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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, May 27, 2004.

Met at three minutes past one o'clock P.M. (Ms. Menard in the Chair).

Recess.

At four minutes past one o'clock P.M., the Chair (Ms. Menard) declared a recess subject to the call of the Chair; and at twenty-seven minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

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

Distinguished Guests.

There being no objection, the President handed the gavel to the Senator from Worcester and Norfolk, Mr. Moore, who introduced, seated in the Senate gallery, the third grade class of Mrs. Charrington from Our Lady of the Valley in Uxbridge. The class was making its yearly visit to the State House in recognition of the birthday of former President John F. Kennedy. Mr. Moore also introduced several students from Nipmuc Regional High School who were shadowing the Senator for the day.

Petition.

The President in the Chair, Ms. Creem presented a petition (subject to Joint Rule 12) of Cynthia S. Creem for legislation relative to the corporate excise tax,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on Senate, Nos. 137, 145, 148, 1147, 1176, 1180, 1955 and 2199, an Order relative to authorizing the joint committee on Local Affairs and Regional Government to make an investigation and study of certain Senate documents relative to municipal matters (Senate, No. 2357) [Local approval received on Senate, Nos. 1176 and 2199]; and

By the same Senator, for the same committee, on Senate, Nos. 1145, 1146, 1151, 1174, 1175, 1181 and 1371, an Order relative to authorizing the joint committee on Local Affairs and Regional Government to make an investigation and study of certain Senate documents relative to municipal matters (Senate, No. 2359);

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

By Mr. Hart, for the committee on Commerce and Labor, on petition (accompanied by bill, Senate, No. 46), a Bill to establish a bill of rights for temporary workers (Senate, No. 2360);

Read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Hart, for the committee on Commerce and Labor, on petition (accompanied by bill, Senate, No. 2088), a Bill relative to mitigation fees in a business development overlay district in the town of Wareham (Senate, No. 2348) [Local approval received on Senate, No. 2088];

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition, a Bill to regulate motor vehicles on Nantucket (Senate, No. 1368) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill authorizing the Board of Selectmen of Acton to lease a certain parcel of land (Senate, No. 1981) (Local approval received); and

By the same Senator, for the same committee, on petition, a Bill relative to the town of Swansea (Senate, No. 2325);
Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Resolutions.

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

Resolutions (filed by Ms. Chandler) “honoring Barbara Allen Booth”;

Resolutions (filed by Ms. Chandler) “recognizing Greek Heritage Week”;

Resolutions (filed by Mr. Morrissey) “honoring Marcia A. McCarthy”;

Resolutions (filed by Mr. Pacheco) “on the retirement of Marylou S. Hobson”;

Resolutions (filed by Mr. Pacheco) “on the occasion of the sixtieth wedding anniversary of Elmer and Mary Perry”;

Resolutions (filed by Mrs. Sprague) “congratulating William Champlain Lippincott of Norton upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mrs. Sprague) “congratulating Ian Christian Marsan of Norton upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mrs. Sprague) “congratulating Nicholas James Messinger of Norton upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Ms. Walsh) “congratulating Gregory J. Agnew of Islington upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Ms. Walsh) “congratulating Jeff Andrew of Islington upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Ms. Walsh) “congratulating David Barner of Islington upon his elevation to the rank of Eagle Scout.”

Matters Taken Out of the Orders of the Day.

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

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill to improve public health in the Commonwealth (House, No. 4256, printed as amended). (*Amended by the Senate* by 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 or 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.”), recommending that House recede from its non-concurrence with the Senate in its amendment and concur therein with a further amendment by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4690 and that the Senate concur in the further amendment,— was considered, the question being on laying the matter on the table.

After remarks, the motion to lay the matter on the table was *negatived*.

Mr. Rosenberg in the Chair, after debate, the question on accepting the report was determined by a call of the yeas and nays, at twenty-nine minutes past two o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 27 — nays 10) [**Yeas and Nays No. 556**]:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Brown, Scott P.	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.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 27.
Menard, Joan M.	

NAYS.

Baddour, Steven A.	Morrissey, Michael W.
Brewer, Stephen M.	Panagiotakos, Steven C.
Glodis, Guy W.	Shannon, Charles E.
Knapik, Michael R.	Sprague, Jo Ann
Lees, Brian P.	Tisei, Richard R. — 10.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Magnani, David P. — 2.
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The yeas and nays having been completed at twenty-eight minutes before three o’clock P.M., the report was accepted.

The House Bill prohibiting discrimination against veterans in employment (House, No. 1053),— was read a second time, ordered to a third reading, and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-five minutes before three o’clock P.M., as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 557**]:

YEAS.

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

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. Magnani, David P. — **2.**

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

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, on Senate, No. 1397, in part, a "Bill further regulating public construction in the Commonwealth" (Senate, No. 2358).

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

Pending the question on ordering the bill to a third reading, Ms. Wilkerson and Mr. Tolman presented an amendment, adding at the end thereof a new section:—

"SECTION _____. Notwithstanding any general or special law to the contrary, the Massachusetts development finance agency shall make not less than \$500,000 available in fiscal year 2005 for a contract with the Massachusetts Alliance for Small Contractors for the purpose of providing technical assistance, education, capacity, building, and support services to small businesses, minority owned businesses and women owned businesses, with a particular focus on said businesses that are seeking to participate in public building projects and public works projects."

The amendment was adopted.

The question on ordering the bill, as amended, to a third reading was determined by a call of the yeas and nays, at twenty-one minutes past three o'clock P.M., on motion of Mr. Tolman, as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 558**]:

YEAS.

Antonioni, Robert A.	McGee, Thomas M.
Baddour, Steven A.	Melconian, Linda J.
Barrios, Jarrett T.	Menard, Joan M.

Brewer, Stephen M.	Montigny, Mark C.
Brown, Scott P.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Murray, Therese
Creem, Cynthia Stone	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	O’Leary, Robert A.
Glodis, Guy W.	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Hedlund, Robert L.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Knapik, Michael R.	Sprague, Jo Ann
Lees, Brian P.	Tarr, Bruce E.
Tisei, Richard R.	Walsh, Marian
Tolman, Steven A.	Wilkerson, Dianne —
	37.
Tucker, Susan C.	

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. Magnani, David P. — **2.**

The yeas and nays having been completed at twenty-five minutes past three o’clock P.M., the bill was ordered to a third reading.
The bill (Senate, No. 2358, amended) was then read a third time and passed to be engrossed.
Sent to the House for concurrence.

PAPER FROM THE HOUSE.

Committee of Conference.

The President in the Chair, the House Bill making appropriations for the fiscal year 2005 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4601),— 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 of Senate document numbered 2401), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Rogers of Norwood, Larkin of Pittsfield and DeMacedo of Plymouth had been appointed the committee on the part of the House.

On motion of Mr. Lees, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and that Senators Murray, Panagiotakos and Knapik were appointed on the part of the Senate.
The bill was returned to the House endorsed accordingly.

Matter Taken Out of the Orders of the Day.

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

The Senate Bill to extend the ban on assault weapons and further reduce gun violence in the Commonwealth (Senate, No. 2282),— was considered, the question being on ordering the bill to a third reading.

After remarks, Messrs. Moore and Brewer moved that the bill be amended by striking section 4.

Pending the question on adoption of the amendment, Mr. Barrios moved that the amendment be amended by striking section 4 and inserting in place thereof the following sections:—

“SECTION 4. Said section 121 of said chapter 140, as so appearing, is hereby further amended by inserting after the figure ‘(31)’, in line 58, the following words:— as appearing in such act on September 13, 1994.

SECTION 4A. Section 123 of said chapter 140, as so appearing, is hereby amended by striking out clause ‘Sixteenth’ in its entirety.

SECTION 4B. Chapter 140 of the General Laws is hereby amended by inserting after section 129C the following section:—

Section 129C½. Any person or entity that inherits an assault weapon or large capacity feeding device or is the beneficiary of a trust containing an assault weapon or a large capacity feeding device, from a person or entity that lawfully owned, possessed or controlled such weapon or device on and after September 13, 1994, may sell, transfer or deliver the assault weapon or large capacity feeding device to a licensed dealer or to another if the transferee is legally permitted to purchase or take possession of such weapon or device. Such weapon or device may not be subsequently sold, transferred or delivered within the commonwealth to another person, except through inheritance, except to a licensed dealer who may transfer the weapon or device again only to another dealer without the commonwealth.

Whoever violates this section shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment for not less than 1 year in the house of correction nor more than 10 years in state prison, or by both such fine and imprisonment.

SECTION 4C. The secretary of the executive office of public safety shall promulgate regulations requiring the criminal history systems board to designate and track inherited assault weapons and large capacity feeding devices and to maintain a database of such weapons and devices to further the purpose of section 4B.

SECTION 4D. Section 131M of chapter 140, as so appearing, is hereby amended by striking out the words ‘sell, offer for sale, transfer or’, in line 1.

SECTION 4E. Said section 131M of said chapter 140, as so appearing, is hereby further amended by inserting after the figure ‘1994’, in line 3, the following words:— or sell, offer for sale or transfer an assault weapon or large capacity feeding device except as provided in section 129C½.

SECTION 4F. The provisions of section 4B shall take effect one year following enactment.”

During consideration of the further amendment, Mr. Havern in the Chair, at seventeen minutes past four o’clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the Chair (Mr. Havern) declared a recess; and, at twenty-three minutes before five o’clock P.M., the Senate reassembled, Mr. Havern in the Chair.

The Senate Bill to extend the ban on assault weapons and further reduce gun violence in the Commonwealth (Senate, No. 2282),— was further considered, the question being on adoption on the further amendment (Barrios) to the pending amendment (Moore and Brewer).

The question on adoption of the further amendment was determined by a call of the yeas and nays, at a quarter before five o’clock P.M., on motion of Mr. Barrios, as follows, to wit (yeas 20 — nays 17) [**Yeas and Nays No. 559**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Murray, Therese
Creem, Cynthia Stone	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
	20.

NAYS.

Baddour, Steven A.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.

Brown, Scott P.	Panagiotakos, Steven C.
Glodis, Guy W.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Knapik, Michael R.	Sprague, Jo Ann
Lees, Brian P.	Tarr, Bruce E.
Melconian, Linda J.	Tisei, Richard R. —
	17.
Moore, Richard T.	

ABSENT OR NOT VOTING.

Berry, Frederick E.	Magnani, David P. —
	2.

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

Subsequently, Mr. Lees moved reconsideration of the vote, and after debate, the question on reconsideration was determined by a call of the yeas and nays, at ten minutes past five o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 19 — nays 18)
[Yeas and Nays No. 560]:

YEAS.

Baddour, Steven A.	Morrissey, Michael W.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hedlund, Robert L.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Knapik, Michael R.	Sprague, Jo Ann
Lees, Brian P.	Tarr, Bruce E.
Melconian, Linda J.	Tisei, Richard R. —
	19.
Moore, Richard T.	

NAYS.

Antonioni, Robert A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Tolman, Steven A.
Hart, John A., Jr.	Tucker, Susan C.
Havern, Robert A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
	18.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Magnani, David P. —
	2.

The yeas and nays having been completed at twelve minutes past five o'clock P.M., reconsideration prevailed.

During consideration of the recurring question on the adoption of the further amendment, Mr. Lees moved to lay the matter on the table and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

Order Adopted.

Mr. Havern offered the following order, to wit:—

Ordered, That when the Senate adjourns, it adjourn to meet again forthwith for a second legislative day.

The question on adoption of the order was determined by a call of the yeas and nays, at twenty-one minutes before six o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 26 — nays 11) [**Yeas and Nays No. 561**]:

YEAS

Antonioni, Robert A.	Morrissey, Michael W.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	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
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Joyce, Brian A.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne —
	26.

NAYS

Brewer, Stephen M.	Melconian, Linda J.
Brown, Scott P.	Moore, Richard T.
Glodis, Guy W.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 11.
Lees, Brian P.	

ABSENT OR NOT VOTING

Berry, Frederick E.	Magnani, David P. — 2.
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The yeas and nays having been completed at eighteen minutes before six o'clock P.M., the order was adopted; and at seventeen minutes before six o'clock P.M., the Senate adjourned to meet forthwith.

Second Legislative Day.

Met according to adjournment.

Orders of the Day.

The Orders of the Day were considered as follows:—

The Senate Bill to extend the ban on assault weapons and further reduce gun violence in the Commonwealth (Senate, No. 2282),— was further considered, the question being on laying the matter on the table, and it was *negatived*.

The recurring question came on adoption on the further amendment (Barrios) to the pending amendment (Moore and Brewer); and after debate, the question on adoption of the further amendment was determined by a call of the yeas and nays, at twelve minutes before six o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 17 — nays 20) [**Yeas and Nays No. 562**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Chandler, Harriette L.	Murray, Therese
Creem, Cynthia Stone	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	Tolman, Steven A.
Hart, John A., Jr.	Tucker, Susan C.
Havern, Robert A.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne —
	17.
McGee, Thomas M.	

NAYS.

Baddour, Steven A.	Morrissey, Michael W.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven
	C.
Glodis, Guy W.	Resor, Pamela
Hedlund, Robert L.	Rosenberg, Stanley C.
Knapik, Michael R.	Shannon, Charles E.
Lees, Brian P.	Sprague, Jo Ann
Melconian, Linda J.	Tarr, Bruce E.
Moore, Richard T.	Tisei, Richard R. — 20.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Magnani, David P. —
	2.

The yeas and nays having been completed at ten minutes before six o'clock P.M., the further amendment was *rejected*.

The pending amendment (Moore and Brewer) was then adopted.

Mr. Barrios moved that the bill be amended by inserting at the end thereof the following text:—

“SECTION 7. Section 129B of said chapter 140, as so appearing, is hereby amended by inserting, in line 148, after the word ‘board’ the following words:— in a size and shape equivalent to that of a license to operate motor vehicles as issued by the registry of motor vehicles pursuant to section 8 of chapter 90,.

SECTION 8. Section 131 of said chapter 140, as so appearing, is hereby amended by inserting, in line 210, after the word ‘board’, the following words:— in a size and shape equivalent to that of a license to operate motor vehicles as issued by the registry of motor vehicles pursuant to section 8 of chapter 90,”.

The amendment was adopted.

Messrs. Moore and Brewer moved that the bill be amended by adding at the end thereof the following text:—

“SECTION _____. Section 129D of said chapter 140, as so appearing, is hereby amended by inserting after the first sentence the following sentences:— The licensing authority, at the time of delivery or surrender, shall provide to the person whose application was so revoked, suspended or denied, a written inventory and receipt for all firearms, rifles, shotguns and machine guns and

ammunition delivered or surrendered to the licensing authority, and due care shall be taken in the handling, holding and storage of these items. The licensing authority shall also at the time of delivery or surrender, advise, in writing, the person whose application was so revoked, suspended or denied, of his or her right to transfer said firearms, rifles, shotguns, machine guns and ammunition to other licensed persons.

SECTION ____ Paragraph (m) of said section 131 of said chapter 140, as so appearing, is hereby amended by inserting after the second sentence the following sentence:— The officer shall, at the time of delivery or surrender, provide to the person whose firearm, rifle or shotgun was confiscated under this provision, a written inventory and receipt for all firearms, rifles, shotguns so confiscated by such officer and due care shall be taken in the handling, holding and storage of these items. The licensing authority shall also advise at the time of delivery or surrender, in writing, the person whose application was so revoked, suspended, or denied, of his or her right to transfer said firearm, rifles, shotguns, machine guns and ammunition to other licensed persons.”

Pending the question on adoption of the amendment, Mr. Barrios moved that the amendment be amended by adding the following section:—

“SECTION 7. Section 131 of said chapter 140, as so appearing, is hereby amended in line 298, after the word ‘practicable’, by inserting the following sentence:— The officer shall, at the time of delivery or surrender, provide to the person whose firearm, rifle or shotgun was confiscated under this provision, a written inventory and receipt for all firearms, rifles, shotguns so confiscated by such officer and due care shall be taken in the handling, holding and storage of these items.”

The further amendment was adopted.

The pending amendment (Moore and Brewer) was then adopted.

Messrs. Brewer and Moore moved that the bill be amended by inserting after section 4 the following new section:—

“SECTION 5. Paragraph (9) of section 129B of chapter 140, as amended by 2003, 46, Sec. 102 effective July 31, 2003, in hereby amended by striking out, in line ____ the word ‘four’ and inserting in place thereof the following word:— six.

SECTION 6. Paragraph (i) of section 131 of Chapter 140, as amended by 2003, 46, Sec. 103 effective July 31, 2003, is hereby amended by striking out the first two sentences and inserting in place thereof the following 2 sentences:— A license to carry or possess firearms shall be valid, unless revoked or suspended, for a period of not more than six years from the date of issue and shall expire on the anniversary of the licensee’s date of birth occurring not less than five years but not more than seven years from the date of issue. Any renewal thereof shall expire on the anniversary of the licensee’s date of birth occurring not less than five years but not more than seven years from the effective date of such license.

Paragraph (i), Section 131 is further amended by adding after the words, ‘\$50 of the fee shall be deposited into the general fund of the commonwealth’ the following:— provided that, annually, not less than \$50,000 of the funds deposited to the general fund shall be allocated to the board for its operations and that any funds not expended by the board for its operations shall revert back to the general fund”.

The question on adoption of the amendment was determined by a call of the yeas and nays, at four minutes before six o’clock P.M., on motion of Mr. Nuciforo, as follows, to wit (yeas 25 — nays 12) **[Yeas and Nays No. 563]**:

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hedlund, Robert L.	Shannon, Charles E.
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.

McGee, Thomas M. Tucker, Susan C. — **25.**
Melconian, Linda J.

NAYS.

Barrios, Jarrett T. Montigny, Mark C.
Creem, Cynthia Stone Murray, Therese
Fargo, Susan C. Rosenberg, Stanley C.
Hart, John A., Jr. Tolman, Steven A.
Havern, Robert A. Walsh, Marian
Menard, Joan M. Wilkerson, Dianne —
12.

ABSENT OR NOT VOTING.

Berry, Frederick E. Magnani, David P. —
2.

The yeas and nays having been completed at one minute before six o'clock P.M., the amendment was adopted.

Messrs. Brewer and Moore moved that the bill be amended by striking out sections 4, 5 and 6 and inserting in place thereof the following:—

“SECTION 4. Section 129B of chapter 140, as so appearing, is hereby amended by inserting after the word ‘issue’, in line 167, the following words:— provided, however, that if the cardholder applied for renewal before said card expired, such card shall remain valid for a period of 90 days after the stated expiration date on the card unless the renewal was denied.

SECTION 5. Said section 129B of said chapter 140, as so appearing, is hereby further amended by inserting after the word ‘expired’, in lines 201 and 215, in each instance, the following words:— , meaning after 90 days after the stated expiration date on the card.

SECTION 6. The first paragraph of paragraph (i) of section 131 of said chapter 140 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by adding the following sentence:— For the purposes of provisions of section 10 of chapter 269, an expired license to carry firearms shall be deemed to be valid for a period not to exceed 90 days beyond the date of expiration, except that this provision shall not apply to any such license to carry firearms which has been revoked or relative to which a revocation is pending.

SECTION 7. Said section 131 of said chapter 140, as so appearing, is hereby further amended by inserting after the word ‘issue’, in line 230, the following words:— ; provided, however, that if the licensee applied for renewal before said license expired, such license shall remain valid for a period of 90 days after the stated expiration date on the license unless the renewal was denied.

SECTION 8. Said section 131 of said chapter 140, as so appearing, is hereby further amended by inserting after the word ‘expired’, in lines 280 and 293, in each instance, the following words:— , meaning after 90 days after the stated expiration date on the license.”

The question on adoption of the amendment was determined by a call of the yeas and nays, at six o'clock P.M., on motion of Mr. Rosenberg, as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 564**]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Baddour, Steven A. Melconian, Linda J.
Barrios, Jarrett T. Menard, Joan M.
Brewer, Stephen M. Montigny, Mark C.
Brown, Scott P. Moore, Richard T.
Chandler, Harriette L. Morrissey, Michael W.
Creedon, Robert S., Jr. Murray, Therese
Creem, Cynthia Stone Nuciforo, Andrea F., Jr.
Fargo, Susan C. O’Leary, Robert A.

Glodis, Guy W.	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Hedlund, Robert L.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Knapik, Michael R.	Sprague, Jo Ann
Lees, Brian P.	Tarr, Bruce E.
Tisei, Richard R.	Walsh, Marian
Tolman, Steven A.	Wilkerson, Dianne —
	37.
Tucker, Susan C.	

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. Magnani, David P. — **2.**

The yeas and nays having been completed at two minutes past six o'clock P.M., the amendment was adopted.

Messrs. Brewer and Moore moved that the bill be amended by inserting after section 5 the following section:—

“SECTION 5A. Said chapter 140 is hereby further amended by inserting after section 130 the following section:—

Section 130B. (a) There shall be a firearm licensing review board, established within the criminal history systems board, in this section called the board, comprised of 7 members, 1 of whom shall be a member of the criminal history systems board appointed by the executive director and who shall be the chair, 1 of whom shall be the secretary of public safety or his designee, 1 of whom shall be the colonel of state police or his designee, 1 of whom shall be appointed by the Massachusetts Chiefs of Police Association, 1 of whom shall be the attorney general or his designee, 1 of whom shall be an attorney with litigation experience in firearm licensing cases and appointed by the governor from a list of qualified persons submitted to the governor by the Massachusetts Bar Association, and 1 of whom shall be a retired member of the judiciary and appointed by the governor.

(b) An applicant for a firearm identification card or license to carry who has been convicted of or adjudicated a delinquent child or youthful offender by reason of an offense or offenses punishable by 2½ years imprisonment or less when committed under the laws of the commonwealth which was not: (a) an assault or battery on a family member or household member, as defined by section 1 of chapter 209A, except that the determination to be made under clause (e) of said section 1 of said chapter 209A shall be made by the review board, may, after the passage of 5 years from conviction, adjudication as a youthful offender or a delinquent child or release from confinement, commitment, probation or parole supervision for such conviction or adjudication, whichever is last occurring, file a petition for review of eligibility with the firearm licensing review board.

(c) The petitioner shall provide to the board a copy of a completed firearm identification card or license to carry application, which application shall have previously been submitted to the licensing authority or be submitted to the licensing authority contemporaneously with the petition filed with the board. The petitioner shall have the burden to prove his suitability to receive a firearm identification card or a license to carry by clear and convincing evidence. The board shall set a reasonable filing fee to file the petition.

(d) If the board determines, by 2/3rds vote, that: (i) the sole disqualifier for the petitioner is any conviction or adjudication as a youthful offender or a delinquent child for an offense or offenses punishable by 2½ years imprisonment or less when committed under the laws of the commonwealth, arising out of a single incident and which does not otherwise disqualify the petitioner under subclauses (a), (d) or (e) of clause (i) or clauses (ii) to (ix), inclusive, of paragraph (1) of section 129B or subclauses (a), (d) or (e) of clause (i) or clauses (ii) to (vii), inclusive, of paragraph (d) of section 131, and which was not an assault or battery on a family member or household members, as defined by section 1 of chapter 209A, except that the determination to be made under clause (e) of said section 1 of said chapter 209A shall be made by the board; (ii) 5 years has passed since such conviction or adjudication or release from confinement, commitment, probation or parole supervision for such conviction or adjudication, whichever is last occurring; and (iii) by clear and convincing evidence, that the petitioner is a suitable person to be a firearm identification card or license to carry holder, the board shall determine that the petitioner's right or ability to possess a firearm is fully restored in the commonwealth with respect to such conviction or adjudication and that such conviction or adjudication shall not prohibit such petitioner from applying to a licensing authority for a firearm identification card or license to carry. The board shall make a determination on a petition within 60 days after receipt of the petition.

(e) The board shall hold hearings at such times and places as in its discretion it reasonably determines to be required, but not less than once every 90 days, and shall give reasonable notice of the time and place of the hearing to the petitioner. The board shall have the power to compel attendance of witnesses at hearings.

(f) All hearings shall be conducted in an informal manner, but otherwise according to the rules of evidence, and all witnesses shall be sworn by the chair. If requested by the petitioner and payment for stenographic services, as determined by the board, accompanies such request, the board shall cause a verbatim transcript of the hearing to be made. The board's decisions and findings of facts therefore shall be communicated in writing to the petitioner and to the licensing authority to whom the petitioner has applied or intends to apply within 20 days of rendering a decision.

(g) Members of the board shall serve without compensation, but shall be entitled to reasonable subsistence and travel allowances in the performance of their duties."

The question on adoption of the amendment was determined by a call of the yeas and nays, at eleven minutes past six o'clock P.M., on motion of Mr. Brewer, as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 565**]:

YEAS.

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

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Magnani, David P. — 2.
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The yeas and nays having been completed at thirteen minutes past six o'clock P.M., the amendment was adopted.

Messrs. Brewer and Moore moved that the bill be amended by inserting after section 4 the following new sections:—

"SECTION 5. Section 129B of said chapter 140 is hereby amended by striking out paragraph (9) and inserting in place thereof the following new section:—

A firearm identification card shall be valid, unless revoked or suspended, for a period of not more than four years from the date of issue. Any card issued on February 29 shall expire on March 1. The executive director of the criminal history systems board shall send by first class mail to the holder of each such firearm identification card, a notice of the expiration of such card not less than 90 days prior to such expiration, and shall enclose therein a form for the renewal of such card. The executive director of the criminal history systems board shall include in his notice all pertinent information relative to the penalties that may be imposed in

the event that such firearm identification card is not renewed within the 90 days prior to expiration. The fee for the application shall be \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of the fee; \$50 of the fee shall be deposited into the general fund of the commonwealth; and \$25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund but any renewal applicant for a firearms identification card shall be subject to a renewal fee of \$50, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of the renewal fee and \$25 of the renewal fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund. Any renewal applicant for a firearm identification card issued for the sole purpose of purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate shall not be subject to the application fee or the renewal fee. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit quarterly such portion of the firearm identification card application fee as is to be deposited into the General Fund, not later than January 1, April 1, July 1 and October 1 of each year. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit such portion of the firearm identification card application and renewal fee into the Firearms Record Keeping Fund quarterly, not later than January 1, April 1, July 1 and October 1 of each year. Any renewal applicant for a firearm identification card issued for the sole purpose of purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate shall not be subject to such application fee.

SECTION 6. Section 131 of said Chapter 140 is hereby amended by striking out paragraph (i) and inserting in place thereof the following new section:—

A license to carry or possess firearms shall be valid, unless revoked or suspended, for a period of not more than four years from the date of issue and shall expire on the anniversary of the licensee's date of birth occurring not less than three years but not more than four years from the date of issue. Any renewal thereof shall expire on the anniversary of the licensee's date of birth occurring not less than three years but not more than four years from the effective date of such license. Any license issued to an applicant born on February 29 shall expire on March 1. The fee for the application shall be \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of the fee; \$50 of the fee shall be deposited into the general fund of the commonwealth; and \$25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund but any renewal applicant for a firearms identification card shall be subject to a renewal fee of \$50, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of the renewal fee and \$25 of the renewal fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund. For law enforcement officials, or local, state, or federal government entities acting on their behalf, the fee for the application shall be set at \$25, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$12.50 of the fee, and \$12.50 of the fee shall be deposited into the general fund of the commonwealth. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit such portion of the license application and renewal fee into the Firearms Record Keeping Fund quarterly, not later than January 1, April 1, July 1 and October 1 of each year. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit quarterly such portion of the license application fee as is to be deposited into the General Fund, not later than January 1, April 1, July 1 and October 1 of each year."

Pending the question on adoption of the amendment, Mr. Barrios moved that the amendment be amended by striking out text and inserting at the end thereof the following:—

"SECTION 7. Section 131 of chapter 140 of the General Laws, as so appearing, is amended, in line 243, after the words 'any person over the age of 70' the following words:— and any law enforcement officer applying for a license to carry firearms through his employing agency."

The further amendment was adopted.

The pending amendment (Brewer-Moore) as amended (Barrios) was considered; and it was adopted.

Ms. Creem moved that the bill be amended by adding at the end thereof the following new sections:—

"SECTION 1. Subclause (j) of clause twenty-sixth of section 7 of chapter 4 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after the word 'cards', in line 177, the following words:— , but such names and addresses shall be made available to law enforcement or other investigative officials, including district attorneys, assistant district attorneys, the attorney general and assistant attorneys general for purposes of enforcing violations of subsection (c) of section 131E of chapter 140.

SECTION 2. Subsection (d) of section 10 of chapter 66 of the General Laws, as so appearing, is hereby amended by inserting after the word 'six', in line 60, the following words:— including, but not limited to, such agencies enforcing violations of subsection (c) of section 131E of chapter 140.

SECTION 3. Section 123 of chapter 140 of the General Laws, as so appearing, is hereby amended by inserting after the word 'condition.', in line 229, the following sentence:— Twenty-second, That no licensee shall sell, rent or lease a firearm or large capacity weapon without first obtaining a written declaration from the purchaser, renter or lessor that such individual has not purchased, rented or leased, as those terms are used in subsection (c) of section 131E of this chapter, any firearm or large capacity weapon during the previous 30 days, or that such individual is an exempt person as set forth under subsection (c) of section 131E of this chapter. Such declaration shall not be a defense in any action brought against a licensee relative to the enforcement of subsection (c) of section 131E of this chapter.

SECTION 4. Section 128A of said chapter 140 of the General Laws, as so appearing, is hereby amended by inserting after the word 'transfers', in lines 9 and 10, the following words:— in compliance with subsection (c) of section 131E of this chapter.

SECTION 5. Paragraph (1) of section 129B of said chapter 140, as so appearing, is hereby amended by adding the following three clauses:—

(viii) is currently subject to: (a) an order for suspension or surrender issued pursuant to section 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (b) a permanent or temporary protection order issued pursuant to chapter 209A or a similar order issued by another jurisdiction;

(ix) is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction; or

(x) has been convicted of purchasing, renting or leasing more than one firearm or large capacity weapon in any 30 day period in violation of subsection (c) of section 131E of this chapter.

SECTION 6. Paragraph (d) of section 131 of said chapter 140, as so appearing, is hereby amended by adding the following three subparagraphs:—

(vi) is currently subject to: (A) an order for suspension or surrender issued pursuant to section 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (B) a permanent or temporary protection order issued pursuant to chapter 209A or a similar order issued by another jurisdiction;

(vii) is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction; or

(viii) has been convicted of purchasing, renting or leasing more than one firearm or large capacity weapon in any 30 day period in violation of subsection (c) of section 131E of this chapter.

SECTION 7. Section 131A of said chapter 140 of the General Laws, as so appearing, is hereby amended by inserting after the words 'proper purpose', in line 5, the following words:— and does not violate the firearm or large capacity weapon purchase, rental or lease limitation in subsection (c) of this chapter.

SECTION 8. Section 131E of said chapter 140 of the General Laws, as so appearing, is hereby amended by adding the following subsection:—

(c) no person, other than an exempt person hereinafter described, shall purchase, rent or lease more than one firearm or large capacity weapon in any 30 day period. The term 'rent or lease' as used herein shall not apply to the rental or lease of a firearm or large capacity weapon for a duration of less than 48 hours; provided, however, that such firearm is rented or leased from a licensee who is licensed under the provisions of section 122 and subject to the conditions described in section 123.

The provisions of this subsection shall not apply to the following persons and uses:

(1) Any law enforcement agency or authority;

(2) Any branch of the United States military, including the National Guard;

(3) Any persons in any branch of the United States military or police officers and other peace officers who are acquiring firearms for the purposes of performing their official duties or when duly authorized by their employer to purchase them;

(4) Any licensed watch, guard or patrol agency or their licensed employees in the course of their employment under sections 22 and 25 of chapter 147;

(5) Any person who has been certified as a licensed collector by the criminal history systems board;

(6) A federal, state or local historical society, museum or institutional collector open to the public;

(7) Any person who purchases, rents or leases a firearm or large capacity weapon and then exchanges it for another firearm or large capacity weapon provided by a licensed dealer within a 30 day period;

(8) A firearms surrender program authorized by and in compliance with section 131O of this chapter.

Upon receipt of a record of a sale, rental or lease of a firearm or large capacity weapon from a licensee as required under section 123 or a person without a license under section 128A, the executive director of the criminal history systems board, or his agent, shall determine whether a person has purchased, rented or leased more than one firearm or large capacity weapon in any 30 day period in violation of this subsection. If a person has purchased, rented or leased more than one firearm or large capacity weapon in any 30 day period, the executive director of the criminal history systems board, or his agent, shall forward any records demonstrating the relevant acquisition history to the prosecutor in the county in which the person resides or where the second or additional firearm or large capacity weapon was obtained in violation of this subsection.

A non-exempt person who purchases, rents or leases more than one firearm or large capacity weapon in any 30 day period shall be punished, for a first offense, by a fine of not more than \$1,000, or by imprisonment for not more than six months, or by both such fine and imprisonment; and for any subsequent offense shall be punished by a fine of not less than \$1,000 and not more than \$5,000, or by imprisonment for not more than two and one-half years, or by both such fine and imprisonment. The punishments under this subsection shall be separate from the procedures established for the denial, revocation or suspension of firearm identification cards, licenses and permits provided under this chapter.

Any person or licensee who sells, rents or leases a firearm or large capacity weapon to a non-exempt person under this section, with actual knowledge that the person has purchased, rented or leased a firearm or large capacity weapon within the previous thirty days shall be punished, for a first offense, by a fine of not more than \$5,000 or by imprisonment of not more than two and one-half years, or by both such fine and imprisonment; and for any subsequent offense shall be punished by a fine of not less than \$1,000 and not more than \$10,000 or by imprisonment for not more than five years, or by both such fine and imprisonment. These punishments shall be separate from the procedures established for the denial, revocation or suspension of firearm identification cards, licenses and permits provided under this chapter.”

After remarks, the amendment was *rejected*.

Mr. O’Leary moved that the bill be amended by inserting at the end thereof the following new section:—

“SECTION 7. The civil rights and ability of any applicant who has ever, in a court of the commonwealth, been convicted or adjudicated of the commission of a misdemeanor or felony carrying a maximum penalty of not more than two and one-half years in a house of correction and has subsequently become a public safety official in the commonwealth, shall be deemed to be fully restored in the commonwealth with respect to such conviction or adjudication and such conviction or adjudication shall not disqualify such applicant for a Class A or Class B license to carry firearms upon full disclosure and at the discretion of the highest-ranking public safety official under whom they serve.”

The amendment was *rejected*.

Mr. Creedon moved that the bill be amended by adding at the end thereof the following new section:—

“SECTION ____ . Section 18C of chapter 265 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking in its entirety the language after the words ‘twenty years.’ in line 10.”

The amendment was adopted.

The question on ordering the bill, as amended, to a third reading was determined by a call of the yeas and the nays at twenty-five minutes past six o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 1) [**Yeas and Nays No. 566**]:

YEAS.

Antonioni, Robert A.	McGee, Thomas M.
Baddour, Steven A.	Melconian, Linda J.
Brewer, Stephen M.	Menard, Joan M.
Brown, Scott P.	Montigny, Mark C.
Chandler, Harriette L.	Moore, Richard T.
Creedon, Robert S., Jr.	Morrissey, Michael W.
Creem, Cynthia Stone	Murray, Therese
Fargo, Susan C.	Nuciforo, Andrea F., Jr.
Glodis, Guy W.	O’Leary, Robert A.
Hart, John A., Jr.	Pacheco, Marc R.

Havern, Robert A.	Panagiotakos, Steven C.
Hedlund, Robert L.	Resor, Pamela
Joyce, Brian A.	Rosenberg, Stanley C.
Knapik, Michael R.	Shannon, Charles E.
Lees, Brian P.	Sprague, Jo Ann
Tisei, Richard R.	Tarr, Bruce E.
Tolman, Steven A.	Walsh, Marian
Tucker, Susan C.	Wilkerson, Dianne —

36.

NAYS

Barrios, Jarrett T. — **1.**

ABSENT OR NOT VOTING.

Berry, Frederick E. Magnani, David P. — **2.**

The yeas and nays having been completed at twenty-seven minutes past six o'clock P.M., the bill, as amended, was ordered to a third reading.

The bill (Senate, No. 2367, printed as amended) was then read a third time and was passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act further regulating certain weapons."

Sent to the House for concurrence.

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the House Bill further regulating the Department of Revenue (House, No. 4744, printed as amended), — ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2361 and inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to make certain changes in the tax laws and other laws relating to the department of revenue, therefore it is declared to be an emergency law, necessary for the immediate preservation of the public convenience."

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

Mr. McGee moved that the bill be amended in section 67, by inserting at the end of the subsection (e) the following sentence:— The commission shall examine related aspects of apportionment under section 38 of chapter 63 of the General Laws, including but not limited to whether the Legislature should amend the sales factor defined in subsection (f) of said section 38 to include as sales of tangible personal property in the commonwealth any property that is shipped from an office, store, warehouse, factory, or other place of storage in this commonwealth for which the taxpayer is not taxable in the state of purchaser.

The amendment was adopted.

Ms. Creem moved that the bill be amended, in section 67, by inserting at the end of subsection (c) the following sentence:— "The commission shall also examine whether single sales factor provisions available under subsections (k), (l) and (m) of section 38 of chapter 63 of the General Laws should apply only to the apportionment of income in section 30 of chapter 63 of the General Laws, and not to the net worth calculation in paragraph 8 of section 30 of said chapter 63."

The amendment was adopted.

After remarks, the question on adoption of the Ways and Means amendment, as amended was determined by a call of the yeas and the nays at twenty-six minutes before seven o'clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 37 — nays 0) [Yeas and Nays No. 567]:

YEAS.

Antonioni, Robert A.	McGee, Thomas M.
Baddour, Steven A.	Melconian, Linda J.

Barrios, Jarrett T.	Menard, Joan M.
Brewer, Stephen M.	Montigny, Mark C.
Brown, Scott P.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Murray, Therese
Creem, Cynthia Stone	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	O'Leary, Robert A.
Glodis, Guy W.	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Hedlund, Robert L.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Knapik, Michael R.	Sprague, Jo Ann
Lees, Brian P.	Tarr, Bruce E.
Tisei, Richard R.	Walsh, Marian
Tolman, Steven A.	Wilkerson, Dianne —
	37.
Tucker, Susan C.	

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. Magnani, David P. — **2.**

The yeas and nays having been completed at twenty-four minutes before seven o'clock P.M., the Ways and Means amendments were adopted, as amended.

[For the amended text of the Ways and Means new text, see Senate document 2362, printed as amended.]

The bill, as amended, was then ordered to a third reading, read a third time and was passed to engrossed, in concurrence, with the amendment. Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill to improve public health in the Commonwealth (see House, No. 4256, printed as 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 13 to 4.

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

Engrossed Bills.

The following engrossed bills (the first two 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:

Relative to the jurisdiction over public parks in the city of Holyoke (see Senate, No. 2090);

Relative to the procedures for municipalities and districts to accept statutes (see Senate, No. 2218);

Prohibiting discrimination against veterans in employment (see House, No. 1053);

Authorizing pronouncement of death by nurse practitioners (see House, No. 1663); and

Relative to the boundary line between the towns of Groton and Pepperell (see House, No. 4334).

An engrossed Bill relative to the Jacob Sears Memorial Library (see House, No. 3746, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the President and again laid before the Governor for his approbation.**

Matters Taken out of the Orders of the Day.

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

The Senate bills

Authorizing the state Teachers' Retirement Board to grant creditable service to certain employees (Senate, No. 2121, amended); and

Relative to the definition of Korean War veteran (Senate, No. 2136);

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

Severally sent to the House for concurrence.

The House Bill relative to veteran's retirement benefits (printed as Senate, No. 1576),— **was read a third time and passed to be engrossed, in concurrence, with the amendment previously adopted by the Senate.**

Sent to the House for concurrence in the amendment.

The House Bill authorizing the town of Northbridge to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3935) (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, Mr. Moore moved that the bill be amended in section 1, by inserting after the figure "138", in line 5, the following words:— "to Cat-Ray, Inc. d/b/a/ The Trading Post".

This amendment was adopted.

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

Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Mr. Havern,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday 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 Marine Lance Corporal Andrew Zabierek.

Ms. Fargo and Mr. Panagiotakos, moved that when the Senate adjourns today, it adjourn in the memory of Marine Lance Corporal Andrew Zabierek of Chelmsford. Lance Corporal Zabierek was killed while serving our country last Friday night in the Al Anbar province of Baghdad. The son of Stephen and Judith, Andrew was a graduate of Chelmsford High School and Clemson University who enlisted in the United States Marine Corps after the tragic events of September 11th. He served his country with honor and bravery. We mourn his loss and extend our condolences to Andrew's parents and family and to all the lives that he touched.

Accordingly, as a mark of respect to the memory of Lance Corporal Andrew Zabierek at seventeen minutes before seven o'clock P.M., on motion of Mr. Panagiotakos, the Senate adjourns to meet again on Tuesday next at eleven o'clock A.M.