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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Friday, June 20, 2003.

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

Petition.

Ms. Murray presented a petition (subject to Joint Rule 12) of Therese Murray for legislation to merge the South Sagamore water district with the Bourne water district,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently**

Reports of Committees.

By Mr. Morrissey, for the committee on Government Regulations, on petition, a Bill prohibiting distribution, transmission, gas, or water companies, from retaining labor cost savings or incurring unnecessary expenditures during curtailment of work due to a labor dispute (Senate, No. 481); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 451), a Bill to promote regulated utility service (Senate, No. 2017);

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

By Mr. Hart, for the committee on Commerce and Labor, on petition, a Bill relative to the Massachusetts business corporation act (Senate, No. 103);

Read and, under Senate Rule 26, referred to the committee on Steering and Policy.

Recess.

There being no objection, at five minutes past one o'clock P.M., the Chair (Ms. Menard) declared a recess subject to the call of the Chair; and at twenty-three minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

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

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 designating a portion of state highway routes 1A and 133 in the towns of Newbury, Rowley, Ipswich and Essex and the cities of Newburyport and Gloucester as a scenic byway (Senate, No. 1898),— **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.

PAPERS FROM THE HOUSE.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill making appropriations for the fiscal year 2004 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4001, printed as amended) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2005), reported, in part, a “Bill making an appropriation for the fiscal year 2004 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements” (House, No. 4004)

[Direct Appropriations: \$20,715,491,274.],—

[Retained Revenue: \$932,237,640.],—

[Pension Fund Transfer: \$687,335,000.],—

[Total: \$22,335,063,914.],—

came from the House, and was read.

Senate Rule 36 was suspended on motion of Ms. Murray, and the report was considered forthwith.

After debate, the question on accepting the report, in concurrence, was determined by a call of the yeas and nays, at twenty-five minutes before three o’clock P.M., on motion of Ms. Murray, as follows, to wit (yeas 32 — nays 6) [**Yeas and Nays No. 72**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	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.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Joyce, Brian A.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —
	32.

NAYS.

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

ABSENT OR NOT VOTING.

Berry, Frederick E. — **1.**

The yeas and nays having been completed at twenty-one minutes before three o’clock P.M., the report was accepted, in concurrence.

Emergency Preamble Adopted.

An engrossed Bill relative to the compensation of certain members of the General Court (see House, No. 3743, 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 8 to 4.

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

Engrossed Bill Returned to House by Governor

With His Objections Thereto.

The engrossed Bill relative to group insurance premiums for retired employees of the town of Webster (see House, No. 428, amended), which, on Thursday, June 5, 2003, had been laid before the Governor for his approbation,— came from the House the same having been returned by His Excellency, under Article II of Section I of Chapter I of Part the Second of the Constitution, to the House, the branch in which it had originated, with his objections thereto in writing, and having passed that branch, notwithstanding said objections.

The message (House, No. 3905) was read and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

After remarks, the question on passing the bill, the objections of His Excellency the Governor to the contrary notwithstanding, was then determined by a call of the yeas and nays, at ten minutes past three o'clock P.M., as follows, to wit (yeas 34 — nays 4) [Yeas and Nays No. 73]:

YEAS.

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

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Lees, Brian P.	Tisei, Richard R. — 4.

ABSENT OR NOT VOTING.

Berry, Frederick E. — **1.**

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

The bill was sent to the Secretary of the Commonwealth endorsed accordingly.

Engrossed Bill.

An engrossed Bill relative to the health insurance of active and retired employees of the town of Plymouth (see House, No. 3848) (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.**

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 designating a certain trail in Mansfield as the World War II veterans trail (Senate, No. 1897),— 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 sixteen minutes before four o'clock P.M., on motion of Mrs. Sprague, as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 74**]:

YEAS.

Antonioni, Robert A.	Knapik, Michael R.
Baddour, Steven A.	Lees, Brian P.
Barrios, Jarrett T.	Magnani, David P.
Brewer, Stephen M.	McGee, Thomas M.
Chandler, Harriette L.	Melconian, Linda J.
Creedon, Robert S., Jr.	Menard, Joan M.
Creem, Cynthia Stone	Montigny, Mark C.
Fargo, Susan C.	Moore, Richard T.
Glodis, Guy W.	Morrissey, Michael W.
Hart, John A., Jr.	Murray, Therese
Havern, Robert A.	Nuciforo, Andrea F., Jr.
Hedlund, Robert L.	O'Leary, Robert A.
Jacques, Cheryl A.	Pacheco, Marc R.
Joyce, Brian A.	Panagiotakos, Steven C.
Resor, Pamela	Tisei, Richard R.
Rosenberg, Stanley C.	Tolman, Steven A.
Shannon, Charles E.	Tucker, Susan C.
Sprague, Jo Ann	Walsh, Marian
Tarr, Bruce E.	Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. — **1.**

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

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal year 2004 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. 4004), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 13 to 5.

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

Engrossed Bill.

An engrossed Bill relative to the compensation of certain members of the General Court (see House, No. 3743, 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 eight minutes before four o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 28 — nays 10) [**Yeas and Nays No. 75**]:

YEAS.

Antonioni, Robert A.	Jacques, Cheryl A.
Baddour, Steven A.	Magnani, David P.
Barrios, Jarrett T.	McGee, Thomas M.
Brewer, Stephen M.	Melconian, Linda J.
Chandler, Harriette L.	Menard, Joan M.
Creedon, Robert S., Jr.	Montigny, Mark C.
Fargo, Susan C.	Moore, Richard T.
Glodis, Guy W.	Morrissey, Michael W.
Hart, John A., Jr.	Murray, Therese
Havern, Robert A.	Nuciforo, Andrea F., Jr.
Pacheco, Marc R.	Tolman, Steven A.
Panagiotakos, Steven C.	Tucker, Susan C.
Rosenberg, Stanley C.	Walsh, Marian
Shannon, Charles E.	Wilkerson, Dianne—

28.

NAYS.

Creem, Cynthia Stone	O'Leary, Robert A.
Hedlund, Robert L.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 10.

ABSENT OR NOT VOTING.

Berry, Frederick E. — **1.**

The yeas and nays having been completed at four minutes before four o'clock P.M., the bill was passed to be enacted and it was signed by the President and laid before the Governor for his approbation.

Engrossed Bill — Land Taking for

Conservation, Etc. — State Loan.

An engrossed Bill making appropriations for the fiscal year 2004 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. 4004) (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 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 thirteen minutes past four o'clock P.M., as follows, to wit (yeas 32 — nays 6) [**Yeas and Nays No. 76**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	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.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Joyce, Brian A.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —
	32.

NAYS.

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

ABSENT OR NOT VOTING.

Berry, Frederick E. — **1.**

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

Order Adopted.

On motion of Ms. Murray,—

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.

On motion of Ms. Murray, at seventeen minutes past four o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.