

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.



Friday, July 30, 2004.

Met at thirteen minutes past eleven o'clock A.M.

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

Reports.

A report of the Division of Unemployment Assistance (under the provisions of Section 14F of Chapter 151A of the General Laws as most recently amended by Section 6 of Chapter 142 of the Acts of 2003) relative to the condition of the Unemployment Insurance Trust Fund for June 2004 (received Tuesday, July 27, 2004),— **was placed on file.**

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Middlesex County House of Correction and Jail (Billerica) (received Thursday, July 22, 2004),— **was read and sent to the House for its information.**

Petitions.

Mr. O'Leary presented a petition (accompanied by bill, Senate, No. 2473) of Robert A. O'Leary and Eric Turkington (by vote of the town) for legislation to authorize the Dukes County contributory retirement system to grant certain retirement benefits to Joann DeBettencourt [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Public Service.**
Sent to the House for concurrence.

Petitions were presented and referred, as follows:

By Mr. Hart, a petition (subject to Joint Rule 12) of John A. Hart, Jr. for legislation relative to civil service and the fire department of the city of Boston;

By Mr. Hedlund, a petition (subject to Joint Rule 12) of Robert L. Hedlund, Scott P. Brown, Philip Travis, Reed V. Hillman and other members of the General Court for legislation relative to motor vehicle liability for motorcycles;

By Mr. O'Leary, a petition (subject to Joint Rule 12) of Robert A. O'Leary for legislation to establish the Massachusetts catastrophic event fund; and

By Mr. O'Leary, a petition (subject to Joint Rule 12) of Robert A. O'Leary and Eric Turkington for legislation relative to dual agency;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

Mr. Glodis, for the committee on Insurance, that the recommitted Senate Bill relative to the Viatical and Life Settlements Act (Senate, No. 2186),— **ought to pass;**

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

Mr. Magnani, for the committee on Steering and Policy, reported that the following matters be placed in the Orders of the Day for the next session:

The Senate bill further regulating trade (Senate, No. 2110); and

The House bills

Relative to the eligibility for health insurance for school employees (House, No. 241);
Further regulating certain consumer products pricing practices (House, No. 490);
Relative to cooking facilities in lodging houses (House, No. 815); and
Relative to fees charged for the sending of bills and invoices by postal mail (House, No. 4398).

Committee Discharged.

Ms. Chandler, for the committee on Housing and Urban Development, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2453) of Susan C. Fargo and Susan W. Pope (by vote of the town) for legislation relative to certain housing in the town of Lincoln,— and recommending that the same be referred to the Senate committee on Ethics and Rules.

**Under Senate Rule 36, the report was considered forthwith and accepted.
Sent to the House for concurrence in the discharge of the joint committee.**

PAPERS FROM THE HOUSE.

Messages were referred, in concurrence, as follows:

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) relative to authorizing the State Secretary to place an election in the town of Dracut on the state ballot (House, No. 5025); and

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the results of the annual town election held in the town of Falmouth on May 18, 2004 (House, No. 5026);

Severally to the committee on Election Laws.

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) relative to validating the action taken at a town meeting held by the town of Leverett (House, No. 5027); and

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken by the town of Webster open town meeting (House, No. 5028);

Severally to the committee on Local Affairs.

Message from His Excellency the Governor recommending legislation relative to providing for the construction of a special facility for the Department of Youth Services (House, No. 5029);

To the committee on State Administration.

Emergency Preambles Adopted.

An engrossed Bill authorizing the Department of Conservation and Recreation and the Department of Fish and Game to acquire conservation restrictions in and to lands owned by the cities of New Bedford and Taunton and the towns of Freetown, Lakeville, Middleborough and Rochester (see Senate, No. 1229, 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 6 to 0.**

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

An engrossed Bill relative to oil spill prevention and response in Buzzards Bay and other harbors and bays in the Commonwealth (see House, No. 4831, 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 5 to 0.**

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

Report of a Committee.

By Mr. Brewer, for the committee on Ethics and Rules, on Senate, No. 2288, in part, a "Bill improving the child support collection process" (Senate, No. 1117);

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

Pending the question on ordering the bill to a third reading, Mr. Shannon offered an amendment, substituting a new draft with the same title (Senate, No. 2474).

This amendment was adopted.

The bill (Senate, No. 2474) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

Matters Taken Out of the Orders of the Day.

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

The Senate Bill to authorize the city of Quincy to establish interest rates payable on deferred property taxes and water charges (Senate, No. 2259),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the city of Quincy to establish interest rates payable on deferred property taxes and water charges"**.

The Senate Bill relative to the appointment of retired police officers in the town of Wakefield (Senate, No. 2375),— **was read a third time and passed to be engrossed.**

The Senate Bill relative to the charter of the town of Rockland (Senate, No. 2435),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act establishing a capital planning committee in the town of Rockland"**.

The Senate Bill relative to the charter of the town of Rockland (Senate, No. 2436),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act relative to the town collector of the town of Rockland"**.

The Senate Bill relative to the charter of the town of Rockland (Senate, No. 2437),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act relative to the town administrator of the town of Rockland"**.

The Senate Bill relative to the charter of the town of Rockland (Senate, No. 2438),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act relative to the finance committee of the town of Rockland"**.
Severally sent to the House for concurrence.

The House Bill placing certain school department positions in the city of Gardner under the civil service law (House, No. 4204, amended),— **was read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

A Bill authorizing the town of Marshfield to reduce sewer fee liability and betterment charge in exchange for volunteer services by persons over the age of sixty (House, No. 4532, — on petition) [Local approval received],— **was read.**

There being no objection, the rules were suspended, on motion of Mr. Panagiotakos, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the town of Marshfield to reduce sewer fee liability and betterment charge in exchange for seniors' volunteer services."

A Bill authorizing the town of Swansea to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4742, — on House, No. 4680) [Local approval received on House, No. 4680],— **was read.**

There being no objection, the rules were suspended, on motion of Mr. Panagiotakos, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the town of Swansea to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises."

Report of Committees.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Marian Walsh and Michael F. Rush for legislation relative to the Veteran Status of Michael L. Buckley.
Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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:

Further regulating meetings of municipal boards (see Senate, No. 2247);
 Providing for a strong town manager form of government in the town of Abington (see Senate, No. 2345);
 Establishing a one trial system for civil cases (see House, No. 732, amended); and
 Relative to a certain parcel of land in the town of Hinsdale (see House, No. 4199, amended).

Engrossed Bill Returned by Governor With His Objections Thereto.

The engrossed Bill relative to special elections to fill vacancies for Senator and Representative in Congress (see Senate, No. 2404), which, on Wednesday, July 14, 2004, had been laid before His Excellency the Governor for his approbation,— **was returned to the Senate Clerk by His Excellency the Governor on Friday, July 23, 2004, at twelve minutes before five o'clock P.M., with his objections thereto in writing [for message, see Senate, No. 2472].**

The message (Senate, No. 2472) 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, 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-nine minutes past eleven o'clock A.M., as follows, to wit (yeas 30 — nays 6) **[Yeas and Nays No. 718]:**

YEAS.	
Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Joyce, Brian A.	Tisei, Richard R.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 30.
NAYS.	
Brown, Scott P.	Lees, Brian P.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E. — 6.
ABSENT OR NOT VOTING.	
Berry, Frederick E.	Resor, Pamela — 3.
Creedon, Robert S., Jr.	

The yeas and nays having been completed at twenty-seven minutes before twelve o'clock noon, 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.

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey easements for the transmission of natural gas over lands formerly under the control of the county of Essex in the town of Middleton and the cities of Peabody and Salem to Maritimes & Northeast Pipeline, L.L.C. (see Senate, No. 1678, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 10 to 0.**
The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing the University of Massachusetts to convey a certain parcel of land and buildings in the town of Nantucket to the Nantucket Conservation Foundation (see Senate, No. 2442, 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 12 to 0.**
The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Holden (see House, No. 4987), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 9 to 0.**
The bill was signed by the President and sent to the House for enactment.

PAPERS FROM THE HOUSE.

Engrossed Bill Returned by Governor With His Objections Thereto.

The engrossed Bill establishing a speed limit for Sassaquin Avenue in the city of New Bedford (see House, No. 3741), which, on Thursday, December 4, 2003, 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. 4386] and having passed that branch, notwithstanding said objections.**

The message (House, No. 4865) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of 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-three minutes before twelve o'clock noon, as follows, to wit (yeas 30 — nays 7) [**Yeas and Nays No. 719**]:

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

Barrios, Jarrett T.	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.	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 — 31.
Menard, Joan M.	
NAYS.	
Brown, Scott P.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 7.
Lees, Brian P.	
ABSENT OR NOT VOTING.	
Berry, Frederick E.	Resor, Pamela — 2.

The yeas and nays having been completed at twenty-one minutes before twelve o'clock noon, 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.

Message from the Governor — Disapproval and Reductions in General Appropriation Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 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 (see House, No. 4850), which on Wednesday, June 16, 2004, had been laid before the Governor for his approbation,— **came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.**

The message (House, No. 4900) was read; and the Senate proceeded to reconsider several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 7007-0515 (Regional Economic Development Projects) was considered as follows:

“7007-0515

For economic development grants to be administered by the department of business and technology; provided, that not less than \$150,000 be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce;

provided further, that not less than \$200,000 shall be expended on the operation of the Massachusetts Fisheries Recovery Commission; and provided further, that not less than \$200,000 shall be expended for a grant to the South Shore Tri-Town Development Corporation established in chapter 301 of the acts of 1998 550,000”.

The question on passing item 7007-0515, contained in section 2, in concurrence, the reductions and 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 nineteen minutes before twelve o'clock noon, as follows, to wit (yeas 33 — nays 4) [**Yeas and Nays No. 720**]:

YEAS.	
Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	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.	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 — 33.
Menard, Joan M.	
NAYS.	
Brown, Scott P.	Lees, Brian P.
Knapik, Michael R.	Sprague, Jo Ann — 4.
ABSENT OR NOT VOTING.	
Berry, Frederick E.	Resor, Pamela — 2.

The yeas and nays having been completed at seventeen minutes before twelve o'clock noon, item 7007-0515, contained in section 2, stands, in concurrence, notwithstanding the reductions and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 294 (Registry of Motor vehicles — safe driver study) was considered as follows:

“SECTION 294. To increase further a sense of responsibility on the part of inexperienced drivers and to increase the safety of all legitimate users of the roadway system, including but not limited to, motorists, pedestrians, the disabled, bicyclists, and motorcyclists, the Registry of Motor Vehicles is hereby directed to undertake a study of their policies, programs, curricula, testing materials and publications to ensure that education requirements encompass the safety of all roadway users and such efforts to promote safety are integrated across all such policies, programs, curricula, testing materials and publications. The Registrar shall convene a study commission by September 1, 2004 whose membership shall include the following: the Registrar or her designee who shall serve as chair and as a non-voting member; a representative of the Governor’s Highway Safety Bureau appointed by the Sec. of Public Safety; one of three persons recommended by the Mass. Bicycle Coalition and appointed by the Secretary of Public Safety; one of three persons recommended by Walk Boston and appointed by the Secretary of Public Safety; a representative of the insurance industry appointed by the Registrar; one of three persons recommended by the motorcycle interests and appointed by the Secretary of Public Safety; the chairs of the House and Senate Committees on Public Safety or their designees; a representative of the driver education industry appointed by the Registrar. The Study Commission shall report to the Secretary of Public Safety, the Registrar of Motor Vehicles, the joint Committee on Public Safety and the House and Senate Committees on Ways and Means June 1, 2005.”

The question on passing section 294, 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 before twelve o’clock noon, as follows, to wit (yeas 33 — nays 4) [**Yeas and Nays No. 721**]:

YEAS.	
Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	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.	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 — 33.
Menard, Joan M.	
NAYS.	
Brown, Scott P.	Lees, Brian P.

Knapik, Michael R.	Sprague, Jo Ann — 4.
ABSENT OR NOT VOTING.	
Berry, Frederick E.	Resor, Pamela — 2.

The yeas and nays having been completed at thirteen minutes before twelve o'clock noon, section 294 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 304 (Public Health Access Program Report) was considered as follows:

“SECTION 304. Notwithstanding any general or special law to the contrary, the executive office of health and human services shall annually prepare a public health access program beneficiary employer report. For the purposes of this section, a “public health access program beneficiary” shall mean a person who receives medical assistance or medical benefits under chapter 118E of the General Laws or a person who receives health care services that qualifies as free care pursuant to chapter 118G of the General Laws. The report shall provide the following information for each employer of 50 or more public health access beneficiaries: (1) The name and address of the employer; (2) the number of public health access program beneficiaries who are employees of the employer; (3) the number of public health access program beneficiaries who are spouses or dependents of employees of the employer; (4) whether the employer offers health benefits to its employees; and (5) the cost to the Commonwealth of providing public health access program benefits for their employees and enrolled dependents. The report shall not include the names of any individual public health access program beneficiaries and shall be subject to privacy standards pursuant to Public Law 104-191, and the Health Insurance Portability and Accountability Act of 1996. The report shall be submitted annually on February 1 to the Joint Committee on Health Care and the House and Senate Committees on Ways and Means.”

The question on passing section 304, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twelve minutes before twelve o'clock noon, as follows, to wit (yeas 33 — nays 5) **[Yeas and Nays No. 722]**:

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.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian

Melconian, Linda J.	Wilkerson, Dianne — 33.
Menard, Joan M.	
NAYS.	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Sprague, Jo Ann — 5.
Knapik, Michael R.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

Ms. Melconian in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), the yeas and nays having been completed at nine minutes before twelve o'clock noon, Section 304 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 306 (Neighborhood Health Plan IGT) was considered as follows:

“SECTION 306. Notwithstanding the provisions of any general or special law or regulation to the contrary, the division of medical assistance may expend, subject to federal approval, an amount not to exceed \$16,000,000 from the medical assistance intergovernmental transfer account within the medical assistance intergovernmental uncompensated care trust fund for Title XIX payments to Neighborhood Health Plan. The payments shall be established in accordance with Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the Commonwealth’s Title XIX state plan, and the terms and conditions of agreements reached with the division for such payments. No such funds shall be expended unless Neighborhood Health Plan has executed a managed care contract with the division of medical assistance and makes an intergovernmental funds transfer in an amount specified in an agreement, which amount shall be not less than 50 per cent of the Title XIX payment. All revenues generated pursuant to the provisions of this section shall be credited to the medical assistance intergovernmental transfer account and administered in accordance with the provisions of paragraph (o) of section 18 of chapter 118G of the General Laws.”

The question on passing section 306, 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 before twelve o'clock noon, as follows, to wit (yeas 34 — nays 4) **[Yeas and Nays No. 723]:**

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
Brown, Scott P.	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.	Rosenberg, Stanley C.

Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tarr, Bruce 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 — 34.
NAYS.	
Hedlund, Robert L.	Lees, Brian P.
Knapik, Michael R.	Sprague, Jo Ann — 4.
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at six minutes before twelve o'clock noon, section 306 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 329 (Commission on a Medical Malpractice Claims Court) was considered as follows:

“SECTION 329. There is hereby established a special commission, to consist of three members of the senate including minority representation, four members of the house of representatives including minority representation, the chief justice for administration and management of the trial court or his designee, and five persons to be appointed by the governor, one of whom shall be a representative of the Massachusetts Bar Association, one of whom shall be a representative of the Massachusetts Medical Society, one of whom shall be a member of the Massachusetts Academy of Trial Attorneys and one of whom shall be a consumer of health care who is not a doctor or lawyer. Said commission is hereby authorized and directed to conduct an investigation into the feasibility of creating a specialized court for purposes of administering medical malpractice claims. Said commission shall, in the course of its investigation and study, consider, among other things it considers relevant, specialty courts within Massachusetts, efficiencies to be gained, expertise and training needed by jurors and jurists, use of information technology, the use of medical legal advisory panels, use of regional sites, court staffing needs and such other matters as the commission may deem relevant. Appointed members of the commission shall not be considered special state employees for the purpose of compliance with Chapter 268A. The special commission shall submit a report to the governor, the speaker of the house of representatives, the senate president, and the chief justice of the supreme judicial court setting forth the special commission’s findings, along with its recommendations and specific legislative proposals, no later than February 1, 2005. The special commission shall dissolve upon completion of its duties and obligations, as indicated by submission of its findings and recommendations.”

The question on passing section 329, 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 five minutes before twelve o'clock noon, as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 724**]:

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

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.	Fargo, Susan C.
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 — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at three minutes before twelve o'clock noon, section 329 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 349 (Westborough State Hospital Land) was considered as follows:

“SECTION 349. Notwithstanding any law to the contrary, the Massachusetts Department of Mental Health and the Division of Capital Asset Management are hereby authorized to enter into an agreement with the Town of Northborough regarding the sale, lease or conveyance of certain parcels of land located in said town, adjacent to the Westborough State Hospital for the purpose of passive recreational use by said town of Northborough.”

The question on passing section 349, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at two minutes before twelve o'clock noon, as follows, to wit (yeas 35 — nays 3) [**Yeas and Nays No. 725**]:

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

Brown, Scott P.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Fargo, Susan C.
Fargo, Susan C.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Hedlund, Robert L.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 35.
Melconian, Linda J.	
NAYS.	
Knapik, Michael R.	Sprague, Jo Ann — 3.
Lees, Brian P.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at twelve o'clock noon, section 349 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 363 (Magic in the Middle Commission) was considered as follows:

“SECTION 363. There shall be a special commission to investigate and study middle education in the commonwealth, including but not limited to the following: a study of progress on implementation of the recommendations included in the 1993 Department of Education ‘Magic in the Middle’ report; a review of the pertinent research and effective best practice; and recommendations to improve standards based middle level teaching and learning, including review and analysis, and recommendations of middle level education as related to curriculum frameworks, teacher licensure, high standards and achievement articulation between elementary and high school levels, and department of education middle level support services.

The commission shall consist of the house and senate chairs of the joint committee on education, arts and humanities, who shall serve as co-chairs of the commission, 3 members of the senate appointed by the senate president, 5 members of the house of representatives appointed by the speaker, the commissioner of education or his designee, and 10 persons to be appointed by the governor. The governor shall choose from recommendations made by the appropriate organizations representing members of each of the following categories: not less than 1 superintendent, not less than 1 middle school principal recommended by the Massachusetts Secondary School Administrators Association, not less than 1 member of a school committee, not less than 1 member of the New England League of Middle Schools, not less than 1 parent of a middle school child and not less than 3 middle school teachers, 2 to be recommended by the Massachusetts Teacher Association and 1 by the Massachusetts Federation of Teachers.

The commission may accept and expend any appropriations, grants of money, professional, consultant, clerical and other services and supplies for the commonwealth in the course of its investigation and study.

The commission shall submit a report and its recommendations, if any, together with any drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerks of the senate and house of representatives, and the joint

committee on education, arts and humanities, not later than November 24, 2004.”

The question on passing section 363, 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 one minute past twelve o’clock noon, as follows, to wit (yeas 34 — nays 4) [**Yeas and Nays No. 726**]:

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.	Fargo, Susan C.
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 — 38.
NAYS.	
Brown, Scott P.	Lees, Brian P.
Knapik, Michael R.	Sprague, Jo Ann — 4.
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at three minutes past twelve o’clock noon, section 363 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 394 (Substance Abuse Study) was considered as follows:

“SECTION 394. In order to enhance care for individuals, families, and communities in need of substance abuse prevention, treatment and supportive services, the secretary of health and human services shall develop a policy for substance abuse services and submit a report relative to the state of alcohol and other drug addiction, prevention and treatment services in the commonwealth.

The report shall include, but not be limited to, identification, of all alcohol and drug addiction, prevention and treatment services currently available across all state agencies and departments, including services for incarcerated individuals and individuals released from prisons and jails, the availability and accessibility of services, the status of a continuum of care for seamless transition for recovery, the availability and coordination of services for people with mental health and addiction disorders, the availability of services for culturally competent and culturally specific populations, the reimbursement of substance abuse recovery and treatment services, so as to reflect the reasonable cost of delivering care to individuals in the most appropriate, least restrictive settings, and the viability of third party insurance payors that will ensure that services paid for by state and federal funds remain the payor of last resort for the uninsured. The secretary shall solicit input from the public, including from individuals and families in recovery, organizations representing individuals in recovery, prevention and treatment service providers, and provider organizations. The report shall also detail all substance abuse spending by all the various agencies of the commonwealth, including but not limited to, payroll, contracts, testing, supplies, treatment and services and shall include recommendations for maximizing federal reimbursements from the Substance Abuse Prevention and Treatment Block Grant and any other federal grants. The report shall include the results of its investigation and study, together with a list of its findings and a list of prioritized legislative, and regulatory recommendations, if any, to effect coordinated statewide policy and administrative structure for substance abuse prevention and treatment services. The report shall be submitted to the joint committee on health care, the joint committee on human services, the joint committee on insurance and the house and senate committees on ways and means no later than February 1, 2005.”

The question on passing section 394, 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 four minutes past twelve o'clock noon, as follows, to wit (yeas 33 — nays 5) **[Yeas and Nays No. 727]**:

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.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 33.
Menard, Joan M.	
NAYS.	
Brown, Scott P.	Lees, Brian P.

Hedlund, Robert L.	Sprague, Jo Ann — 5.
Knapik, Michael R.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at six minutes past twelve o'clock noon, section 394 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 410 (Civil Process Technology Pilot) was considered as follows:

“SECTION 410. There is hereby established a separate fund to be known as the Civil Process Technology Improvement Fund. There shall be credited to said fund all revenue from the transfer of 20 percent of the funds collected and transmitted to the General Fund of the commonwealth during fiscal year 2005 pursuant to section 639 of chapter 26 of the acts of 2003, from gifts, grants, contributions from any entity public or private and any revenue derived from the investment of amounts credited to said fund. Said fund shall be used solely for a program to improve the efficiency, accessibility and accountability of the service of civil process within the commonwealth. The president of the Massachusetts sheriffs association (hereinafter referred to as “the president”) shall expend, without further appropriation, all revenues credited to said fund. No expenditure from said fund shall cause said fund to be in deficiency at the close of a fiscal year. Notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the president may incur expenses and the comptroller may certify for payment, the amounts not to exceed the lower of said 20 percent or the most recent revenue estimate therefor as reported in the state accounting system.

The president shall develop and implement a pilot program that is designed to improve the efficiency, accessibility and accountability of the service of civil process within the commonwealth by identifying technological resources that would enable a transition from a paper based system of civil process delivery and tracking to an electronic or web based system of civil process delivery and tracking. The president shall develop and advertise a request for proposals to so develop and implement said pilot program and shall enter into a contract with the responding vendor that most closely satisfies the specifications and terms as set forth in said request. The president shall also identify civil process divisions within county or state sheriffs offices in 4 counties that are willing to participate in said pilot program and shall enter into inter-agency service agreements with said sheriffs offices using the funds authorized by this section so as to develop, implement and monitor new technological resources within the 4 counties that participate. Said inter-agency service agreements shall include provisions that authorize the president to require any county or state sheriff’s office participating in said pilot program to contribute a portion of the increased fees collected and retained by said offices pursuant to said section 639, not exceeding 20 percent of said fees, to the Civil Process Technology Improvement Fund for the pilot program if he deems that such contribution is necessary to ensure the complete success of the pilot program.

On or before August 15, 2005, the president, in collaboration and consultation with the civil process divisions within the counties participating in the pilot program, shall prepare and a file a report with the house and senate committees on ways & means detailing any efficiency, accessibility and accountability improvements made to said civil process operations as a result of the pilot program authorized by this section.”

The question on passing section 410, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at seven minutes past twelve o'clock noon, as follows, to wit (yeas 35 — nays 3) [**Yeas and Nays No. 728**]:

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.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 35.
Melconian, Linda J.	
NAYS.	
Brown, Scott P.	Sprague, Jo Ann — 3.
Hedlund, Robert L.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at ten minutes past twelve o'clock noon, section 410 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Engrossed Bill.

An engrossed Bill relative to oil spill prevention and response in Buzzards Bay and other harbors and bays in the Commonwealth (see House, No. 4831, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Ms. Melconian) and laid before the Governor for his approbation.**

Resolutions.

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

Resolutions (filed by Ms. Melconian) “honoring Harold Grinspoon for his outstanding contributions to the Commonwealth”; and Resolutions (filed by Mr. Pacheco) “on the retirement of Joseph Cahill, Jr. Sacramento, Inc.”

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5031) of Vincent P. Ciampa and Paul J. Donato for legislation to establish a sick leave bank for Linda J. Magno, an employee of the Department of Mental Retardation;
Under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 5032) of Thomas J. O'Brien, Viriato Manuel deMacedo and Therese Murray (by vote of the town) for legislation to authorize the Division of Capital Asset Management and Maintenance to release certain land in the town of Plymouth from the operation of agricultural preservation restrictions;
Under suspension of Joint Rule 12, to the committee on State Administration.

The House Bill prohibiting certain practices in home mortgage lending (House, No. 4880, amended),— came from the House with the endorsement that the House had NON-concurred in the still further Senate amendment in section 6 (as corrected BTR), by striking out, in lines 173 and 174, the words “greater than 5 per cent of the total loan amount or \$800” and inserting in place thereof the following words “in excess of 2 per cent of the total loan amount or \$200”.

On motion of Mr. Nuciforo, the Senate receded from its further amendment.

Recess.

At thirteen minutes past twelve o'clock noon, at the request of Mr. Lees, for the purpose of a minority party caucus, the Chair (Ms. Melconian), declared a recess; and ten minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

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 directing the Division of Capital Asset Management and Maintenance to convey certain parcels of land in the towns of Hopkinton and Westborough (Senate, No. 2462),— **was considered.**

Pending the question on passing the bill to be engrossed, Mr. Panagiotakos moved that the bill be amended in section 1, by striking out the last sentence and inserting in place thereof the following sentence:— “The department of environmental protection shall make the results of the annual groundwater and surface water testing available to the board of health of the town of Hopkinton or the town of Westborough upon request.”

This amendment was adopted.

The bill (Senate, No 2462, amended) was then passed to be engrossed.

Sent to the House for concurrence.

Reports of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill authorizing a tax abatement filing for Old Colony Stationary (Senate, No. 1786),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Ms. Murray, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act directing the Commissioner of Revenue to accept certain applications for abatement.”

Sent to the House for concurrence.

By Ms. Murray, for the committee on Ways and Means, that the House Bill providing for an exemption for water charges of certain elderly persons (House, No. 3001),— ought to pass, with amendments by inserting after the word “for”, in line 15, the following words:— “at least”; by inserting after the word “for”, in lines 17 and 20, in each instance, the following words:— “at least”; by striking out, in line 22, the figure “\$6,000” and inserting in place thereof the following figure:— “\$16,000”; by striking out, in line 23, the figure “\$7,000” and inserting in place thereof the following figure:— “\$24,000”; by striking out, in line 48, the figure “\$40,000” and inserting in place thereof the following figure:— “\$60,000”; by striking out, in line 49, the figure “\$45,000” and inserting in place thereof the following figure:— “\$80,000”; by striking out, in line 58, the figure “\$6,000” and inserting in place thereof the following figure:— “\$16,000”; and by striking out, in line 60, the figure “\$7,000” and inserting in place thereof the following figure:— “\$24,000”.

There being no objection, the rules were suspended, on motion of Ms. Murray, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

By Ms. Murray, for the committee on Ways and Means, that the House Bill authorizing the Department of Revenue to make a certain refund (House, No. 3101),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Panagiotakos, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows:— “An Act directing the Department of Revenue to accept certain applications for abatement.”

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to the authority of the Bureau of Special Investigations (House, No. 4737),— ought to pass, with amendments in section 1, by striking out the words “division of medical assistance” and inserting in place thereof the following words:— “executive office of health and human services, in its capacity as the single state agency for the purposes of Title XIX of the Social Security Act”; and in section 8, by striking out the words “division of medical assistance” and inserting in place thereof the following words:— “executive office of health and human services, in the capacity as the single state agency for the purposes of Title XIX of the Social Security Act”.

The rules were suspended, on motion of Mr. Havern, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing a spinal cord injury trust fund (House, No. 4738),— **ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2475.**

There being no objection, the rules were suspended, on motion of Mr. Rosenberg, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

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 House Bill authorizing the town of Edgartown to enter into a certain lease (House, No. 4339),— **was read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

Bills Returned With Recommendation of Amendment.

Mr. Rosenberg in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), message from His Excellency the Governor, returning with recommendation of amendment the engrossed bill relative to appropriations for 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 (see House, No. 4906) as relates to section 68 of the General Appropriation Bill [for message, see Attachment G of House, No. 4901],— came from the House with the endorsement that the House had adopted the amendment (as approved by committee on Bills in the Third Reading).

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

The Senate then adopted the amendment recommended by His Excellency the Governor, as changed by the committee on Bills in the Third Reading to read as follows:

“SECTION 1. Section 1 of chapter 32 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after the definition of ‘Accumulated additional deductions’ the following definition:

‘Accumulated buyback deductions’, the sum of the amount of the regular deductions and the buyback interest thereon that would have been credited to a member’s account in the annuity savings fund of a system had buyback interest been credited rather than regular interest.

SECTION 2. Section 3 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 408, 474 and 475, and 535, the words ‘accumulated regular deductions’ and inserting in place thereof the following words:— accumulated buyback deductions.

SECTION 3. This act shall take effect on July 1, 2005.”

The House amendment was then considered and it was adopted, in concurrence.

Sent to the House for re-enactment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to appropriations for 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 (see House, No. 4907 as relates to section 69 of the General Appropriation Bill [for message, see Attachment H of House, No.

4901],— came from the House with the endorsement that the House had adopted the amendment (as approved by committee on Bills in the Third Reading).

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

The Senate then adopted the amendment recommended by His Excellency the Governor, as changed by the committee on Bills in the Third Reading to read as follows:

“SECTION 1. Section 1 of chapter 32 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after the definition of ‘Board’ the following definition:—

‘Buyback interest’, one-half of actuarial assumed interest.

SECTION 2. Section 3 of said chapter 32, as so appearing, is hereby amended by inserting after the word ‘him’, in line 93, the following words:— ‘together with buyback interest to the date of re-employment’.

SECTION 3. Said section 3 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 334, 342, 344, 406, 472 and 473, 533, 576 and 577, 580, 591, 601, 609, 612, 768, 781, 790, and 792 and 793, the words ‘regular interest’ and inserting in place thereof the following words:— buyback interest.

SECTION 4. This act shall take effect on July 1, 2005.”

**The House amendment was then considered and it was adopted, in concurrence.
Sent to the House for re-enactment.**

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to appropriations for 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 (see House, No. 4908) as relates to section 69A of the General Appropriation Bill [for message, see Attachment I of House, No. 4901],— came from the House with the endorsement that the House had adopted the amendment (as approved by committee on Bills in the Third Reading).

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

The Senate then considered the amendment recommended by His Excellency the Governor, as changed by the committee on Bills in the Third Reading to read as follows:

“SECTION 1. Section 4 of chapter 32, as appearing in the 2002 Official Edition, is hereby amended by striking out, in lines 181, 191, 200, 223, 234, 242, 251, 267, 332, 451, 456 and 457, and 459, the word ‘regular’ and inserting in place thereof, in each instance, the word:— buyback.

SECTION 2. This act shall take effect as of July 1, 2004.”

Pending the question on adoption of the amendment, Ms. Murray moved to amend the House amendment by striking out, in section 2, the figure “2004” and inserting in place thereof the following figure:— “2005”.

The amendment was adopted.

The amendment recommended by His Excellency the Governor was then adopted, as amended.

The House amendment, as amended, was then considered; and it was adopted, in concurrence, as amended.

Sent to the House for concurrence in the amendment.

Report of a Committee.

By Mr. Brewer, for the committee on Ethics and Rules, on petition, a Bill relative to certain housing in the town of Lincoln (Senate, No. 2453) [Local approval received];

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

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

The House Bill authorizing water submetering in residential tenancies (House, No. 5001, amended),— **came from the House amended as follows:**

Striking out the sentence appearing in lines 244 to 248, inclusive, and inserting in place thereof the following sentence:

“In the event of a repair of a leak in the water supply system to a dwelling unit, the landlord shall determine as accurately as possible the amount of water that was measured on the submeter for the dwelling unit as a result of such leak, after a review of the billing records for the dwelling unit and consultation with the licensed plumber repairing the leak.”.

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

Report of a Committee.

The following report was considered, the time within which the said committee was required to report having expired:—

Of the committee on Human Services and Elderly Affairs, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 2371) of Marian Walsh for legislation concerning the definition of World War Two veteran.

Pending the question of accepting the report, on motion of Ms. Walsh, the petition was recommitted to the committee on Human Services and Elderly Affairs.

PAPERS FROM THE HOUSE.

Message from the Governor — Disapproval and Reductions in General Appropriation Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 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 (see House, No. 4850), which on Wednesday, June 16, 2004, had been laid before the Governor for his approbation,— **came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.**

The message (House, No. 4900) was read; and the Senate proceeded to reconsider several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.

Section 197 (Milford District Court — Assistant Clerk) was considered as follows:

“SECTION 197. Section 10 of Chapter 218 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after line 24 the following:— third district court of Southern Worcester, provided, that said position shall only be designated to a trial court employee in said court currently performing the duties and functions of an assistant clerk and shall not be construed as adding any additional positions to the trial court.”

The question on passing section 197 in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-four minutes past two o'clock P.M., as follows, to wit (yeas 30 — nays 8) [**Yeas and Nays No. 729**]:

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.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 30
NAYS.	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 8.
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at twenty-nine minutes past two o'clock P.M., section 197, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7007-0900 (Office of Travel and Tourism) was considered as follows:

“7007-0900

For the operation and administration of the office of travel and tourism and for grants to public and private nonprofit local and regional organizations to be awarded by the Massachusetts office of travel and tourism for tourism promotion; provided, that performance-based standards shall be incorporated in all contracts executed by said office for the procurement of tourism marketing and advertising services; provided, that the organizations shall be required, as a condition of receiving a grant, to submit a total operating budget which identifies each source and use of operating and capital funds; provided further, that said grants shall not replace or supplant funding otherwise available to said centers from local chambers of commerce, regional tourist councils, and other public or private funding sources; provided further, that not less than \$2,000,000 of the amount appropriated herein shall be expended to implement the strategic plan developed by the business entity that is awarded the contract pursuant to section 60 of chapter 141 of the acts of 2003 to recover the Commonwealth's lost international tourism market share; provided further, that not less than \$60,000 shall be expended for an economic development project operated by the Arlington Neighborhood Association in the city of Lawrence; provided further, that not less than \$200,000 shall be expended for the Bay State Games; provided further, that not less than \$185,000 shall be expended for the Belchertown Economic Development Corporation; provided further, that not less than \$500,000 shall be expended for the Berkshire Museum subject to a 100 percent funding match; provided further, that not less than \$30,000 shall be expended for the Blackstone Valley Chamber of Commerce; provided further, that not less than \$100,000 shall be expended for an economic development project in the town of Braintree, provided further, that not less than \$100,000 shall be expended for a Business Location Information Project operated by the Greater Haverhill Chamber of Commerce; provided further, that not less than \$100,000 shall be expended for an economic development project on Buzzards Bay Main Street; provided further, that not less than \$100,000 shall be expended for the Cape Cod Economic Development Council; provided further, that not less than \$100,000 shall be expended for a matching grant to the proposed Cape Cod Maritime Museum in Hyannis; provided further, that not less than \$50,000 shall be expended for the Caribbean Carnival Association; provided further, that not less than \$75,000 shall be expended for a technology training program operated by the Cape Cod Technology Council; provided further, that not less than \$50,000 shall be expended for the Central Quabbin Tourism Association; provided further, that not less than \$30,000 shall be expended for an economic development project at Chestnut Hill Reservoir in the city of Boston; provided further, that not less than \$94,531 shall be expended for City Stage; provided further, that not less than \$1,000,000 shall be expended for the Colonial Theater, subject to a 100 percent funding match; provided further, that not less than \$100,000 shall be expended for an economic development project at the historic Corkin building in the town of Randolph; provided further, that not less than \$75,000 shall be expended for the Cultural Center of Cape Cod; provided further, that not less than \$15,000 shall be expended for an education and science grant for the city of Worcester; provided further, that not less than \$200,000 shall be provided for an economic development project at the Elco Dress Factory in New Bedford; provided further, that not less than \$100,000 shall be expended for the Freedom Trail Foundation;

provided further, that not less than \$300,000 shall be expended for a grant for the From the Top Inc.; provided further, that not less than \$100,000 shall be expended for a tourism promotion project at the Grandview Farm in Burlington; provided further, that not less than \$125,000 shall be expended for a historic development project at the Worcester Center for the Performing Arts; provided further, that not less than \$500,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2005 for the highway information centers operating year-round on state highways and federally-assisted highways, and the visitor information centers on Boston Common and the Prudential Center, both in the city of Boston; provided further, that not less than \$100,000 shall be expended for the I-495 Technology Corridor Initiative; provided further, that not less than \$165,000 shall be expended for the International Trade Assistance Center in Fall River; provided further, that not less than \$50,000 shall be expended for the Johnny Appleseed Visitor's Center; provided further, that not less than \$500,000 shall be expended for the Mahaiwe Theater subject to a 100 percent funding match; provided further, that not less than \$5,000 shall be expended for the Massachusetts Film Bureau and said agency shall be the primary service provider for film production and development in the commonwealth; provided further, that \$250,000 shall be expended for a grant to the Massachusetts Sports and Entertainment Partnership; provided further, that not less than \$200,000 shall be expended for the Memorial Auditorium in the city of Lynn; provided further, that not less than \$250,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that notwithstanding any general or special law to the contrary, a grant of not less than \$250,000 shall be transferred from this item to the Massachusetts office of business development for regional tourism and economic development in Southeastern Massachusetts including the Southcoast Development Project; provided further, that not less than \$500,000 shall be expended for the Mohawk Theater, subject to a 100 percent funding match; provided further, that not less than \$50,000 shall be expended for the New Bedford Art Museum; provided further, that not less than \$60,000 shall be expended for the New England Puerto Rican association; provided further, that not less than \$75,000 shall be expended for an economic development project in North Attleboro; provided further, that not less than \$50,000 shall be expended for the North End Visitor Center in the city of Boston; provided further, that not less than \$75,000 shall be expended for the Old Provincial State House; provided further, that not less than \$40,000 shall be expended as a grant for the Pioneer Valley Planning Commission for the purposes of a study of tourism promotion within Southampton and Montgomery; provided further, that not less than \$40,000 shall be expended as a grant for the Pioneer Valley Visitors and Tourist Information Center; provided further, that not less than \$35,000 shall be expended for the Pittsfield Office of Cultural Development; provided further, that not less than \$100,000 shall be expended for a portico surrounding Plymouth Rock; provided further, that not less than \$75,000 shall be expended for the Puerto Rican Cuatro Project; provided further, that not less than \$50,000 shall be expended for the Riverside Theater Works in Hyde Park in the City of Boston; provided further, that funds shall be expended for an economic development project on Rt. 110 in Amesbury; provided further, that not less than \$100,000 shall be expended for the Russian Community Association; provided further, that not less than \$25,000 shall be expended for the Salisbury Chamber of Commerce; provided further, that not less than \$100,000 shall be expended for the September 11th memorial at Battleship Cove in Fall River; provided further, that not less than \$75,000 shall be expended for a Shrewsbury Business District economic development project; provided further, that not less than \$250,000 shall be expended for the Southcoast Development Partnership for the purposes of regional tourism and economic development; provided further, that not less than \$100,000 shall be expended for the city of Springfield's Office of Economic Development to develop a walking tour of the city of Springfield; provided further, that not less than \$100,000 shall be expended for the U.S. Women's Open; provided further, that not less than \$75,000 shall be expended for the Waltham Tourist Council; provided further, that not less than \$30,000 shall be expended for the Water Farms Preservation, Inc.; provided further, that not less than \$103,000 shall be expended for an historic redevelopment project at the West School in the Town of Wilmington; provided further, that not less than \$50,000 shall be expended for a tourism promotion project in Westborough; provided further, that not less than \$100,000 shall be expended for the Western Massachusetts Economic Development Council; provided further, that expenditures on international and domestic promotion and administration shall be separately accounted for in the Massachusetts Management Accounting and Reporting System; provided further, that said office shall be required to make travel arrangements for all international travel not less than 7 days before departure; provided further, that the office shall dedicate 1 full-time equivalent employee to the advisory commission on travel and tourism; and provided further, that the office shall make every effort to develop tourism in under-visited regions of the commonwealth17,053,305".

The question on passing item 7007-0900, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty minutes before three o'clock P.M., as follows, to wit (yeas 36 — nays 2) **[Yeas and Nays No. 730]**:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
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.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 36.
NAYS.	
Joyce, Brian A.	Sprague, Jo Ann — 2.
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at a quarter before three o'clock P.M., item 7007-0900, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Communication.

The Clerk read the following communication:

Commonwealth of Massachusetts
MASSACHUSETTS SENATE
State House, Boston 02133-1053

William Welch,
Senate Clerk
Room 335
State House
Boston, MA 02133

Dear Mr. Clerk:

I was recorded as voting against overriding the governor's veto of line item 7007-0900 of the Fiscal Year 2005 budget. I would like the record to reflect my support of the override and I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for Friday, July 30, 2004.

Thank you for your assistance in this matter.

Sincerely,
BRIAN A. JOYCE,
State Senator.

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

Engrossed Bills — Land Taking for Conservation, Etc.

An engrossed Bill relative to agricultural land at Danvers State Hospital (see House, No. 1594, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at thirteen minutes before three o'clock P.M., as follows, to wit (yeas 37 — nays 1)[**Yeas and Nays No. 731**]:

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
Brown, Scott P.	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.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 37.
Melconian, Linda J.	
NAYS.	
Lees, Brian P. — 1.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

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

An engrossed 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 (see Senate, No. 2442, amended) (which originated in the Senate), having

been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at ten minutes before three o'clock P.M., as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 732**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
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.
Knapik, Michael R.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

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

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Holden (see House, No. 4987) (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 six minutes before three o'clock P.M., as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 733**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
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.
Knapik, Michael R.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

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

An engrossed Bill authorizing the Department of Conservation and Recreation and the Department of Fish and Game to acquire conservation restrictions in and to lands owned by the cities of New Bedford and Taunton and the towns of Freetown, Lakeville, Middleborough and Rochester (see Senate, No. 1229, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at two minutes before three o'clock P.M., as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 734**]:

YEAS.

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
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.
Knapik, Michael R.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

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

Engrossed Bill.

An engrossed Bill relative to consumer and merchant protection (see House, No. 492) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.**

Message from the Governor — Disapproval and Reductions in General Appropriation Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 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 (see House, No. 4850), which on Wednesday,

June 16, 2004, had been laid before the Governor for his approbation,— **came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.**

The message (House, No. 4900) was read; and the Senate proceeded to reconsider several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 4513-1026 (Suicide Prevention) was considered as follows:

“4513-1026

For the provision of statewide and community-based suicide prevention, intervention, post-vention and surveillance activities and the implementation of a statewide suicide prevention plan; provided, that no funds shall be expended in the AA subsidiary for any personnel-related costs; provided further, that the department, in coordination with the department of mental health, shall provide grant funds for locally targeted suicide prevention, intervention and postvention activities; provided further, that any department, group or institution applying for these grants shall state the program’s goals, feasibility and effectiveness, such that other communities may replicate this program, document how the program replicates or builds upon relevant evidence-based strategies or tests new strategies, describe the activities to be undertaken and include an evaluation component in the program; provided further, that prevention and intervention activities shall be targeted toward identifying and assisting those at risk; provided further, that prevention and intervention activities shall include, but not be limited to, training programs about the recognition and treatment of suicidal behavior for professionals who are in regular contact with at-risk individuals, collaborative work with emergency rooms and doctors to disseminate information regarding follow-up services for known attempters and efforts to increase public knowledge of suicide prevention; provided further, that postvention activities shall be targeted toward family and friends of individuals who have attempted or completed suicide; provided further, that postvention activities shall include, but not be limited to, training for first-responders about sensitive and responsible ways of interacting with the families of suicide victims, efforts to increase survivors’ access to mental health services and to decrease the stigma associated with their roles as survivors and the development of comprehensive support programs to facilitate positive coping among survivors; provided further, that surveillance activities shall be targeted toward increasing the accuracy of statistics on suicide morbidity and the availability of information on suicide attempts and ideation; provided further, that surveillance activities shall include, but not be limited to, efforts to increase both the quantity and quality of suicide data collected by first responders, hospital staff and the department and the development of a system for accessing and collecting data from suicide survivors; provided further, that funds from this item shall not be transferred to any other program or item; provided further, that the departments shall, in consultation with the commissioner of education, report to the house and senate committees on ways and means on the status of statewide and community-based suicide prevention, intervention, postvention, and surveillance activities not later than June 30, 2005 250,000”.

The question on passing item 4513-1026, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at three minutes past three o’clock P.M., as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 735**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.

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.
Knapik, Michael R.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at eleven minutes past three o'clock P.M., item 4513-1026, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7007-1300 (International Trade Council Expenses) was considered as follows:

“7007-1300

For the operation of the Massachusetts international trade council960,000”.

The question on passing item 7007-1300, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twelve minutes past three o'clock P.M., as follows, to wit (yeas 36 — nays 2) [**Yeas and Nays No. 736**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.

Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 36.
NAYS.	
Hedlund, Robert L	Sprague, Jo Ann — 2.
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at fourteen minutes past three o'clock P.M., item 7007-1300, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8900-0001 (Department of Correction) was considered as follows:

“8900-0001

For the operation of the commonwealth’s department of correction; provided, that the department shall expend not less than \$1,008,500 to cities and towns hosting facilities; provided further, that one-half of the number of inmates incarcerated at Souza Baranowski correctional center shall be deemed to be incarcerated within a correctional facility in the town of Shirley and one-half shall be deemed to be incarcerated within a correctional facility in the town of Lancaster; provided further, that before closing any correctional facility, the commissioner of corrections and the secretary of public safety shall report to the committees on ways and means and public safety on the per-inmate cost of incarceration in the closing facility, and the per-inmate cost in the facilities to which inmates will be moved; provided further, the commissioner of corrections and the secretary of public safety shall report to the committees on ways and means and public safety before January 1 of each year the point score compiled by the department of correction’s objective classification system for all prisoners confined in each prison operated by the department; provided further, that not less than \$875,000 shall be provided for emergency safety equipment grants; provided further, that not less than \$40,000 shall be provided for the Dismas House, so called; provided further, that not less \$200,000 shall be provided for the Aid to Incarcerated Mothers organization; provided further, that the department shall expend not less than \$500,000 to the community hosting the facility at Cedar Junction; provided further, that the department may expend funds appropriated herein for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the military division, the Massachusetts parole board and the sex offender registry board; provided further, that not less than \$75,000 shall be expended for the 5-A program in the Springfield; provided further, that funds shall be expended on the Neil Houston House; and provided further, that the department may expend up to \$1,000,000 for the Commissioner of Probation to implement a global positioning system utilizing tamper free ankle bracelets to track level 3 sex offenders actively on parole
.....429,624,325”.

The question on passing item 8900-0001, contained in section 2, in concurrence, the reduction and 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 past three o'clock P.M., as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 737**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
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.
Knapik, Michael R.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at eighteen minutes past three o'clock P.M., item 8900-0001, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Engrossed Bills.

The following engrossed bills (both of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation, to wit:

Relative to the powers of trust companies (see Senate, No. 15); and
Further regulating the rates of pilotage for the Port of Boston (see Senate, No. 2406).

Emergency Preamble Adopted.

An engrossed Bill relative to the home and community-based service waiver (see House, No. 4922), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 5 to 0. The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.**

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 House Bill validating the special town election held in the town of Goshen (printed in House, No. 4244),— **was read a third time and passed to be engrossed, in concurrence.**

A Bill authorizing the town of North Andover to grant certain utility easements (House, No. 4789,— on petition and also based on House, No. 4788) [Local approval received on House, Nos. 4788 and 4789],— **was read. There being no objection, the rules were suspended, on motion of Ms. Tucker, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

At twenty-two minutes past three 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 twenty-eight minutes past four o'clock P.M., the Senate reassembled, the Ms. Menard in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The House Bill relative to veteran's retirement benefits (printed as Senate, No. 1576, amended),— came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2355 *with a further amendment* in section 2, in line 8, by striking out the words "effective date" and inserting in place thereof the word "acceptance"; and in section 1 by adding the following 3 sentences:— "Any system may accept this paragraph by majority vote of the board of the system, subject to the approval of the legislative body. For the purposes of this paragraph, legislative body shall mean in the case of a city the city council in accordance with its charter, in the case of a town the town meeting, in the case of a county or region the county or regional retirement board advisory council in the case of a district the district members, and in the case of an authority the governing body. The state employees' and teachers' retirement systems shall be deemed to have accepted this paragraph." **The rules were suspended, on motion of Mr. Lees, and the House amendment was considered forthwith and adopted, in concurrence.**

Matters Taken Out of the Orders of the Day.

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

The House bills

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

Providing for recall elections in the town of Blandford (House, No. 4280);

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

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the House Bill requiring continuing education for licensed plumbers and gas fitters (House, No. 4750),— **ought to pass.**

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

PAPERS FROM THE HOUSE.

A Bill relative to Joseph Fernandes (House, No. 5020,— on petition) [Local approval received],— **was read.**

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

Engrossed Bills.

The following engrossed bills (all of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Ms. Menard) and laid before the Governor for his approbation, to wit:

Establishing a retirement benefit for employees of the Massachusetts Port Authority (see House, No. 2149);

Directing the commissioner of Capital Asset Management and Maintenance to place a conservation restriction on and transfer a certain parcel of land to the Kuzeja Real Estate Trust (see House, No. 3985); and

Authorizing the town of Swansea to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4742).

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey easements for the transmission of natural gas over lands formerly under the control of the county of Essex in the town of Middleton and the cities of Peabody and Salem to Maritimes & Northeast Pipeline, L.L.C. (see Senate, No. 1678, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-three minutes before five o'clock P.M., as follows, to wit (yeas 38 — nays 0) **[Yeas and Nays No 738]**:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
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.
Knapik, Michael R.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 38.

NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at a quarter before five 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 (Ms. Menard) and laid before the Governor for his approbation.

Message from the Governor — Disapproval and Reductions in General Appropriation Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 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 (see House, No. 4850), which on Wednesday, June 16, 2004, had been laid before the Governor for his approbation, — **came from the House, in part, an item having been passed by the House notwithstanding the reduction of the Governor.**

The message (House, No. 4900) was read; and the Senate proceeded to reconsider an item, which had been reduced in accordance with the provisions of the Constitution.

Item 4590-0300 (Tobacco Control Program) was considered as follows:

“4590-0300

For smoking prevention and cessation programs; provided, that no funds shall be expended in the AA subsidiary for any personnel-related costs 3,750,000”.

The question on passing item 4590-0300, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twelve minutes before five o'clock P.M., as follows, to wit (yeas 35 — nays 3) [**Yeas and Nays No. 739**]:

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
Brown, Scott P.	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.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.

Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 37.
Melconian, Linda J.	
NAYS.	
Knapik, Michael R.	Sprague, Jo Ann — 3.
Lees, Brian P.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at seven minutes before five o'clock P.M., item 4590-0300, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Engrossed Bill.

An engrossed Bill authorizing the town of Brookline to fix reasonable fees for permits granted by the chief of its fire department (see House, No. 4403) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Ms. Menard) and laid before the Governor for his approbation.**

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

Suspension of Senate Rule 38A.

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

PAPERS FROM THE HOUSE.

A Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to the Shrewsbury Housing Authority (House, No. 4988,— on House, No. 4894),— **was read.**

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

A Bill authorizing the Division of Fisheries and Wildlife to take or acquire conservation restrictions in and to lands of the town of Clinton (House, No. 1208,— on petition),— **was read.**

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

A Bill authorizing the town of Sutton to lease certain conservation land (House, No. 4730,— on petition) [Local approval received],— **was read.**

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

A Bill increasing the time in which real property owned by the Central Berkshire County Development Corporation may be exempt from taxation by the city or town in which it is located (House, No. 3749,— on petition),— **was read.**

There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act increasing the time in which real property owned by the Central Berkshire County Development Corporation may be exempt from taxation.”

A Bill designating a certain portion of land at Draw 7 Park in the city of Somerville as the Patrick Sullivan Fishing Hole (House, No. 4948,— on petition),— **was read.**

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

Matter Taken Out of the Orders of the Day.

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

The House Bill relative to pension benefits for Sergeant Charles L. Byrne, Jr. (House, No. 4722),— **was read a third time and passed to be engrossed, in concurrence.**

PAPER FROM THE HOUSE.

A Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the city of North Adams (House, No. 4335,— on petition) [Local approval received],— **was read.**

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

There being no objection, at twenty-seven minutes past seven o'clock P.M., the Chair (Mr. Panagiotakos) declared a recess; and at eighteen minutes before eight o'clock P.M., the Senate reassembled, Mr. Panagiotakos in the Chair.

PAPERS FROM THE HOUSE.

Engrossed Bill Returned by Governor With His Objections Thereto.

The engrossed Bill directing the Department of Conservation and Recreation to repair certain culverts (see House, No. 4918), which, on Thursday, July 8, 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. 5008] and having passed that branch, notwithstanding said objections.**

The message (House, No. 5008) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of 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 seventeen minutes before eight o'clock P.M., as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 740**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
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.
Knapik, Michael R.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at twelve minutes before eight 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.

Message from the Governor — Disapproval and Reductions in General Appropriation Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2005 for the maintenance of the departments, boards, commissions, institution's and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4850), which on Wednesday, June 16, 2004, had been laid before the Governor for his approbation,— **came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.**

The message (House, No. 4900) was read; and the Senate proceeded to reconsider several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 1232-0200 (Underground Storage Tank Administrative Review Board) was considered as follows:

“1232-0200

For the Underground Storage Tank Petroleum Cleanup Fund Administrative Review Board pursuant to chapter 21J of the General Laws and for the administration of the underground storage tank program associated with the implementation of chapter 21J of the General Laws; provided, that notwithstanding section 4 of chapter 21J or any other general or special law to the contrary, appropriations made in this item shall be sufficient to cover said administrative expenses of the underground storage tank program; provided further, that the board shall submit to the house and senate committees on ways and means a report on the status of the underground storage program, including, but not limited to, the number of municipal grants made for the removal and replacement of underground storage tanks and the reimbursements for remediated petroleum spills; provided further, that the report shall detail how many tanks are out of compliance with chapter 21J; and provided further, that the report shall be submitted not later than February 16, 2005, prior appropriation continued 1,500,000”.

The question on passing item 1232-0200, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eleven minutes before eight o'clock P.M., as follows, to wit (yeas 32 — nays 6) [**Yeas and Nays No. 741**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 32
NAYS.	
Brown, Scott P.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 6.
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at nine minutes before eight o'clock P.M., item 1232-0200, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 1599-7092 (County Corrections Reserve) was considered as follows:

“1599-7092

For a reserve for the county correctional programs; provided, that notwithstanding any general or special laws to the contrary, the sheriffs, in conjunction with the county government finance review board, shall maintain and continue to collaborate with the comptroller's office to collect and report all revenue collection and all spending on the Massachusetts Management Accounting and Reporting System; provided further, that the comptroller shall not transfer the funds from this item to item 8910-0000 unless the plan is in place; provided further, that the county government finance review board shall, by January 1, 2005, have developed

a plan for the spending of all funds for fiscal year 2005, and developed a sound fiscal spending plan for fiscal year 2006; provided further, that the board shall build the spending plans with the direct input of the seven sheriffs still functioning under the county government system; provided further, that by January 15, 2005 the board shall report all spending plans to the house and senate committees on ways and means; provided further, that the information shall satisfy all fiscal requirements for a maintenance level of funding, including, but not limited to, collective bargaining increases, legal fees, debt services, one time costs, energy costs, equipment leases, medical costs, and workers' compensation issues; provided further, that no other spending information or requests shall be submitted to the house and senate committees on ways and means by the individual sheriffs until February 15, 2005; provided further, that the board shall also provide a projection of all county funds to be collected for fiscal year 2005 and 2006; provided further, that the board shall release all funds from fiscal year 2005 quarterly; provided further, that any sheriff that spends more than the quarterly approved budget shall have the money allocated for the following quarter reduced by the excess amount overspent in the previous quarter; and provided further, that it is the intent of the General Court that funds shall not be spent from this item nor any funds be transferred from this item to another item until all of aforementioned restrictions and conditions have been satisfied39,319,632”.

The question on passing item 1599-7092, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eight minutes before eight o'clock P.M., as follows, to wit (yeas 33 — nays 5) **[Yeas and Nays No. 742]**:

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.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian

Melconian, Linda J.	Wilkerson, Dianne — 33
Menard, Joan M.	
NAYS.	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Sprague, Jo Ann — 5.
Knapik, Michael R.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at six minutes before eight o'clock P.M., item 1599-7092, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2800-0100 (Conservation and Recreation Administration) was considered as follows:

“2800-0100

For the operation of the department of conservation and recreation; provided, that said department shall enter into an interagency agreement with the department of state police to provide police coverage on department of conservation and recreation properties and parkways; provided further, that the department of state police shall reimburse said department of conservation and recreation for costs incurred by said department including, but not limited to vehicle maintenance and repairs, the operation of department of state police buildings and other related costs; provided further, that notwithstanding the provisions of any general or special law to the contrary, all offices and positions of the division performing construction activities for the department of conservation and recreation shall be subject to classification under sections 45 to 50, inclusive, of chapter 30 of the General Laws; provided further, that notwithstanding the provisions of section 3B of chapter 7 of the General Laws, the department is hereby authorized and directed to establish or renegotiate fees, licenses, permits, rents and leases, and to adjust or develop other revenue sources to fund the maintenance, operation, and administration of said department; provided further, that an annual report shall be submitted to the house and senate committees on ways and means regarding fee adjustments not later than February 14, 2005; provided further, that notwithstanding the provisions of any general or special law or administrative bulletin to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the operational services division; provided further, that no funds shall be expended from this item for personnel overtime costs; provided further, that the department of conservation and recreation shall file a report with the house and senate committees on ways and means no later than December 6, 2004 detailing the merger of the former metropolitan district commission with the former department of environmental management into the department of conservation and recreation; provided further, that said report shall include, but not be limited to, the following: (1) the names, salaries, and the positions of all full time equivalent, so-called personnel that were scheduled to be paid out of item 2800-0100 as of September 1, 2003, March 1, 2004 and August 1, 2004, (2) the job descriptions, employee name, current job title, and the item of appropriation said employees were assigned to in fiscal years 2002 and 2003 and the item of appropriation that they are currently funded from, (3) a list by subsidiary and object code of all expenditures or allocations from items of appropriations under the executive office of environmental affairs in fiscal year 2004 on the commonwealth development coordinating council, (4) a list of all deputy commissioners and deputy associate commissioners, and their assigned duties, (5) the number of full time equivalent positions, so-called that have been eliminated due to said merger, (6) any efficiencies that have been achieved from said merger; provided further, that said secretary shall file a report on the number of employees funded through capital authorizations with the house and senate committees on ways and means no later than December 6, 2004, that shall include, but not be limited to, the following: (1) the number of full time equivalent positions so-called, delineated by fiscal year, item of appropriation and position number, job title and job code for that have been funded from capital authorizations for fiscal years 2001 to 2005 inclusive, for every item of appropriation under control of said secretary, (2) every program that has been funded from capital authorizations for fiscal years 2001 to 2005 inclusive delineated by fiscal year, program and item of appropriation, (3) detail every full time equivalent, so-called and program that has been moved to capital authorizations since fiscal year 2001; and provided further, that \$60,000 shall be expended for the Martha’s Vineyard Commission5,023,416”.

The question on passing item 2800-0100, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at five minutes before eight o'clock P.M., as follows, to wit (yeas 31 — nays 7) [**Yeas and Nays No. 743**]:

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.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 31
Melconian, Linda J.	
NAYS.	
Brown, Scott P.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 7.

Lees, Brian P.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at three minutes before eight o'clock P.M., item 2800-0100, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 6005-0015 (Regional Transit Authorities Contract Assistance) was considered as follows:

“6005-0015

For certain assistance to the regional transit authorities, including operating grants and reimbursements to increase the accessibility of transit provided to the elderly and disabled under the mobility assistance program, the regional transit authority program, and the inter-city bus capital assistance program; provided, that the commonwealth, acting by and through the executive office for administration and finance, for the period beginning July 1, 2004 and ending June 30, 2005, may enter into contracts with the authorities; provided further, that notwithstanding section 152A of chapter 161, and section 23 of chapter 161B of the General Laws, the amount shall be at least 50 per cent and up to 75 per cent of the net cost of service of each authority incurred in fiscal year 2004 shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities; provided further, that the share assessed upon the cities and towns shall be at least 25 per cent of the net cost of service; provided further, that in the event that 25 per cent of the net cost of service of each authority exceeds 102.5 per cent of the previous year's local assessment, excluding payments made by cities and towns for the costs of new service, for which the cities and towns have not previously been assessed, as allowed by chapter 580 of the acts of 1980, the regional transit authority shall reduce its operating expenses or increase its revenues to meet the difference; provided further, that operating expenditures of each of the regional transit authorities for fiscal year 2005 shall not exceed 102.5 per cent of its operating expenditures for fiscal year 2004; provided further, that for the purposes of this item, operating expenditures shall not include federal, private or additional municipal non-state revenue sources or any expenses arising from the provision of services required by the Americans with Disabilities Act, or new services implemented after July 1, 1999 in an amount not to exceed a total of \$3,613,905 for the 15 regional transit authorities; provided further, that the new services must have first received approval of the appropriate regional transit authority advisory board; provided further, that not less than 25 per cent of the net cost of service of the new services shall be assessed to the cities and towns of the appropriate transit authority, as detailed previously in this item; provided further, that each regional transit authority which provides the new services must file a report with the house and senate committees on ways and means and the joint committee on transportation, detailing the total costs and revenues associated with the new service; provided further, that the cost of the new services shall not annualize to more than \$3,613,905; provided further, that not later than January 1, 2005, each of the 15 regional transit authorities shall submit to the house and senate committees on ways and means a report detailing any and all revenues collected as a result of services provided pursuant to item 4401-1000; provided further, that the executive office of transportation shall work cooperatively with the authorities and other public and private funding sources to maximize new revenues sources to expand transit services; provided further, that the authorities and the executive office of transportation shall develop processes and procedures for contracts for services with other state agencies; provided further, that the executive office of transportation and the authorities shall develop a five-year transit plan for operational and capital objectives that the parties may measure against and plan toward and shall file the plan with the house and senate committees on way and means no later than April 1, 2005; provided further, that the executive office of transportation and the authorities shall work cooperatively to implement multi-year contracting for regional transit authority capital projects, particularly for construction projects and other multi-year commitments of the authorities; provided further, that the regional transit authorities shall implement structural, managerial and administrative reforms in order to achieve cost savings in services provided by the authorities; provided further, that the reforms shall include, but not be limited to, improved financing procedures for capital needs, approved plans for short- and long-term service, a coordinated program of mass transportation for the regional transit authorities that provides standards of service for the authorities for types of service, passenger miles, hours of service, cost of service by route and mile and passenger, non-transportation revenue and system revenue generating options included, but not limited to, fare revenue and advertising revenue, assessments on member cities and towns, net operating investment per passenger-mile ratio and service quality standards; provided further, that the program shall involve an approach to service coordinated with the Massachusetts Bay Transportation Authority and other transit providers in order to achieve maximum efficiency of regional transit authority service routes; provided further, that all regional transit authorities shall achieve the fare and/or revenue recovery ratio of 40 per cent within 36 months from the effective date of this act; and provided further, that the Massachusetts Association of Regional Transit Authorities shall on or before November 15, 2004, report to the joint committee on transportation and the house and senate committees on ways and means on the operations of the authorities in the first half of fiscal year 2005, and focus the report on the reforms and improvements48,782,640

General Fund80.0%
Highway Fund20.0%”.

The question on passing item 6005-0015, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at two minutes before eight o'clock P.M., as follows, to wit (yeas 36 — nays 2) [**Yeas and Nays No. 744**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 36.
NAYS.	
Lees, Brian P.	Shannon, Charles E. — 2.
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at one minute before eight o'clock P.M., item 6005-0015, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8910-0000 (County Corrections Reserve) was considered as follows:

“8910-0000

For a reserve to fund county correctional programs; provided, that the funds appropriated in this item shall be distributed among

the sheriffs departments of Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth and Suffolk counties by the county government finance review board upon prior notification to the house and senate committees on ways and means; provided further, that funds appropriated in this item shall be in addition to and contingent on item 1599-7092; provided further, that funds made available to Plymouth county can be expended for operating and debt service costs associated with state inmates housed in the Plymouth county facility, pursuant to the provisions of clauses 3 and 4 of the Memorandum of Agreement signed May 14, 1992; provided further, that not less than \$4,900,000 shall be provided to the sheriff department of Barnstable county to fund the operational expenses associated with the opening of a new correctional facility in fiscal year 2005; provided further, that Suffolk county may receive additional funding from the balance for county correction maintenance and operation expenses; provided further, that funds distributed from this item shall be paid to the treasurer of each county who shall place such funds in a separate account within the treasury of each such county; provided further, that the treasurer shall authorize temporary transfers into this account for operation and maintenance of jails and houses of correction in advance of receipt of the amount distributed by the commonwealth under this item; provided further, that upon receipt of the state distribution, the treasurer may transfer out of such account an amount equal to the funds so advanced; provided further, that all funds deposited in such accounts and any interest accruing thereto shall be used solely for the functions of the sheriffs' departments of the various counties including, but not limited to, maintenance and operation of jails and houses of correction, without further appropriation; provided further, that the sheriff's department of each county shall reimburse the county treasurer of each county for personnel-related expenses, with the exception of salaries, attributable to the operations of the sheriff's department of each county heretofore paid by the county including, but not limited to, the cost of employee benefits; provided further, that the spending plans required by this item shall be developed by the county government finance review board, in consultation with the Massachusetts Sheriffs' Association; provided further, that in accordance with section 247 of chapter 38 of the acts of 1995, all spending plans shall be detailed by subsidiary and object code in accordance with the expenditure classification requirements promulgated by the comptroller; provided further, that such spending plans shall be accompanied by a delineation of all personnel employed by each county correctional facility including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that such spending plans shall be accompanied by a delineation of all vehicles leased, owned or operated by each county sheriff, provided further, that no sheriff shall purchase any new vehicles or major equipment in fiscal year 2005 unless such purchase is made pursuant to a multi-county or regionalized collaborative procurement arrangement or unless such purchase is directly related to significant population increase or is otherwise necessary to address an immediate and unanticipated public safety crisis and is approved by the county government finance review board and the executive office of public safety; provided further, that notwithstanding the provisions contained in this item, sheriffs may purchase 'marked' prisoner transportation vans, upon notification to the county government finance review board; provided further, that notwithstanding any special law to the contrary, no county treasurer shall retain revenues derived by the sheriffs from commissions on telephone service provided to inmates or detainees; provided further, that the revenues shall be retained by the sheriffs not subject to further appropriation for use in a canteen fund; provided further, that the county government finance review board and the executive office of public safety shall identify and develop county correction expenditures which shall be reduced through shared contracts, regionalized services, bulk purchasing and other centralized procurement savings programs; provided further, that the daily count sheet for county facilities, compiled by the executive office of public safety, shall be filed with the Massachusetts Sheriffs' Association not less than monthly; provided further, that all revenues including, but not limited to, revenue received from housing federal prisoners, United States' Marshals, canteen revenues, inmate industries and work-crew revenues shall be tracked and reported quarterly to the house and senate committees on ways and means and the Massachusetts Sheriffs' Association; provided further, that on or before August 15, 2004, each county sheriff shall submit a final spending plan for fiscal year 2005 to the county government finance review board and the house and senate committees on ways and means detailing the level of resources deemed necessary for the operation of each county correctional facility and the expenditures which shall be reduced to remain within the appropriation; provided further, that failure by a county sheriff to comply with any provision of this item shall result in a reduction of subsequent quarterly payments to amounts consistent with a rate of expenditure of 95 per cent of the rate of expenditure for fiscal year 2004, as determined by the county government finance review board; provided further, that each sheriff shall submit to the executive office of public safety and the house and senate committees on ways and means copies of such spending plans not later than August 15, 2004; provided further, that on or before September 15, 2004, the county government finance review board shall have approved final fiscal year 2005 county correction budgets; provided further, that the county government finance review board shall provide the executive office of public safety and the house and senate committees on ways and means with copies of such approved budgets not later than October 15, 2004; provided further, that such budgets shall include distribution schedules for the final two quarters of fiscal year 2005 and such plans shall be used to make all subsequent quarterly distributions; provided further, that services shall be provided to the extent determined to be possible within the amount appropriated in this item and each sheriff shall make all necessary adjustments to ensure that expenditures do not exceed the appropriation; provided further, that each county shall expend during fiscal year 2005, for the operation of county jails and houses of correction and other statutorily authorized facilities and functions of the office of the sheriff, in addition to the amount distributed from this item, not less than 102.5 per cent of the amount expended in fiscal year 2004 for such purposes from own-source revenues, which shall not be less than 5 per cent of total county revenues including, but not limited to, amounts levied pursuant to sections 30 and 31 of chapter 35 of the General Laws and amounts provided pursuant to sections 11 to 13, inclusive, of chapter 64D of the General Laws; provided further, that in fiscal year 2005, those counties which have not met maintenance of effort obligations in prior fiscal years shall expend not less than the minimum contribution, as defined above from own-source revenues; provided further, that notwithstanding the provisions stated in this item, the maintenance of effort obligations for Suffolk county shall be 4 per cent of the total fiscal year 2005 Suffolk county correction operating budget as

approved by the county government finance review board; provided further, that notwithstanding any general or special law to the contrary, the deputy commissioner of local services shall certify on or before May 15, 2005 that all municipalities have appropriated and transferred to their respective county treasuries, not less than 102.5 per cent of the municipality's prior year obligation, or minimum contributions as defined above, whichever is greater, for county corrections; provided further, that if a municipality fails to transfer such obligation, the deputy commissioner shall withhold an amount equal to the shortfall in the obligation due to the county from such municipality's fourth quarter local aid 'cherry sheet' distribution, authorized from item 0611-5500 of section 2 and from funds made available from the State Lottery Fund distribution in section 3; provided further, that on or before August 1, 2004, the deputy commissioner shall report all such withholdings to the house and senate committees on ways and means; provided further, that in fiscal year 2005, notwithstanding section 20A of chapter 59 of the General Laws, any county except Suffolk and Nantucket may increase its county tax for the fiscal year by an additional amount if the total amount of such additional county tax is approved by two-thirds of the cities and towns in the county, in towns by a majority vote of the town meeting or town council, and in cities by a majority vote of the city council or board of aldermen, with the approval of the mayor or manager; and provided further, that each sheriff funded from this item shall report on a monthly basis to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than September 30, 2004133,668,218”.

The question on passing item 8910-0000, contained in section 2, in concurrence, the reduction and 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 o'clock P.M., as follows, to wit (yeas 34 — nays 4) [**Yeas and Nays No. 745**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 34
NAYS.	

Knapik, Michael R.	Sprague, Jo Ann
Lees, Brian P.	Tisei, Richard R. — 34.
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at one minute past eight o'clock P.M., item 8910-0000, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the governor, two-thirds of the members present and voting having approved the same.

Section 45 (Underground Storage Tank) was considered as follows:

“SECTION 45. Section 5 of Chapter 21J of the General Laws, as it presently appears, is hereby amended by adding the words ‘five hundred thousand’, following the word ‘million’ in each of the two places in which said word ‘million’ appears in subsection (a) thereof.”

The question on passing section 45, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at two minutes past eight o'clock P.M., as follows, to wit (yeas 37 — nays 1) [**Yeas and Nays No. 746**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
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.
Knapik, Michael R.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian

Magnani, David P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS	
Sprague, Jo Ann — 1.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at four minutes past eight o'clock P.M., section 45 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 58 (Errata to House 1 Recommendations) was considered as follows:

“SECTION 58. Section 7H of said chapter 29, as appearing in the 2002 Official Edition, is hereby amended by inserting after the word ‘decreased’, in line 53, the following words:— , or that appropriations or statutory amendments that would provide funding to support recommended levels of appropriations have materially changed.”

The question on passing section 58, 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 five minutes past eight o'clock P.M., as follows, to wit (yeas 31 — nays 7) [**Yeas and Nays No. 747**]:

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.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 31

Melconian, Linda J.	
NAYS.	
Brown, Scott P.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 7.
Lees, Brian P.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at seven minutes past eight o'clock P.M., section 58 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 238 (Community Policing) was considered as follows:

“SECTION 238. Notwithstanding any general or special law to the contrary, chapter 26 of the acts of 2003, in section 2, in item 8000-0010 is hereby amended by added at the end thereof the following:— provided further, that \$165,000 shall be provided for community policing in the Dudley Square section of Roxbury in the city of Boston; provided further, that not less than \$20,000 shall be provided for community policing in Revere.”

The question on passing section 238, 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 eight o'clock P.M., as follows, to wit (yeas 38 nays 0) [**Yeas and Nays No. 748**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
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.

Knapik, Michael R.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at nine minutes past eight o'clock P.M., section 238 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 257 (Nursing Home Clinical Criteria) was considered as follows:

“SECTION 257. Notwithstanding the provisions of any general or special law to the contrary, the regulations, criteria and standards for determining admission to and continued stay in a nursing home shall not be more restrictive than those regulations, criteria and standards in effect on January 1, 2004 until such time as the executive office of health and human services and the executive office of elder affairs submit a multi-year plan to the house and senate committees on ways and means, the joint committee on health care, and the house committee on medicaid detailing the suggested timeline for phasing in changes to nursing home clinical criteria, provided that said changes shall not adversely affect current nursing home residents and shall not jeopardize the effectiveness of the 2176 home and community based waiver.”

The question on passing section 257, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at ten minutes past eight o'clock P.M., as follows, to wit (yeas 37 — nays 1) [**Yeas and Nays No. 749**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
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.
Knapik, Michael R.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS	
Sprague, Jo Ann — 1.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at twelve minutes past eight o'clock P.M., section 257 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

A Bill relative to pedestrian safety at crosswalks (House, No. 1342,— on petition),— was read. There being no objection, the rules were suspended, on motion of Ms. Fargo, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Engrossed Bill.

An engrossed Bill validating the acts and proceedings at a certain town caucus in the town of Westhampton (see House, No. 1712) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. Panagiotakos) and laid before the Acting Governor for his approbation.

Petition.

On motion of Mr. Morrissey, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Morrissey (accompanied by bill), of Michael W. Morrissey, Pamela P. Resor and William Galvin, Secretary of the Commonwealth, for legislation relative to the Massachusetts historic rehabilitation tax credit,— and the same was referred to the committee on Taxation. Sent to the House for concurrence.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill relative to veteran's retirement benefits (see House Bill, printed as Senate, No. 1576, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at nineteen minutes past eight o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 750]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.

Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
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.
Knapik, Michael R.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

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

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

PAPER FROM THE HOUSE.

The House Bill relative to low income housing tax credit (House, No. 4911),— **came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2434 with a further amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5037.**

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

Matter Taken Out of the Orders of the Day.

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

The Senate Bill to protect patient safety in the delivery of health care services (Senate, No. 2242),— **was read a second time and was amended, as previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2459).**
The bill (Senate, No. 2459) was then ordered to a third reading.

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (both of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor, on Saturday, July 31, 2004, for his approbation, to wit:

Relative to municipal lighting plant cooperatives (see House, No. 2425); and
 Directing the Department of Revenue to accept certain applications for abatement (see House, No. 3101).

Engrossed Bills — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the town of North Andover to grant a certain utility easement (see House, No. 4789) (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 eighteen minutes past ten o'clock P.M., as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 751**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
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.
Knapik, Michael R.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian

McGee, Thomas M.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at twenty minutes after ten o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor, on Saturday, July 31, 2004, for his approbation.

An engrossed Bill authorizing the city of Chicopee to convey certain park land in the city of Chicopee (see House, No. 4992) (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-one minutes past ten o'clock P.M., as follows, to wit (yeas 38 — nays 0) **[Yeas and Nays No. 752]:**

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
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.
Knapik, Michael R.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 38.

NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela — 1.	

The yeas and nays having been completed at twenty-three minutes past ten o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor, on Saturday, July 31, 2004, for his approbation.

Emergency Preambles Adopted.

An engrossed Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to the Shrewsbury Housing Authority (see House, No. 4988), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 8 to 0.

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

An engrossed Bill authorizing the Division of Fisheries and Wildlife to take or acquire conservation restrictions in and to lands of the town of Clinton (see House, No. 1208), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 7 to 0.

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

Message from the Governor — Disapproval and Reductions in General Appropriation Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 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 (see House, No. 4850), which on Wednesday, June 16, 2004, had been laid before the Governor for his approbation,— **came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.**

The message (House, No. 4900) was read; and the Senate proceeded to reconsider several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 4100-0060 (Division of Health Care Finance and Policy Administration) was considered as follows:

“4100-0060

For the operation of the division and the administration of the uncompensated care pool established pursuant to chapter 118G of the General Laws; provided, that notwithstanding any general or special law to the contrary, the assessment to acute hospitals authorized pursuant to section 5 of said chapter 118G for the estimated expenses of the division shall include in fiscal year 2005, the estimated expenses, including indirect costs, of the division and shall be equal to the amount appropriated in this item less amounts projected to be collected in fiscal year 2005 from: (1) filing fees; (2) fees and charges generated by the division’s publication or dissemination of reports and information; and (3) federal financial participation received as reimbursement for the division’s administrative costs; provided further, that the assessed amount shall be not less than 65 per cent of the division’s expenses as specified in this item; provided further, that the division shall promulgate regulations requiring all hospitals receiving payments from the uncompensated care pool to report to the division the following utilization information: the number of inpatient admissions and outpatient visits by age category, income category, diagnostic category and average charge per admission; provided further, that the division shall submit quarterly to the house and senate committees on ways and means a summary report compiling said data; provided further, that the division, in consultation with the executive office of health and human services, shall not promulgate any increase in Medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act or any successor federal statute to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that the division shall meet the reporting requirements of section 25 of chapter 203 of the acts of 1996; provided further, that the division shall share financial data and expertise about the Massachusetts health care industry with the Massachusetts Institute for Social and Economic Research for the purpose of enhancing, developing and marketing data products for the public; provided further, that the division and the institute shall share any revenue generated through sale, licensure, royalty and usage fees charged for said data products; provided further, that not later than October 24, 2004 the division shall submit to the comptroller and to the house and senate committees on ways and means a report describing

the method by which the division shall generate revenues through said sale, licensure, royalty, and usage fees in an amount sufficient to meet 25 per cent of the projected costs of the division in any fiscal year, as required by section 612 of chapter 151 of the acts of 1996; provided further, that funds may be expended for the purposes of a survey and study of the uninsured and underinsured in the commonwealth, including, the health insurance needs of the residents of the commonwealth; provided further, that said study shall examine the overall impact of programs administered by the executive office of health and human services on the uninsured, the underinsured, and the role of employers in assisting their employees in affording health insurance pursuant to section 23 of chapter 118G of the General Laws; provided further, that for hospital fiscal year 2005, the private sector liability of purchasers and third party payers to the Uncompensated Care Trust Fund established pursuant to section 18 of chapter 118G of the General Laws shall be \$320,000,000; provided further, that the division shall publish annual reports on the financial condition of hospitals and other health care providers through the Health Benchmarks project website, in collaboration with the executive office of health and human services, the office of the attorney general, and the University of Massachusetts; provided further, that the division shall submit to the house and senate committees on ways and means not later than December 6, 2004 a report detailing utilization of the uncompensated care pool; provided further, that the report shall include: (1) the number of persons in the commonwealth whose medical expenses were billed to the pool in fiscal year 2004; (2) the total dollar amount billed to the pool in fiscal year 2004; (3) the demographics of the population using the pool, and; (4) the types of services paid for out of the pool funds in fiscal year 2004; provided further, that the division shall include in the report an analysis on hospitals' responsiveness to enrolling eligible individuals into the MassHealth program upon the date of service rather than charging said individuals to the uncompensated care pool; provided further, that the division shall include in the report possible disincentives the state could provide to hospitals to discourage such behavior; provided further, that notwithstanding any general or special law or rule or regulation to the contrary, the division shall not allow any exceptions to the usual and customary charge defining rule as defined in 114.3 CMR 31.02, for the purposes of drug cost reimbursement to eligible pharmacy providers for publicly aided and industrial accident patients; provided further, that the division is hereby authorized to change the pricing standard used by said division when determining the rate of payment to pharmacy providers for prescribed drugs for publicly-aided or industrial accident patients if such a change would financially benefit the commonwealth; provided further, that notwithstanding any general or special law to the contrary said division shall maintain the rate paid for the dispensing fees to retail pharmacies for prescribed drugs to publicly aided or industrial accident patients at \$3 in fiscal year 2005; and provided further, that said division shall not use any funds appropriated from the health care quality improvement trust fund for operating costs, including, rent and utilities10,028,104”.

The question on passing item 4100-0060, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-five minutes past ten o'clock P.M., as follows, to wit (yeas 32 — nays 5) [Yeas and Nays No. 753]:

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.	Rosenberg, Stanley C.

Hart, John A., Jr.	Tarr, Bruce 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 — 32
NAYS.	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Sprague, Jo Ann — 5.
Knapik, Michael R.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at twenty-seven minutes past ten o'clock P.M., item 4100-0060, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4510-0110 (Community Health Centers) was considered as follows:

“4510-0110

For community health center services; provided, that no funds shall be expended in the AA subsidiary for any personnel-related costs; provided further, that the department shall submit a tentative allocation schedule of the community health center grants to the house and senate committees on ways and means not later than February 1, 2005; provided further, that not less than \$50,000 shall be expended for the Cape Cod Free Clinic; provided further, that not less than \$100,000 shall be expended for the Elder Health Center in Saugus; and provided further, that not less than \$100,000 shall be expended for the Duffy Health Center4,631,635”.

The question on passing item 4510-0110, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-eight minutes past ten o'clock P.M., as follows, to wit (yeas 30 — nays 7) [**Yeas and Nays No. 754**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.

Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 30.
NAYS.	
Brown, Scott P.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 7.
Lees, Brian P.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at half past ten o'clock P.M., item 4510-0110, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4510-0710 (Health Care Quality Administration) was considered as follows:

“4510-0710

For the operation of the division of health care quality and the office of patient protection; provided, that the division shall be responsible for assuring the quality of patient care provided by the commonwealth's health care facilities and services, and for protecting the health and safety of patients who receive care and services in nursing homes, rest homes, clinical laboratories, clinics, institutions for the mentally retarded and the mentally ill, hospitals and infirmaries, including the inspection of ambulance services; provided further, that the division shall coordinate its work with the boards of registration under the department of public health to promote quality patient care in facilities licensed by the department, and shall report specific instances of preventable medical error that involve an individualized component investigated by the board of registration and a systemic or institutional component investigated by the division, the medical, administrative, educational and disciplinary outcomes of such instances of preventable medical error, and the ways in which coordination promotes quality patient care, fairness and accuracy in disciplinary actions, and better provider and facility education; provided further, that investigators shall conduct investigations of abuse, neglect, mistreatment and misappropriation under sections 51 and 72H of chapter 111 of the General Laws; provided further, that the division shall assign such investigators to perform their duties staggered shifts which shall be established by the division in order to provide coverage adequate to ensure that all complaints of abuse, neglect, mistreatment and misappropriation are investigated under said sections 51 and 72H of said chapter 111, and that the department shall investigate complaints during evening and weekend hours as needed to assess the validity of the complaint; provided further, that not less than 10 per cent of all routine surveys of the facilities are completed during evening or weekend hours; provided further, that the division shall minimize the need for payment of overtime to investigators in both emergent and non-emergent situations and shall not authorize the assignment of overtime hours for any investigator when the duties can be performed on a non-overtime basis by another investigator; provided further, that all investigators in the division of health care quality responsible for the investigations shall receive training by the Medicaid fraud control unit of the office of the attorney general under a comprehensive training program to be developed by the division and the unit; provided further, that the division shall report quarterly to the house and senate committees on ways and means on the number of incident reports and, for those reports requiring investigations under said section 71-H of said chapter 111, indicating for each such report, the time in which: (1) the division completed its investigation;

(2) the division made an evaluation and determination of the validity of the report; (3) made a referral of such report to the appropriate agency or agencies; provided further, that if in any quarter the division maintains a backlog of cases requiring investigation that have not been investigated, evaluated and determined within the time frames established in said section 72H of said chapter 111, the division shall include in the report an explanation as to the reasons therefor; provided further, that the division shall include in the report a list of all instances of the payment of overtime for investigators and the justification therefor and in each quarter shall compare the overtime expenditures from this item with the overtime expenditures made in the corresponding quarter of fiscal year 2004; provided further, that the division shall continue to research and develop, in consultation with the nursing home industry and consumer representatives, appropriate confidential survey tools to assess consumer satisfaction in long-term care facilities; provided further, the division shall continue a comprehensive training education and outreach program for nursing home administrators and managers and other supervisory personnel in long-term care to improve the quality of care in long-term care facilities; provided further, that the program shall promote the use of best practices, models of quality caregiving and the culture of workforce retention within the facilities and shall focus on systemic ways to reduce deficiencies; and provided further, that the department shall report to the house and senate committees on the results of the program not later than April 30, 2005 7,620,835”.

The question on passing item 4510-0710, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-nine minutes before eleven o'clock P.M., as follows, to wit (yeas 30 — nays 7) [Yeas and Nays No. 755]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 30.

NAYS.	
Brown, Scott P.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 7.
Lees, Brian P.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at twenty-eight minutes before eleven o'clock P.M., item 4510-0710, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4510-0790 (Office of Emergency Medical Service) was considered as follows:

“4510-0790

For regional emergency medical services; provided, that no funds shall be expended in the AA subsidiary for any personnel-related costs; Service provided further, that the regional emergency medical services councils, designated as such in accordance with 105 CMR 170.101 and the C-MED communications as of January 1, 1992, shall remain the designated councils and C-MEDs; provided further, that the department shall report quarterly on the number of investigations of ambulance services performed by said inspectors and by inspectors funded in items 4510-0710 and 4510-0712 as well as the number of investigations pending at the end of each quarter and the reasons therefor; provided further, that the department, in conjunction with the regional emergency services councils, notwithstanding section 27C of chapter 29 of the General Laws to the contrary, shall promulgate regulations to ensure that all basic, intermediate, and paramedic emergency medical technicians are certified to use and have available epinephrine for the emergency treatment of anaphylaxis; provided further, that the department shall report to the house and senate committees on ways and means not later than January 15, 2005 on the implementation of the certifications and availability of epinephrine; provided further, that the department shall widely disseminate this requirement to all relevant parties; and provided further, that funds shall be expended to provide continuous ambulance coverage and public safety personnel to mitigate adverse effects of the construction of the central artery and third harbor tunnel project in the city of Charlestown, pursuant to subsection (f) of chapter 479 of the acts of 19901,246,896”.

The question on passing item 4510-0790, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-seven minutes before eleven o'clock P.M., as follows, to wit (yeas 30 — nays 7) [**Yeas and Nays No. 756**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese

Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 30.
NAYS.	
Brown, Scott P.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 7.
Lees, Brian P.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at twenty-five minutes before eleven o'clock P.M., item 4510-0790, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4513-1020 (Early Intervention Program) was considered as follows:

“4513-1020

For the early intervention program; provided, that no funds shall be expended in the AA subsidiary for any personnel-related costs; provided further, that the department shall report quarterly to the house and senate committees on ways and means the total number of units of service purchased and the total expenditures for the units of service paid by the department, the division of medical assistance, and by third party payers for early intervention services for the following services categories: home visit, center-based individual, child-focused group, parent-focused group, screening, and assessment; provided further, that the department shall make all reasonable efforts to secure third party and Medicaid reimbursements for the services funded herein; provided further, that funds from this item shall be expended for a reserve to provide respite services to families of children enrolled in early intervention programs who have complex care requirements, multiple disabilities and extensive medical and health needs; provided further, that priority shall be given to low and moderate income families; provided further, that the department shall submit to the house and senate committees on ways and means a report on the number of families served by said program and the amount of funds appropriated herein granted to qualified families not later than February 1, 21005; provided further, that no claim for reimbursement made on behalf of an uninsured person shall be paid from this item until the program receives notice of a denial of eligibility for the MassHealth program from the division of medical assistance; and provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights to any such services or an enforceable entitlement to the early intervention services funded in this item 29,270,778”.

The question on passing item 4513-1020, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-four minutes before eleven o'clock P.M., as follows, to wit (yeas 32 — nays 5) [**Yeas and Nays No. 757**]:

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.	Rosenberg, Stanley C.
Hart, John A., Jr.	Tarr, Bruce 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 — 32
NAYS.	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Sprague, Jo Ann — 5.
Knapik, Michael R.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at twenty-three minutes before eleven o'clock P.M., item 4513-1020, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4590-0912 (Western Mass Hospital Retained Revenue) was considered as follows:

“4590-0912

The department may expend an amount not to exceed \$13,928,310 from reimbursements collected for western Massachusetts hospital services, subject to the approval of the commissioner of public health; provided, that such revenues may be expended for the purpose of hospital-related costs, including personnel, capital expenditures, DD subsidiary chargebacks and motor vehicle replacement; provided further, that all revenues expended shall be pursuant to schedules submitted to the secretary of administration and finance and the house and senate committees on ways and means; provided further, that notwithstanding any general or special law to the contrary, the western Massachusetts hospital shall be eligible to receive and retain full reimbursement from the medical assistance program of the division of medical assistance; provided further, that notwithstanding any general or special law to the contrary, the western Massachusetts hospital shall reimburse the General Fund for a portion of employee benefit expenses, according to a schedule submitted by the commissioner of public health and approved by the secretary for administration and finance; provided further, that such reimbursement shall not exceed 10 per cent of total personnel costs for the hospital; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting, system; and provided further, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein
.....13,928,310”.

The question on passing item 4590-0912, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-two minutes before eleven o'clock P.M., as follows, to wit (yeas 34 — nays 3) **[Yeas and Nays No. 758]**:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	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 — 34

NAYS.	
Brown, Scott P.	Sprague, Jo Ann — 3.
Hedlund, Robert L.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at twenty minutes before eleven o'clock P.M., item 4590-0912, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8400-0001 (Registry of Motor Vehicles) was considered as follows:

“8400-0001

For the administration and operation of the registry of motor vehicles, including the title division and including all rent and related parking and utility expenses of the registry; provided, that the positions of administrative assistant to the registrar, legislative assistant, executive assistant to the registrar and the director of employee relations shall not be subject to civil service laws and rules; provided further, that all expenditures related to computer automation shall be subject to satisfactory quarterly reviews by the information technology division and pursuant to schedules by the division; provided further, that 40 per cent of the costs of personnel services associated with the registry computer, which reflects the proportionate use of the computer by the merit rating board, shall be assessed to insurance companies doing motor vehicle insurance business within the commonwealth, pursuant to section 183 of chapter 6 of the General Laws; provided further, that the registry may operate a full-service branch in the town of Southbridge; provided further, that the registry shall operate an office in the city of Fall River; provided further, that not less than \$110,000 shall be expended to operate a license express office in the city of Lynn; provided further, that the registry may operate a full service office in the town of Milford to be operated 5 days a week; provided further, the registry shall operate a license express office in the town of Walpole; provided further, that the registry shall operate a license express office in the town of Falmouth; provided further, that said registry may operate a full-service office in the city of Lowell; provided further, that said registry may operate a license express office in the Grove Hall neighborhood in the city of Boston; provided further, that the registry shall operate an office in the city of Taunton and the town of Plymouth which shall handle license business, learner's permits, road testing, and full service registration business to the general public; provided further, that the registry shall establish and maintain a record of all vehicles leased within the commonwealth for a period longer than 30 days; provided further, that such record shall include, but not be limited to, the names and addresses of the lessor and the lessee; provided further, that the registry shall take all steps necessary to improve customer service within existing resources; and provided further, that the registry may operate within the Springfield branch a one stop international registration plan office for truck registrations to serve the counties of Hampden, Hampshire, Franklin and Berkshire45,860,316”.

The question on passing item 8400-0001, contained in section 2, in concurrence, the reduction and 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 nineteen minutes before eleven o'clock P.M., as follows, to wit (yeas 31 — nays 6) **[Yeas and Nays No. 759]**:

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.	Rosenberg, Stanley C.
Hart, John A., Jr.	Tisei, Richard R.
Havern, Robert A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 31.
Melconian, Linda J.	
NAYS.	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E. — 6.
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at eighteen minutes before eleven o'clock P.M., item 8400-0001, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8910-0108 (Franklin Sheriff's Department) was considered as follows:

"8910-0108

For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Franklin county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2004 6,136,081".

The question on passing item 8910-0108, contained in section 2, in concurrence, the reduction 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 before eleven o'clock P.M., as follows, to wit (yeas 33 — nays 4) [Yeas and Nays No. 760]:

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

Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Tarr, Bruce E.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 33
McGee, Thomas M.	
NAYS.	
Brown, Scott P.	Sprague, Jo Ann
Hedlund, Robert L.	Tisei, Richard R. — 4.
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at a quarter before eleven o'clock P.M., item 8910-0108, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8910-0110 (Hampshire Sheriff's Department) was considered as follows:

“8910-0110

For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Hampshire county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2004 10,430,689”.

The question on passing item 8910-0110, contained in section 2, in concurrence, the reduction 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 fourteen minutes before eleven o'clock P.M., as follows, to wit (yeas 34 — nays 2) **[Yeas and Nays No. 761]:**

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.

Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Brown, Scott P.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	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 — 34
NAYS.	
Hedlund, Robert L.	Sprague, Jo Ann — 2.
ABSENT OR NOT VOTING.	
Creedon, Robert S., Jr.	Shannon, Charles E. — 3.
Resor, Pamela	

The yeas and nays having been completed at eleven minutes before eleven o'clock P.M., item 8910-0110, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8910-0145 (Berkshire Sheriff's Department) was considered as follows:

"8910-0145

For the operation of the jail, house of correction, and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Berkshire county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 200412,842,331".

The question on passing item 8910-0145, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at ten minutes before eleven o'clock P.M., as follows, to wit (yeas 33 — nays 4) **[Yeas and Nays No. 762]**:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.

Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Tarr, Bruce E.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 33
McGee, Thomas M.	
NAYS.	
Brown, Scott P.	Sprague, Jo Ann
Hedlund, Robert L.	Tisei, Richard R. — 4.
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at nine minutes before eleven o'clock P.M., item 8910-0145, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 198 (Newton District Court — Assistant Clerk of Jury Sessions) was considered as follows:

“SECTION 198. The fifteenth paragraph of section 10 of chapter 218 of the General Laws, as most recently amended by section 465 of chapter 26 of the acts of 2003, is hereby further amended by inserting after the words ‘third district court of eastern Middlesex;’ the following words:— the district court of Newton.”

The question on passing section 198, 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 before eleven o'clock P.M., as follows, to wit (yeas 31 — nays 6) **[Yeas and nays No. 763]:**

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.

Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 31.
McGee, Thomas M.	
NAYS.	
Brown, Scott P.	Sprague, Jo Ann
Hedlund, Robert L.	Tisei, Richard R.
Lees, Brian P.	Tarr, Bruce E. — 6.
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at six minutes before eleven o'clock P.M., section 198 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

PAPERS FROM THE HOUSE.

Engrossed Bills Returned by Governor With His Objections Thereto.

The engrossed Bill relative to certain court fees (see House, No. 4915), which, on Friday, July 9, 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. 4995], and having passed that branch, notwithstanding said objections.

The message (House, No. 4995) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

The question on passing the bill, in concurrence, the objections of His Excellency 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 five minutes before eleven o'clock P.M., as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 764**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at three minutes before eleven 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.

The engrossed Bill relative to the fees of certain Superior Court cases (see House, No. 4916), which, on Friday, July 9, 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. 4996] and having passed that branch, notwithstanding said objections.

The message (House, No. 4996) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

The question on passing the bill, in concurrence, the objections of His Excellency 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 one minute before eleven o'clock P.M., as follows, to wit (yeas 37 nays 0) [**Yeas and Nays No. 765**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at one minute past eleven 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.

Emergency Preamble Adopted.

An engrossed Bill relative to interest from certain retirement systems (see House, No. 4906), 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 6 to 0.**
The bill was signed by the Acting President (Mr. Havern) and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (all of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Havern) and laid before the Governor, on Saturday, July 31, 2004, for his approbation, to wit:

Relative to pedestrian safety at crosswalks (see House, No. 1342);
 Relative to storage of personal property upon execution of a summary process judgement (see House, No. 2100, amended); and
 Prohibiting certain practices in home mortgage lending (see House, No. 4880).

The following engrossed bills (both of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be re-enacted and were signed by the Acting President (Mr. Havern) and again laid before the Governor on Saturday, July 31, 2004, for his approbation, to wit:

Relative to the buyback of creditable service (see House, No. 4907); and
 Relative to the home and community-based service waiver (see House, No. 4922).

Engrossed Bills.

An engrossed Bill authorizing the town of Weston to appropriate money from the Community Preservation Fund (see House, No. 4999) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President (Mr. Havern) and laid before the Governor, on Saturday, July 31, 2004, for his approbation.**

An engrossed Bill authorizing the Highway Department to convey sewer easements along Route 1 in Lynnfield, Saugus and Peabody (see Senate, No. 2417) (which originated in the Senate), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. Havern) and laid before the Governor, on Saturday, July 31, 2004, for his approbation.**

Engrossed Bills — Land Taking for Conservation, Etc.

An engrossed Bill relative to certain conservation land in the town of Amherst (see Senate, No. 2261) (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 five minutes past eleven o'clock P.M., as follows, to wit (yeas 37 — nays 0) **[Yeas and Nays No. 766]:**

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at seven minutes past eleven 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, on Saturday, July 31, 2004, for his approbation.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the city of North Adams (see House, No. 4335) (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 eight minutes past eleven o'clock P.M., as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 767**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at ten minutes past eleven 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, on Saturday, July 31, 2004, for his approbation.

An engrossed Bill authorizing the town of Sutton to lease certain conservation land (see House, No. 4730) (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 eleven minutes past eleven o'clock P.M., as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 768**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.

Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

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), the yeas and nays having been completed at twelve minutes past eleven 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, on Saturday, July 31, 2004, for his approbation.

A Bill authorizing the town of Lancaster to lease certain land (House, No. 4628,— on petition) [Local approval received],— was read.

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

Matter Taken Out of the Orders of the Day.

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

The Senate Bill authorizing the town of Rowley to change the use, the care, custody and control of a portion of town conservation land (Senate, No. 2446),— was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Tarr offered an amendment, in section 1, by adding the following 2 sentences: "The town of Rowley shall dedicate a parcel of town-owned land, equal to or larger than the parcel described in section 2, for conservation and recreation purposes. If dedication of such conservation or recreation land has not occurred by January 1, 2005, the town of Rowley shall appropriate the proceeds of all annual fees collected from such carrier for conservation and recreation purposes."

The amendment was adopted.

The bill (Senate, No. 2446, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

Message from the Governor — Disapproval and Reductions in General Appropriation Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 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 (see House, No. 4850), which on Wednesday, June 16, 2004, had been laid before the Governor for his approbation,— **came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.**

The message (House, No. 4900) was read; and the Senate proceeded to reconsider several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 0333-1313 (Suffolk Probate Court Community Access) was considered as follows:

“0333-1313

For the Suffolk probate community access program of community outreach and education; provided, that said program shall be targeted at low income persons who experience educational and language barriers to court access; and provided further, that said program shall be administered by the register of probate of Suffolk county
189,041”.

The question on passing item 0333-1313), contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at sixteen minutes past eleven o'clock P.M., as follows, to wit (yeas 32 — nays 5) [**Yeas and Nays No. 769**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Tisei, Richard R.
Hedlund, Robert L.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 32.
NAYS.	
Brown, Scott P.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E. — 5.
Lees, Brian P.	
ABSENT OR NOT VOTING.	

Resor, Pamela	Shannon, Charles E. — 2.
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The yeas and nays having been completed at nineteen minutes past eleven o'clock P.M., item 0333-1313, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0640-0013 (Lottery Anti-Litter Program) was considered as follows:

“0640-0013

For costs to establish, develop, implement and promote a lottery anti-litter program; provided, that said lottery may develop regional environmental awareness events to limit the number of discarded instant tickets that become litter; provided further, that 25 per cent of the amount appropriated in this item shall be transferred quarterly from the State Lottery Fund to the General Fund 100,000”.

The question on passing item 0640-0013, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty minutes past eleven o'clock P.M., as follows, to wit (yeas 32 — nays 5) [**Yeas and Nays No. 770**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 32.
NAYS.	
Brown, Scott P.	Sprague, Jo Ann
Knapik, Michael R.	Tisei, Richard R. — 5.

Lees, Brian P.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at twenty-three minutes past eleven o'clock P.M., item 0640-0013, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 299 (Hynes Convention Center and Boston Common Garage Commission) was considered as follows:

“SECTION 299. There shall be a commission to study, make recommendations and propose any legislation related to the use, reuse, lease, sale, conveyance, or any disposition of any interest in the Hynes Memorial Auditorium and the Boston Common Parking Garage. The commission shall consist of 3 persons to be appointed by the governor, 1 of whom shall be the chairperson of the Massachusetts Convention Center Authority or his designee, and 1 of whom shall be a representative of the Back Bay Association; 3 persons to be appointed by the mayor of the city of Boston, 1 of whom shall be the director of the Boston Redevelopment Authority, and 1 of whom shall be a representative of the Greater Boston Chamber of Commerce; 3 persons to be appointed by the president of the senate, 1 of whom shall be the senate minority leader, 1 of whom shall be the senate chairperson of the joint committee on state administration, and 1 of whom shall be a representative of the Greater Boston Convention and Visitors Bureau; and 3 persons to be appointed by the speaker of the house of representatives, 1 of whom shall be the house minority leader, 1 of whom shall be the house chairperson of the joint committee on state administration and 1 of whom shall be a representative of the Massachusetts lodging association. The house and senate chairpersons of the joint committee on state administration shall jointly chair the commission.

As part of its study and in making its recommendations the commission shall consider the following: (i) a comprehensive and coordinated strategy and plan for the use, reuse, lease, sale, conveyance or disposition of the auditorium, including the development of air rights above the existing facility and the garage (ii) the continued use of the Hynes as a convention center venue owned, operated and maintained by the Massachusetts Convention Center Authority after the opening of the Boston Convention and Exhibition Center; (iii) the use of the Hynes Convention Center for any other purpose, other than as a convention center venue or as a convention center with other mixed uses, by any public or private entity or a combination thereof; (iv) the state, city, community, and local business interests, including but not limited to hotel, retail, and restaurant interests involved and impacted by (a) the continued use of the Hynes Convention Center as a convention center by the Massachusetts Convention Center Authority, a private entity, or a combination thereof, or (b) by the reuse of the Hynes Convention Center property for a use other than as a convention center venue or a mixed use thereof; (v) the feasibility of continued use of the Hynes Auditorium as a convention center with secondary development of the property, as a joint public/private partnership with the Massachusetts Convention Center Authority, including the development of air rights above the existing facility, subject to applicable state and local laws; (vi) the ownership and operation of the Boston Common Parking Garage; (vii) the feasibility of the proceeds of a portion thereof of any sale, conveyance, or disposition of the Hynes Auditorium or the parking garage to be allocated to the Authority; and (viii) any other issues, studies, proposals or impacts that may be relevant, pertinent, or material to the study, analysis, and review of the commission. The commission shall solicit and consider advice and comments from elected state and city officials and representatives from neighborhood, professional, trade and (viii) business groups affected by the potential use, reuse, lease, sale, conveyance or disposition of any interest in the Hynes Convention Center.

The commission shall prepare a final report of its findings resulting from its study, including legislative recommendations. The commission shall file the report with both the clerks of the house of representatives and the senate and shall also submit a copy of the report to the governor, the president of the senate, the speaker of the house, and the chairpersons of the committee on ways and means and the joint committee on state administration on or before December 30, 2005. No reuse, lease, or conveyance, as recommended by the commission, shall occur without approval by act of the General Court.”

The question on passing section 299, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-four minutes past eleven o'clock P.M., as follows, to wit (yeas 30 — nays 7) [**Yeas and Nays No. 771**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.

Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 30.
NAYS.	
Brown, Scott P.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 7.
Lees, Brian P.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at twenty-three minutes past eleven o'clock P.M., section 299 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

A Bill releasing certain land in the town of Plymouth from the operation of certain agricultural preservation restrictions (House, No. 5032,— on petition) [Local approval received],— **was read.**

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

A Bill authorizing the city of Northampton to convey certain park land (House, No. 4885,— on petition) [Local approval received],— **was read.**

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

Message from the Governor — Disapproval and Reductions in General Appropriation Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 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 (see House, No. 4850), which on Wednesday,

June 16, 2004, had been laid before the Governor for his approbation, — **came from the House, in part, an item having been passed by the House notwithstanding the reduction of the Governor.**

The message (House, No. 4900) was read; and the Senate proceeded to reconsider an item, which had been reduced in accordance with the provisions of the Constitution.

Item 8910-0102 (Hampden Sheriff’s Department) was considered as follows:

“8910-0102

For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Hampden county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 200453,943,889”.

The question on passing item 8910-0102, contained in section 2, in concurrence, the reduction 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-nine minutes before twelve o’clock midnight, as follows, to wit (yeas 37 — nays 0) **[Yeas and Nays No. 772]**:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS — 0.	

ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at twenty-seven minutes before twelve o'clock midnight, item 8910-0102, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Emergency Preamble Adopted.

An engrossed Bill directing the Division of Capital Asset Management and Maintenance to convey certain parcels of land in the towns of Hopkinton and Westborough (see Senate, No. 2462), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 10 to 0.

The bill was signed by the Acting President (Mr. Havern) and sent to the House for enactment.

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 to clarify certain tax provisions and improve the activities of the Department of Revenue (House, No. 4744, printed as amended) (*amended by the Senate* striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2362; 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 hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”), recommending that the House concur in the Senate amendment with a further amendment, striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5039,— came from the House, and was read.

Senate Rule 36 was suspended, on motion of Ms. Creem, and the report was considered forthwith. After remarks, the question on accepting the report, in concurrence, was determined by a call of the yeas and nays, at twenty-four minutes before twelve o'clock midnight, on motion of Mr. Lees, as follows, to wit (yeas 37 — nays 0) [Yeas and Nays No. 773]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Sprague, Jo Ann

Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The President in the Chair, the yeas and nays having been completed at twenty-two minutes before twelve o'clock midnight, the report of the committee of conference was accepted, in concurrence.

Message from the Governor — Disapproval and Reductions in General Appropriation Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 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 (see House, No. 4850), which on Wednesday, June 16, 2004, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4900) was read; and the Senate proceeded to reconsider several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 8910-0105 (Worcester Sheriff's Department) was considered as follows:

“8910-0105

For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Worcester county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 200438,034,321”.

The question on passing item 8910-0105, contained in section 2, in concurrence, the reduction 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-one minutes before twelve o'clock midnight, as follows, to wit (yeas 34 — nays 3) [**Yeas and Nays No. 774**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.

Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	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 — 34
NAYS.	
Brown, Scott P.	Sprague, Jo Ann— 3.
Hedlund, Robert L.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at nineteen minutes before twelve o'clock midnight, item 8910-0105, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8910-0107 (Middlesex Sheriff's Department) was considered as follows:

“8910-0107

For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Middlesex county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 200448,620,821”.

The question on passing item 8910-0107, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eighteen minutes before twelve o'clock midnight, as follows, to wit (yeas 35 — nays 2) [Yeas and Nays No. 775]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.

Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 35
McGee, Thomas M.	
NAYS.	
Hedlund, Robert L.	Sprague, Jo Ann — 2.
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at sixteen minutes before twelve o'clock midnight, item 8910-0105, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8910-0619 (Essex Sheriff's Department) was considered as follows:

"8910-0619

For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Essex county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 200439,701,005".

The question on passing item 8910-0619, contained in section 2, in concurrence, the reduction 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 a quarter before twelve o'clock midnight, as follows, to wit (yeas 35 — nays 2) [Yeas and Nays No. 776]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.

Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 35
McGee, Thomas M.	
NAYS.	
Hedlund, Robert L.	Sprague, Jo Ann— 2.
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at thirteen minutes before twelve o'clock midnight, item 8910-0619, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Engrossed Bills.

An engrossed Bill authorizing the town of Edgartown to enter into a certain lease (see House, No. 4339) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Governor, on Saturday, July 31, 2004, for his approbation.**

An engrossed Bill relative to interest from certain retirement systems (see House, No. 4906) (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, on Saturday, July 31, 2004, for his approbation.**

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the Division of Fisheries and Wildlife to take or acquire conservation restrictions in and to lands of the town of Clinton (see House, No. 1208) (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 eleven minutes before twelve o'clock midnight, as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 777**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at nine minutes before twelve o'clock midnight, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor, on Saturday, July 31, 2004 for his approbation.

Emergency Preamble Adopted.

An engrossed Bill relative to low income housing tax credit (see House, No. 4911), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the

preamble was adopted in concurrence, by a vote of 11 to 0.

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

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to the Shrewsbury Housing Authority (see House, No. 4988) (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 seven minutes before twelve o'clock midnight, as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 778**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at five minutes before twelve o'clock midnight, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor, on Saturday, July 31, 2004, for his approbation.

A Bill relative to private attorneys providing public counsel services (House, No. 5038,— on House, No. 4321),— was read. There being no objection, the rules were suspended, on motion of Mr. Nuciforo, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Engrossed Bill Returned by Governor With His Objections Thereto.

The engrossed Bill relative to the town of Lenox and the reimbursement of local room occupancy taxes (see Senate, No. 2344), which, on Tuesday, July 20, 2004, had been laid before His Excellency the Governor for his approbation,— was returned to the Senate Clerk by His Excellency the Governor on Friday, July 23, 2004, at twelve minutes before five o'clock P.M., with his objections thereto in writing [for message, see Senate, No. 2476].

The message (Senate, No. 2476) 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, 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 one minute before twelve o'clock midnight, as follows, to wit (yeas 30 — nays 7) [Yeas and Nays No. 779]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 30.
NAYS.	
Brown, Scott P.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 7.

Lees, Brian P.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

**The yeas and nays having been completed at one minute past twelve o'clock midnight, 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.**

PAPERS FROM THE HOUSE.

Message from the Governor — Disapproval and Reductions in General Appropriation Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 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 (see House, No. 4850), which on Wednesday, June 16, 2004, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4900) was read; and the Senate proceeded to reconsider several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 9110-1460 (Prescription Advantage Co-Pay Subsidies) was considered as follows:

“9110-1460

To provide relief from co-payments related to prescription advantage; provided, that not later than July 1, 1004, the secretary of elder affairs shall implement a co-payment reduction plan limited to members in category 1 whose income is at or below 188% of the federal poverty level; provided further, that said co-payment reduction plan shall seek to reduce the required co-payments for all levels of prescription drugs, both retail and mail service to the lowest extent possible; provided further, that the cost of said reduction shall not exceed in fiscal year 2005 the amount authorized herein5,000,000”.

The question on passing item 9110-1460, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at two minutes past twelve o'clock midnight, as follows, to wit (yeas 37 — nays 0) **[Yeas and Nays No. 780]**:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.	Panagiotakos, Steven C.
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at four minutes past twelve o'clock midnight, item 9110-1460, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2330-0100 (Division of Marine Fisheries) was considered as follows:

“2330-0100

For the operation of the division of marine fisheries, including expenses of the Annisquam river marine research laboratory, marine research programs, a commercial fisheries program, a shellfish management program including coastal area classification, mapping and technical assistance, and for the operation of the Newburyport shellfish purification plant and shellfish classification program; provided, that \$300,000 shall be expended on a recreational fisheries program to be reimbursed by federal funds; provided further, that not less than \$333,000 shall be expended for the operation of the Newburyport shellfish purification plant and that plant shall generate not less than \$115,000 from purification fees; provided further, that not less than \$45,000 shall be expended for shellfish propagation on the islands of Martha's Vineyard and Nantucket to be administered by the state aquaculture coordinator and Dukes and Nantucket counties; provided further, that not less than \$90,000 shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and Barnstable County Department of Health and Environment; provided further, that \$50,000 shall be expended for the National Marine Life Center in the town of Bourne; provided further, that the sum expended for the School for Marine Science and Technology to help mitigate the negative economic impact to the Massachusetts ports which has resulted from the change in federal fisheries regulations in fiscal year 2005 shall not be reduced from fiscal year 2004 except in proportion to adjustments consistent with the department's budget adjustment; and provided further, that funds shall be expended for the Center for Marine Science and Technology for research to minimize the economic impact of new fisheries management regulations shall not be reduced from fiscal year 2004 except in proportion to adjustments consistent with the department's budget adjustment 3,930,804”.

The question on passing item 2330-0100, contained in section 2, in concurrence, the reduction and 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 five minutes past twelve o'clock midnight, as follows, to wit (yeas 33 — nays 4) **[Yeas and Nays No. 781]**:

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.	Rosenberg, Stanley C.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Hedlund, Robert L.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 33
Melconian, Linda J.	
NAYS.	
Brown, Scott P.	Lees, Brian P.
Knapik, Michael R.	Sprague, Jo Ann— 4.
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at seven minutes past twelve o'clock midnight, item 2330-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill directing the Division of Capital Asset Management and Maintenance to convey certain parcels of land in the towns of Hopkinton and Westborough (see Senate, No. 2462) (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 eight minutes past twelve o'clock midnight as follows, to wit (yeas 34 — nays 3) **Yeas and Nays No. 782**]:

YEAS.

Antonioni, Robert A.	McGee, Thomas M.
Baddour, Steven A.	Melconian, Linda J.
Barrios, Jarrett T.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Brown, Scott P.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 34.
NAYS.	
Lees, Brian P.	Tisei, Richard R. — 3.
Sprague, Jo Ann	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at ten minutes past twelve o'clock midnight, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor, on Saturday July 31, 2004, for his approbation.

Message from the Governor — Disapproval and Reductions in General Appropriation Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 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 (see House, No. 4850), which on Wednesday, June 16, 2004, had been laid before the Governor for his approbation,— came from the House, in part, an item having been passed by the House notwithstanding the disapproval of the Governor.

The message (House, No. 4900) was read; and the Senate proceeded to reconsider an item, which had been disapproved in accordance with the provisions of the Constitution.

Item 1102-3206 (State Surplus Property Maintenance and Security) was considered as follows:

“1102-3206

For the costs associated with the maintenance and security of surplus state properties; provided, that the division shall submit quarterly reports that detail the hire date, salary, and job title of every employee at the division and the amount associated with each bond authorization; provided further, the division shall submit a report that details every employee at the division including the hire date, salary, and job title for fiscal years 2002, 2003, 2004 and 2005 to the house and senate committees on ways and means on or before January 11, 2005; provided further, that the commissioner of the division of capital asset management and maintenance shall convey a certain parcel of land with the building thereon, located at 291 Summer Street, Lowell and recorded with the North District Registry of Deeds, Book 1491, Page 170, to the current occupant of said premises; provided further, that the commissioner of the division of capital asset management and maintenance shall complete study number SDE 0301ST1 regarding the site location of the proposed regional holding facility in Essex county by July 31, 2004; and provided further, that the division of capital asset management and maintenance and the Massachusetts highway department shall close and secure the rest stop area on Route 2 west in the town of Harvard359,208”.

The question on passing item 1102-3206, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eleven minutes past twelve o'clock midnight, as follows, to wit (yeas 30 — nays 7) [**Yeas and Nays No. 783**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 30.
NAYS.	
Brown, Scott P.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 7.

Lees, Brian P.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at thirteen minutes past twelve o'clock midnight, item 1102-3206, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

A Bill relative to the disposition of easements or other interests in land in Uxbridge under the care and control of the Department of Conservation and Recreation (House, No. 4991,— on Senate Bill, No. 2402, in part),— **was read.**

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

Message from the Governor — Disapproval and Reductions in General Appropriation Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 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 (see House, No. 4850), which on Wednesday, June 16, 2004, had been laid before the Governor for his approbation,— **came from the House, in part, an item having been passed by the House notwithstanding the disapproval of the Governor.**

The message (House, No. 4900) was read; and the Senate proceeded to reconsider an item, which had been reduced or disapproved in accordance with the provisions of the Constitution.

Section 340 (Medfield State Hospital Land Reuse) was considered as follows:

“SECTION 340. Notwithstanding the provisions of any general or special law to the contrary, the division of capital asset management and planning shall not execute any lease or land disposition agreement or deed of conveyance relative to the land and buildings owned by the commonwealth of Massachusetts located at the site of the Medfield State Hospital in the town of Medfield, until a proposed reuse plan, approved by the commissioner of the department of mental health and the secretary of the executive office of health and human services, is filed with the clerks of the Massachusetts House of Representatives and the Massachusetts Senate, and is approved by a joint resolution of the House and Senate.”

The question on passing section 340, 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 a quarter past twelve o'clock midnight, as follows, to wit (yeas 34 — nays 3) [**Yeas and Nays No. 784**]:

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
Brown, Scott P.	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.	Rosenberg, Stanley C.
Glodis, Guy W.	Sprague, Jo Ann
Hart, John A., Jr.	Tarr, Bruce 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 — 34.
NAYS.	
Hedlund, Robert L.	Lees, Brian P. — 3.
Knapik, Michael R.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at seventeen minutes past twelve o'clock midnight, section 340 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

A Bill authorizing the town of Sharon to convey certain conservation land (House, No. 5016,— on petition) [Local approval received],— **was read.**

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

Engrossed Bill Returned by Governor With His Objections Thereto.

The engrossed Bill relative to the health and safety on public construction projects (see House, No. 2367), which, on Thursday, July 15, 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. 5023], and having passed that branch, notwithstanding said objections.

The message (House, No. 5023) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of 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 minutes past twelve o'clock midnight, as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 785**]:

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

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.	Panagiotakos, Steven C.
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at twenty-one minutes past twelve o'clock midnight, 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 Bill — State Credit.

An engrossed Bill relative to low income housing tax credit (see House, No. 4911) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was again put upon its final passage; and, it being a bill that provided for the gift, loan or pledge of the credit of the Commonwealth, in accordance with the provisions of Section I 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-nine minutes past twelve o'clock midnight, as follows, to wit (yeas 37 — nays 0) **[Yeas and Nays No. 786]**:

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

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.	Panagiotakos, Steven C.
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Shannon, Charles E. — 2.

The yeas and nays having been completed at twenty-nine minutes before one o'clock A.M., the bill was passed to be re-enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor, on Saturday, July 31, 2004, for his approbation.

A Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Marlborough (House, No. 4798,— on House, No. 4269),— was read.

There being no objection, the rules were suspended, on motion of Mr. Havern, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Marlborough.”

The House Bill modernizing the transportation system of the Commonwealth (House, No. 4771),— came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2470, printed as amended *with a further amendment* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5041.

Senate Rule 36 was suspended, on motion of Mr. Havern, and the House amendment was considered forthwith.

On motion of Mr. Baddour, the Senate concurred in the House amendment *with a still further amendment* in section 89, clause (a), by striking out the last sentence contained therein as follows:— “The pilot wetlands mitigation bank may only be used for projects that are financed by the Commonwealth or by a city or town of the Commonwealth.”

Sent to the House for concurrence in the further amendment.

Bill Returned With Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to appropriations for 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 (see House, No. 4929) as relates to section 381 of the General Appropriation Bill [for message, see Attachment CC of House, No. 4901],— came from the House with the endorsement that the House had adopted the amendment (as approved by committee on Bills in the Third Reading).

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

The Senate then adopted the amendment recommended by His Excellency the Governor, as changed by the committee on Bills in the Third Reading to read as follows:

Striking out all after the enacting clause and inserting in place thereof the following section:—

“SECTION 1. Notwithstanding any general or special law to the contrary, the comptroller, in consultation with the division of health care finance and policy and the secretary of health and human services, shall transfer \$75,000,000 in unexpended amounts from account number 4000-0896 MMARS to revenues available for the administration of the uncompensated pool, as established under subsection (d) of section 18 of chapter 118G of the General Laws, on or before October 1, 2004.

SECTION 2. This act shall take effect as of July 1, 2004.”

The House amendment was then considered and it was adopted, in concurrence.

Sent to the House for re-enactment.

Engrossed Bill.

An engrossed Bill establishing a spinal cord injury trust fund (see House, No. 4738) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Governor, on Saturday, July 31, 2004, for his approbation.**

Emergency Preamble Adopted.

An engrossed Bill releasing certain land in the town of Plymouth from the operation of certain agricultural preservation restrictions (see House, No. 5032), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 7 to 0.

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

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the city of Northampton to convey certain park land (see House, No. 4885) (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 fourteen minutes before one o'clock A.M., as follows, to wit (yeas 36 — nays 0) [**Yeas and Nays No. 787**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Baddour, Steven A.	Melconian, Linda J.
Barrios, Jarrett T.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Brown, Scott P.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese

Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian— 36.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Wilkerson, Dianne — 3.
Shannon, Charles E.	

The yeas and nays having been completed at eleven minutes before one o'clock A.M. the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor, on Saturday, July 31, 2004, for his approbation.

Matter Taken Out of the Orders of the Day.

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

The Senate Bill relative to the modernization of optometric patient care (Senate, No. 2432),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill releasing certain land in the town of Plymouth from the operation of certain agricultural preservation restrictions (see House, No. 5032) (which originated in the House), having been certified by the Senate clerk of 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 three minutes past one o'clock A.M., as follows, to wit (yeas 35 — nays 1) [**Yeas and Nays No. 788**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.

Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
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.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian— 35.
McGee, Thomas M.	
NAYS.	
Fargo, Susan C. — 1.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Wilkerson, Dianne — 3.
Shannon, Charles E.	

Mr. Havern in the Chair, the yeas and nays having been completed at seven minutes past one o'clock A.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Havern) and laid before the Governor, on Saturday, July 31, 2004, for his approbation.

A Bill authorizing the town of Westport to convey certain conservation land to the board of selectmen for the purpose of construction of a public safety complex (House, No. 5003,— on petition) [Local approval received],— **was read.**

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

A Bill authorizing the State Secretary to place an election in the town of Dracut on the state ballot (printed in House, No. 5025,— being a message from His Excellency the Governor),— **was read.**

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

Emergency Preambles Adopted.

An engrossed Bill releasing certain land in Deerfield from the operation of an agricultural preservation restriction (see Senate, No. 2094), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 4 to 0.

The bill was signed by the Acting President (Mr. Havern) and sent to the House for enactment.

An engrossed Bill to clarify certain tax provisions and improve the activities of the Department of Revenue (see House, No. 4744, 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 3 to 0.

The bill was signed by the Acting President (Mr. Havern) and sent to the House for enactment.

An engrossed Bill relative to private attorneys providing public counsel services (see House, No. 5038), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 4 to 0.

The bill was signed by the Acting President (Mr. Havern) and sent to the House for enactment.

Engrossed Bills — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the town of Lancaster to lease certain land (see House, No. 4628) (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-seven minutes past one o'clock A.M., as follows, to wit (yeas 35 — nays 0) [**Yeas and Nays No. 789**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Brown, Scott P.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian— 35.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	

Berry, Frederick E.	Shannon, Charles E.
Resor, Pamela	Wilkerson, Dianne — 4.

The yeas and nays having been completed at twenty-nine minutes before two o'clock A.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Havern) and laid before the Governor, on Saturday, July 31, 2004, for his approbation.

An engrossed Bill authorizing the town of Sharon to convey certain conservation land (see House, No. 5016) (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-eight minutes before two o'clock A.M., as follows, to wit (yeas 35 — nays 0) [**Yeas and Nays No. 790**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Brown, Scott P.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian— 35.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Berry, Frederick E.	Shannon, Charles E.

Resor, Pamela	Wilkerson, Dianne — 4.
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The yeas and nays having been completed at twenty-six minutes before two o'clock A.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Havern) and laid before the Governor, on Saturday, July 31, 2004, for his approbation.

Engrossed Bills.

An engrossed Bill to clarify certain tax provisions and improve the activities of the Department of Revenue (see House, No. 4744, printed as amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at fourteen minutes before two o'clock A.M., on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 0) [**Yeas and Nays No. 791**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Baddour, Steven A.	Melconian, Linda J.
Barrios, Jarrett T.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Brown, Scott P.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian— 36.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Wilkerson, Dianne — 3.

Shannon, Charles E.	
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The yeas and nays having been completed at nine minutes before two o'clock A.M., the bill was passed to be enacted and it was signed by the Acting President (Mr. Havern) and laid before the Governor, on Saturday, July 31, 2004, for his approbation.

An engrossed Bill relative to private attorneys providing public counsel services (see House, No. 5038) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at eight minutes before two o'clock A.M., on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 0) [Yeas and Nays No. 792]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Baddour, Steven A.	Melconian, Linda J.
Barrios, Jarrett T.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Brown, Scott P.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian— 36.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Resor, Pamela	Wilkerson, Dianne — 3.
Shannon, Charles E.	

The yeas and nays having been completed at six minutes before two o'clock A.M., the bill was passed to be enacted and it was signed by the Acting President (Mr. Havern) and laid before the Governor, on Saturday, July 31, 2004, for his approbation.

Emergency Preamble Adopted.

An engrossed Bill modernizing the transportation system of the Commonwealth (see House, No. 4771), 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 16 to 0.

The bill was signed by the Acting President (Mr. Havern) and sent to the House for enactment.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill releasing certain land in Deerfield from the operation of an agricultural preservation restriction (see Senate, No. 2094) (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 four minutes before two o'clock A.M., as follows, to wit (yeas 36 — nays 0) [**Yeas and Nays No. 793**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Baddour, Steven A.	Melconian, Linda J.
Barrios, Jarrett T.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Brown, Scott P.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian— 36.
NAYS — 0.	
ABSENT OR NOT VOTING.	

Resor, Pamela	Wilkerson, Dianne — 3.
Shannon, Charles E.	

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

Engrossed Bill — Land Taking for Conservation, Etc. — State Credit — State Loan.

An engrossed Bill modernizing the transportation system of the Commonwealth (see House, No. 4771) (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 and other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution; and this being a bill that provided for the gift, loan or pledge of the Commonwealth, in accordance with the provisions of Section I of Article LXII of the Amendments to the Constitution; and, this being a bill that provided for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at five minutes past two o'clock A.M., as follows, to wit (yeas 35 — nays 0) [**Yeas and Nays No. 794**]:

YEAS.	
Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Brown, Scott P.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian— 35.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	

Berry, Frederick E.	Shannon, Charles E.
Resor, Pamela	Wilkerson, Dianne — 4.

The President in the Chair, the yeas and nays having been completed at eight minutes past two o'clock A.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor on Saturday, July 31, 2004, for his approbation.

Adjournment in Memory of Mrs. Grace Grossman.

The Senator from Plymouth and Barnstable, Ms. Murray and the Senator from Cape and Islands, Mr. O'Leary, moved that when the Senate adjourns today it adjourn in memory of Mrs. Grace Grossman of Nantucket.

Mrs. Grossman and her husband, the late Bernard Grossman, moved to the island in 1965 and immediately became an active participant in the island community. In the early 1980's, Grace was named a trustee of the Cape Cod Community College, where she led a fierce fundraising drive that raised nearly \$4 million dollars for the college. The college's student center now bears the name, The Grace S. and Bernard D. Grossman Student Commons.

She was a board member of the Steamship Authority, assuming her husbands seat after he passed away. She played key fundraising roles for organizations including; the Nantucket Cottage Hospital, the Small Friends Day Care, the Landmark Assisted Living Center, the Nantucket Historical Association Museum Shop, and the Bernard G. Grossman Visitor's Services Center.

Accordingly, as a mark of respect to the memory of Mrs. Grace Grossman of Nantucket at ten minutes past two o'clock A.M. on the motion of Mr. Lees, the Senate adjourned to meet again Wednesday next at eleven o'clock A.M.