

**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.

Tuesday, July 13, 2004.

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

#### *Recess.*

There being no objection, at six minutes past one o'clock P.M., the Chair (Ms. Walsh) declared a recess subject to the call of the Chair; and, at twenty-seven minutes past one 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 introduced Susan Walters and Alex and Nicky Walters, the daughter and grandsons of the Senator from Bristol and Norfolk, Mrs. Sprague.

There being no objection, the President introduced, seated in the rear of the Chamber, Cheryl Aldrich of Randolph, Paula Lenzi of Weymouth, Joy Cilberto of Raynham, and Maryellen Flynn of Weymouth. They were the guests of Senator Joyce.

There being no objection, the President handed the gavel to Mr. Creedon for the purpose of an introduction. Mr. Creedon introduced, seated in the rear of the Chamber, Kaitlyn Martin a seventh grader at the Cypress Lake Middle School in Ft. Myers, Florida. She is the granddaughter of Louise Spillane, a long time member of the Senator's staff.

There being no objection, the Chair (Mr. Rosenberg) handed the gavel to Mr. Lees for the purpose of introducing Timothy Wallace, who was seated in the Senate gallery. Mr. Wallace, an intern in Senator Lee's office, was accompanied by his parents Robert and Carolyn, and other members of the Wallace family.

#### *Petitions.*

The President in the Chair, Mr. Pacheco presented a petition (accompanied by bill, Senate, No. 2444) of Marc R. Pacheco, James H. Fagan, Patricia A. Haddad and Mark A. Howland (with approval of the Mayor and city council) for legislation to establish the Taunton industrial improvement district in the city of Taunton [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Local Affairs and Regional Government. Sent to the House for concurrence.**

Petitions were presented and referred, as follows:

By Mr. Antonioni, a petition (subject to Joint Rule 12) of Robert A. Antonioni for legislation to exempt non-profit hospital service corporations from the payment of certain fees; and

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey and Richard R. Tisei for legislation to authorize and direct the State Retirement Board to grant creditable service to Thomas P. Gray, an employee of the Commonwealth;  
**Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

*Report of a Committee.*

Mr. Magnani, 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 allowing students with cystic fibrosis to self administer enzyme supplements (House, No. 4409).

*Papers from the House.*

A Bill relative to the Massachusetts Property Insurance Underwriting Association (House, No. 4672, amended,— on House, No. 1684),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill relative to oil spill prevention and response in Buzzards Bay and other harbors and bays in the Commonwealth (House, No. 4831, amended,— on House, No. 4724),— **was read, and under Senate Rule 26, referred to the committee on Federal Financial Assistance.**

*Resolutions.*

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

Resolutions (filed by Mr. Knapik) “honoring Henry F. LaBombard”;

Resolutions (filed by Mrs. Sprague) “congratulating Nickolas Anthony Rasetta of Norton upon his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Mr. Travaglini) “on the centennial celebration of Brantwood Camp.”

*Communication.*

The Clerk read the following communication:

July 13, 2004.

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

Dear Mr. Clerk:

On July 1, 2004, I was unable to attend the formal session of the Senate. I missed several roll call votes. If I had been in attendance I would have voted in the affirmative on the following roll calls:

H.3400 Relative to the possession by and the sale to law enforcement agencies of electronic weapons. (Engrossment)

H.4325 Relative to the safe placement of newborns and infants. (On engrossment)

H.4866 Authorizing the Department of Highways to acquire certain parcels of land in the town of Bourne. (On enactment)

S.2196 Authorizing the towns of Dennis and Brewster to grant conservation restrictions to certain land in said towns to the department of conservation and recreation. (On enactment).

S.2418 Relative to promoting environmental justice. (On engrossment)

I would have voted in the *negative* on the following matter:

S.2404 Relative to special elections to fill vacancies for Senator and Representative in Congress.

(On enactment)

I respectfully request that this communication be printed in the Journal.

Thank you for your consideration.

Sincerely,  
Richard R. Tisci,  
State Senator.

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

*Reports of a Committee.*

The following reports of the committee on Taxation, ought not to pass (under Joint Rule 10) the time within having had to report on said matters having expired were considered:—

On the recommitted petition (accompanied by bill, Senate, No. 2018) of Susan C. Fargo and Susan W. Pope (by vote of the town) for legislation to authorize the town of Lincoln to regulate certain property tax exemption eligibility requirements for the elderly; and

On the recommitted petition (accompanied by bill, Senate, No. 2053) of Susan C. Fargo and Alice Hanlon Peisch (by vote of the town) for legislation to authorize the town of Weston to regulate certain property tax exemption eligibility requirements for the elderly.

**On motion of Ms. Creem, the petitions were severally recommitted to the Joint Committee on Taxation.**

*Communication.*

The Clerk read the following communication:

July 13, 2004.

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

Dear Mr. Clerk:

On Wednesday July 7th, I was out of state due to a long standing family commitment. Therefore, I was unable to be present in the Senate Chamber for the roll call votes on the following matters:

The first matter was on engrossment Of An Act Relative to Dangerous Buildings (H. 972). Had I been present, I would have voted in the affirmative.

The second matter taken up following a quorum roll call during the Joint Session, was on acceptance of an Amendment to the Constitution providing for the Abolition of the Governor's Council (S. 1984). Had I been present, I would have voted in the affirmative.

The third matter was on acceptance of the amended Amendment to the Constitution Creating a "Rainy Day" Fund to Provide Stable Revenues for the Commonwealth (H. 4691). Had I been present, I would have voted in the affirmative.

I would appreciate your assistance with the printing of this communication in today's Senate Journal. Thank you for your attention to this matter.

Sincerely,  
Scott P. Brown,  
State Senator.

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

*Report of a Committee.*

Mr. Shannon, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by His Excellency the Governor to the engrossed Bill relative to special elections to fill vacancies for Senator and Representative in Congress (Senate, No. 2404) (for message see Senate, No. 2443),— reported, asking to be discharged from further consideration thereof.

*After debate, the report was accepted.*

After further debate, Mr. Rosenberg in the Chair, the question on adoption of the amendment as recommended by His Excellency the Governor, was determined by a call of the yeas and nays at eight minutes past two o'clock P.M., on motion of Mr. Lees, as follows to wit (yeas 7 — nays 32) [**Yeas and Nays No. 605**]:

**YEAS.**

|                    |                        |
|--------------------|------------------------|
| Brown, Scott P.    | Sprague, Jo Ann        |
| Hedlund, Robert L. | Tarr, Bruce E.         |
| Knapik, Michael R. | Tisei, Richard R. — 7. |
| Lees, Brian P.     |                        |

**NAYS.**

|                         |                          |
|-------------------------|--------------------------|
| 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.  |

**The yeas and nays having been completed at twelve minutes past two o'clock P.M., the amendment was *rejected*. Sent to the House for its action.**

*Orders of the Day.*

The Orders of the Day were considered as follows:

Bills

To help in the recovering of lost dogs (Senate, No. 134);

To extend the life of impounded dogs (Senate, No. 135);

Relative to licensing fees for service dogs (Senate, No. 458);

Further clarifying the zoning act (Senate, No. 1143);

Relative to municipal bonding for underground utilities (Senate, No. 1162);

Civil service exemption for Joseph A. Vieira III in the town of Wilmington (Senate, No. 2350);

Relative to the appointment of retired police officers in the town of Wakefield (Senate, No. 2375);

Relative to municipal lighting plant cooperatives (House, No. 2425);

Relative to the use of certain funds by municipalities (House, No. 4184, changed and amended);

Relative to the school department in the town of Fairhaven (House, No. 4401, changed);

Establishing municipal affordable housing trust funds (House, No. 4709); and

Relative to pension benefits for Sergeant Charles L. Byrne, Jr. (House, No. 4722);

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

The House Bill relative to electric transmissions (House, No. 4432) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill relative to regional charter commissions (Senate, No. 1165),— was read a second time.

**Pending the question on ordering the bill to a third reading, on motion of Mr. Lees the bill was recommitted to the Joint Committee on Local Affairs and Regional Government.**

The House Bill relative to unlawful conduct by non-residents of public housing (House, No. 1705),— **was read a second time and ordered to a third reading.**

The Senate Bill relative to crimes against elders and persons with disabilities (Senate, No. 1083) (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, Ms. Melconian moved that the bill be amended by striking out, in section 1, in line 21, the word “negligently” and inserting in place thereof the following words:— “wantonly” or “recklessly”.

**The amendment was adopted.**

**The bill (Senate, No. 1083 amended) was then passed to be engrossed.**

**Sent to the House for concurrence.**

The Senate Bill authorizing the University of Massachusetts to convey a certain parcel of land and buildings in the town of Nantucket to the Nantucket Conservation Foundation (Senate, No. 2442, amended),— was read a third time.

Pending the question on passing the bill to be engrossed, Messrs. O’Leary and Rosenberg moved that the bill be amended in section 1, in the first sentence, by striking out the words “The commissioner of the division of capital asset management and maintenance, in consultation with the” and inserting in place thereof the following word:— “The”; and further moves to amend, in said section 1, in said first sentence, by striking out the words “on behalf of the Commonwealth”; and further moves to amend, in section 2, in the first sentence, by striking out the words “as determined by the commissioner of said division”; and further moves to amend, in said section 2, in the fourth sentence, by striking out the words “the commissioner for submission to”; and further moves to amend, in said section 2, in the fifth sentence, by striking out the word “commissioner” and inserting in place thereof the following word:— “university”; and further moves to amend, in said section 2, in the sixth sentence, by striking out the words “the commissioner for his approval or”; and further moves to amend, in said section 2, in the eighth sentence, by striking out the word “commissioner” and inserting in place thereof the following word:— university.

**After remarks, the amendment was adopted.**

**The bill (Senate, No. 2442, amended) was then passed to be engrossed.**

**Sent to the House for concurrence.**

The House Bill providing for dissection choice in the public schools (House, No. 1252, amended),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pacheco moved that the bill be amended by adding the following sentence:— “This section shall not be effective in any school district unless accepted by a vote of the district’s school committee.”

**At the request of Mr. Pacheco and Mr. Moore, the bill was laid over until the next session, under the provisions of Senate Rule 31.**

The House Bill prohibiting certain practices in home mortgage lending (House, No. 4880),— was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Wilkerson moved that the bill be amended in Section 1, by striking out, in line 162, the figure “5” and inserting in place thereof the following figure:— “2”; and further moves to amend, in said

Section 1, by striking out, in line 163, the figure “\$800” and inserting in place thereof the following figure:— “\$200”.

**The amendment was adopted.**

Ms. Wilkerson further moved that the bill be amended, in Section 1, by striking out, in lines 130 to 132, inclusive, the words “Nothing herein shall prohibit counseling that is conducted in whole or in part by telephone means.”

**The amendment was adopted.**

Mr. Nuciforo moved that the bill be amended in section 2, in the proposed section 28C, by adding the following subsection:—

“(c) The commissioner of banks may prescribe from time to time such rules and regulations as may be necessary or proper in carrying out this section. Such rules and regulations may contain such factors, classifications, differentiations or other provisions, and may provide for such adjustments and exceptions for any class of transactions as, in the judgment of the commissioner, are necessary or proper to carry out this section, to prevent circumvention or evasion thereof or to facilitate compliance therewith.”

**The amendment was adopted.**

After remarks, the question on passing the bill, as amended, to be engrossed was determined by a call of the yeas and the nays at twelve minutes before three o'clock P.M., on motion of Mr. Nuciforo, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 606**]:

| 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.             |
| Brown, Scott P.         | Murray, Therese                   |
| Brewer, Stephen M.      | Nuciforo, Andrea F., Jr.          |
| Chandler, Harriette L.  | O’Leary, Robert A.                |
| Creedon, Robert S., Jr. | Pacheco, Marc R.                  |
| Creem, Cynthia Stone    | Panagiotakos, Steven C.           |
| Fargo, Susan C.         | Resor, Pamela                     |
| Glodis, Guy W.          | Rosenberg, Stanley C.             |
| Hart, John A., Jr.      | Shannon, Charles E.               |
| Havern, Robert A.       | Sprague, Jo Ann                   |
| Hedlund, Robert L.      | Tarr, Bruce E.                    |
| Joyce, Brian A.         | Tisei, Richard R.                 |
| Knapik, Michael R.      | Tolman, Steven A.                 |
| Lees, Brian P.          | Tucker, Susan C.                  |
| Magnani, David P.       | Walsh, Marian                     |
| McGee, Thomas M.        | Wilkerson, Dianne —<br><b>39.</b> |
| Melconian, Linda J.     |                                   |
| NAYS — 0.               |                                   |

**The yeas and nays having been completed at nine minutes before three o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments.**

**Sent to the House for concurrence in the amendments.**

Subsequently, Mr. Nuciforo asked unanimous consent that no action having been taken on passing the bill to be engrossed; and there being no objection the bill was further considered.

Mr. Nuciforo moved that the bill be amended in section 1, by striking out the definition of "Home mortgage loan" (inserted by amendment by the Senate);

In said section 1, by inserting after the words "High Cost Home Mortgage Loan", in line 49, the following words:—"a consumer credit transaction that is secured by the borrower's principal dwelling, other than a reverse mortgage transaction,"; and

In said section 1, by inserting after the words "dividing any loan transaction into separate parts" (inserted by amendment by the Senate), the following words:—"for the purpose of evading this chapter".

**The amendment was adopted.**

**The bill was passed to be engrossed, in concurrence, with the amendments.**

**Sent to the House for concurrence in the amendments.**

The Senate Bill relative to the punishment for sale and storage of fireworks (Senate, No. 1364),— was considered, the main question being on ordering it to a third reading.

The pending motion, previously moved by Mr. Lees, to lay the matter on the table was considered; and it was *negatived*.

**Pending the main question on ordering the bill to a third reading, on motion of Mr. Lees, the further consideration thereof was postponed until Sunday, August 1.**

The Senate Bill relative to the worker's compensation exclusive remedy (Senate, No. 72, amended),— was considered; the question being on passing the bill to be engrossed.

**On motion of Mr. Hart, the further consideration thereof was postponed until Tuesday, July 20.**

The Senate Bill relative to the regulation of motor vehicle livery services and the licensing of livery operators (Senate, No. 1375),—was considered; the question being on ordering the bill to a third reading.

**On motion of Mr. Lees, the further consideration thereof was postponed until Sunday, August 1.**

The Senate Bill relative to the modification of the helmet law (Senate, No. 1363),— was considered; the main question being on ordering it to a third reading.

The Senate adopted the amendment, previously moved by Messrs. Moore, Brewer and Barrios, by adding at the end thereof the text of Senate document numbered 2385.

**The bill (Senate, No. 1363, amended) was then ordered to a third reading.**

The Senate Bill further strengthening the mandatory reporting law (Senate, No. 2411),— was considered, the main question being on passing it to be engrossed.

Mr. Magnani offered an amendment, adding the following section:—

"SECTION 2. Said section 51A of said chapter 119, as so appearing, is hereby further amended by adding the following paragraph:—

Notwithstanding any general or special law to the contrary, any employer whose employees are subject to the mandatory reporting law shall, within 3 months of the hiring of such employees certify that they provide evidence that they have been trained to meet the requirements of this section. The training shall meet a training protocol established by the Children's Trust Fund, in consultation with the department of social services. The protocol shall be designed such that cases which can be substantiated are reported and cases which are not later substantiated are minimized. A report certifying compliance with this paragraph shall be submitted to the department of social services by the employer on an annual basis and shall include names and dates of training and of individuals who have received such training during the prior year. Occupations licensed by the commonwealth which require continuing education and are subject to the mandatory reporting laws shall include the training established by this paragraph in the continuing education requirements for license renewal."

**The amendment was adopted.**

Mr. McGee and Ms. Walsh offered a further amendment striking out the words "\$25,000 or by imprisonment in the house of correction for not more than 2½ years, or both" and inserting in place thereof the following words:—" \$10,000 or by imprisonment in the house of correction for not more than 6 months, or both."

**The amendment was adopted. The bill (Senate, No. 2411, amended) was then passed to be engrossed. Sent to the House for concurrence.**

*Engrossed Bill Returned by Governor*

With His Objections Thereto.

The engrossed Bill relative to retirees' group health insurance premium contributions in the city of Waltham (see Senate, No. 2001), which, on Monday, June 28, 2004, had been laid before His Excellency the Governor for his approbation,— was returned to the Senate Clerk by the Governor on Thursday, July 8, 2004, at twenty-two minutes before five o'clock P.M., with his objections thereto in writing [for message, see Senate, No. 2433].

The message (Senate, No. 2433) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of Article LVI of the Amendments to the Constitution.

After remarks, the question on passing the bill, 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 eight minutes past three o'clock P.M., as follows, to wit (yeas 33 — nays 6) **[Yeas and Nays No. 607]:**

| 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 —<br><b>33.</b> |
| Menard, Joan M.         |                                   |
| NAYS.                   |                                   |
| Brown, Scott P.         | Lees, Brian P.                    |
| Hedlund, Robert L.      | Sprague, Jo Ann                   |
| Knapik, Michael R.      | Tarr, Bruce E. . — <b>6.</b>      |

The yeas and nays having been completed at thirteen minutes past three o'clock P.M., the bill was passed by the Senate, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present having approved the same.  
Sent to the House for its action.

*Paper from the House.*

*Engrossed Bill Returned by Governor*

With His Objections Thereto.

The engrossed Bill authorizing the modification of the form of property tax billing in the town of Belmont (see House, No. 3981), which, on Monday, May 10, 2004, had been laid before His Excellency the Governor for his approbation,— came from the House, the same having been returned by His Excellency the Governor, with his objections thereto in writing (for message, See House, No. 4755) and having passed that branch, notwithstanding said objections.

The message (House, No. 4755) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

After remarks, the question on passing the bill, 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 sixteen minutes after three o'clock P.M., as follows, to wit (yeas 32 — nays 7) [**Yeas and Nays No. 608**]:

#### **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 —      |
|                         | <b>32.</b>               |

#### **NAYS.**

|                    |                     |
|--------------------|---------------------|
| Brown, Scott P.    | Sprague, Jo Ann     |
| Hedlund, Robert L. | Tarr, Bruce E.      |
| Knapik, Michael R. | Tisei, Richard R. — |
| Lees, Brian P.     | <b>7.</b>           |

The yeas and nays having been completed at twenty minutes past three o'clock P.M., the bill was passed by the Senate, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

*Engrossed Bills Returned by Governor*

*With His Objections Thereto.*

The engrossed Bill relative to credit union boards of directors (see Senate, No. 13), which, on Wednesday, May 19, 2004, had been laid before His Excellency the Governor for his approbation,— was returned to the Senate Clerk by the Governor on Friday, May 28, 2004, at twenty-five minutes past three o'clock P.M., with his objections thereto in writing [for message, see Senate, No. 2366].

The message (Senate, No. 2366) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of Article LVI of the Amendments to the Constitution.

The question on passing the bill, 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-two minutes past three o'clock P.M., as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 609**]:

| <b>YEAS.</b>            |                                   |
|-------------------------|-----------------------------------|
| Antonioni, Robert A.    | Menard, Joan M.                   |
| Baddour, Steven A.      | Montigny, Mark C.                 |
| Barrios, Jarrett T.     | Moore, Richard T.                 |
| Berry, Frederick E.     | Morrissey, Michael W.             |
| Brown, Scott P.         | Murray, Therese                   |
| Brewer, Stephen M.      | Nuciforo, Andrea F., Jr.          |
| Chandler, Harriette L.  | O'Leary, Robert A.                |
| Creedon, Robert S., Jr. | Pacheco, Marc R.                  |
| Creem, Cynthia Stone    | Panagiotakos, Steven C.           |
| Fargo, Susan C.         | Resor, Pamela                     |
| Glodis, Guy W.          | Rosenberg, Stanley C.             |
| Hart, John A., Jr.      | Shannon, Charles E.               |
| Havern, Robert A.       | Sprague, Jo Ann                   |
| Hedlund, Robert L.      | Tarr, Bruce E.                    |
| Joyce, Brian A.         | Tisei, Richard R.                 |
| Knapik, Michael R.      | Tolman, Steven A.                 |
| Lees, Brian P.          | Tucker, Susan C.                  |
| Magnani, David P.       | Walsh, Marian                     |
| McGee, Thomas M.        | Wilkerson, Dianne —<br><b>39.</b> |
| Melconian, Linda J.     |                                   |
| <b>NAYS — 0.</b>        |                                   |

**The yeas and nays having been completed at twenty-seven minutes past three o'clock P.M., the bill was passed by the Senate, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.  
Sent to the House for its action.**

The engrossed Bill directing the retirement board of the city of Quincy to grant creditable service to James J. Dentremont (see Senate, No. 1933), which, on Wednesday, June 9, 2004, had been laid before His Excellency the Governor for his approbation,— was returned to the Senate Clerk by Her Honor the Lieutenant-Governor, Acting Governor on Friday, June 18, 2004, at twenty minutes past eleven o'clock A.M., with her objections thereto in writing [for message, see Senate, No. 2396].

The message (Senate, No. 2396) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of Article LVI of the Amendments to the Constitution.

The question on passing the bill, in concurrence, the objections of Her Honor the Lieutenant-Governor, Acting Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-eight minutes past three o'clock P.M., as follows, to wit (yeas 35 — nays 4) **[Yeas and Nays No. 610]:**

| <b>YEAS.</b>            |                                |
|-------------------------|--------------------------------|
| 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.                 |
| Hedlund, Robert L.      | 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 — <b>35.</b> |
| Menard, Joan M.         |                                |
| <b>NAYS.</b>            |                                |
| Brown, Scott P.         | Lees, Brian P.                 |
| Knapik, Michael R.      | Sprague, Jo Ann — <b>4.</b>    |

**The yeas and nays having been completed at twenty-seven minutes before four o'clock P.M., the bill was passed by the Senate, notwithstanding the objections of Her Honor the Lieutenant-Governor, Acting Governor, two-thirds of the**

**members present and voting having approved the same  
Sent to the House for its action.**

Papers from the House.

*Emergency Preamble Adopted.*

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Plainville (see House, No. 4201), 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 2.

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

*Engrossed Bill — Land Taking for Conservation, Etc.*

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to transfer a certain parcel of conservation/recreation land within the town of Sandwich (see Senate, No. 2117) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-six minutes before four o'clock P.M., as follows, to wit (yeas 38 — nays 1) [**Yeas and Nays No. 611**]:

| <b>YEAS.</b>            |                                   |
|-------------------------|-----------------------------------|
| Antonioni, Robert A.    | Menard, Joan M.                   |
| Baddour, Steven A.      | Montigny, Mark C.                 |
| Barrios, Jarrett T.     | Moore, Richard T.                 |
| Berry, Frederick E.     | Morrissey, Michael W.             |
| Brown, Scott P.         | Murray, Therese                   |
| Brewer, Stephen M.      | Nuciforo, Andrea F., Jr.          |
| Chandler, Harriette L.  | O'Leary, Robert A.                |
| Creedon, Robert S., Jr. | Pacheco, Marc R.                  |
| Creem, Cynthia Stone    | Panagiotakos, Steven C.           |
| Fargo, Susan C.         | Resor, Pamela                     |
| Glodis, Guy W.          | Rosenberg, Stanley C.             |
| Hart, John A., Jr.      | Shannon, Charles E.               |
| Havern, Robert A.       | Sprague, Jo Ann                   |
| 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 —<br><b>38.</b> |

|                         |
|-------------------------|
| <b>NAYS.</b>            |
| Hedlund, Robert L.— 1 . |

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

At twenty minutes before four o'clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the Chair (Mr. Rosenberg) declared a recess; and, at thirteen minutes past four o'clock P.M., the Senate reassembled, Mr. Havern in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Papers from the House.

*Engrossed Bills — Land Taking for Conservation, Etc.*

An engrossed Bill authorizing the town of Wareham to grant a conservation restriction to the Wareham land trust (see Senate, No. 1171) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at fourteen minutes past four o'clock P.M., as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 612**]:

**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.    |
| Brown, Scott P.         | Murray, Therese          |
| Brewer, Stephen M.      | Nuciforo, Andrea F., Jr. |
| Chandler, Harriette L.  | O'Leary, Robert A.       |
| Creedon, Robert S., Jr. | Pacheco, Marc R.         |
| Creem, Cynthia Stone    | Panagiotakos, Steven C.  |
| Fargo, Susan C.         | Resor, Pamela            |
| Glodis, Guy W.          | Rosenberg, Stanley C.    |
| Hart, John A., Jr.      | Shannon, Charles E.      |
| Havern, Robert A.       | Sprague, Jo Ann          |
| Hedlund, Robert L.      | Tarr, Bruce E.           |
| Joyce, Brian A.         | Tisei, Richard R.        |
| Knapik, Michael R.      | Tolman, Steven A.        |
| Lees, Brian P.          | Tucker, Susan C.         |
| Magnani, David P.       | Walsh, Marian            |
| McGee, Thomas M.        | Wilkerson, Dianne —      |
| Melconian, Linda J.     | <b>39.</b>               |

## NAYS — 0.

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

An engrossed Bill designating certain lands in the town of Tewksbury for conservation, agriculture and passive public recreational purposes (see Senate, No. 2427) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-one minutes past four o'clock P.M., as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 613**]:

## 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.    |
| Brown, Scott P.         | Murray, Therese          |
| Brewer, Stephen M.      | Nuciforo, Andrea F., Jr. |
| Chandler, Harriette L.  | O'Leary, Robert A.       |
| Creedon, Robert S., Jr. | Pacheco, Marc R.         |
| Creem, Cynthia Stone    | Panagiotakos, Steven C.  |
| Fargo, Susan C.         | Resor, Pamela            |
| Glodis, Guy W.          | Rosenberg, Stanley C.    |
| Hart, John A., Jr.      | Shannon, Charles E.      |
| Havern, Robert A.       | Sprague, Jo Ann          |
| Hedlund, Robert L.      | Tarr, Bruce E.           |
| Joyce, Brian A.         | Tisei, Richard R.        |
| Knapik, Michael R.      | Tolman, Steven A.        |
| Lees, Brian P.          | Tucker, Susan C.         |
| Magnani, David P.       | Walsh, Marian            |
| McGee, Thomas M.        | Wilkerson, Dianne —      |
| Melconian, Linda J.     | <b>39.</b>               |

## NAYS — 0.

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

An engrossed Bill relative to the release of a conservation restriction in the town of Grafton (see House, No. 4352) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined

by a call of the yeas and nays, at twenty-four minutes past four o'clock P.M., as follows, to wit (yeas 38 — nays 1 ) [**Yeas and Nays No. 614**]:

**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.    |
| Brown, Scott P.         | Murray, Therese          |
| Brewer, Stephen M.      | Nuciforo, Andrea F., Jr. |
| Chandler, Harriette L.  | O'Leary, Robert A.       |
| Creedon, Robert S., Jr. | Pacheco, Marc R.         |
| Creem, Cynthia Stone    | Panagiotakos, Steven C.  |
| Fargo, Susan C.         | Resor, Pamela            |
| Glodis, Guy W.          | Rosenberg, Stanley C.    |
| Hart, John A., Jr.      | Shannon, Charles E.      |
| Havern, Robert A.       | Sprague, Jo Ann          |
| 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 —      |
|                         | <b>38.</b>               |

**NAYS.**

Hedlund, Robert L.— **1 .**

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

***Engrossed Bill — State Loan.***

An engrossed Bill authorizing certain bonds for school building assistance (see House, No. 1000) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage; and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-seven minutes past four o'clock P.M., as follows, to wit (yeas 39 — nays 0 ) [**Yeas and Nays No. 615**]:

**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.    |
| Brown, Scott P.         | Murray, Therese          |
| Brewer, Stephen M.      | Nuciforo, Andrea F., Jr. |
| Chandler, Harriette L.  | O’Leary, Robert A.       |
| Creedon, Robert S., Jr. | Pacheco, Marc R.         |
| Creem, Cynthia Stone    | Panagiotakos, Steven C.  |
| Fargo, Susan C.         | Resor, Pamela            |
| Glodis, Guy W.          | Rosenberg, Stanley C.    |
| Hart, John A., Jr.      | Shannon, Charles E.      |
| Havern, Robert A.       | Sprague, Jo Ann          |
| Hedlund, Robert L.      | Tarr, Bruce E.           |
| Joyce, Brian A.         | Tisei, Richard R.        |
| Knapik, Michael R.      | Tolman, Steven A.        |
| Lees, Brian P.          | Tucker, Susan C.         |
| Magnani, David P.       | Walsh, Marian            |
| McGee, Thomas M.        | Wilkerson, Dianne —      |
| Melconian, Linda J.     | <b>39.</b>               |

### **NAYS — 0.**

**The yeas and nays having been completed at twenty-nine minutes past four o’clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Havern) and laid before the Governor for his approbation.**

#### ***Matters Taken Out of the Notice Section of the Calendar.***

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows:

The House Bill authorizing Martha’s Vineyard affordable housing covenants (House, No. 1510),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. O’Leary moved that the bill be amended by striking out section 2 and inserting in place thereof the following 2 sections:—

“SECTION 2. Section 3 of chapter 102 of the acts of 1986 is hereby amended by inserting after the fourth paragraph the following paragraph:—

The provisions of section 32 of chapter 121B of the General Laws that require that rents of dwelling units in certain projects be a percentage of tenant income shall not apply to any low-rent housing project that has not been developed or acquired by the authority with state assistance under sections 32, 34 or 41 of said chapter 121B, but all units in any such low-rent housing project shall be leased to families of low income, elderly persons of low income or handicapped persons of low income.

SECTION 3. This act shall take effect upon its passage.”.

**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.**

The House bills

Relative to the charter of the city of Gloucester (House, No. 4092);

Relative to the membership of the Lake Quinsigamond Commission (House, No. 4133); and

Authorizing the town of Rockport to borrow a certain amount of money (House, No. 4281);

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

The House Bill authorizing the town of Wareham to construct a sewer in certain park land (House, No. 4150) (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. Pacheco moved that the bill be amended by inserting after the word “town”, in line 3, the second time it appears, the following words: “, if the town provides appropriate mitigation for this sewer easement for the purposes of Article XLIX, as appearing in Article XCVII, of the Amendments to the Constitution”.

**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.**

#### **Papers from the House.**

A Bill merging the Woodland Water District of Auburn with the Auburn Water District (House, No. 4333, amended,— on petition),— was read.

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

#### ***Committee of Conference Report.***

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 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) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2401), reports, in part, a Bill restructuring the transportation system of the Commonwealth (House, No. 4972),— came from the House, and was read.

**There being no objection, the rules were suspended, on motion of Ms. Murray, and the report was considered forthwith and it was accepted, in concurrence.**

A Bill relative to the town of Marion apportioning sewer assessments over a maximum of thirty annual payments and charging interest at a rate of interest chargeable to the town (House, No. 4402,— on petition) [Local approval received].

**There being no objection, the rules were suspended, on motion of Mr. Pacheco, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the Senate committee on Bills in the Third Reading to read as follows; “An Act Relative to Sewer Easements in the town of Marion.”**

#### ***Matter Taken Out of the Notice Section of the Calendar.***

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows:

The House Bill relative to the administrative judges of the Division of Industrial Accidents (House, No. 4465),— was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Panagiotakos offered an amendment inserting after Section 2 the following 2 sections:—

“SECTION 2A. The first paragraph of section 5 of said chapter 23E, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following 2 sentences:— “The initial appointment of all members shall be for a term of 6 years; subsequent reappointments of sitting members shall be for an additional term of 6 years which shall commence on the date of expiration of the initial or subsequent term. The appointment or reappointment of members shall be made by the governor with the advice and consent of the council.

SECTION 2B. Said section 5 of said chapter 23E, as so appearing, is hereby further amended by inserting after the first paragraph the following paragraph:—

Notwithstanding any general or special law to the contrary, a newly appointed member who has never previously served on the reviewing board, shall be reviewed for performance by the senior judge during his initial term between the twenty-first and the twenty-fourth month of the term. The performance review shall be subject to criteria established by the senior judge. If the

performance review supports continuation of the term, that administrative law judge shall continue to serve the remainder of the appointed term. If the performance review recommends against a continuation of the appointed term, the performance review shall be submitted to the governor for appropriate action pursuant to section 8.”

**The amendment was adopted.**

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

**Sent to the House for concurrence in the amendment.**

#### **Paper from the House.**

The House Bill authorizing the city of Taunton to reinstitute an early retirement program (House, No. 3871),— came from the House with the endorsement that the House had concurred in the Senate amendment striking out section 4 and inserting in place thereof the following section:—

“SECTION 4. Notwithstanding section 116 of chapter 46 of the acts of 2003, the executive authority, in consideration of the benefits conferred in this act, shall negotiate to agreement any payment due to the employees for accrued vacation time, unused sick leave, and other payments to employees usually made at the time of retirement in accordance with chapter 150E.

Notwithstanding the negotiation referenced in this section, payments shall be made over a period of 5 years. Any payments due, as provided in this section, shall commence, at the earliest, on July 1, 2005.”, *with a further amendment*, striking out the following: “116 of the acts of 2003” and inserting in place thereof the following: “section 116 of chapter 46 of the acts of 2003”.

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

#### **Report of a Committee.**

Mr. Magnani 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 Senate Bill relative to the modernization of optometric patient care (Senate, No. 2251) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft with the same title (Senate, No. 2432).

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

**The bill (Senate, No. 2432) was then ordered to a third reading.**

#### **Order Adopted.**

On motion of Ms. Menard,—

**Ordered , That when the Senate adjourns today, it adjourn to meet again tomorrow at a quarter before one o’clock P.M., and that the Clerk be directed to dispense with the printing of a calendar.**

#### **Adjournment in Memory of Dr. Kenneth D. Herman.**

The Senator from Middlesex and Norfolk, Ms. Creem moved that when the Senate adjourns today it adjourn in memory of Dr. Kenneth D. Herman.

Dr. Herman, trained as a lawyer and psychologist, founded the Children and Law Program at Massachusetts General Hospital. He served as guardian ad litem to hundreds of children throughout his career and his advocacy on behalf of the children he represented was unwavering. Well- known and respected throughout the Probate and Family Courts, his training of a new generation of court-appointed advisors helped to bridge the gap between the professions of law and psychology. Dr. Herman’s voice on behalf of the children he represented will be missed along with his contributions to the advancement of his profession which continued throughout his career.

Accordingly, as a mark of respect to the memory of Dr. Kenneth D. Herman at sixteen minutes before five o’clock P.M. on the motion of Ms. Fargo, the Senate adjourned to meet again tomorrow at a quarter before one o’clock P.M.