

NOTICE: While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, October 7, 2003.

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

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

Reports of a Committee.

Ms. Jacques, 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 bills

Relative to driving under the influence (Senate, No. 1348, changed);

Relative to leasing motor vehicles (Senate, No. 1353); and

Releasing certain land in Deerfield from the operation of an agricultural preservation restriction (Senate, No. 1698) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft with the same title, Senate, No. 2094).

Papers from the House.

A petition (accompanied by bill, House, No. 4210) of Brian S. Dempsey, Steven A. Baddour, Barbara A. L'Italien and Harriett L. Stanley relative to parking fines in the city of Haverhill,— **was referred, in concurrence, to the committee on Government Regulations.**

Bills

Relative to police mutual aid agreements (House, No. 593,— on petition); and

Relative to court advisement (House, No. 4135,— on House, No. 2453);

Were severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

A report of the committee on Human Services and Elderly Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3664) of Paul K. Frost that certain prisoners convicted of murder be prohibited from receiving organ transplants, and recommending that the same be referred to the committee on Criminal Justice,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Relative to execution of certain mortgage-related instruments (Senate, No. 6);

Relative to the powers of trust companies (Senate, No. 15);

Relative to the business corporations law (Senate, No. 39);

Relative to damages for securities law violations under the Massachusetts Consumer Protection Act (Senate, No. 91);

To clarify employer sanctions for improper expenditure of withholdings or deductions from wages (Senate, No. 98);

Relative to negative option mailings (Senate, No. 113);

Regulating the use of anabolic steroids (Senate, No. 540);

Regarding medical record copying fees (Senate, No. 642);

To ensure parents of children prescribed psychotropic drugs receive adequate information (Senate, No. 674);

Relative to the estate of homestead (Senate, No. 995);

Authorizing the town of Wareham to grant a conservation restriction to the Wareham land trust (Senate, No. 1171);

To enhance the management of problem wildlife (Senate, No. 1207);

Relative to the shellfish wardens training program (Senate, No. 1238);

Relative to the victims of drunk driving trust fund (Senate, No. 1295);

Requiring motor vehicle operators to activate the vehicle's interior lighting when stopped by a police officer during nighttime (Senate, No. 1296);

Relative to the dissemination of information to private detectives (Senate, No. 1318);

Relative to increasing the availability of protective gear for renters of recreational sports equipment (Senate, No. 1355);

Relative to smoking in taxi cabs (Senate, No. 1389);

To decrease gridlock (Senate, No. 1391);

Relative to protecting the identity of a 911 caller (Senate, No. 1641);

Relative to the public records law (Senate, No. 1671);

To amend the public records law (Senate, No. 1693);

To amend the charter of the Sterling Camp Meeting Association (Senate, No. 1941);

Relative to the issuance of certain bonds by the city of Revere (Senate, No. 2057);

Authorizing the town of Rockland to issue 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2072);

Designating a certain bridge in the town of Canton as the John E. Farrington Bridge (House, No. 661);

Relative to the use of the name of financial institutions (House, No. 1623);

Relative to the municipal election in the city of Malden in the year 2003 (House, No. 3877); and

Relative to the appointment of retired police officers as special police officers in the town of Acushnet (House, No. 3923);

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

The Senate Bill relative to credit union boards of directors (Senate, No. 13), — **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate reports

Of the committee on Banks and Banking, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 17) of Steven C. Panagiotakos for legislation to increase the total borrower liability under the banking laws;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 18) of Charles E. Shannon, Carol A. Donovan, David P. Linsky and Brian A. Joyce for legislation relative to banking fees;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 22) of Marian Walsh for legislation to provide for consent and full disclosure in bank deposits held in trust for another; and

Of the committee on Commerce and Labor, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 56) of Cheryl A. Jacques and Gale D. Candaras for legislation to increase enforcement and penalties for corporate fraud;

Were severally considered; and they were accepted.

The Senate Bill relative to selective service registration (Senate, No. 1275),— was read a second time.

Pending the question on ordering the bill to a third reading, on motion of Mr. Rosenberg, the further consideration thereof was postponed until Thursday, October 16th.

The Senate Bill requiring children under 12 to wear ski helmets (Senate, No. 1376),— was read a second time.

Pending the question on ordering the bill to a third reading, on motion of Mr. Nuciforo, the further consideration thereof was postponed until Thursday, October 16th.

The Senate Bill relative to mutual aid agreements (Senate, No. 1342),— was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Menard moved that the bill be amended by adding the following section:—

“SECTION 2. Said section 8G of said chapter 40, as so appearing, is hereby further amended by adding the following sentence:— When providing such mutual aid, police officers shall have all the immunities and powers granted to them in the municipalities that employ them, including but not limited to powers of arrest.”.

After remarks, this amendment was adopted.

The bill (Senate, No. 1342, amended) was then passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to the commitment of sexually dangerous persons (Senate, No. 1005, amended),— was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Creem moved that the bill be amended in section 3 by striking out the following words:— “; and any other offenses, the facts of which, under the totality of the circumstances manifest a sexual motivation or pattern of conduct or series of facts of sexually-motivated offenses”.

After debate, the amendment was *rejected*.

Messrs. Creedon and Magnani, Ms. Creem, Ms. Wilkerson, Ms. Tucker and Mr. Lees moved that the bill be amended by adding the following section:—

“SECTION 10. There shall be a special commission to study the effects of this act. The commission shall consist of 4 members of the senate, 1 of whom shall be the chairman of the joint committee on the judiciary, 1 of whom shall be the chairman of the joint committee on criminal justice, 1 of whom shall be the senate president or his designee, and 1 of whom shall be the minority leader or his designee, and 4 members of the house of representatives, 1 of whom shall be the chairman of the joint committee on the judiciary, 1 of whom shall be the chairman of the joint committee on criminal justice, 1 of whom shall be the speaker of the house or his designee, and 1 of whom shall be the minority leader or his designee, the governor or his designee, the secretary of public safety or his designee, who shall be the chairman, the attorney general or his designee, 1 representative of Massachusetts Law Reform Institute, 1 representative of the American Civil Liberties Union, 1 representative of the committee for public counsel services and 1 representative of the Massachusetts District Attorneys Association, 1 representative of the Massachusetts Association of Criminal Defense Lawyers, 1 representative of the Office of Victim Assistance, and 1 representative of the Massachusetts Bar Association.

(b) The special commission shall investigate and study the impact and effectiveness of this act. The commission shall report to the general court the results of its investigation and study, by filing its report with the clerks of the senate and the house of

representatives and the chairmen of the senate and house committees on ways and means no later than 3 years after the effective date of this act. Interim reports shall be filed 12 months and 24 months after the effective date of this act.

The amendment was adopted.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at two minutes before two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 40 — nays 0) [**Yeas and Nays No. 329**]:

YEAS.

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

40.

NAYS — 0.

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

Distinguished Guest.

There being no objection, during consideration of the Orders of the Day, the President introduced, seated in the gallery, Ms. Andrea Casanova, mother of Alexandra Zapp. Ms. Zapp was brutally murdered by an individual who had been previously incarcerated as a sexually dangerous person. Ms. Casanova was observing the engrossment of a bill relative to the commitment of sexually dangerous persons. She was the guest of Senator Pacheco.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The Senate report of the committee on Banks and Banking, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 12) of Thomas M. McGee, Robert F. Fennell and Steven M. Walsh for legislation relative to late payment fees on open end credit accounts,— was considered, the main question being on acceptance of the report of the committee.

On motion of Mr. Nuciforo, the petition was recommitted to the committee on Banks and Banking.

The Senate Bill relative to the reporting of fires in schools (Senate, No. 1372),— was considered, the main question being on passing it to be engrossed.

The pending amendment, previously moved by Mr. Barrios and Ms. Resor was withdrawn, on motion of Ms. Resor. After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at six minutes past two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 330**]:

YEAS.

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

NAYS — 0.

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

The Senate Bill relative to the state DNA data base (Senate, No. 187, changed),— came from the House passed to be engrossed, in concurrence *with an amendment* in section 1, in line 10, and in section 2, in line 7, and in line 14, by striking out the following “90 days” and inserting in place thereof the following: “1 year”; and in section 2, by adding at the end thereof the following sentence: “The submission of such DNA sample shall not be stayed pending a sentence appeal, motion for a new trial, appeal to an appellate court or other post-conviction motion or petition.”

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

Mr. Nuciforo moved that the Senate concur in the House amendment *with a further amendment* striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 3 of Chapter 22E of the General Laws, as appearing in the 2000 Official Edition is hereby amended by striking out the first sentence and inserting in place thereof the following:— Any person who is convicted of an offense under the provisions of section 1, 13, 13B, 13C, 13F, 13G, 13H, 13K, 14, 15, 15A, 16, 17, 18, 18A, 18B, 18C, 21, 21A, 22, 22A, 23, 24, 24B, 25, 26, 28, 29, 37, 39, 43, or 44 of chapter 265, section 1, 2, 5, 5A, 14, 15, 16, 17, 18, 101, 102, 102A, 102A½, 102C, or 112 of chapter 266, section 12F, 14, or 14A of chapter 269, or section 2, 3, 4A, 4B, 16, 17, 29, 29A, 29B, 35, 35A, 53A, 77 or 77A of chapter 272 or of an attempt or a conspiracy to commit any of the aforementioned offenses shall submit a DNA sample which shall be collected by a person authorized pursuant to section 4, to the department within 90 days of such conviction, in accordance with the regulations or procedures established by the director.

SECTION 2. Any person convicted of violating section 1, 13, 13B, 13C, 13F, 13G, 13H, 13K, 14, 15, 15A, 15B, 16, 17, 18, 18A, 18B, 18C, 21, 21A, 22, 22A, 23, 24, 24B, 25, 26, 28, 29, 37, 39, 43 or 44 of chapter 265, section 1, 2, 5, 5A, 14, 15, 16, 17, 18, 101, 102, 102A, 102A½, or 102C or 112 of chapter 266, section 12F, 14 or 14A of chapter 269 or section 2, 3, 4A, 4B, 16,

17, 29, 29A, 29B, 35, 35A, 52A, 77 or 77A of chapter 272 or of an attempt or conspiracy to commit any of the aforementioned offenses, who is incarcerated in any prison or house of correction on the effective date of this act, notwithstanding the date of such conviction or other judicial determination, and who has not previously submitted a DNA sample to the department under chapter 22E of the General Laws, shall, within 1 year of the effective date of this act or before release from custody, whichever first occurs, submit a DNA sample to the department.”

After debate, pending the question on concurring in the House amendment with the further amendment, Mr. Joyce moved that the matter be laid on the table; and under the provisions of Senate Rule 24, the further consideration of the matter was laid over until the next session.

The recommitted Senate Bill facilitating electronic transactions (Senate, No. 2076),— was considered.

Pending the question on passing the bill to be engrossed, Ms. Melconian moved to amend the bill in section 3 (as printed), by striking out, in lines 14 and 15, the words:— “Section 101(c), (d) or (e) of that Act [15 U.S.C. s 7001(c) (d) or (e)]”:— and inserting in place thereof the following words:— “section 101(c) of that Act, 15 U.S.C. section 7001(c).”.

The amendment was adopted.

Mr. Moore move to amend the bill by adding the following 3 sections:—

“SECTION 2. The fifth paragraph of section 187 of chapter 94 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out the definition of ‘Written prescription’ and inserting in place thereof the following definition:—

‘Written prescription’, that prescription which has been issued by a physician, dentist or veterinarian either on paper or electronically, and bears the handwritten or electronic signature and address of the prescriber, the date of the prescription, the name and amount of the drug prescribed, the name of the patient, directions for use, the number of times to be refilled, and any cautionary statements needed.

SECTION 3. Section 23 of chapter 94C of the General Laws, as so appearing, is hereby amended by striking out subsection (g) and inserting in place thereof the following subsection:

(g) Unless otherwise prohibited by law, a prescription shall be (1) written in ink, indelible pencil or by other means; or (2) transmitted electronically; and (3) signed by the prescriber. A prescription may be transmitted electronically with the electronic signature and electronic instructions of the prescriber, and shall be transmitted directly from the prescriber to the pharmacy designated by the patient without alteration of the prescription information, except that third-party intermediaries may act as conduits to route the prescription from the prescriber to the pharmacy.

SECTION 4. Section 12D of chapter 112 of the General Laws, as so appearing, is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following 2 paragraphs:—

Every prescription issued in the commonwealth by a practitioner shall meet the standards for format established by the department. Only by signing the prescription in accordance with the standards shall the practitioner validate the prescription.

The standards shall permit the practitioner to instruct the pharmacist to dispense a brand name drug product by indicating ‘no substitution’. The standards shall require that the indication of ‘no substitution’ shall not be the default indication and further that the prescription indicate the ‘Interchange is mandated unless the practitioner indicates ‘no substitution’ in accordance with the law.’ Where the practitioner has so indicated ‘no substitution’, the pharmacist shall dispense the exact drug product as indicated by the practitioner.”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at twenty-seven minutes past two o’clock P.M., on motion of Mr. Moore, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 331**]:

YEAS.

Antonioni, Robert A.	Hedlund, Robert L.
Baddour, Steven A.	Jacques, Cheryl A.
Barrios, Jarrett T.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	Lees, Brian P.
Chandler, Harriette L.	Magnani, David P.
Creedon, Robert S., Jr.	McGee, Thomas M.
Creem, Cynthia Stone	Melconian, Linda J.

Fargo, Susan C.	Menard, Joan M.
Glodis, Guy W.	Montigny, Mark C.
Hart, John A., Jr.	Moore, Richard T.
Havern, Robert A.	Morrissey, Michael W.
Murray, Therese	Sprague, Jo Ann
Nuciforo, Andrea F., Jr.	Tarr, Bruce E.
O'Leary, Robert A.	Tisei, Richard R.
Pacheco, Marc R.	Tolman, Steven A.
Panagiotakos, Steven C.	Tucker, Susan C.
Resor, Pamela	Walsh, Marian
Rosenberg, Stanley C.	Wilkerson, Dianne —
Shannon, Charles E.	39.

NAYS — 0.

The yeas and nays having been completed at twenty-nine minutes before three o'clock P.M., the amendment was adopted.

Ms. Melconian moved to further amend the bill in section 2, by striking out clause (10) and inserting in place thereof the following clause:—

“(10) ‘Executive department’, those parts of the executive branch of the commonwealth serving under the governor or within one of the executive offices headed by a secretary appointed by the governor.”; in said section 2, by inserting after clause 17 the following clause:—

“(17A) ‘Supervisor’, the supervisor of records as defined in section 1 of chapter 66.”; and by striking out sections 17, 18 and 19 and inserting in place thereof the following 2 sections:—

“Section 17. (a) The supervisor of records under section 1 of chapter 66 and clause Twenty-sixth of section 7 of chapter 4, the records conservation board under section 42 of chapter 30, and the information technology division under section 7 of chapter 4A, shall determine whether, the extent to which and the manner by which each executive department agency shall create, maintain and preserve electronic records, signatures and contracts and the method of converting paper government records to electronic format. Nothing in this chapter shall affect the existing authority of the supervisor of records, the records conservation board or the information technology division under the cited sections.

(b) The supervisor of records under section 1 of chapter 66 and clause Twenty-sixth of section 7 of chapter 4, and the records conservation board under section 42 of chapter 30, shall determine whether, the extent to which and the manner by which each government agency not in the executive department, nor in the legislative or judicial departments, shall create, maintain and preserve electronic records, signatures and contracts and the method of converting paper government records to electronic format.

Section 18. The chief information officer and the supervisor of records shall encourage and promote consistency and interoperability with other governmental agencies and nongovernmental persons. If appropriate, they may specify differing levels of standards from which governmental agencies of the commonwealth may choose in implementing the most appropriate standard for a particular application.”.

The amendment was adopted.

The bill (Senate, No. 2076, amended) was then passed to be engrossed.

Sent to the House for concurrence.

A petition (accompanied by bill, House, No. 4227) of Thomas N. George and other members of the General Court for legislation to further regulate the delivery by pharmacists or other providers of oxygen to residential patients in the Commonwealth,— came from the House, under suspension of Joint Rule 12, referred to the committee on Health Care.

After remarks, the Senate concurred in the suspension of Joint Rule 12, and NON-concurred in the reference to the committee on Health Care.

On motion of Mr. Moore, the petition was referred to the committee on the Public Safety.

Sent to the House for its action.

The Senate Bill relative to vehicle weight limitation requirements (Senate, No. 1285),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Brewer moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following text:—

“Section 19 of chapter 90 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words ‘Any provisions of sections thirty and thirty A of chapter eighty-five to the contrary, notwithstanding a motor vehicle’ and inserting in place thereof the following words:— Notwithstanding sections 30 and 30A of chapter 85 to the contrary, a motor bus that complies with the weight limits specified in the Federal Highway Administration regulations regulating vehicle weights on interstate highways, or a motor vehicle other than a motor bus.”; and by striking out the title and inserting in place thereof the following title: “An Act further regulating the weight of motor buses.”.

This amendment was adopted.

The bill (Senate, No. 1285, amended) was then 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 subsequently taken out of the Orders of the Day and considered, as follows:

The Senate bills

Regulating the use of anabolic steroids (Senate, No. 540); and

Authorizing the town of Wareham to grant a conservation restriction to the Wareham land trust (Senate, No. 1171);

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

Severally sent to the House for concurrence.

Resolutions.

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

Resolutions (filed by Mr. Knapik) “in celebration of Polish-American Heritage Month”;

Resolutions (filed by Mr. O’Leary and Ms. Murray) “congratulating the Boys and Girls Club of Cape Cod on supporting the ‘Lights On After School!’ program”; and

Resolutions (filed by Mr. Travaglini) “commemorating the observance of ‘Performance Recognition Day’.”

PAPERS FROM THE HOUSE.

Engrossed Bill Returned by Governor

With His Objections Thereto.

The engrossed Bill placing the fire department of the town of Dracut under the civil service law (see House, No. 3903), which, on Monday, July 28, 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. 4114) and having passed that branch, notwithstanding said objections.

The message (House, No. 4114) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

After debate, the question on passing the bill, 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 thirteen minutes before three o’clock P.M., as follows, to wit (yeas 33 — nays 6) [**Yeas and Nays No. 332**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.

Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 33.
Melconian, Linda J.	

NAYS .

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 6.

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

Engrossed Bills — Land Takings for Conservation, Etc.

An engrossed Bill authorizing the town of Mashpee to convey certain land (see House, No. 3846) (which originated in the House), having been certified by the Assistant Clerk, Acting 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 before three o'clock P.M., as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 333**]:

YEAS.

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

NAYS — 0.

The yeas and nays having been completed at six 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 President and laid before the Governor for his approbation.

An engrossed Bill concerning the conveyance of certain park land in the town of Yarmouth (see House Bill, printed in House, No. 3899) (which originated in the House), having been certified by the Assistant Clerk, Acting 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 before three o'clock P.M., as follows, to wit (yeas 39 — nays 0) [Yeas and Nays No. 334]:

YEAS.

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

NAYS — 0.

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 President and laid before the Governor for his approbation.

Engrossed Bill.

An engrossed Bill relative to the development of property owned by a political subdivision for nonwater dependent uses (see House, No. 4130, amended) (which originated in the House), **having been certified by the Assistant Clerk, Acting Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the President and again laid before the Governor for his approbation.**

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the House Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the city of Worcester (House, No. 3917),— ought to pass, with an amendment in section 1, by striking out, in lines 2 and 3, the words “subject to sections 40E to 40F¹/₂, inclusive, and” and inserting in place thereof the following words:— “notwithstanding any general or special law to the contrary, but subject to section”.

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, ordered to a third reading, read a third time and

**was passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4217) of William Francis Galvin and Angelo M. Scaccia relative to certain rules for notaries including electronic notarization,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.**

Engrossed Bills.

The following engrossed bills (both of which originated in the House), having been certified by the Assistant Clerk, Acting 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:

Establishing a sewer system capital improvement fund in the town of Chelmsford (see House, No. 3805); and

Authorizing the city of Somerville to issue certain general obligation bonds with level debt service (see House, No. 3853).

Resolutions.

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

Resolutions (filed by Mr. Pacheco) “commending Lieutenant Stephen O’Reilly.”

Recess.

The President stated that when the Senate adjourns tomorrow, it would adjourn in memory of Alexandra Zapp who was tragically killed last year at a rest stop on route 24 in Bridgewater.

Accordingly, there being no objection, and after a moment of silence in the memory of Alexandra Zapp, at three minutes past three o’clock P.M., the President declared a recess until tomorrow at the hour of a half past one o’clock P.M.