
Glodis, Guy W.	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
	— 9.
Hedlund, Robert L.	

Representatives.

Asselin, Christopher P.	Greene, William G., Jr.
Atsalis, Demetrius J.	Hall, Geoffrey D.
Ayers, Bruce J.	Hargraves, Robert S.
Binienda, John J.	Hill, Bradford
Bradley, Garrett J.	Hillman, Reed V.
Broadhurst, Arthur J.	Howland, Mark A.
Brown, Scott P.	Humason, Donald F., Jr.
Buoniconti, Stephen J.	Hynes, Frank M.
Callahan, Jennifer M.	Jones, Bradley H., Jr.
Canavan, Christine E.	Kane, Michael F.
Candaras, Gale D.	Keenan, Daniel F.
Carron, Mark J.	Knuuttila, Brian
Casey, Paul C.	Koczera, Robert M.
Ciampa, Vincent P.	Kujawski, Paul
Connolly, Edward G.	Lantigua, William
Coppola, Michael J.	Larkin, Peter J.
Correia, Robert	LeDuc, Stephen P.
Creedon, Geraldine	Lepper, John A.
deMacedo, Viriato Manuel	Loscocco, Paul J. P.
Dempsey, Brian S.	Miceli, James R.
Donato, Paul J.	Murphy, James M.
Driscoll, Joseph R.	Nangle, David M.
Evangelidis, Lewis G.	Naughton, Harold P., Jr.
Fennell, Robert F.	Nyman, Robert J.
Finneran, Thomas M.	O'Flaherty, Eugene L.

Flynn, David L.	Parente, Marie J.
Fresolo, John P.	Perry, Jeffrey Davis
Frost, Paul K.	Peterson, George N., Jr.
Garry, Colleen M.	Petrolati, Thomas M.
George, Thomas N.	Poirier, Elizabeth
Gifford, Susan	Polito, Karyn E.
Williams	
Gobi, Anne M.	Pope, Susan W.
Goguen, Emile J.	Quinn, John F.
Golden, Brian Paul	Rogeness, Mary S.
Golden, Thomas A., Jr.	Rogers, John H.
Gomes, Shirley	Ruane, J. Michael
Rush, Michael F.	Vallee, James E.
Scaccia, Angelo M.	Verga, Anthony J.
Simmons, Mary Jane	Wagner, Joseph F.
Spiliotis, Joyce A.	Wallace, Brian P.
Timilty, Walter F.	Walrath, Patricia A.
Tobin, A. Stephen	Webster, Daniel K. —
	85.
Travis, Philip	

NAYS (103).

Senators.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Berry, Frederick E.	O'Leary, Robert A.
Chandler, Harriette L.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Shannon, Charles E.
Havern, Robert 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 —
	30.

Representatives.

Atkins, Cory	Khan, Kay
Balsler, Ruth B.	Kocot, Peter V.
Blumer, Deborah D.	Koutoujian, Peter J.
Bosley, Daniel E.	Kulik, Stephen
Cabral, Antonio F. D.	Leary, James B.
Costello, Michael A.	Linsky, David Paul
Coughlin, Robert K.	L'Italien, Barbara A.

DeLeo, Robert A.	Malia, Elizabeth A.
Demakis, Paul C.	Marzilli, J. James, Jr.
DiMasi, Salvatore F.	Murphy, Charles A.
Donelan, Christopher J.	Murphy, Kevin J.
Donovan, Carol A.	O'Brien, Thomas J.
Eldridge, James B.	Owens-Hicks, Shirley
Fallon, Christopher G.	Patrick, Matthew C.
Falzone, Mark V.	Paulsen, Anne M.
Festa, Michael E.	Pedone, Vincent A.
Finegold, Barry R.	Peisch, Alice Hanlon
Fox, Gloria L.	Perry, Jeffrey Davis
Galvin, William C.	Petersen, Douglas W.
Grant, Mary E.	Petrucelli, Anthony
Haddad, Patricia A.	Pignatelli, William
Harkins, Lida E.	Smitty
Honan, Kevin G.	Reinstein, Kathi-Anne
Jehlen, Patricia D.	Rivera, Cheryl A.
Kafka, Louis L.	Rodrigues, Michael J.
Kaprielian, Rachel	Rushing, Byron
Kaufman, Jay R.	Sánchez, Jeffrey
Kelly, Shaun P.	Scibak, John W.
Kennedy, Thomas P.	Smizik, Frank I.
Spellane, Robert	Speliotis, Theodore C.
Spilka, Karen	Swan, Benjamin
Stanley, Harriett L.	Teahan, Kathleen M.
Stanley, Thomas M.	Toomey, Timothy J., Jr.
St. Fleur, Marie P.	Torrise, David M.
Story, Ellen	Turkington, Eric
Straus, William M.	Walsh, Martin J.
Sullivan, David B.	Walsh, Steven Myles
	Wolf, Alice K. — 73.
ABSENT OR NOT VOTING.	
Fagan, James H.	Mariano, Ronald — 2.

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

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

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

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

It being the public policy of this Commonwealth to protect the unique relationship of marriage, only the union of one man and one woman shall be valid or recognized as a marriage in Massachusetts. Two persons of the same sex shall have the right to form a civil union if they meet the requirements set forth by law for marriage. Civil Unions for same sex couples are established

hereunder and shall provide entirely the same benefits, protections, rights and responsibilities that are afforded to couples married under Massachusetts law. All laws applicable to marriage shall also apply to civil unions.

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

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

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

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

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

YEAS (135).

Senators.

Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Creedon, Robert S., Jr.	O'Leary, Robert A.
Glodis, Guy W.	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Hedlund, Robert L.	Tarr, Bruce E. — 16.
Lees, Brian P.	

Representatives.

Asselin, Christopher P.	Golden, Thomas A., Jr.
Atkins, Cory	Gomes, Shirley
Atsalis, Demetrius J.	Greene, William G., Jr.
Ayers, Bruce J.	Haddad, Patricia A.
Binienda, John J.	Hall, Geoffrey D.
Bradley, Garrett J.	Hargraves, Robert S.
Broadhurst, Arthur J.	Harkins, Lida E.
Brown, Scott P.	Hill, Bradford
Buoniconti, Stephen J.	Hillman, Reed V.
Callahan, Jennifer M.	Howland, Mark A.
Canavan, Christine E.	Humason, Donald F., Jr.
Candaras, Gale D.	Hynes, Frank M.
Carron, Mark J.	Jones, Bradley H., Jr.
Casey, Paul C.	Kafka, Louis L.
Ciampa, Vincent P.	Kane, Michael F.
Connolly, Edward G.	Keenan, Daniel F.
Coppola, Michael J.	Kelly, Shaun P.
Correia, Robert	Knuuttila, Brian
Costello, Michael A.	Koczera, Robert M.
Coughlin, Robert K.	Koutoujian, Peter J.
Creedon, Geraldine	Kujawski, Paul
DeLeo, Robert A.	Lantigua, William
deMacedo, Viriato Manuel	Larkin, Peter J.
Dempsey, Brian S.	Leary, James B.
DiMasi, Salvatore F.	LeDuc, Stephen P.

Donato, Paul J.	Lepper, John A.
Donelan, Christopher J.	Loscocco, Paul J. P.
Driscoll, Joseph R.	L'Italien, Barbara A.
Evangelidis, Lewis G.	Malia, Elizabeth A.
Fennell, Robert F.	Miceli, James R.
Finneran, Thomas M.	Murphy, James M.
Flynn, David L.	Murphy, Kevin J.
Fresolo, John P.	Nangle, David M.
Frost, Paul K.	Naughton, Harold P., Jr.
Galvin, William C.	Nyman, Robert J.
Garry, Colleen M.	O'Brien, Thomas J.
George, Thomas N.	O'Flaherty, Eugene L.
Gifford, Susan Williams	Owens-Hicks, Shirley
Gobi, Anne M.	Parente, Marie J.
Goguen, Emile J.	Pedone, Vincent A.
Golden, Brian Paul	Perry, Jeffrey Davis
Peterson, George N., Jr.	Spilka, Karen
Petrolati, Thomas M.	Stanley, Harriett L.
Pignatelli, William Smitty	St. Fleur, Marie P.
Poirier, Elizabeth	Straus, William M.
Polito, Karyn E.	Teahan, Kathleen M.
Pope, Susan W.	Timilty, Walter F.
Quinn, John F.	Tobin, A. Stephen
Reinstein, Kathi-Anne	Torrise, David M.
Rodrigues, Michael J.	Travis, Philip
Rogness, Mary S.	Turkington, Eric
Rogers, John H.	Vallee, James E.
Ruane, J. Michael	Verga, Anthony J.
Rush, Michael F.	Wagner, Joseph F.
Sánchez, Jeffrey	Wallace, Brian P.
Scaccia, Angelo M.	Walrath, Patricia A.
Simmons, Mary Jane	Walsh, Martin J.
Speliotis, Theodore C.	Walsh, Steven Myles
Spellane, Robert	Webster, Daniel K. —
Spiliotis, Joyce A.	119.

NAYs (62).

Senators.

Antonioni, Robert A.	Nuciforo, Andrea F., Jr.
Barrios, Jarrett T.	Resor, Pamela
Chandler, Harriette L.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Shannon, Charles E.
Fargo, Susan C.	Sprague, Jo Ann

Havern, Robert A. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
Knapik, Michael R. Travaglini, Robert E.
McGee, Thomas M. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Menard, Joan M. Wilkerson, Dianne —
23.
Montigny, Mark C.

Representatives.

Balsler, Ruth B. Kulik, Stephen
Blumer, Deborah D. Linsky, David Paul
Bosley, Daniel E. Marzilli, J. James, Jr.
Cabral, Antonio F. D. Murphy, Charles A.
Demakis, Paul C. Patrick, Matthew C.
Donovan, Carol A. Paulsen, Anne M.
Eldridge, James B. Peisch, Alice Hanlon
Fallon, Christopher G. Petersen, Douglas W.
Falzone, Mark V. Petruccelli, Anthony
Festa, Michael E. Rivera, Cheryl A.
Finegold, Barry R. Rushing, Byron
Fox, Gloria L. Scibak, John W.
Grant, Mary E. Smizik, Frank I.
Honan, Kevin G. Stanley, Thomas M.
Jehlen, Patricia D. Story, Ellen
Kaprielian, Rachel Sullivan, David B.
Kaufman, Jay R. Swan, Benjamin
Kennedy, Thomas P. Toomey, Timothy J., Jr.
Khan, Kay Wolf, Alice K. — 39.
Kocot, Peter V.

ABSENT OR NOT VOTING.

Fagan, James H. Mariano, Ronald — 2.

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

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

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

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

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

YEAS (191).

Senators.

Antonioni, Robert A. Lees, Brian P.
Baddour, Steven A. Magnani, David P.
Barrios, Jarrett T. 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.	Nuciforo, Andrea F., Jr.
Hart, John A., Jr.	O'Leary, Robert A.
Havern, Robert A.	Pacheco, Marc R.
Hedlund, Robert L.	Panagiotakos, Steven C.
Joyce, Brian A.	Resor, Pamela
Knapik, Michael R.	Rosenberg, Stanley C.
Shannon, Charles E.	Travaglini, Robert E.
Sprague, Jo Ann	Tucker, Susan C.
Tarr, Bruce E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne —
Tolman, Steven A.	39.

Representatives.

Asselin, Christopher P.	Hargraves, Robert S.
Atkins, Cory	Harkins, Lida E.
Ayers, Bruce J.	Hill, Bradford
Balsler, Ruth B.	Hillman, Reed V.
Binienda, John J.	Honan, Kevin G.
Blumer, Deborah D.	Howland, Mark A.
Bosley, Daniel E.	Humason, Donald F., Jr.
Bradley, Garrett J.	Hynes, Frank M.
Broadhurst, Arthur J.	Jehlen, Patricia D.
Brown, Scott P.	Jones, Bradley H., Jr.
Buoniconti, Stephen J.	Kafka, Louis L.
Cabral, Antonio F. D.	Kane, Michael F.
Callahan, Jennifer M.	Kaprielian, Rachel
Canavan, Christine E.	Kaufman, Jay R.
Candaras, Gale D.	Keenan, Daniel F.
Carron, Mark J.	Kelly, Shaun P.
Casey, Paul C.	Kennedy, Thomas P.
Ciampa, Vincent P.	Khan, Kay
Connolly, Edward G.	Knuuttila, Brian
Correia, Robert	Kocot, Peter V.
Costello, Michael A.	Koczera, Robert M.
Coughlin, Robert K.	Koutoujian, Peter J.
Creedon, Geraldine	Kujawski, Paul
DeLeo, Robert A.	Kulik, Stephen

deMacedo, Viriato Manuel	Lantigua, William
Demakis, Paul C.	Larkin, Peter J.
Dempsey, Brian S.	Leary, James B.
DiMasi, Salvatore F.	LeDuc, Stephen P.
Donato, Paul J.	Lepper, John A.
Donelan, Christopher J.	Linsky, David Paul
Donovan, Carol A.	L'Italien, Barbara A.
Driscoll, Joseph R.	Loscocco, Paul J. P.
Eldridge, James B.	Marzilli, J. James, Jr.
Evangelidis, Lewis G.	Miceli, James R.
Fallon, Christopher G.	Murphy, Charles A.
Falzone, Mark V.	Murphy, James M.
Fennell, Robert F.	Murphy, Kevin J.
Festa, Michael E.	Nangle, David M.
Finegold, Barry R.	Nyman, Robert J.
Finneran, Thomas M.	O'Brien, Thomas J.
Flynn, David L.	O'Flaherty, Eugene L.
Fox, Gloria L.	Owens-Hicks, Shirley
Fresolo, John P.	Parente, Marie J.
Frost, Paul K.	Patrick, Matthew C.
Galvin, William C.	Paulsen, Anne M.
Garry, Colleen M.	Pedone, Vincent A.
George, Thomas N.	Peisch, Alice Hanlon
Gifford, Susan Williams	Perry, Jeffrey Davis
Goguen, Emile J.	Petersen, Douglas W.
Golden, Brian Paul	Peterson, George N., Jr.
Golden, Thomas A., Jr.	Petrolati, Thomas M.
Gomes, Shirley	Petrucelli, Anthony
Grant, Mary E.	Pignatelli, William Smitty
Greene, William G., Jr.	Poirier, Elizabeth
Haddad, Patricia A.	Polito, Karyn E.
Hall, Geoffrey D.	Pope, Susan W.
Quinn, John F.	St. Fleur, Marie P.
Reinstein, Kathi-Anne	Story, Ellen
Rivera, Cheryl A.	Straus, William M.
Rodrigues, Michael J.	Sullivan, David B.
Rogeness, Mary S.	Swan, Benjamin
Rogers, John H.	Teahan, Kathleen M.
Ruane, J. Michael	Timilty, Walter F.
Rush, Michael F.	Toomey, Timothy J., Jr.
Rushing, Byron	Torrisi, David M.
Sánchez, Jeffrey	Travis, Philip
Scaccia, Angelo M.	Turkington, Eric

Scibak, John W.	Vallee, James E.
Simmons, Mary Jane	Verga, Anthony J.
Smizik, Frank I.	Wagner, Joseph F.
Speliotis, Theodore C.	Wallace, Brian P.
Spellane, Robert	Walrath, Patricia A.
Spiliotis, Joyce A.	Walsh, Martin J.
Spilka, Karen	Walsh, Steven Myles
Stanley, Harriett L.	Webster, Daniel K.
Stanley, Thomas M.	Wolf, Alice K. — 152.

ABSENT OR NOT VOTING.

Representatives.

Atsalis, Demetrius J.	Malia, Elizabeth A.
Coppola, Michael J.	Mariano, Ronald
Fagan, James H.	Naughton, Harold P., Jr.
Gobi, Anne M.	Tobin, A. Stephen

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

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

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

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

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