

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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, April 29, 2004.

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

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

Distinguished Guests.

There being no objection, the President in the Chair, the Senator from Worcester and Middlesex, Mr. Antonioni introduced, seated in the rear of the Chamber, the cheerleading squad from St. Bernard's Central Catholic High School in Fitchburg, coached by Jackie D'Innocenzo. They recently won the 2004 American Open National Championship held in Tampa, Florida. It is the first time in the 77 year history of the school that a cheerleading squad has won a National Championship. They were the guests of Senators Antonioni, Resor and Brewer.

There being no objection, the President in the Chair, the Senator from the Cape and Islands, Mr. O'Leary and the Senator from Plymouth and Barnstable, Ms. Murray, introduced standing in the rear of the Chamber, students from Cape Cod Community College, accompanied by their professor Mark Forest, an aide to Congressman William Delahunt.

There being no objection, the President in the Chair, the Senator from Norfolk, Bristol and Middlesex, Mr. Brown, introduced seated in the rear of the Chamber, Chris Patch, a seventh grader at North Attleboro Middle School. Chris is this year's top fundraiser for the American Heart Association's "Hoops for Heart" competition. Chris raised a record \$4,300 for the American Heart Association. He was accompanied by his parents, Michael and Denise Patch of North Attleboro.

There being no objection, the President in the Chair, the Senator from Plymouth and Barnstable, Ms. Murray, introduced seated in the gallery, third and fourth graders from the Bourne Public Schools, who are visiting the State House. They were accompanied by their teacher, Laurie Gilbert.

There being no objection, the President in the Chair, the Senator from Plymouth and Bristol, Mr. Pacheco, introduced seated in the rear of the Chamber, Bruce Benoit and his son Greg from the town of Raynham.

There being no objection, the President in the Chair, the Senator from Middlesex, Ms. Fargo, introduced, seated in the gallery, members from the Sudanese Education Fund, an organization committed to assisting the "Lost Boys and Girls of Sudan" refugees who have resettled in the Greater Boston area to access educational opportunities.

There being no objection, during consideration of the Orders of the Day, the President in the Chair, the President relinquished the gavel to the Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer, who introduced, seated in the gallery, students from the fifth and sixth grade classes at Mad Brook Academy in North Brookfield. He also introduced his daughter, Audrey Brewer. They were accompanied by their teacher Joan Hubacz and Miss Rotti.

There being no objection, during consideration of the Orders of the Day, the Chair (Mr. Rosenberg) relinquished the gavel to the Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer, who introduced, seated in the gallery, local officials from the town of Hardwick who have come to the State House today to present the town's flag to be hung in the Great Hall. He also introduced Emily Bancroft, who designed the town's flag.

Reports of Committees on Proposals for Legislative Amendments to the Constitution.

Ms. Murray, for the committee on Ways and Means (Joint), on the petition (accompanied by bill, House, No. 4691) of Thomas M. Finneran, John H. Rogers and other members of the House for a legislative amendment to the Constitution creating a permanent "Rainy Day" fund to provide stable revenues for the Commonwealth,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 4691), ought to pass.

The report was read, and placed on file, in accordance with the requirements of said rule.

Under the provisions of Joint Rule 23, the following proposal was placed on file, the time within which the said committees were required to report having expired:—

Of the joint committees on Health Care and Insurance, House committees on Ways and Means and Medicaid, and the Senate committee on Federal Financial Assistance, ought NOT to pass (under Joint Rule 23) on the Initiative petition (accompanied by proposal, House, No. 4444) of Harold Hestnes and others for the passage of a Proposal for an Initiative Amendment to the Constitution relative to the provision of health insurance.

Resolutions.

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

Resolutions (filed by Mr. Baddour) "on the occasion of the rededication of the Merrimac Town Hall";

Resolutions (filed by Mr. Barrios) "endorsing the Million Mom March's 2004 Mother's Day March";

Resolutions (filed by Ms. Chandler, Ms. Resor and Mr. Moore) "congratulating Martha E. Scarsdale on her election as President of the General Federation of Women's Clubs of Massachusetts";

Resolutions (filed by Mr. Joyce and Mrs. Sprague) "congratulating Michael Ari Schreiber of Sharon upon his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Morrissey) "recognizing the Merrymount School of Quincy on its 75th anniversary";

Resolutions (filed by Messrs. Morrissey and Hart) "recognizing Joe Sheehan";

Resolutions (filed by Mr. Pacheco) "on the fiftieth wedding anniversary of Robert and Frances Mary Hannigan";

Resolutions (filed by Ms. Resor) "recognizing National Nurses Week";

Resolutions (filed by Messrs. Shannon, Moore, Brewer, Barrios, Hart, Nuciforo, Morrissey, Tisei, Montigny, Magnani and Hedlund, Ms. Tucker, Mr. McGee, Ms. Melconian, Messrs. Joyce, Brown and Tolman, Ms. Wilkerson and Ms. Resor) "urging the Massachusetts Congressional Delegation to maintain federal substance abuse funding for the Commonwealth";

Resolutions (filed by Mrs. Sprague) "honoring Kevin W. Robinson for 30 years of devoted service to the town of Medfield";

Resolutions (filed by Mrs. Sprague) "congratulating Kevin Phillip Swiechowicz of Seekonk upon his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Tarr) "honoring the Patton family"; and

Resolutions (filed by Messrs. Tisei and Barrios) "honoring Sheldon Bershad on his retirement as owner of Slaton's Furniture Company."

Engrossed Bill Returned by Governor With His Objections Thereto.

The engrossed Bill relative to the police department in the town of Bridgewater (see Senate, No. 2071), which, on Thursday, March 18, 2004, had been laid before His Excellency the Governor for his approbation,— was returned to the office of the Senate Clerk by the Governor on Friday, March 26, 2004, at nineteen minutes past three o'clock P.M., with his objections thereto in writing [for message, see Senate, No. 2312].

The message (Senate, No. 2312) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of Article LVI of the Amendments to the Constitution.

After remarks, the question on passing the bill, 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 before two o'clock P.M., as follows, to wit (yeas 31 — nays 7) [**Yeas and Nays No. 505**]:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela P.
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.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —
Menard, Joan M.	31.

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.

Magnani, David P. — 1.

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

Sent to the House for its action.

PAPER FROM THE HOUSE.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing a change in land use in the town of Lakeville (see House, No. 4112, 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 re-enacted was determined by a call of the yeas and nays, at twenty-four minutes before two o'clock P.M., as follows, to wit (yeas 32 — nays 6) [**Yeas and Nays No. 506**]:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela P.
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.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 32.

NAYS.

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

ABSENT OR NOT VOTING.

Magnani, David P. — 1.

The yeas and nays having been completed at twenty minutes before two o'clock P.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 again laid before the Governor 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:

So much of the message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4330), as relates to section 2A, item 1599-3000, which on Wednesday, November 19, 2003, had been laid before the Governor for his approbation,— was considered, in part, (having previously been passed by the House notwithstanding the reduction or disapproval of the Governor) [for message, see House, No. 4365].

The pending motion, previously moved by Mr. Lees, to lay the matter on the table,— was considered; and, after debate, the question on laying the matter on the table was determined by a call of the yeas and the nays, at nine minutes before two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 10 — nays 28) [**Yeas and Nays No. 507**]:

YEAS.

Brewer, Stephen M.	Lees, Brian P.
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Glodis, Guy W.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 10.

NAYS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Chandler, Harriette L.	O’Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Joyce, Brian A.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 28.

ABSENT OR NOT VOTING.

Magnani, David P. — 1.

The yeas and nays having been completed at four minutes before two o’clock P.M., the motion was *negatived*.

The message (House, No. 4365) was then read; and the Senate proceeded to reconsider item 1599-3000, contained in section 2A, which had been disapproved in accordance with the provisions of the Constitution.

Item 1599-3000 (Suffolk County Sheriff lawsuit) was considered as follows:

“1599-3000 For the Suffolk county sheriff’s Department to cover costs relating to a deficit incurred by the Mack Settlement, so-called, in fiscal year 2003 2,000,000”.

[The Governor disapproved this item.]

After debate, the question on passing item 1599-3000 (contained in section 2A), 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 before two o’clock P.M., as follows, to wit (yeas 27 — nays 11) **[Yeas and Nays No. 508]:**

YEAS.

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

Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —
Menard, Joan M.	27.

NAYS.

Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	Rosenberg, Stanley C.
Glodis, Guy W.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 11.
Lees, Brian P.	

ABSENT OR NOT VOTING.

Magnani, David P. — 1.

The yeas and nays having been completed at one minute before two o'clock P.M., item 1599-3000 (contained in section 2A), stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Report of a Committee.

Ms. Murray, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see Senate, No. 2320) returning with his disapproval of a certain section contained in the engrossed Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see Senate, No. 2304, amended), reported, that Section 25 stand (as passed by the General Court).

There being no objection, the rules were suspended and Section 25, which had been vetoed by the Governor, was further considered as follows:

“SECTION 25. Chapter 161A of the General Laws is hereby amended by striking out section 35, as appearing in the 2002 Official Edition, and inserting in place thereof the following section:—

Section 35. Notwithstanding any general or special law to the contrary, the authority's percentage share of premiums for group, general or blanket hospital, medical, dental or other health insurance, either by purchase of a policy or policies from one or more insurance companies, or nonprofit hospital, medical, dental or other service corporations, including health maintenance organizations, or by means of a self insurance plan or preferred provider arrangement plan, shall be determined by the authority or, where collective bargaining is authorized, through the process of collective bargaining. The percentage share of premiums for employees of the authority to whom a collective bargaining agreement is in force, shall be the percentage share which was paid during the month that such collective bargaining agreement first went into effect and shall continue until such time as that agreement expires.”

[The Governor disapproved this item.]

After remarks, the question on passing Section 25, 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 two o'clock P.M., as follows, to wit (yeas 36 — nays 2) [**Yeas and Nays No. 509**]:

YEAS.

Antonioni, Robert A.	Melconian, Linda J.
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 P.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
	36.

NAYS.

Brown, Scott P.	Sprague, Jo Ann — 2.
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ABSENT OR NOT VOTING.

Magnani, David P. — 1.

**The yeas and nays having been completed at six minutes past two o'clock P.M., Section 25, stands, in concurrence, 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.**

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 relative to the identification of burial grounds and cemeteries on certain state-owned land (Senate, No. 1624, amended),— **was read a third time and, after remarks, was passed to be engrossed.
Sent to the House for concurrence.**

The Senate Bill relative to the annual report by the Department of Housing and Community Development (Senate, No. 700) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be**

engrossed.

Sent to the House for concurrence.

The Senate Bill penalizing domestic abusers (Senate, No. 2328),— **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Further regulating licenses to practice in the allied mental health and human services professions (Senate, No. 424);

Relative to the public disclosure of ownership of a cemetery corporation (Senate, No. 478);

Relative to the condominiums board of directors' closed meetings (Senate, No. 716);

To prevent homelessness among elderly and disabled persons and families facing no-fault evictions (Senate, No. 723);

To ensure fairness in homeowner insurance policies (Senate, No. 898);

Relative to municipalities' revolving funds (Senate, No. 1149);

Relative to the term of certain serial loans issued by cities, towns and districts (Senate, No. 1156);

Relative to cities and towns borrowing outside their debt limit (Senate, No. 1161);

To strengthen waterways law enforcement (Senate, No. 1265);

Clarifying the enforcement provisions in relation to fire prevention (Senate, No. 1395);

To protect volunteer firefighters from unreasonable discharge from employment (Senate, No. 1577);

Designating the Woburn Regional Transportation Center as the Anderson Regional Transportation Center (Senate, No. 1875);

Relative to retirees group health insurance premium contribution in the city of Waltham (Senate, No. 2001);

Further regulating the rates of pilotage for the Port of Boston (Senate, No. 2098);

Authorizing the city of Quincy to establish senior citizen safety zones (Senate, No. 2216);

Authorizing cities, towns and regional districts to send certain information to registered voters (Senate, No. 2221);

Providing for the annual observance of World War II Commemoration Day (House, No. 1201);

Designating the Criminal Justice Training Academy in the city known as the town of Agawam as the Harold F. Skelton Sr. Criminal Justice Training Center in Agawam (House, No. 2157);

Authorizing the town of Harvard to convey certain park land (House, No. 3999);

Authorizing the town of Raynham to establish an account to be known as the betterment reserve fund (House, No. 4075);

Relative to a certain parcel of land in the town of Hinsdale (House, No. 4199); and

Relative to the appointment of public safety officers (House, No. 4218);

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

The Senate bills

Relative to the state wildfire team (Senate, No. 35, amended);

Providing improved management of state forests (Senate, No. 1205);

Relative to the Commonwealth's hemlock trees (Senate, No. 1209) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester county 4H center (Senate, No. 2064, amended);

Relative to memorials located on metropolitan district commission property (Senate, No. 2297);

Relative to licensing of foresters and timber harvesters (Senate, No. 2298);

To protect consumers from unauthorized telephone and cable charges (Senate, No. 2330); and

Relative to part-time elected officials of the town of Swansea (printed as House, No. 3969);

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

Sent to the House for concurrence.

The House Bill relative to certain separate accounts (printed as Senate, No. 850),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to the protection of disabled persons (House, No. 3241),— **was read a third time and passed to be engrossed, in concurrence, with the amendment previously adopted by the Senate.**

Sent to the House for concurrence in the amendment.

The Senate reports

Of the committee on Natural Resources and Agriculture, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1189) of Thomas F. Reilly, Attorney General of the Commonwealth, Steven A. Baddour, David P. Linsky, Brian A. Joyce and other members of the General Court for legislation to define the term “environmental violation” and establishing penalties therefor;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 2096) of Jo Ann Sprague and Philip Travis (by vote of the town) for legislation to authorize the town of Rehoboth to assess fees for conservation purposes;

Of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1322) of John A. Hart, Jr., Brian P. Wallace and Martin J. Walsh for legislation relative to breast cancer distinctive license plates;

Of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1870) of Robert A. Havern and Michael A. Costello for legislation relative to the intermodal chassis roadability inspection program; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1871) of Robert A. Havern and Michael A. Costello for legislation relative to the intermodal container safety program;

Were severally considered; and they were accepted.

The Senate Bill relative to the penalties for killing, maiming or poisoning an animal (Senate, No. 198),— **was considered; and it was passed to be engrossed.**

Sent to the House for concurrence.

The House Bill providing for uniform regulatory standards for certain insurance companies (House, No. 2823),— **was considered; and it was passed to be engrossed, in concurrence, with the amendment previously adopted by the Senate.**

Sent to the House for concurrence in the amendment.

The Senate Bill relative to apprentice training (Senate, No. 42),— was read a second time.

After remarks, the question on ordering the bill to a third reading was determined by a call of the yeas and nays, at twenty-nine minutes past two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 510**]:

YEAS.

Antonioni, Robert A.	Melconian, Linda J.
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 P.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Magnani, David P. — 1.

Mr. Rosenberg in the Chair, the yeas and nays having been completed at twenty-seven minutes before three o’clock P.M., the bill was ordered to a third reading.

The Senate Bill to the practice of dental assisting (Senate, No. 508),— was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Knapik moved that the matter be placed at the end of the Calendar.

No further action was taken on this matter.

The Senate Bill relative to cemeteries and burials (Senate, No. 648),— was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Knapik moved that the matter be placed at the end of the Calendar.

No further action was taken on this matter.

The Senate Bill relative to the open meeting law (Senate, No. 1685),— **was read a second time and ordered to a third reading. Subsequently, Mr. Tolman moved that no action be taken on this matter; but objection was made thereto by Mr. Nuciforo.**

The Senate Bill relative to municipal light plant department security deposits (Senate, No. 2211),— was read a second time.

Pending the question on ordering the bill to a third reading, on motion of Mr. Pacheco, the further consideration thereof was postponed until the next session.

The Senate Bill authorizing the town of Hull to lease Nantasket Pier and to borrow money for the construction of a certain marine facility for a term not to exceed 30 years (Senate, No. 2214),— was read a second time.

Mr. Hedlund moved to amend the bill, in Section 1, by inserting after the word “lessees” in the first sentence the following words:— “or their heirs, successors or assigns” .

The amendment was adopted.

The bill (Senate, No. 2214, amended) was then ordered to a third reading.

The Senate Bill authorizing the town of Hull to lease Pemberton Pier (Senate, No. 2215),— was read a second time.

Mr. Hedlund moved to amend the bill, in Section 1, by inserting after the word “lessees” in the first sentence the following words:— “or their heirs, successors or assigns” .

The amendment was adopted.

The bill (Senate, No. 2215, amended) was then ordered to a third reading.

The House Bill relative to the dissemination of criminal record information to private detectives (House, No. 1721),— was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Nuciforo moved that the bill be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

The Senate Bill relative to the regulation of motor vehicle livery services and the licensing of livery operators (Senate, No. 1375),— was read a second time.

Pending the question on ordering the bill to a third reading, on motion of Mr. Lees, the further consideration thereof was postponed until Tuesday, June 1.

The House Bill relative to restrictive covenants (House, No. 3532),— **was read a second time and ordered to a third reading.**

The Senate Bill authorizing payroll deductions for certain contributions to the State Police Museum Fund (Senate, No. 1417, amended),— 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:—

“Chapter 180 of the General Laws is hereby amended by inserting after section 17L the following section:—

Section 17M. A deduction on a payroll schedule may be made from the salary of an employee of the department of the state police in the amount of \$3 per pay period for the payment of a contribution to Massachusetts State Police Museum and Learning Center, Inc. A deduction under this section shall not be used in whole or in part for a political purpose. Authorization for the deduction shall be made by the employee in writing to the officer or head of the department and withdrawal of the authorization shall be made by a 60 day written notice to the officer or head of the department. The state treasurer shall deduct the contribution from the salary of the employee and transmit the sum to the treasurer of the Massachusetts State Police Museum and Learning Center, Inc. The state treasurer may require that the treasurer of the Massachusetts State Police Museum and Learning Center, Inc. give a bond, in a form approved by the commissioner of revenue, for the faithful performance of his duties in a sum and with surety satisfactory to the state treasurer.”.

This amendment was adopted.

The bill (Senate, No. 1417, amended) was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill authorizing pronouncement of death by nurse practitioners (House, No. 1663) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

Pending the question on passing the bill to be engrossed, on motion of Ms. Melconian, the further consideration thereof was postponed until Tuesday, June 1.

The Senate Bill regarding unlicensed practice of certain professions (Senate, No. 422),— was read a third time.

Mr. Lees moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following new text:—

“SECTION 1. Section 65 of chapter 112 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out, in line 5, the words ‘one thousand dollars’ and inserting in place thereof the following figure:— \$5,000.

SECTION 2. Said chapter 112 is hereby further amended by inserting after section 65 the following 2 sections:—

Section 65A. Each board of registration within the division of professional licensure may, after opportunity for a hearing, assess and collect a civil administrative penalty of up to \$5,000 for each violation upon a person who practices a trade or profession at a time when his license, certificate, registration or authority to do so from that board is not valid because it has been suspended, revoked or canceled under this chapter or because it has expired. The penalty shall be in addition to all other penalties and remedies that may be provided by law. A board may apply to the appropriate court for a restraining order enjoining such unlicensed practice or for an order for payment of an assessed penalty, or both, and may obtain such other orders as may be appropriate. All penalties collected shall be deposited in the Division of Professional Licensure Trust Fund established under subsection (a) of section 35V of chapter 10.

Section 65B. Each board of registration within the division of professional licensure may, after opportunity for a hearing, assess and collect a civil administrative penalty of up to \$5,000 for each violation upon a person who, without holding the required license, certificate, registration or authority is required from that board, engages in the practice of a trade or profession for which a license, certificate, registration or authority is required. The penalty shall be in addition to all other penalties and remedies that may be provided by law. A board may apply to the appropriate court for a restraining order enjoining such unlicensed practice or for an order for payment of an assessed penalty, or both, and may obtain such other orders as may be appropriate. All penalties

collected shall be deposited in the Division of Professional Licensure Trust Fund, established under subsection (a) of section 35V of chapter 10.”.

Mr. Morrissey rose to a point of order, which, being stated was that the amendment was beyond the scope of the bill.

The Chair (Mr. Rosenberg) ruled that the point of order was NOT well taken, insomuch as the amendment was germane to the bill as drafted.

Pending the adoption of the amendment and main question on passing the bill to be engrossed, on motion of Mr. Morrissey, the further consideration thereof was postponed until the next session.

The Senate Bill relative to meningitis immunization awareness (Senate, No. 2155),— was read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at ten minutes before three o’clock P.M., on motion of Mr. Moore, as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 511**]:

YEAS.

Antonioni, Robert A.	Melconian, Linda J.
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 P.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
	38.

NAYS — 0.

ABSENT OR NOT VOTING.

Magnani, David P. — 1.

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

The Senate Bill further regulating the sale and distribution of bottled water and certain other nonalcoholic beverages (Senate, No. 2162) (its title having been changed by the committee on Bills in the Third Reading) ,— was read a third time.

After debate, on motion of Mr. Lees, the further consideration thereof was postponed until Tuesday, June 1.

The Senate Bill relative to the certification of speech-language pathology assistants and audiology assistants (Senate, No. 2296),— was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Menard moved that the bill be amended in Section 13, subsection (b), after the words “the Massachusetts Academy of Pediatrics;” by adding the following;— “The Massachusetts Academy of Otolaryngologists”.

This amendment was adopted.

The bill (Senate, No. 2296, amended) was then passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill codifying the hepatitis C program (Senate, No. 553),— was read a third time.

After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at ten minutes past three o'clock P.M., on motion of Ms. Murray, as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 512**]:

YEAS.

Antonioni, Robert A.	Melconian, Linda J.
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 P.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Magnani, David P. — 1.

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

The Senate Bill authorizing the funding of the production and modification of housing for people with disabilities (Senate, No. 734, amended),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Montigny and Ms. Chandler moved that the bill be amended in section 1, by inserting after the word “elderly”, in line 3, the following words: “the homeless, moderate income citizens of the commonwealth,”; and in section 2, by inserting at the end thereof the following item:—

“Department of Housing and Community Development.

7004-7013 For the purpose of state financial assistance in the form of grants or loans for the Housing Innovations Fund Program established pursuant to section 5 of chapter 244 of the acts of 2002; provided that not less than 25 percent of the amount appropriated in this item shall be used to fund projects which preserve and produce housing for families and individuals with incomes of not more than 30 percent of the area median income, as defined by the United States Department of Housing and Urban Development; and provided further, that funds from this program may be used to support joint projects proposed by municipalities or housing development agencies and Massachusetts colleges and

universities 20,000,000,”.

This amendment was adopted.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-six minutes past three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 513**]:

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.	Resor, Pamela P.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Melconian, Linda J.	37.

NAYS — 0.

ABSENT OR NOT VOTING.

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

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

Sent to the House for concurrence.

The Senate Bill relative to the public listing of state tax delinquents (Senate, No. 1737),— was read a third time.

Pending the question on passing the bill to be engrossed, on motion of Mr. Baddour, the bill was recommitted to the committee on Taxation.

Prior to the completion of the Orders of the Day, there being no objection, the following matters were considered as follows:

Order Adopted.

Ms. Murray presented the following order, to wit:

Ordered, That, notwithstanding any rule to the contrary, no amendment to the fiscal year 2005 General Appropriation Bill amending an allocation to a city or town or regional school district in section 3, including an allocation for aid under item 7061-0008 (school aid pursuant to chapter 70 of the General Laws), under item 0611-5500 (additional assistance), or under the lottery distribution, shall be in order.

After remarks, the order was adopted.

Resolutions.

The following resolutions (by Ms. Murray) (having been filed with the Clerk) were considered as follows:—

RESOLUTIONS.

Forecasting the Amount of Tax Revenue for Fiscal Year 2005.

Whereas, Section 5B of chapter 29 of the General Laws provides for the general court to adopt a joint tax revenue forecast for the ensuing fiscal year reflecting the consensus of the House and Senate committees on ways and means and the commissioner of administration; and

Whereas, Section 5B of chapter 29 of the General Laws provides that such tax revenue forecast shall establish the maximum amount of tax revenue which may be considered for the general appropriation act for the ensuing fiscal year; and

Whereas, The adoption of such tax revenue forecast will make a significant contribution to a balanced budget and fiscal stability; now therefore be it

Resolved, That the Massachusetts Senate hereby finds and declares that the amount of fiscal year 2005 transfer to the Pension Reserves Investment Trust Fund for the Commonwealth's annual pension contribution shall be \$1,216,936,000; and be it further

Resolved, That the Massachusetts Senate hereby finds and declares that the amount of tax revenue available for the general appropriation act for fiscal year 2005, in the absence of any changes in statute relating to taxation enacted after January 15, 2004, shall not exceed \$13,899,889,000; and be it further

Resolved, That a copy of this resolution be forwarded by the Clerk of the Senate to His Excellency Mitt Romney, Governor of the Commonwealth.

After remarks, the question on adoption of the resolutions was determined by a call of the yeas and nays, at eighteen minutes before four o'clock P.M., on motion of Ms. Murray, as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 514**]:

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.	Resor, Pamela P.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.

Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
	37.
Melconian, Linda J.	

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Magnani, David P. — 2.
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The yeas and nays having been completed at fourteen minutes before four o'clock P.M., the resolutions were adopted.

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

Resolutions (filed by Ms. Murray) “providing for a declaration of the intent of the Senate relative to the amount and distribution of local aid to the cities, towns and regional school districts of the commonwealth during fiscal year 2005.”

After remarks, the question on adoption of the resolutions was determined by a call of the yeas and nays, at three minutes past four o'clock P.M., on motion of Ms. Murray, as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 515**]:

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.	Resor, Pamela P.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
	37.
Melconian, Linda J.	

NAYS — 0.

ABSENT OR NOT VOTING.

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

The yeas and nays having been completed at eight minutes past four o'clock P.M., the resolutions were adopted.

The following resolutions (by Ms. Murray) (having been filed with the Clerk) were considered as follows:—

RESOLUTIONS.

Providing for a declaration of the intent of the Senate relative to the amount of senior prescription drug insurance to be appropriated by the Commonwealth during fiscal year 2005.

Whereas, The senior citizens of the Commonwealth are among our greatest assets, and are held in the highest esteem by every member of the Senate; and

Whereas, The rising cost of prescription drugs threatens the health and financial well-being of too many senior citizens in the Commonwealth; and

Whereas, No senior citizen should be forced to choose between prescription drugs, food and shelter; now therefore be it

Resolved, That notwithstanding any general or special law to the contrary, it is the intent of the Senate that the amount of \$110,000,000 from item 9110-1455 for the Senior Pharmacy Program shall be appropriated in fiscal year 2005.

After remarks, the question on adoption of the resolutions was determined by a call of the yeas and nays, at nine minutes past four o'clock P.M., on motion of Ms. Murray, as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 516**]:

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.	Resor, Pamela P.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Melconian, Linda J.	37.

NAYS — 0.

ABSENT OR NOT VOTING.

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

The yeas and nays having been completed at a quarter past four o'clock P.M., the resolutions were adopted.

Reports of a Committee.

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

The Senate Bill designating a portion of the Lowell Heritage State Park as the Mary Bacigalupo Victorian Garden (Senate, No. 2318).

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

Mr. Panagiotakos presented an amendment, striking out, in line 7, the words "city of Lowell" and inserting in place thereof the following words:—"department of conservation and recreation"; and by striking out the last sentence and inserting in place thereof the following sentence: "The department of conservation and recreation may enter into a memorandum of agreement with the city of Lowell to facilitate this act."

This amendment was adopted.

The bill (Senate, No. 2318, amended) was then ordered to a third reading, read a third time and was passed to be engrossed.

Sent to the House for concurrence.

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

The House Bill relative to damages for harmed assistance animals (House, No. 2829).

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, after remarks, was passed to be engrossed, in concurrence.

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

The House Bill providing for the annual observance of Guardian's Day (House, No. 4482, amended).

There being no objection, the rules were suspended, on motion of Mrs. Sprague, 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 providing for the annual observance of Guardians' Day".

PAPERS FROM THE HOUSE.

Engrossed Bills.

An engrossed Bill relative to the election of town meeting members and validating the actions taken at certain town meetings held in the town of South Hadley (see House Bill, printed in House, No. 4380, changed) (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 President and laid before the Governor for his approbation.**

An engrossed Bill relative to voting precincts in the town of Amherst (see House Bill, printed in House, No. 4421) (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 President and laid before the Governor for his approbation.**

An engrossed Bill exempting certain positions in the city of Westfield from the civil service law (see House Bill, printed as Senate, No. 1928) (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 for his approbation.**

An engrossed Bill authorizing the town of Wellesley to establish a group insurance liability fund (see House, No. 3869, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the President and again laid before the Governor for his approbation.**

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

Resolutions (filed by Messrs. Morrissey, Lees, Glodis, Moore, Creedon, Panagiotakos, Baddour, Brewer and O’Leary) “commending the heroic efforts of U.S. Army Ranger Pat Tillman and members of the United States Military.”

After remarks, the question on adoption of the resolutions was determined by a call of the yeas and nays, at twenty-nine minutes past four o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 517**]:

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.	Resor, Pamela P.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Melconian, Linda J.	37.

NAYS — 0.

ABSENT OR NOT VOTING.

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

The yeas and nays having been completed at twenty-five minutes before five o’clock P.M., the resolutions were adopted.

PAPERS FROM THE HOUSE.

Order Adopted.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith and adopted, in concurrence, to wit:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on the Judiciary be granted until Wednesday, May 5, 2004 within which to make its final report on current House document numbered 4575.

Order — Amended.

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

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Criminal Justice be granted until Tuesday, May 11, 2004, the time within which to report on current House document numbered 4571.

Pending the question on adoption of the order, Mr. McGee offered an amendment striking out the words “Tuesday, May 11, 2004” and inserting in place thereof the words “Friday, May 14, 2004”.

The amendment was adopted.

The order, as amended, was then adopted.

Sent to the House for concurrence in the amendment.

Matters Taken Out of the Notice Section of the Calendar.

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

The House Bill authorizing the town of Norfolk to establish a department of public works (House, No. 4313),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The Senate Bill to extend the ban on assault weapons and further reduce gun violence in the Commonwealth (Senate, No. 2282),— was read a second time.

Pending the question on ordering it to a third reading, after remarks, on motion of Mr. Brewer, the further consideration thereof was postponed until the next session.

Order Adopted.

On motion of Ms. Melconian,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o’clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Without further consideration of the matters in the Orders of the Day, on motion of the same Senator, at three minutes before five o’clock P.M., the Senate adjourned to meet on the following Monday at eleven o’clock A.M.