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.

Thursday, March 4, 2004.

Met at ten minutes past one o'clock P.M.

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

Petitions.

Petitions were presented and referred, as follows:

By Mr. Baddour, a petition (subject to Joint Rule 12) of Steven A. Baddour, Arthur J. Broadhurst, Sharon M. Pollard, mayor, and others (with the approval of the mayor and city council) for legislation to provide for a retirement incentive for W. Philip Barrett and Claire Salois as employees for the city of Methuen [Local approval received]; and

By Ms. Chandler, a petition (subject to Joint Rule 12) of Harriette L. Chandler for legislation to provide for the management of infectious diseases in long term care facilities;
Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of a Committee.

By Mr. Moore, for the committee on Health Care, on petition, a Bill relative to the licensing of long-term care pharmacies (Senate, No. 498);

By the same Senator, for the same committee, on petition, a Bill establishing a medicaid telemedicine services program (Senate, No. 503);

By the same Senator, for the same committee, on Senate, Nos. 522 and 654, a Bill providing for the equitable payment of durable medical equipment providers (Senate, No. 522);

By the same Senator, for the same committee, on petition, a Bill relative to the continuity of coverage for Medicaid beneficiaries over the age of 65 (Senate, No. 575);

By the same Senator, for the same committee, on petition, a Bill requiring the Division of Medical Assistance to provide reimbursement for home health agencies for the costs associated with criminal background screening (Senate, No. 578);

By the same Senator, for the same committee, on petition, a Bill establishing a health care facility oversight board (Senate, No. 589);

By the same Senator, for the same committee, on petition, a Bill requiring an analysis of Medicaid home health rates (Senate, No. 595);

By the same Senator, for the same committee, on petition, a Bill relative to MassHealth enrollment for persons leaving correctional facilities in Massachusetts (Senate, No. 598);

By the same Senator, for the same committee, on petition, a Bill establishing the public health hospital trust fund (Senate, No. 609);

By the same Senator, for the same committee, on petition, a Bill relative to oversight of various health care facilities (Senate, No. 629);

By the same Senator, for the same committee, on Senate, No. 636 and House, No. 3765, a Bill regarding third party liability (Senate, No. 636);

By the same Senator, for the same committee, on petition, a Bill to define the use of observation services (Senate, No. 637);

By the same Senator, for the same committee, on Senate, No. 644 and House, No. 3760, a Bill relative to Medicaid reform (Senate, No. 644);

By the same Senator, for the same committee, on Senate, Nos. 491, 497, 544 and 665 and House, Nos. 3771, 3776 and 3934, a Bill to reduce the cost of health care (Senate, No. 665); and

By the same Senator, for the same committee, on Senate, No. 685 and House, No. 1487, a Bill relative to smoking cessation and Medicaid (Senate, No. 685);
Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Moore, for the committee on Health Care, on the recommitted petition, a Bill relative to the registration of podiatrists (Senate, No. 671); and

By the same Senator, for the same committee, on petition, a Bill relative to allowing for quarterly or monthly Medicaid statements (Senate, No. 678);
Severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

PAPER FROM THE HOUSE.

A Bill authorizing the town of Wellesley to establish a group insurance liability fund (House, No. 3869,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Distinguished Guests.

There being no objection, the President in the Chair, the Senator from Middlesex, Ms. Fargo, introduced, seated in the rear of the Chamber, Cheryl Lang, a fifth grader at the Field School in Weston. Cheryl is here to fulfill the requirements of a difficult school assignment designed to develop interviewing, writing and public presentation skills. She has completed an extensive interview of the Senator and has taken a tour of the State House. Now she must publish her findings in a hard cover book and make a presentation at a gathering of classmates and adults later in the school year. Cheryl is accompanied by her mother Diana Suefert, a resident of Weston and Nurse Practitioner at Children's Hospital.

There being no objection, during consideration of the Orders of the Day, the Chair (Mr. Berry) relinquished the gavel to the Senator from Essex and Middlesex, Mr. McGee, who introduced, standing in the rear of the Chamber, two students from St. John's Preparatory School, seniors Tom McGuire and Ken Daher. They are here today to shadow the Senator.

There being no objection, during consideration of the Orders of the Day, the President in the Chair, the President relinquished the gavel to the Senator from Essex, Mr. Baddour, who introduced, seated in the rear of the Chamber, Claude Dauphin, Mayor of Lacine, a major borough of Montreal, Canada. Mayor Dauphin is part of an important Canadian delegation working to improve trade relations between Massachusetts and Montreal. Mayor Dauphin is also a member of the Executive Committee of Montreal, as well as Chairman of the Board of Directors of the Montreal Transportation Commission. Also, introduced with Mayor Dauphin was Consul General, Ron Irwin. Mayor Dauphin and Consul General Irwin then signed the guest book and withdrew from the Chamber.

PAPER FROM THE HOUSE.

A Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4559,— on House, No. 4520, in part),— was read and, under Senate Rule 27, referred to the committee on Ways and Means.

Subsequently, Ms. Murray, for the committee on Ways and Means, reported, in part, a "Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects" (Senate, No. 2243).

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 and read a third time.

After debate, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-two minutes past one o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 35 — nays 0) **[Yeas and Nays No. 463]**:

YEAS.

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.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
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.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — **35.**
Menard, Joan M.	

NAYS — 0.

ABSENT OR NOT VOTING.

Hart, John A., Jr.	Nuciforo, Andrea F., Jr.
Hedlund, Robert L. — **3.**	

The yeas and nays having been completed at twenty-six minutes past one o'clock P.M., the bill was passed to be engrossed.

Subsequently, Mr. Morrissey moved that no action be taken on the question on passing the bill to be engrossed; and this motion prevailed.

Pending the question on passing the bill to be engrossed, Mr. Morrissey offered an amendment, in section 2A, by inserting before item 1599-8085 the following item:—

"0521-2004 For the costs necessary to reimburse the state secretary for the costs to conduct the special election to fill the vacancy created by the resignation of Senator Cheryl Jacques that took place on March 2 .....75,422."

The amendment was adopted.
The bill (Senate, No. 2243, printed as amended) was then passed to be engrossed.
Sent to the House for concurrence.

Resolutions.

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

Resolutions (filed by Mr. Joyce) “on the one hundredth birthday of Nelson Wallace Smith”;

Resolutions (filed by Ms. Melconian) “honoring Ann and Jeremy Pava for their contributions to the Springfield community”; and

Resolutions (filed by Mr. Moore) “recognizing the observance of National Patient Safety Awareness Week, March 7 to 13, 2004.”

PAPER FROM THE HOUSE.

Committee of Conference.

The House Bill to improve public health in the Commonwealth (House, No. 4256, printed as 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 2130, amended in section 1, in lines 190 to 193, inclusive, by striking out clause (6) and inserting in place thereof the following clause:

“(6) The business of tobacco farmer, manufacturer, importer, exporter, or wholesale distributor of tobacco products.”; in section 2, in lines 4 and 5, by inserting after the words “Restaurant Association” the words “, the Massachusetts Chamber of Commerce”; in line 6, by inserting after the word “Association” the words “, the Massachusetts Chamber of Commerce, the Massachusetts AFL-CIO”; and by inserting after section 2 the following section:

“SECTION 2A. Chapter 63 of the General Laws is hereby amended by inserting after section 31H the following section:—

Section 31I. A domestic or foreign corporation or corporate franchise shall be allowed a credit against its excise due under this chapter equal to 100 per cent of the costs incurred during any taxable year beginning on or after January 1, 2002, and ending on or before December 31, 2003, for the purchase and installation of mechanical ventilation systems and related heating and air conditioning systems; walls, door, glass, and other barriers; air ducts; plumbing, wiring, and gas lines; and any other materials used in the construction of designated smoking areas designed to reduce the presence of smoke in non-smoking areas, including any modifications to existing physical structures, as well as any costs incurred for labor and design in the construction of such designated smoking areas, used by the corporation or corporate franchise in the commonwealth and situated in the commonwealth during said period of time, pursuant to any board of health regulation, city ordinance, town bylaw, or any other municipal variance or exception.”), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Koutoujian of Newton, Kaprielian of Watertown and Peterson of Grafton had been appointed the committee on the part of the House.
On motion of Mr. Moore, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Fargo, Moore and Tisei were appointed on the part of the Senate.
The bill was returned to the House endorsed accordingly.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Authorizing the town of Maynard to grant an easement over certain conservation land (printed in Senate, No. 2169);

Relative to the use of retired police officers by the town of Grafton (House, No. 3936);

Authorizing the modification of the form of property tax billing in the town of Belmont (House, No. 3981);

Authorizing the town of Natick to enter into a certain agreement with the town of Wellesley (House, No. 4043); and

Authorizing the town of North Andover to grant a certain easement (House, No. 4090);
Were severally read a second time and ordered to a third reading.

The Senate bills

Relative to the Board of Registration in Nursing (Senate, No. 569);

Regarding eye exams for children (Senate, No. 687, amended);

Increasing the availability of protective gear for renters of recreational sports equipment (Senate, No. 1355) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the disposition of certain state-owned land in the town of Winchester (Senate, No. 2195, amended) (its title having been changed by the committee on Bills in the Third Reading); and

Establishing a sick leave bank for Marguerite McWhinnie, an employee of the Cambridge district court (Senate, No. 2198, amended);
Were severally read a third time and passed to be engrossed.
Severally sent to the House for concurrence.

The House bills

Requiring pilots for certain vessels (House, No. 4104);

Relative to annuity contracts (House, No. 4193); and

Establishing a sick leave bank for Sandra DelGaudio-Upton, an employee of the Trial Court of the Commonwealth (House, No. 4491);
Were severally read a third time and passed to be engrossed, in concurrence.

The House bills

Relative to motorcycle safety (House, No. 2124);

Relative to the disposition of certain state-owned land in the city of Medford (House, No. 3076);

Providing for cigarette escrow compliance (House, No. 4327);

Establishing a sick leave bank for Joanne M. Sollecito, an employee of the Department of Correction (House, No. 4440) (its title having been changed by the committee on Bills in the Third Reading);
Were severally read a third time and passed to be engrossed, in concurrence, with amendments previously adopted by the Senate.
Severally sent to the House for concurrence in the amendments.

The Senate Bill relative to a certain easement in the town of Ipswich (Senate, No. 1177),— **was read a second time and ordered to a third reading.**

The House Bill authorizing the town of Salisbury to make an appeal to the Appellate Tax Board (House, No. 4296),— **was read a second time, and after remarks, Mr. Berry in the Chair, was ordered to a third reading.**

The Senate Bill relative to the penalties for killing, maiming or poisoning an animal (Senate, No. 198) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.
Pending the question on passing the bill to be engrossed, on motion of Mr. Lees, the further consideration thereof was postponed until the next session.

The Senate Bill repealing certain antiquated laws pertaining to public health (Senate, No. 2157),— **was read a third time, and after remarks, was passed to be engrossed.**
Sent to the House for concurrence.

The Senate Bill providing for disclosure of certain information relating to tobacco products sold in the Commonwealth (Senate, No. 2237),— 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 one minute before two o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 36 — nays 0) **[Yeas and Nays No. 464]**:

YEAS.

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.
Havern, Robert A.	Shannon, Charles E.
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — **36.**

NAYS — 0.

ABSENT OR NOT VOTING.

Hart, John A., Jr.	Hedlund, Robert L. — **2.**

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

The Senate Bill relative to certain consumer transactions and the satisfaction of security interests (Senate, No. 2238),— **was read a third time and passed to be engrossed.**
Sent to the House for concurrence.

The House Bill providing for uniform regulatory standards for certain insurance companies (House, No. 2823),— was read a third time.
Pending the main question on passing the bill to be engrossed, in concurrence, on motion of Mr. Shannon, the further consideration thereof was postponed until Thursday, April 8, 2004.

The Senate Bill relative to the punishment for sale and storage of fireworks (Senate, No. 1364),— was considered.
Pending the motion, previously moved by Mr. Lees, to lay the matter on the table, and pending the main question on ordering the bill to a third reading, on motion of Mr. Lees, the further consideration thereof was postponed until Monday, July 5, 2004.

The Senate Bill ensuring that parents of children prescribed psychotropic drugs receive adequate information (Senate, No. 674),— was considered, the main question being on passing the bill to be engrossed.
On motion of Mr. Moore, the further consideration thereof was postponed until Thursday, March 18.

The House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered as follows:

"*Ordered,* That notwithstanding the provisions of Joint Rule 10, the committee on Local Affairs and Regional Government be granted until Wednesday, June 16, 2004, within which time to make its final report on all matters referred to said committee prior to May 16, 2004."

Pending the question on adoption of the order, Ms. Fargo moved to amend the order by striking out, in line 3, the words "Wednesday, June 16, 2004" and inserting in place thereof the following words:— "Wednesday, May 19, 2004"; and, in line 5, by striking out the words "prior to May 16, 2004".
After remarks, the amendment was adopted.
The order, as amended, was then adopted.
Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

Engrossed Bills.

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 Acting President (Mr. Berry,

having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation, to wit:

Providing for the annual observance of Jack Kerouac Day (see Senate, No. 1666);

Providing for a clerk of the city council of the city of Northampton (see House, No. 4106); and

Authorizing the town of Pepperell to place a certain question on the ballot authorizing the sale of wines and malt beverages to be drunk on the premises (see House, No. 4377).

Resolutions.

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

Resolutions (filed by Messrs. Hart and Berry, Ms. Chandler, Ms. Creem, Ms. Fargo, Messrs. Joyce, Lees, McGee, Magnani, Morrissey, O'Leary and Pacheco, Ms. Resor, Messrs. Rosenberg, Shannon, Tisei and Tolman, Ms. Tucker and Ms. Wilkerson) "memorializing the Congress of the United States to extend and make retroactive the federal temporary unemployment compensation program."

Report of a Committee.

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition (accompanied by bill, Senate, No. 1172), a Bill creating a community and economic development authority in the town of Wareham (Senate, No. 2235) [Local approval received on Senate, No. 1172].
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.

PAPERS FROM THE HOUSE.

The Senate Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the Roxbury/ South End Tenants' Council, Inc., D/B/A Roxse Tenants Council (Senate, No. 2181, amended),— came from the House passed to be engrossed, in concurrence *with an amendment* in section 3 by adding at the end thereof the following paragraph:

"The deed or other instrument conveying the parcel to the Roxbury/South End Tenants Council, Inc. d/b/a Roxse Tenants Council and any subsequent deed or deeds of all or a portion of the parcels shall, without limitation, provide that if the parcels cease to be used for the purposes set forth in this act, title to the parcels or to portions of the parcels that are used in violation of this act, shall, at the election of the commonwealth, revert to the commonwealth." (as corrected, BTR).
The rules were suspended, on motion of Ms. Murray, and the House amendment was considered forthwith and adopted, in concurrence.

Message from the Governor — Disapproval and Reductions in Supplemental Appropriations Bill.

A message from His Excellency the Governor, returning, with his 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 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4330), which on Wednesday, November 19, 2003, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4365) 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 0640-0300 (Mass Cultural Council earmark) was considered as follows:

"0640-0300 .....300,000".

Mr. Havern in the Chair, after debate, the question on passing item 0640-0300, contained in section 2, in concurrence, the objections of His Excellency the 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 twenty-six minutes before three o'clock P.M., as follows, to wit (yeas 32 — nays 5) **[Yeas and Nays No. 465]**:

YEAS.

Antonioni, Robert A. Menard, Joan M.

Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	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.
Joyce, Brian A.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — **32.**

NAYS.

Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — **5.**
Sprague, Jo Ann	

ABSENT OR NOT VOTING.

Hedlund, Robert L. — **1.**

The yeas and nays having been completed at twenty-four minutes before three o'clock P.M., item 0640-0300, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4800-0038 (Family Preservation & Stabilization) was considered as follows:

"4800-0038 .....500,000".

[The Governor disapproved this item.]

After debate, the question on passing item 4800-0038, contained in section 2, in concurrence, the objections of His Excellency the 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 eighteen minutes before three o'clock P.M., as follows, to wit (yeas 34 — nays 3) **[Yeas and Nays No. 466]**:

YEAS.

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.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — **34.**

NAYS.

Knapik, Michael R.	Sprague, Jo Ann — **3.**
Lees, Brian P.	

ABSENT OR NOT VOTING.

Hedlund, Robert L. — **1.**

The yeas and nays having been completed at fourteen minutes before three o'clock P.M., item 4800-0038, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7002-0800 (Board of Reconciliation and Arbitration) was considered as follows:

"7002-0800 .....180,000".

After debate, the question on passing item 7002-0800, contained in section 2, in concurrence, the objections of His Excellency the 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 twelve minutes before three o'clock P.M., as follows, to wit (yeas 34 — nays 3) **[Yeas and Nays No. 467]**:

YEAS.

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.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian

Menard, Joan M.	Wilkerson, Dianne — **34.**

NAYS.

Knapik, Michael R.	Sprague, Jo Ann — **3.**
Lees, Brian P.	

ABSENT OR NOT VOTING.

Hedlund, Robert L. — **1.**

The yeas and nays having been completed at seven minutes before three o'clock P.M., item 7002-0800, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 67 (Community Policing Clarification) was considered as follows:

"SECTION 67. Item 8000-0010 of section 2 of chapter 184 of the acts of 2002 is hereby amended by striking out the words 'of the award to Saugus'."

After debate, the question on passing Section 67, in concurrence, the objections of His Excellency the 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 two minutes before three o'clock P.M., as follows, to wit (yeas 33 — nays 4) **[Yeas and Nays No. 468]**:

YEAS.

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.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — **33.**
Menard, Joan M.	

NAYS.

Knapik, Michael R.	Sprague, Jo Ann
Lees, Brian P.	Tarr, Bruce E. — **4.**

ABSENT OR NOT VOTING.

Hedlund, Robert L. — **1.**

The yeas and nays having been completed at one minute past three o'clock P.M., Section 67 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 77 (Cultural Council) was considered as follows:

"SECTION 77. Item 0640-0300 of said section 2 of said chapter 26 is hereby amended by inserting after the words 'the organization's endowment' the following words:— ; provided further, that $300,000 shall be expended for From the Top, INC., a Boston-based multimedia and education project."

[The Governor disapproved this section.]

The question on passing Section 77, in concurrence, the objections of His Excellency the 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 two minutes past three o'clock P.M., as follows, to wit (yeas 31 — nays 6) **[Yeas and Nays No. 469]**:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
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.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — **31.**
Melconian, Linda J.	

NAYS.

Knapik, Michael R.	Sprague, Jo Ann
Lees, Brian P.	Tarr, Bruce E.
Nuciforo, Andrea F., Jr.	Tisei, Richard R. — **6.**

ABSENT OR NOT VOTING.

Hedlund, Robert L. — **1.**

The yeas and nays having been completed at six minutes past three o'clock P.M., Section 77 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 87 (Substance Abuse Services — Latinas y Ninos) was considered as follows:

"SECTION 87. Item 4512-0200 of said section 2 of said chapter 26 is hereby amended by striking out the words 'funds shall be expended for Latinos y Ninos' and inserting in place thereof the following words:— not less than $99,925 shall be expended for Latinos y Ninos to address the needs of Latino women in recovery."

After debate, the question on passing Section 87, in concurrence, the objections of His Excellency the 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 twenty-four minutes past three o'clock P.M., as follows, to wit (yeas 34 — nays 3) **[Yeas and Nays No. 470]**:

YEAS.

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.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — **34.**

NAYS.

Knapik, Michael R.	Sprague, Jo Ann — **3.**
Lees, Brian P.	

ABSENT OR NOT VOTING.

Hedlund, Robert L. — **1.**

The yeas and nays having been completed at twenty-seven minutes past three o'clock P.M., Section 87 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 88 (Substance Abuse Services) was considered as follows:

"SECTION 88. Said item 4512-0200 of said section 2 of said chapter 26 is hereby further amended by inserting after the words 'Casa Dominicana' the following words:— ; provided further, that not less than $320,000 shall be expended for a contract with the Gavin Foundation to provide a total immersion program in conjunction with the probation department of the South Boston division of the district court department of the trial court and other district courts; provided further, that $99,000 shall be expended for Self Esteem Boston;."

After debate, the question on passing Section 88, in concurrence, the objections of His Excellency the 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 twenty-three minutes before four o'clock P.M., as follows, to wit (yeas 34 — nays 3) **[Yeas and Nays No. 471]**:

YEAS.

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.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — **34.**

NAYS.

Knapik, Michael R.	Sprague, Jo Ann — **3.**
Lees, Brian P.	

ABSENT OR NOT VOTING.

Hedlund, Robert L. — **1.**

The yeas and nays having been completed at twenty minutes before four o'clock P.M., Section 88 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 89 (Family Preservation & Stabilization) was considered as follows:

"SECTION 89. Item 4800-0038 of said section 2 of said chapter 26 is hereby amended by adding the following words:— ; provided further, that not less than $200,000 shall be provided to support the family center component of the Greater Lowell Family Resource Center; and provided further that, not less than $300,000 shall be provided to Summerhill House in Norwood."

The question on passing Section 89, in concurrence, the objections of His Excellency the 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 eighteen minutes before four o'clock P.M., as follows, to wit (yeas 34 — nays 3) **[Yeas and Nays No. 472]**:

YEAS.

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.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — **34.**

NAYS.

Knapik, Michael R.	Sprague, Jo Ann — **3.**
Lees, Brian P.	

ABSENT OR NOT VOTING.

Hedlund, Robert L. — **1.**

The yeas and nays having been completed at a quarter before four o'clock P.M., Section 89 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Message from the Governor — Disapproval and Reductions in Economic Stimulus Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain sections, and reductions in certain sections contained in the engrossed Bill relative to investments in emerging technologies to promote job creation, economic stability and competitiveness in the Massachusetts economy (see House, No. 4328), which on Wednesday, November 19, 2003, had been laid before the Governor for his approbation,— came from the House, in part, several sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4366) was read; and the Senate proceeded to reconsider several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.

Section 53 (Small Business and Very Small Firms Assistance Advisory Council) was considered as follows:

"SECTION 53. (a) There shall be established within the department of business and technology a small business and very small firms assistance advisory council, in this section called council, which shall make policy recommendations to the department regarding the commonwealth's small business and very small firms assistance programs and funding activities. For the purposes of this act, the term 'very small firms' shall include entrepreneurs whose businesses employ less than 20 people and are less likely and less able to tap traditional sources of business consulting, assistance and finance.

(b) The council shall be comprised of the following members: the director of the department of business and technology or his designee, who shall serve as the chair of the council; the director of the department of housing and community development or his designee; the director of Massachusetts Development or his designee; the President of the Massachusetts Community Development Finance Agency; the director of the state office of minority and women business assistance; a representative of the Massachusetts Entrepreneurial Opportunity Network; a representative of the Massachusetts Association of Community Development Corporations; a representative of the Massachusetts Community Action Program Director's Association; a representative of the Massachusetts Bankers Association; a representative of the Massachusetts Community Banking Council; the director of the Massachusetts office of Small Business Administration or his designee; and the following 4 members to be appointed by the director of the department of business and technology: a representative of the commonwealth's small business centers, the director of a community development financial institution, a small business owner, and, a member of an organization that provides technical assistance or training to very small firms.

(c) Members of the council shall serve for 2 year terms and shall be appointed within 3 months of the effective date of this act.

(d) The council shall: conduct an evaluation of the current state system of delivering assistance to small businesses and very small firms; produce data on the number and types of small businesses and very small firms in the commonwealth; research and investigate strategies for the delivery of state assistance to small businesses and very small firms; make recommendations to the department of business and technology and the legislature for improving the delivery system for assistance to small businesses and very small firms, including recommendations for a more efficient and effective strategy for reaching and providing assistance to very small firms, cost-effective delivery methods for providing technical assistance, better coordination of assistance

programs, and better coordination with other state programs, agencies, and public instrumentalities so that state assistance can leverage charitable foundation support, federal program funding and private sector support for small businesses and very small firms; and, conduct continual evaluations of the commonwealth's delivery system.

(e) The council shall meet on a monthly basis or as needed and shall produce an initial report within 6 months of its first meeting to the governor, the secretary of economic affairs, and the clerks of the house of representatives and the senate who shall forward the same to the president of the senate, the minority leader of the house, the minority leader of the senate, the speaker of the house of representatives and the chairpersons of the house and senate committees on labor and commerce. The report shall contain the evaluation of the current state system of delivering assistance to small businesses and very small firms. The council shall also report within 1 year of first meeting, which report shall outline best practices for state-level delivery of assistance to small businesses and very small firms and make recommendations to the department of business and technology for improving the delivery system. Thereafter, the council shall meet at least quarterly and additionally as needed. The council shall report annually, evaluating the state system of delivering assistance to small businesses and very small firms with recommendations for improvements."

After debate, the question on passing Section 53, in concurrence, the objections of His Excellency the 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 ten minutes before four o'clock P.M., as follows, to wit (yeas 34 — nays 3) **[Yeas and Nays No. 473]**:

YEAS.

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.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — **34.**

NAYS.

Knapik, Michael R.	Sprague, Jo Ann — **3.**
Lees, Brian P.	

ABSENT OR NOT VOTING.

Hedlund, Robert L. — **1.**

The yeas and nays having been completed at seven minutes before four o'clock P.M., Section 53 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 75 (Brownfields Redevelopment Access to Capital) was considered as follows:

"SECTION 75. Notwithstanding any general or special law to the contrary, effective December 31, 2003, the comptroller shall transfer $6,000,000 shall be made available to the Brownfields Redevelopment Access to Capital Fund from the Economic Stimulus Trust Fund. Commencing on April 1, 2004, the secretary of economic development shall report quarterly to the house and senate committees on ways and means, the house and senate committees on science and technology, the joint committee on commerce and labor and the joint committee on natural resources on the location and amounts of financing provided to applicants under this program and the administrative costs charged to the fund."

[The Governor reduced this section to $3,000,000; and struck out the words "Notwithstanding any general or special law to the contrary, effective December 31, 2003, the comptroller shall transfer $6,000,000 shall be made available to the Brownfields Redevelopment Access to Capital Fund from the Economic Stimulus Trust Fund." and inserted the words:— "Notwithstanding any general or special law to the contrary, effective December 31, 2003, the comptroller shall transfer $3,000,000 shall be made available to the Brownfields Redevelopment Access to Capital Fund from the Economic Stimulus Trust Fund."

After debate, the question on passing Section 75, in concurrence, the objections of His Excellency the 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 four o'clock P.M., as follows, to wit (yeas 35 — nays 2) **[Yeas and Nays No. 474]**:

YEAS.

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.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — **35.**
Menard, Joan M.	

NAYS.

Lees, Brian P.	Sprague, Jo Ann — **2.**

ABSENT OR NOT VOTING.

Hedlund, Robert L. — **1.**

The yeas and nays having been completed at ten minutes past four o'clock P.M., Section 75 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Sandra Del Gaudio-Upton, an employee of the Trial Court of the Commonwealth (see House, No. 4491), 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 7 to 0.
The bill was signed by the Acting President (Mr. Havern, having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and sent to the House for enactment.

The Senate Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 2243, amended),— 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 4562.
The rules were suspended, on motion of Mr. Berry, and the House amendment was considered forthwith and adopted, in concurrence.

Report of a Committee.

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

The House Bill relative to criminal offender record information checks for assisted living employees (House, No. 4390) (the committee on Ways and Means having recommended that the bill be amended in section 1, by striking out the last paragraph).

There being no objection, the rules were suspended, on motion of Ms. Murray, and the bill was read a second time and was amended, as previously recommended by the committee on Ways and Means.

Mr. Shannon and Ms. Chandler moved to further amend the bill in section 1, in the third paragraph of the proposed section 172E½ of chapter 6 of the General Laws, by adding the following sentence:— "Pending receipt of the criminal offender record check, assisted living facilities and continuing care facilities shall monitor such conditional employee's duties and shall prohibit such conditional employees from making off-site home visits."
This amendment was adopted.
The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendments.
Sent to the House for concurrence in the amendments.

Bill Returned by Governor With His Objections Thereto.

The engrossed bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Bridgewater to Patrick Driscoll (Senate, No. 1691, amended) which, on Thursday, January 29, 2004, had been laid before the Governor for his approbation, and which, at a quarter before five o'clock P.M., on Thursday, February 5, 2004, had been returned by His Excellency, under Article II of Section I of Chapter I of Part the Second of the Constitution, to the Senate Clerk, together with his objections thereto in writing,— was laid before the Senate.

The message (Senate, No. 2205) 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, the objections of His Excellency the Governor to the contrary notwithstanding, was then determined by a call of the yeas and nays, at sixteen minutes before five o'clock P.M., as follows, to wit (yeas 26 — nays 11) **[Yeas and Nays No. 475]**:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.

Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — **26.**

NAYS.

Brewer, Stephen M.	O'Leary, Robert A.
Glodis, Guy W.	Resor, Pamela
Knapik, Michael R.	Sprague, Jo Ann
Lees, Brian P.	Tarr, Bruce E.
Melconian, Linda J.	Tisei, Richard R. — **11.**
Murray, Therese	

ABSENT OR NOT VOTING.

Hedlund, Robert L. — **1.**

The yeas and nays having been completed at eleven minutes before five o'clock P.M., the bill was passed by the Senate notwithstanding the objections of His Excellency the Governor, two-thirds of the Senate present and voting having agreed to pass the same. The bill was sent to the House endorsed accordingly.

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see Senate, No. 2243, 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 15 to 0.
The bill was signed by the President and sent to the House for enactment.

Order Adopted.

Mr. Tolman offered the following order:—

Ordered, That the Senate hereby calls for consideration at a joint session of the two houses, scheduled for Thursday, March 11, 2004, at two o'clock P.M., conformably to the provisions of Article XLVII (as amended by Article LXXXI) of the Amendments to the Constitution the following Initiative Amendment to the Constitution:

Initiative petition of Harold Hestnes and others for the passage of a Proposal for an Initiative Amendment to the Constitution relative to the provision of health insurance (House, No. 4444).

After remarks, the question on adoption of the order was determined by a call of the yeas and nays, at nine minutes before five o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 37 — nays 0) **[Yeas and Nays No. 476]**:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	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
Havern, Robert A.	Rosenberg, Stanley C.

Hart, John A., Jr.	Shannon, Charles E.
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
	Wilkerson, Dianne — **37.**

NAYS — 0.

ABSENT OR NOT VOTING.

Hedlund, Robert L. — **1.**

The yeas and nays having been completed at four minutes before five o'clock P.M., the order was adopted.

Communications.

The Clerk read the following communications:

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

March 4, 2004.

Mr. William F. Welch
Clerk of the Senate
Room 335, The State House
Boston, MA 02133

Dear Mr. Clerk:

Today I was delayed in arriving due to an important event in my district. In my absence two roll call votes were taken. Please note that had I been present, I would have voted affirmatively on the following matters:

S-2243: Supplemental Appropriations Bill.

S-2237: An Act Relative to Disclosures of Certain Information Relating to Tobacco Products sold in the Commonwealth.

I would appreciate if this could be printed in the Senate Journal. Thank you.

Sincerely,
JOHN A. HART, JR.,
State Senator.

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

March 4, 2004.

William F. Welch, *Clerk*
Massachusetts Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

On March 4, 2004, I was unable to be present for the roll call vote taken on Senate Bill 2243, An Act Making Appropriations For The Fiscal Year 2004 To Provide For Supplementing Certain Existing Appropriations And For Certain Other Activities And Projects.

Had I been present, I would have voted in the affirmative on this matter.

I respectfully request your assistance with the printing of this communication in the Senate Journal. Thank you in advance for your help on this matter.

Sincerely,
ANDREA F. NUCIFORO, JR.,
State Senator.

On motion of Mr. Berry, the above communications were severally ordered printed in the Journal of the Senate.

PAPERS FROM THE HOUSE.

Engrossed Bills.

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 Governor for his approbation, to wit:

Making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see Senate, No. 2243, amended); and

Establishing a sick leave bank for Sandra DelGaudio-Upton, an employee of the Trial Court of the Commonwealth (see House, No. 4491).

Order Adopted.

On motion of Mr. Berry,—

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.

Adjournment in Memory of Anthony "Fat" Pellegrini and Stanley N. McNiff.

The Senator from Middlesex and Norfolk, Ms. Creem, moved that when the Senate adjourns today, it adjourn in memory of Anthony "Fat" Pellegrini, unofficial Mayor of Nonantum or "the Lake", as residents of Newton affectionately refer to the old neighborhood. Mr. Pellegrini was a long-time civic leader in Newton's Italian-American community. He served his nation in the Merchant Marines during World War II and for years aided the people of Newton through the Nonantum Children's Christmas Party Association, which he directed. Mr. Pellegrini was also a long-time member and supporter of the American Legion, the Sons of Italy, the Newton Soccer Club, the Newton Elks and the St. Mary of Carmen Society and an honorary member of the Hibernians of Watertown.

The Senator from Middlesex and Worcester, Ms. Resor, also requested that when the Senate adjourns today, it adjourn in memory of Stanley N. McNiff of Shirley. Mr. McNiff, husband of Virginia for 35 years, loving father of Audrey, John, Todd and Andrea, uncle and business partner of Daniel, was one of the prominent businessman, entrepreneur, and philanthropist of the Nashoba Valley Region. He served on the Town of Shirley's Zoning Board, one of the Town's initial Master Planners, and a personal advisor to the Board of Selectmen. He was on the Board of Directors for Father Ralph DiOrio of Worcester.

Accordingly, as a mark of respect to the memories of Anthony "Fat" Pellegrini of Newton and Stanley N. McNiff of Shirley at five o'clock P.M., on motion of Mr. Brewer, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.