

**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.

Monday, July 14, 2003.

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

The Chair (Ms. Menard), members, guests and employees then recited the pledge of allegiance to the flag.

#### *Distinguished Guests.*

There being no objection, the Chair (Ms. Menard) handed the gavel to the Senator from Middlesex and Norfolk, Ms. Creem, who introduced Barbara Seligman and Bonnie Millender. Ms. Millender, a resident of Georgia, was observing how the Massachusetts Legislature does its business. They were the guests of Senator Creem.

There being no objection, the President handed the gavel to the Senator from Norfolk and Plymouth, Mr. Morrissey, who introduced Gregory Walsh of Braintree. Gregory, who cannot talk, has become an activist for causes that he believes in through his use of the Internet and E-mail. Gregory was accompanied by his mother, Janice, and his personal care assistant. He was the guest of Senators Morrissey and Joyce.

#### *Communication.*

A communication from the Plymouth Register of Deeds submitting (pursuant to Section 4 of Chapter 4 of the Acts of 2003) an initial plan for expenditures from the county registers technological fund (a copy of said plan having been forwarded by the Senate Clerk to the Chairpersons of the Senate committee on Ways and Means and Post Audit and Oversight) (received Thursday, July 10, 2003),— **was placed on file.**

#### *Reports.*

The following reports were severally read and placed on file:

A report of the Massachusetts State Lottery Commission (under the provisions of Section 38 of Chapter 10 of the General Laws) submitting its annual report for the Charitable Gaming Division for the year 2002 (received Wednesday, July 2, 2003); and

A report of the Statewide Emergency Telecommunications Board (under the provisions of Section 18 of Chapter 6A of the General Laws) submitting its annual report for calendar year 2002 (received Tuesday, July 8, 2003).

#### *Petitions.*

Petitions were presented and referred as follows:

By Mr. Rosenberg, a petition (accompanied by bill, Senate, No. 2040) of Stanley C. Rosenberg and Ellen Story (by vote of the town) for legislation relative to voting precincts in the town of Amherst;  
**Under Senate Rule 20, to the committee on Election Laws.**

By Mr. Shannon, a petition (accompanied by bill, Senate, No. 2042) of Charles E. Shannon and Paul. C. Casey (by vote of the town) for legislation relative to the disposition of certain state-owned land in the town of Winchester [Local approval received];  
**Under Senate Rule 20, to the committee on State Administration.**

By the same Senator, a petition (accompanied by bill, Senate, No. 2041) of Charles E. Shannon and Paul C. Casey (by vote of the town) for legislation to authorize the town of Winchester to lien certain outstanding charges owed the town [Local approval received]  
**Under Senate Rule 20, to the committee on Taxation.**  
**Severally sent to the House for concurrence.**

*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 Bill relative to protecting the identity of a 911 caller (Senate, No. 1641); and

The House Bill relative to certain school construction debt in the town of Reading (House, No. 3900).

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3945) of Paul J. Donato, Vincent P. Ciampa, J. James Marzilli, Jr., and Charles E. Shannon (with the approval of the mayor and city council) relative to preliminary elections in the city of Medford in the current year,— **was referred, in concurrence, to the committee on Election Laws.**

*Communication.*

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE  
STATE HOUSE, BOSTON 02133-1053

July 14, 2003.

Patrick F. Scanlan  
*Clerk of the Massachusetts Senate*  
State House, Room 335  
Boston, MA 02133

Dear Mr. Clerk:

On July 10, due to a personal commitment, I was out of state and unable to attend the formal session of the Senate. I missed several roll call votes. If I had been in attendance I would have voted in the affirmative on the following matters:

- S. 380, *Wind Energy Study (On Engrossment)*
- H. 4003, *Municipal Relief Bill (On Enactment)*

If I had been in attendance, I would have voted to **sustain** the following of the Governor's vetoes:

- Outside Section 621 (DMA Transfer)
- Outside Section 693 (Board of Higher Education)
- Outside Section 640 (Child Care Reporting)
- Outside Section 653 (Harborlights/FleetBoston Pavilion)
- Outside Section 631 (Occupational Safety Fee Increases)
- Outside Section 636 (Apprentice Training Fee Increase)
- Outside Section 637 (Apprentice Training Fee Increase)
- Outside Section 203 (Temporary Holding Fund)
- Outside Section 679 (Pondville Hospital)
- Outside Section 545 (DCAMM Costs)

- Line Item 1599-7092 (County Corrections)
- Line Item 2001-1001 (EOEA Data Center)
- Line Item 1599-1971 (Snow and Ice Equipment)
- Line Item 4100-0060 (Health Care Finance and Policy)

If I had been in attendance, I would have voted to **override** the following of the Governor's vetoes:

- Outside Section 616 (Early Retirement)
- Outside Section 678 (Fernald Reuse Committee)
- Outside Section 5 (Alcohol Beverages Control Commission)
- Outside Section 48 (ABCC Transfer)
- Outside Section 411 (ABCC Transfer)
- Line Item 5930-1000 (Fernald Funding)
- Line Item 4190-1101 (Long Term Care Fees)
- Line Item 0610-0050 (ABCC Reduction)
- Line Item 4510-0790 (Regional EMS)

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

Thank you for your consideration.

Sincerely,  
RICHARD R. TISEI,  
*State Senator.*

**On motion of Mr. Havern, the above statement was ordered printed in the Journal of the Senate.**

*Resolutions.*

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

Resolutions (filed by Ms. Chandler) “honoring Cathy Kahn Recht, RN for her many outstanding contributions to the Worcester and Central Massachusetts communities.”

PAPERS FROM THE HOUSE.

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

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 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 on Friday, June 20, 2003, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4005) was read; and the Senate proceeded to reconsider several items which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 0321-2100 (Correctional legal services committee) was considered, as follows:—

“0321-2100 For the Massachusetts correctional legal services committee 500,000”.

[The Governor disapproved this item.]

After debate, the question on passing item 0321-2100 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-five minutes before twelve o'clock noon, as follows, to wit (yeas 33 — nays 5) [**Yeas and Nays No. 137**]:

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

**NAYS.**

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tisei, Richard R. — <b>5.</b>
Lees, Brian P.	

**ABSENT OR NOT VOTING.**

Fargo, Susan C. — **1.**

**The yeas and nays having been completed at eighteen minutes before twelve o’clock noon, item 0321-2100 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 0322-0100 (Appeals Court justices) was considered, as follows:—

“0322-0100 For the appeals court, including the salaries, traveling allowances and expenses of the chief justice, recall judges and the associate justices, and+the expenses of the conference program 9,236,289”.

[The Governor reduced this item to 8,936,289.]

After debate, the question on passing item 0322-0100 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at a quarter before twelve o’clock noon, as follows, to wit (yeas 32 — nays 6) [**Yeas and Nays No. 138**]:

**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.	Pacheco, Marc R.
Creem, Cynthia Stone	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.  
McGee, Thomas M.  
Melconian, Linda J.

Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne —  
**32.**

**NAYS.**

Hedlund, Robert L.  
Knapik, Michael R.  
Lees, Brian P.

Sprague, Jo Ann  
Tarr, Bruce E.  
Tisei, Richard R. — **6.**

**ABSENT OR NOT VOTING.**

Fargo, Susan C. — **1.**

**The yeas and nays having been completed at twelve minutes before twelve o'clock noon, item 0322-0100 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 620 (Nursing homes and pharmacy user fees) was considered, as follows:—

“SECTION 620. Notwithstanding the provisions of any general or special law to the contrary, the following payments shall be made from the Health Care Quality Improvement Trust Fund in fiscal year 2004 utilizing monies accumulated in said fund during fiscal year 2003 as a result of the prohibition of retroactive application of rate increases to nursing homes approved by section 180 of chapter 184 of the Acts of 2002:

(1) \$6,500,000 for grants to community health centers for one-time grants for costs incurred by the development of the staff and infrastructure necessary to accommodate the MassHealth disabled population pilot project as mandated by this act and to mitigate the effect of changes made to clause (g) of section 9A of chapter 118E of the General Laws by chapter 184 of the Acts of 2002;

(2) \$5,000,000 for the purpose awarding one-time grants to community health centers for capital, equipment, and other costs for the purpose of increasing access to health care for medically underserved populations or areas of the commonwealth through extended hours and innovative urgent care strategies including but not limited to diverting non-emergency visits from hospitals emergency departments. The criteria for awarding such grants shall include, but not be limited to, the lack of sufficient access to cost-effective outpatient services in the geographic area of the applicant to financially sustain the program in future years, the long-term viability of the applicant, and any other criteria the commissioners of the division of medical assistance and the division of health care finance and policy deem appropriate. An advisory group consisting of the secretary of health and human services, who shall chair the group, the commissioner of the division of medical assistance, the commissioner of the department of public health, the executive director of the Massachusetts League of Community Health Centers, or their designees, shall recommend to the commissioner of health care finance and policy not later than 45 days after the effective date of this act the most efficacious means of awarding said grants consistent with the provisions of this section. The grants shall be awarded not later than six months after the effective date of this act. The commissioner of health care finance and policy shall submit a report to the house and senate committees on ways and means when said grants are awarded, specifying which community health centers will receive funds from this item and the amounts and uses of the awards;

(3) \$1,500,000 to the city of Haverhill over a period of two years for the severe financial hardship resulting from maintaining critical health services through the operation of the former municipally-owned Hale Hospital. Said funds may be utilized for the expenses relative to health insurance and pension costs attributable to retirees of Hale Hospital during fiscal years 2004 and 2005;

(4) \$2,500,000 for a contract with an independent auditor for the purpose of examining the costs and services being billed to the Uncompensated Care Pool, pursuant to section 641 of this act;

(5) \$4,100,000 for the career ladder grant program in long-term care established pursuant to section 410 of chapter 159 of the acts of 2000, provided; that grants shall be available for certified nurses' aides, home health aides, homemakers and other entry-level workers in long term care; provided further, that the length of such grants shall not exceed a period of 3 years; provided further, that the Commonwealth Corporation shall submit quarterly reports to the house and senate committee on ways and means on said grant program including, but not limited to, the number of grants awarded, the amount of each grant, a description of the career ladder programs, changes in care giving and workplace practices that have occurred and their impact on quality of care and worker retention and the certificates, degrees or professional status attained by each participating employee; provided further, that the administrative and program management costs for the implementation of the grant program shall not exceed 4 per cent of the amount provided for in this item; and provided further, that grants may also include funding for technical assistance and evaluation;

(6) \$3,000,000 to fund expenses at the division of health care quality within the department of public health to enforce and improve nursing home quality standards partially funded in item 4510-0710; provided, that \$1,000,000 shall be expended to support boards of registration being transferred to or serving in the department of public health;

(7) \$2,000,000 for administrative expenditures at the division of medical assistance, partially funded in item 4000-0300, related to the establishment of a program of care management for Medicaid recipients with high-utilization of medical services; provided, that the division shall use the funds to identify health care costs and pricing patterns in the Medicaid program that are not cost effective or medically appropriate using best practices and identify alternatives which provide for an integrated approach to managing health care needs of recipients at risk of or diagnosed with specific ailments, including, but not limited to, asthma, congestive heart failure, diabetes, heart disease and stroke; provided further, that the program shall be designed to improve health care and health outcomes, reduce unnecessary or avoidable inpatient hospitalization, and reduce the number of emergency room visits by such recipients; provided further, that the program shall require the provision of clinically appropriate care management based on best practices, clinical studies and health outcome research; provided further, that the division shall report to the house and senate committees on ways and means by March 1, 2004, the number of individuals participating in the program and any reduction in utilization or spending resulting from the program, provided further, that administrative expenditures may include contracts with disease management organizations;

(8) \$1,500,000 for non-recurring payments to financially distressed visiting nurse association that are operated by a corporation organized pursuant to chapter 190 of the General Laws, are located in an urban area, have experienced an operating deficit during the last two fiscal years and whose Medicaid and other governmental revenues comprise at least 75% of total revenues;

(9) \$300,000 for a statewide stroke education and public awareness program at the department of public health to educate the public and providers, including emergency medical systems personnel, medical dispatchers and fire and police department personnel, about the warning signs of stroke, the recognition of stroke symptoms, and the importance of timely and appropriate acute care treatment. The department shall coordinate such program with any ongoing federally-funded statewide efforts, including any programs funded by federal cardiovascular health initiative grants and shall seek to maximize other available sources of funding to accomplish the goals of the program;

(10) \$162,368 for the MS PASS program, so-called, as previously established at the department of public health. Said funds shall be expended to maximize matching dollars to be used for services provided by the program as managed by the Central New England chapter of the National Multiple Sclerosis Society.

[The Governor disapproved this item.]

After debate, the question on passing Section 620 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at seven minutes before twelve o'clock noon, as follows, to wit (yeas 33 — nays 5) [Yeas and Nays No. 139]:

#### 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.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	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 —
Melconian, Linda J.	33.

**NAYS.**

Knapik, Michael R.    Tarr, Bruce E.  
Lees, Brian P.        Tisei, Richard R. — 5.  
Sprague, Jo Ann

**ABSENT OR NOT VOTING.**

Fargo, Susan C. — 1.

**The yeas and nays having been completed at four minutes before twelve o'clock noon, Section 620 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

*Bill Returned with Recommendation of Amendment.*

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to appropriations for 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) as relates to section 701 [for message, see attachment K of House, No. 4006],— came from the House with endorsement that the House adopted the amendment in the following form: “An Act relative to quality health care” (House, No. 3952).

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

Ms. Murray moved that the amendment be amended by inserting before the enacting clause the following emergency preamble:—

“*Whereas*, the deferred operation of this act would tend to defeat its purpose, which is forthwith to provide for nursing facility Medicaid rates for fiscal year 2004, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.”

After remarks, the amendment was adopted.

**The House amendment (House, No. 3952, as amended) was adopted, in concurrence.  
Sent to the House for concurrence in the amendment.**

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

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 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 on Friday, June 20, 2003, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4005) was read; and the Senate proceeded to reconsider several items which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 4110-1020 (Medical assistance for the blind) was considered, as follows:—

“4110-1020 For eligibility determination for the medical assistance program for the blind; provided, that the commission shall work with the division of medical assistance, the department of mental retardation and other state agencies to maximize federal reimbursement for clients so determined through this item including, but not limited to, reimbursement for home and community-based waiver clients 323,947”.

[The Governor reduced this item to \$223,947; and struck out the words: “; provided, that the commission shall work with the division of medical assistance, the department of mental retardation and other state agencies to maximize federal reimbursement for clients so determined through this item including, but not limited to, reimbursement for home and community-based waiver clients”.]

After debate, the question on passing item 4110-1020 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at one minute before twelve o'clock noon, as follows, to wit (yeas 34 — nays 4) [**Yeas and Nays No. 140**]:

**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.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 34.

**NAYS.**

Hedlund, Robert L.	Lees, Brian P.
Knapik, Michael R.	Sprague, Jo Ann — 4.

**ABSENT OR NOT VOTING.**

Fargo, Susan C. — 1.

**The yeas and nays having been completed at three minutes past twelve o'clock noon, item 4110-1020 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 4110-2001 (New Turning 22 clients) was considered, as follows:—

“4110-2001 For services to clients of the department who turn 22 years of age during state fiscal year 2004; provided, that the amount spent from this item shall not annualize to more than \$97,000 in fiscal year 2005; provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; provided further, that the commission shall work in conjunction with the department of mental retardation to secure the maximum amount of federal reimbursements available for the care of turning 22 clients; and provided further, that the commission shall work in conjunction with the department of mental retardation to secure similar rates for contracted residential services 36,500”.

[The Governor disapproved this item.]

After debate, the question on passing item 4110-2001 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at seven minutes past twelve o'clock noon, as follows, to wit (yeas 34 — nays 4) [**Yeas and Nays No. 141**]:

**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.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 34.

**NAYS.**

Hedlund, Robert L.	Lees, Brian P.
Knapik, Michael R.	Sprague, Jo Ann — 4.

**ABSENT OR NOT VOTING.**

Fargo, Susan C. — 1.

**The yeas and nays having been completed at ten minutes past twelve o'clock noon, item 4110-2001 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 4110-4000 (Ferguson Industries for the Blind) was considered, as follows:—

“4110-4000 For the administration of the Ferguson Industries for the Blind; provided, that retired workshop employees shall receive grants equal to three-fourths of the salaries of current workshop employees; and provided further, that any funds received for goods and services purchased by private and public sector entities at Ferguson

Industries shall be remitted to the General Fund 1,884,200”.

[The Governor reduced this item to \$1,684,200.]

The question on passing item 4110-4000 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at eleven minutes past twelve o'clock noon, as follows, to wit (yeas 33 — nays 5) [**Yeas and Nays No. 142**]:

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

Menard, Joan M.

**NAYS.**

Hedlund, Robert L.

Sprague, Jo Ann

Knapik, Michael R.

Tarr, Bruce E. — **5.**

Lees, Brian P.

**ABSENT OR NOT VOTING.**

Fargo, Susan C. — **1.**

**The yeas and nays having been completed at fourteen minutes past twelve o'clock noon, item 4110-4000 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 4120-2000 (Vocational rehabilitation) was considered, as follows:—

“4120-2000 For vocational rehabilitation services operated in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance and any other such indirect cost of the federally reimbursed state employees; provided further, that not less than \$100,000 shall be expended on special vocational projects in Charlestown for people with disabilities; provided further, that \$155,000 shall be expended for services provided by the Life Focus Center; and provided further, that the commissioner, in making referrals to service providers, shall take into account the client's place of residence and the geographic proximity of the nearest provider to said residence 7,259,207”.

[The Governor reduced this item to \$6,934,078; and struck out the words: “; provided further, that not less than \$100,000 shall be expended on special vocational projects in Charlestown for people with disabilities; provided further, that \$155,000 shall be expended for services provided by the Life Focus Center; and provided further, that the commissioner, in making referrals to service providers, shall take into account the client's place of residence and the geographic proximity of the nearest provider to said residence”.]

The question on passing item 4120-2000 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at a quarter past twelve o'clock noon, as follows, to wit (yeas 32 — nays 6) [**Yeas and Nays No. 143**]:

**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.

Pacheco, Marc R.

Creem, Cynthia Stone

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.**  
Fargo, Susan C. — 1.

**The yeas and nays having been completed at nineteen minutes past twelve o'clock noon, item 4120-2000 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.  
The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

*Recess.*

There being no objection, at nineteen minutes past twelve o'clock noon, the Chair (Ms. Menard) declared a recess subject to the call of the Chair; and at fourteen minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

Papers from the House.

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

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 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 on Friday, June 20, 2003, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4005) was read; and the Senate proceeded to reconsider several items which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 4120-3000 (MRC employment assistance and services) was considered, as follows:—

“4120-3000 For employment assistance services; provided, that vocational evaluation and employment services for severely disabled adults may, subject to approbation, be provided; provided further, that not less than \$100,000 shall be expended on special projects in Charlestown for people with disabilities; and provided further, that not less than \$305,000 shall be expended for the Charlestown Navy Yard Special Project for disabled adults 7,780,098”.

[The Governor disapproved this item.]

The question on passing item 4120-3000 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at eleven minutes before two o'clock P.M., as follows, to wit (yeas 33 — nays 4) [**Yeas and Nays No. 144**]:

#### **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.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Tarr, Bruce E.
Jacques, Cheryl A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian

Melconian, Linda J.                      Wilkerson, Dianne — 33.  
Menard, Joan M.

**NAYS.**

Hedlund, Robert L.                      Lees, Brian P.  
Knapik, Michael R.                      Sprague, Jo Ann — 4.

**ABSENT OR NOT VOTING.**

Fargo, Susan C.                          Nuciforo, Andrea F., Jr.—  
2

**The yeas and nays having been completed at seven minutes before two o'clock P.M., item 4120-3000 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 5920-2000 (Residential and day community services) was considered, as follows:—

“5920-2000 For vendor-operated community-based residential adult services, including intensive individual supports; provided, that \$9,520,000 shall be expended in annualized funding for turning 22 clients who began receiving the services in fiscal year 2003 pursuant to item 5920-5000 of section 2 of chapter 184 of the acts of 2002; provided further, that \$8,250,000 shall be expended for the fiscal year 2003 annualized cost of the settlement agreement Rolland vs. Cellucci, so-called, and \$4,800,000 shall be expended for the fiscal year 2004 cost of the settlement; provided further, that the commissioner of the department of mental retardation shall transfer funds from this item to item 5920-2010, as necessary, pursuant to an allocation plan, which shall detail by subsidiary the distribution of said funds to be transferred and which said commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; provided further, that not more than \$5,000,000 shall be transferred from this item in fiscal year 2004; provided further, that not less than \$99,000 shall be expended on Special Olympics Massachusetts for the purpose of “unified sports”; provided further, that an additional \$304,000 shall be expended on a contract with Work, Inc., for enhanced or expanded services to clients; and provided further, that not less than \$500,000 shall be expended for Best Buddies Massachusetts 449,520,888”.

[The Governor reduced this item to \$448,617,888; and struck out the following words: “; provided further, that not less than \$99,000 shall be expended on Special Olympics Massachusetts for the purpose of “unified sports”; provided further, that an additional \$304,000 shall be expended on a contract with Work, Inc., for enhanced or expanded services to clients; and provided further, that not less than \$500,000 shall be expended for Best Buddies Massachusetts”.]

After debate, the question on passing item 5920-2000 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at three minutes before two o'clock P.M., as follows, to wit (yeas 34 — nays 3) [**Yeas and Nays No. 145**]:

**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.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Knapik, Michael R.	Tarr, Bruce E.
Jacques, Cheryl A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian

Melconian, Linda J.                      Wilkerson, Dianne — **34.**  
**NAYS.**

Hedlund, Robert L.                      Sprague, Jo Ann — **3.**  
Lees, Brian P.

**ABSENT OR NOT VOTING.**

Fargo, Susan C.                              Nuciforo, Andrea F., Jr.—  
**2**

**The yeas and nays having been completed at two minutes before two o'clock P.M., item 5920-2000 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 5920-3000 (Adult family supports) was considered, as follows:—

“5920-3000 For respite services and intensive family supports and for \$1,360,000 in annualized funding for turning 22 clients who began receiving services in fiscal year 2003 pursuant to item 5920-5000 of section 2 of chapter 184 of the acts of 2002; provided, that the department shall pursue the highest rates of federal reimbursement possible for such services 46,800,000”.

[The Governor reduced this item to \$45,500,000.]

The question on passing item 5920-3000 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at three minutes past two o'clock P.M., as follows, to wit (yeas 36 — nays 1) [**Yeas and Nays No. 146**]:

**YEAS.**

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>36.</b>

**NAY.**

Sprague, Jo Ann — **1.**

**ABSENT OR NOT VOTING.**

Fargo, Susan C.                              Nuciforo, Andrea F., Jr. —  
**2.**

**The yeas and nays having been completed at five minutes past two o'clock P.M., item 5920-3000 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present**

**and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 7053-1927 (School breakfast pilot program) was considered, as follows:—

“7053-1927 For a supplement to the federally funded school breakfast program, whereby all children in schools receiving funds under the program shall be provided free, nutritious breakfasts at no cost to them; provided, that subject to regulations of the board that specify time and learning standards, breakfasts shall be served during regular school hours; provided, further, that participation shall be limited to those elementary schools mandated to serve breakfast pursuant to section 1C of chapter 69 of the General Laws where 60 per cent or more of the students are eligible for free or reduced-price meals under the federally funded school meals program; provided further, that said department shall select school sites for programs authorized by this item no later than November 15, 2003 and shall report to the house and senate committees on ways and means on the preliminary results of such grants no later than January 9, 2004; provided further, that nothing in this item shall give rise to enforceable legal rights in any party or an enforceable entitlement to services; and provided further, that nothing stated in this item shall be construed as giving rise to enforceable legal rights or enforceable entitlement to any services 2,011,060”.

[The Governor disapproved this item.]

The question on passing item 7053-1927 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at five minutes past two o'clock P.M., as follows, to wit (yeas 31 — nays 6) [Yeas and Nays No. 147]:

**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.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	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 — 31.
Melconian, Linda J.	

**NAYS.**

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

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Nuciforo, Andrea F, Jr. —
	2

**Mr. Rosenberg in the Chair, the yeas and nays having been completed at nine minutes past two o'clock P.M., item 7053-1927 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 7100-0200 (University of Massachusetts) was considered, as follows:—

“7100-0200 For the operation of the University of Massachusetts; provided, that notwithstanding any general or special law to the contrary, the university may establish and organize auxiliary organizations, subject to policies, rules and regulations adopted by the board, to provide essential functions which are integral to the educational mission of the university; provided further, that notwithstanding any general or special law to the contrary, the university may enter into leases of real property without prior approval of the division of capital asset management and maintenance; provided further, that funds appropriated herein shall be expended for the University of Massachusetts at Amherst Cranberry Station at Wareham in fiscal year 2004; provided further, that such funds shall be expended in accordance with plan reviewed and recommended by the University of Massachusetts at Amherst Cranberry Experiment Station Board of Oversight; provided further, that not less than \$100,000 shall be expended for the facilities costs associated with the college of visual and performing arts at the University of Massachusetts at Dartmouth, so-called Star Store; provided further, that of the amount allocated for Star Store funds may be expended for Bristol Community College; and provided further, that the Center for Portuguese Studies shall operate at the University of Massachusetts at Dartmouth; provided further, that not less than \$500,000 shall be expended for matching funds for a National Science Foundation grant for the establishment of a nanomanufacturing facility as part of a joint venture with the University of New Hampshire, Northeastern University and the University of Massachusetts at Lowell; provided further, that not less than \$50,000 shall be expended for a grant to the McCormack Institute; and provided further, that no funds appropriated herein may be used for the issuance and/or renewal of identification cards to plan participants or covered individuals which display the participants’ or individuals’ social security number 327,764,464”.

[The Governor reduced this item to \$327,714,464; and struck out the words: “; provided further, that notwithstanding any general or special law to the contrary, the university may enter into leases of real property without prior approval of the division of capital asset management and maintenance” and “; provided further, that not less than \$50,000 shall be expended for a grant to the McCormack Institute”.]

The question on passing item 7100-0200 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at ten minutes past two o’clock P.M., as follows, to wit (yeas 31 — nays 6) [**Yeas and Nays No. 148**]:

**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.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	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 — <b>31.</b>
Melconian, Linda J.	

**NAYS.**

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

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Nuciforo, Andrea F, Jr. —
	<b>2</b>

**The yeas and nays having been completed at twelve minutes past two o’clock P.M., item 7100-0200 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members**

**present and voting, having approved the same.**  
**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 9110-1630 (Home care program) was considered, as follows:—

“9110-1630 For contracts with aging service access points or other qualified entities for the home care program, including home care, health aides, home health and respite services and other services provided to the elderly; provided, that a sliding fee shall be charged to qualified elders; provided further, that the secretary of elder affairs may waive collection of sliding fees in cases of extreme financial hardship; provided further, that not more than \$7,500,000 in revenues accrued from sliding fees shall be retained by the individual home care corporations without re-allocation by the executive office of elder affairs, and shall be expended for the purposes of the home care program, consistent with guidelines to be issued by the executive office; provided further, that the executive office shall report quarterly to the house and senate committees on ways and means on the receipt and expenditure of revenues accrued from the sliding fees; provided further, that the executive office shall report monthly to the house and senate committees on ways and means and the executive office for administration and finance on the amount expended from this item for purchase of service expenditures by category of service as set forth in 651 C.M.R. 3.01 and 651 C.M.R. 3.06; provided further, that no rate increase shall be awarded in fiscal year 2004 which would cause a reduction in client services or the number of clients served; provided further, that no funds shall be expended from this item to pay for salary increases for direct service workers who provide state-funded homemaker and home health aid services, which would cause a reduction in client services; and provided further, that the secretary of elder affairs may transfer an amount not to exceed 3 per cent of the funds appropriated herein to item 9110-1633 for case management services and the administration of the homecare program 94,158,158”.

[The Governor reduced this item to \$91,741,798.]

The question on passing item 9110-1630 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at thirteen minutes past two o'clock P.M., as follows, to wit (yeas 36 — nays 1) [**Yeas and Nays No. 149**]:

**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.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	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 — <b>31.</b>
Melconian, Linda J.	

**NAYS.**

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

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Nuciforo, Andrea F, Jr. —
	<b>2</b>

**The yeas and nays having been completed at a quarter past two o'clock P.M., item 9110-1630 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present**



**and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 684 (Board of Higher Education) was considered, as follows:—

“SECTION 684. Section 9 of said chapter 15A of the General Laws is hereby amended by striking out, in line 16, as so appearing, the words “colleges, branches or institutions as it deems advisable” and inserting in place thereof the following words:— branches or institutions as it deems advisable. If, in the opinion of the board, a college campus should be closed or consolidated, the board shall submit such proposal to the secretary of administration and finance, the house and senate chairs of the joint committee on education, arts, and humanities, and the chairs of the house and senate ways and means committees. The joint committee on education, arts, and humanities may, within thirty days of the receipt of a proposal, hold a public hearing on its merits. The council shall not close a college without the authorization of the general court.

[The Governor disapproved this section.]

The question on passing Section 684 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at sixteen minutes past two o'clock P.M., as follows, to wit (yeas 31 — nays 6) [**Yeas and Nays No. 150**]:

**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.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	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 — <b>31.</b>
Melconian, Linda J.	

**NAYS.**

Hedlund, Robert L.	Sprague, Jo Ann
Knapiak, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — <b>6.</b>

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Nuciforo, Andrea F, Jr.— <b>2</b>
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**The yeas and nays having been completed at nineteen minutes past two o'clock P.M., Section 684 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 4510-0600 (Environmental and community health hazards programs) was considered, as follows:—

“4510-0600 For an environmental and community health hazards program, including control of radiation and nuclear hazards, consumer products protection, food and drugs, lead poisoning prevention in accordance with chapter 482 of the acts of 1993, lead-based paint inspections in day care facilities, inspection of radiological facilities, licensing of x-ray technologists and the administration of the division of environmental epidemiology and toxicology for the purposes of chapter 470 of the acts of 1983, the “Right-to-Know” law; provided, that the expenditures from this item for the fair packaging and labeling survey program shall be contingent upon the prior approval of the proper federal authorities for reimbursement of 100 per cent of the amounts so expended; provided further, that no funds appropriated in this item shall be expended for the purpose of siting or locating a low-level radioactive waste facility in the commonwealth; provided further, that not less than \$50,000 shall be expended for the director of the bureau of environmental health assessment of the department of public health to conduct an environmental risk assessment of the health impacts of the Cambridge Plating Company in the town of Belmont; provided further, that the assessment may include, but shall not be limited to, examining incidences of cancers in Belmont and the surrounding communities; provided further, that, not less than \$30,000 shall be expended for a renal disease program administered by the National Kidney Foundation of Massachusetts, Rhode Island and Vermont for nutritional supplements and early intervention services for those affected by renal disease and those at risk of renal disease; provided further, that not less than \$14,800 shall be allocated to the Franklin Regional Council of Governments for costs associated with the regional public health agent pilot project in Franklin county; provided further, that not less than \$100,000 shall be expended for the purposes of research and prevention activities associated with Lyme disease to be conducted by the Barnstable county department of health and environment; provided further, that \$300,000 shall be expended for a contract to provide environmental risk assessment of the prevalence of lupus and scleroderma in the South Boston section of the city of Boston, including the costs of performing medical and laboratory tests and examinations; and provided further, of said \$300,000, not less than \$81,000 shall be expended for the maintenance of a statewide lupus database 2,709,962”.

[The Governor reduced this item to \$2,179,962; and struck out the words: “; provided further, that not less than \$50,000 shall be expended for the director of the bureau of environmental health assessment of the department of public health to conduct an environmental risk assessment of the health impacts of the Cambridge Plating Company in the town of Belmont; provided further, that the assessment may include, but shall not be limited to, examining incidences of cancers in Belmont and the surrounding communities; provided further, that not less than \$30,000 shall be expended for a renal disease program administered by the National Kidney Foundation of Massachusetts, Rhode Island and Vermont for nutritional supplements and early intervention services for those affected by renal disease and those at risk of renal disease; provided further, that not less than \$14,800 shall be allocated to the Franklin Regional Council of Governments for costs associated with the regional public health agent pilot project in Franklin county; provided further, that not less than \$100,000 shall be expended for the purposes of research and prevention activities associated with Lyme disease to be conducted by the Barnstable county department of health and environment”.]

After debate, the question on passing item 4510-0600 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-one minutes past two o'clock P.M., as follows, to wit (yeas 30 — nays 7) **[Yeas and Nays No. 151]**:

#### **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.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	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 — <b>30.</b>

#### **NAYS.**

Hedlund, Robert L.	Sprague, Jo Ann
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Knapik, Michael R.           Tarr, Bruce E.  
Lees, Brian P.               Tisei, Richard R. — 7.  
Melconian, Linda J.

**ABSENT OR NOT VOTING.**

Fargo, Susan C.             Nuciforo, Andrea F, Jr.—  
2

**The yeas and nays having been completed at twenty-four minutes past two o'clock P.M., item 4510-0600 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 7066-0015 (Community college workforce training) was considered, as follows:—

“7066-0015 For the community college workforce training incentive grant program established in section 15F of chapter 15A of the General Laws 900,000”.

[The Governor disapproved this item.]

After debate, the question on passing item 7066-0015 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-five minutes past two o'clock P.M., as follows, to wit (yeas 31 — nays 6) [**Yeas and Nays No. 152**]:

**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.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	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 — 31.
Melconian, Linda J.	

**NAYS.**

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

**ABSENT OR NOT VOTING.**

Fargo, Susan C.             Nuciforo, Andrea F, Jr.—  
2

**The yeas and nays having been completed at twenty-seven minutes past two o'clock P.M., item 7066-0015 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 7100-0300 (UMass Lowell — Toxic Use Reduction Institute) was considered, as follows:—

“7100-0300 For the operation of the toxics use reduction institute program at the University of Massachusetts at Lowell, in accordance with section 6 of chapter 211 of the General Laws 1,139,853”.

[The Governor disapproved this item.]

The question on passing item 7100-0300 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-eight minutes past two o'clock P.M., as follows, to wit (yeas 31 — nays 5) [**Yeas and Nays No. 153**]:

**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.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — <b>32.</b>

**NAYS.**

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tisei, Richard R. — <b>5.</b>
Lees, Brian P.	

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Nuciforo, Andrea F, Jr. — <b>2</b>
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**The yeas and nays having been completed at twenty-nine minutes before three o'clock P.M., item 7100-0300 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 7109-0100 (Bridgewater State College) was considered, as follows:—

“7109-0100 For Bridgewater State College; provided, that not less than \$245,814 shall be expended for the operation of the John Joseph Moakley Center for Technological Applications at Bridgewater State College; and provided further, that the initiative shall be conducted on the site of the college for the purposes of technological applications to classroom teaching and initiative in distance learning and economic development in conjunction with business and industry in southeastern Massachusetts 29,536,751”.

[The Governor reduced this item to \$29,290,937; and struck out the words: “; provided, that not less than \$245,814 shall be expended for the operation of the John Joseph Moakley Center for Technological Applications at Bridgewater State College; and provided further, that the initiative shall be conducted on the site of the college for the purposes of technological applications to classroom teaching and initiative in distance learning and economic development in conjunction with business and industry in southeastern Massachusetts”.]

After debate, the question on passing item 7109-0100 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at three minutes before three o'clock P.M., as follows, to wit (yeas 32 — nays 4) [**Yeas and Nays No. 154**]:

**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.	Pacheco, Marc R.
Creem, Cynthia Stone	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — <b>32.</b>

**NAYS.**

Knapik, Michael R.	Sprague, Jo Ann
Lees, Brian P.	Tisei, Richard R. — <b>4.</b>

**ABSENT OR NOT VOTING.**

Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Fargo, Susan C. — <b>3.</b>	

**The yeas and nays having been completed at one minute past three o'clock P.M., item 7109-0100 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 209 (Bilingual education I) was considered, as follows:—

“SECTION 209. Section 4 of chapter 71A of the General Laws, as appearing in section 1 of chapter 386 of the acts of 2002, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:— Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one school year, provided, however, that kindergarten English learners shall be educated either in sheltered English immersion or English language mainstream classrooms with assistance in English language acquisition, including, but not limited to, English as a second language, so-called.”

[The Governor disapproved this section.]

The President in the Chair, after debate, the question on passing Section 209 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-seven minutes before four o'clock P.M., as follows, to wit (yeas 28 — nays 9) [**Yeas and Nays No. 155**]:

**YEAS.**

Antonioni, Robert A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese

Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Jacques, Cheryl A.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — <b>28.</b>

**NAYS.**

Baddour, Steven A.	Lees, Brian P.
Brewer, Stephen M.	Sprague, Jo Ann
Glodis, Guy W.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. — <b>9.</b>
Knapik, Michael R.	

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Nuciforo, Andrea F., Jr.— <b>2</b>
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**The yeas and nays having been completed at twenty-four minutes before four o'clock P.M., Section 209 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 210 (Bilingual education II) was considered, as follows:—

“SECTION 210. Said section 4 of said chapter 71A, as so appearing, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:— Foreign language classes for children who already know English, 2-way bilingual programs for students in kindergarten through grade 12 and special education programs for physically or mentally impaired students shall be unaffected.”

[The Governor disapproved this section.]

The question on passing Section 210 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-three minutes before four o'clock P.M., as follows, to wit (yeas 28 — nays 9) **[Yeas and Nays No. 156]:**

**YEAS.**

Antonioni, Robert A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Jacques, Cheryl A.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian

Menard, Joan M. Wilkerson, Dianne — 28.

**NAYS.**

Baddour, Steven A. Lees, Brian P.  
Brewer, Stephen M. Sprague, Jo Ann  
Glodis, Guy W. Tarr, Bruce E.  
Hedlund, Robert L. Tisei, Richard R. — 9.  
Knapik, Michael R.

**ABSENT OR NOT VOTING.**

Fargo, Susan C. Nuciforo, Andrea F., Jr—  
2

**The yeas and nays having been completed at twenty-two minutes before four o'clock P.M., Section 210 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 211 (Bilingual education III) was considered, as follows:—

“SECTION 211. Subsection (a) of section 5 of said chapter 71A, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:— If a parental waiver has been granted, the affected child may be transferred to classes teaching English and other subjects through bilingual education techniques or other generally-recognized educational methodologies permitted by law.”

[The Governor disapproved this section.]

The question on passing Section 211 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-one minutes before four o'clock P.M., as follows, to wit (yeas 28 — nays 9) **[Yeas and Nays No. 157]:**

**YEAS.**

Antonioni, Robert A. Montigny, Mark C.  
Barrios, Jarrett T. Moore, Richard T.  
Berry, Frederick E. Morrissey, Michael W.  
Chandler, Harriette L. Murray, Therese  
Creedon, Robert S., Jr. Pacheco, Marc R.  
Creem, Cynthia Stone Pacheco, Marc R.  
Hart, John A., Jr. Panagiotakos, Steven C.  
Havern, Robert A. Resor, Pamela  
Jacques, Cheryl A. Rosenberg, Stanley C.  
Joyce, Brian A. Shannon, Charles E.  
Magnani, David P. Tolman, Steven A.  
McGee, Thomas M. Tucker, Susan C.  
Melconian, Linda J. Walsh, Marian  
Menard, Joan M. Wilkerson, Dianne — 28.

**NAYS.**

Baddour, Steven A. Lees, Brian P.  
Brewer, Stephen M. Sprague, Jo Ann  
Glodis, Guy W. Tarr, Bruce E.  
Hedlund, Robert L. Tisei, Richard R. — 9.  
Knapik, Michael R.

**ABSENT OR NOT VOTING.**

Fargo, Susan C. Nuciforo, Andrea F., Jr—

The yeas and nays having been completed at twenty minutes before four o'clock P.M., Section 211 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Section 212 (Bilingual education IV) was considered, as follows:—

“SECTION 212. Section 7 of said chapter 71A, as so appearing, is hereby amended by adding the following 2 paragraphs:—

English learners in any program shall be taught to the same academic standards and curriculum frameworks as all students, and shall be provided the same opportunities to master such standards and frameworks as other students. Districts shall regularly assess mastery of academic standards and curriculum frameworks.

The district shall send report cards and progress reports including, but not limited to, progress in becoming proficient in using the English language and other school communications to the parents or legal guardians of students in the English learners programs in the same manner and frequency as report cards and progress reports to other students enrolled in the district. The reports shall, to the maximum extent possible, be written in a language understandable to the parents and legal guardians of such students.”

[The Governor disapproved this section.]

The question on passing Section 212 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at nineteen minutes before four o'clock P.M., as follows, to wit (yeas 28 — nays 9)

[Yeas and Nays No. 158]:

**YEAS.**

- |                         |                         |
|-------------------------|-------------------------|
| Antonioni, Robert A.    | Montigny, Mark C.       |
| Barrios, Jarrett T.     | Moore, Richard T.       |
| Berry, Frederick E.     | Morrissey, Michael W.   |
| Chandler, Harriette L.  | Murray, Therese         |
| Creedon, Robert S., Jr. | Pacheco, Marc R.        |
| Creem, Cynthia Stone    | Pacheco, Marc R.        |
| Hart, John A., Jr.      | Panagiotakos, Steven C. |
| Havern, Robert A.       | Resor, Pamela           |
| Jacques, Cheryl A.      | Rosenberg, Stanley C.   |
| Joyce, Brian A.         | Shannon, Charles E.     |
| Magnani, David P.       | Tolman, Steven A.       |
| McGee, Thomas M.        | Tucker, Susan C.        |
| Melconian, Linda J.     | Walsh, Marian           |
| Menard, Joan M.         | Wilkerson, Dianne — 28. |

**NAYS.**

- |                    |                        |
|--------------------|------------------------|
| Baddour, Steven A. | Lees, Brian P.         |
| Brewer, Stephen M. | Sprague, Jo Ann        |
| Glodis, Guy W.     | Tarr, Bruce E.         |
| Hedlund, Robert L. | Tisei, Richard R. — 9. |
| Knapik, Michael R. |                        |

**ABSENT OR NOT VOTING.**

- |                 |                           |
|-----------------|---------------------------|
| Fargo, Susan C. | Nuciforo, Andrea F., Jr.— |
|                 | 2                         |

The yeas and nays having been completed at seventeen minutes before four o'clock P.M., Section 212 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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



Section 213 (Bilingual education V) was considered, as follows:—

“SECTION 213. Said chapter 71A is hereby amended by inserting after section 7 the following section:—

Section 7A. The office of educational quality and accountability shall conduct on-site visits to school districts at least once every 5 years for the purposes of evaluating the effectiveness of programs serving English learners and to validate evidence of educational outcomes. The evaluation shall include, but not be limited to, a review of the dropout rate of English learners formerly enrolled in the district within the prior 3 years.

In the event a review and evaluation undertaken under this section demonstrates that a district is failing to adequately improve educational outcomes for English learners, the commissioner may recommend to the board of education and any school within the district be declared underperforming under section 1J and 1K of chapter 69.”

[The Governor disapproved this section.]

The question on passing Section 213 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at sixteen minutes before four o'clock P.M., as follows, to wit (yeas 28 — nays 9) [Yeas and Nays No. 159]:

#### YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Jacques, Cheryl A.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 28.

#### NAYS.

Baddour, Steven A.	Lees, Brian P.
Brewer, Stephen M.	Sprague, Jo Ann
Glodis, Guy W.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. — 9.
Knapik, Michael R.	

#### ABSENT OR NOT VOTING.

Fargo, Susan C.	Nuciforo, Andrea F., Jr— 2
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**The yeas and nays having been competed at a quarter before four o'clock P.M., Section 213 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 0339-1001 (Office of Commissioner of Probation) was considered, as follows:—

“0339-1001 For the office of the commissioner of probation; provided, that notwithstanding the provisions of any general or special law, rule or regulation to the contrary, said commissioner, subject to appropriation, shall have exclusive authority to appoint, dismiss, assign and discipline probation officers, associate probation officers, probation officers-in-charge, assistant chief probation officer and chief probation officers; provided further, that said associate probation officers shall only perform in-

court functions and shall assume the in-court duties of the currently employed probation officers who shall be reassigned within the probation service subject to collective bargaining agreements to perform intensive, community-based supervision of probationers, including the provisions of intensive supervision and community restraint services as described in item 0339-1004; and provided further, that notwithstanding the provisions of any general or special law, rule or regulation to the contrary, probation officer personnel and probation clerical support staff assigned to the courts shall be provided with suitable office space in their current location in and around the various divisions and departments of the trial court, as the case may be, or in suitable office space as appropriate, with the advice and consent to the commissioner 105,861,116”.

[The Governor reduced this item to \$90,861,116; and struck out the words: “; provided, that notwithstanding the provisions of any general or special law, rule or regulation to the contrary, said commissioner, subject to appropriation, shall have exclusive authority to appoint, dismiss, assign and discipline probation officers, associate probation officers, probation officers-in-charge, assistant chief probation officers and chief probation officers”.

After debate, the question on passing item 0339-1001 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twelve minutes before four o'clock P.M., as follows, to wit (yeas 32 — nays 5) [**Yeas and Nays No. 160**]:

#### **YEAS.**

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	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.
Knapik, Michael R.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>32.</b>

#### **NAYS.**

Hedlund, Robert L.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.
Sprague, Jo Ann— <b>5.</b>	

#### **ABSENT OR NOT VOTING.**

Fargo, Susan C.	Nuciforo, Andrea F., Jr— <b>2</b>
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**The yeas and nays having been completed at ten minutes before four o'clock P.M., item 0339-1001 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 5095-0015 (State psychiatric hospitals and community mental health centers) was considered, as follows:—

“5095-0015 For the operation of adult inpatient facilities, including the community mental health centers; provided, that in order to comply with the provisions of the Olmstead decision and to enhance care within available resources to clients served by the department, the department shall take steps to consolidate or close psychiatric hospitals managed by the department and, shall endeavor within available resources to discharge clients residing in the inpatient facilities to residential services in the community when the following criteria are met: 1) the client is deemed clinically suited for a more integrated setting; 2) community residential service capacity and resources available are sufficient to provide each client with an equal or improved level of

service; and 3) the cost to the commonwealth of serving the client in the community is less than or equal to the cost of serving the client in inpatient care; provided further, that any client transferred to another inpatient facility as the result of a facility closure shall receive a level of care that is equal to or better than the care that had been received at the closed facility; provided further, that the department shall report to the joint committee on human services and the house and senate committees on ways and means on the progress of this initiative, including both past actions and proposed future actions; provided further, that the report shall include an examination of the costs, benefits, and effect on quality of services provided by continuing the operation of Worcester State Hospital and shall identify alternative methods of providing the services currently provided by this institution; provided further, that the report shall include: the number of clients transferred from inpatient care into the community, the community supports provided to clients discharged from inpatient care into the community and the current inpatient bed capacity relative to the number of clients in psychiatric hospitals managed by the department; provided further, the report shall also include steps being taken to help minimize increases in travel distances for family members visiting clients at inpatient facilities resulting from the transfer of clients from one facility to another; provided further, that the department shall submit the report not later than December 1, 2003; provided further, that no action to reduce the client population of Worcester State Hospital for the sole purpose of closing the hospital shall be undertaken, and no steps shall be taken to close the institution through attrition, layoffs or any other means until a study of this reduction or closing is completed and the general court shall have approved the closure of Worcester State Hospital by law; and provided further, that the department may allocate funds in an amount not to exceed \$5,000,000 from this item to item 5046-0000, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any such transfer, for residential and day services for clients formerly receiving inpatient care at the centers and facilities 156,753,632”.

[The Governor reduced this item to \$153,753,632; and struck out the words: “; provided further that the department shall report to the joint committee on human services and the house and senate committees on ways and means on the progress of this initiative, including both past actions and proposed future actions; provided further, that the report shall include an examination of the costs, benefits, and effect on quality of services provided by continuing the operation of Worcester State Hospital and shall identify alternative methods of providing the services currently provided by this institution; provided further, that the report shall include: the number of clients transferred from inpatient care into the community, the community supports provided to clients discharged from inpatient care into the community and the current inpatient bed capacity relative to the number of clients in psychiatric hospitals managed by the department; provided further, the report shall also include steps being taken to help minimize increases in travel distances for family members visiting clients at inpatient facilities resulting from the transfer of clients from one facility to another; provided further, that the department shall submit the report not later than December 1, 2003; provided further, that no action to reduce the client population of Worcester State Hospital for the sole purpose of closing the hospital shall be undertaken, and no steps shall be taken to close the institution through attrition, layoffs or any other means until a study of this reduction or closing is completed and the general court shall have approved the closure of Worcester State Hospital; by law”.]

After remarks, the question on passing item 5095-0015 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at four minutes before four o'clock P.M., as follows, to wit (yeas 31 — nays 6) **[Yeas and Nays No. 161]**:

#### **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.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	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 — <b>31.</b>
Melconian, Linda J.	

#### **NAYS.**

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

**ABSENT OR NOT VOTING.**

Fargo, Susan C.                              Nuciforo, Andrea F., Jr.—  
2

**The yeas and nays having been completed at two minutes before four o'clock P.M., item 5095-0015 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

*Communication.*

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE  
STATE HOUSE, BOSTON 02133-1053

July 14, 2003.

Mr. Patrick F. Scanlan  
*Clerk of the Senate*  
State House  
Boston, MA 02133

Dear Mr. Clerk:

This correspondence is to inform you that I will not be voting on the veto overrides that pertain to the reorganization of the Boston Municipal Court due to a conflict of interest.

I request that this statement be printed in the journal of the Senate.

Thank you very much.

Respectfully,  
Marian Walsh,  
*Suffolk & Norfolk District.*

**On motion of Ms. Walsh, the communication was ordered printed in the Journal of the Senate.**

PAPERS FROM THE HOUSE.

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

Mr. Berry in the Chair, a message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 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 on Friday, June 20, 2003, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4005) was read; and the Senate proceeded to reconsider several items which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 0335-0001 (Boston Municipal Court administration) was considered, as follows:—

“0335-0001 For the central division of the Boston municipal court department including the administrative cost of said court department 3,185,464”.

[The Governor reduced this item to \$1,659,121; and struck out the words: “central division of the”.]

After debate, the question on passing item 0335-0001 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at seventeen minutes past four o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 162**]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at twenty minutes past four o'clock P.M., item 0335-0001 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 0335-0100 (B.M.C., Brighton Division) was considered, as follows:—

“0335-0100 For the Brighton division of the Boston municipal court department 326,154”.

[The Governor struck out the words: “Boston municipal”.]

The question on passing item 0335-0100 (contained in section 2) notwithstanding the disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-one minutes past four o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 163**]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.

Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at twenty-two minutes past four o'clock P.M., item 0335-0100 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 0335-0200 (B.M.C., Charlestown Division) was considered, as follows:—

“0335-0200 For the Charlestown division of the Boston municipal court department 232,655”.

[The Governor reduced this item to \$58,164; and struck out the words: “Boston municipal”.]

The question on passing item 0335-0200 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-three minutes past four o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 164**]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela

Joyce, Brian A. Sprague, Jo Ann  
Knapik, Michael R. Tarr, Bruce E.  
Lees, Brian P. Tisei, Richard R.— 12.

**ABSENT OR NOT VOTING.**

Fargo, Susan C. Walsh, Marian — 3.  
Nuciforo, Andrea F., Jr.

**The yeas and nays having been completed at twenty-four minutes past four o'clock P.M., item 0335-0200 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 0335-0300 (B.M.C., Dorchester Division) was considered, as follows:—

“0335-0300 For the Dorchester division of the Boston municipal court department 1,149,514”.

[The Governor struck out the words: “Boston municipal”.]

The question on passing item 0335-0300 (contained in section 2) notwithstanding the disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-five minutes past four o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 165**]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — 25.
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— 12.

**ABSENT OR NOT VOTING.**

Fargo, Susan C. Walsh, Marian — 3.  
Nuciforo, Andrea F., Jr.

**The yeas and nays having been completed at twenty-seven minutes past four o'clock P.M., item 0335-0300 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 0335-0400 (B.M.C., East Boston Division) was considered, as follows:—

“0335-0400 For the East Boston division of the Boston municipal court department 582,745”.

[The Governor struck out the words “Boston municipal”.]

The question on passing item 0335-0400 (contained in section 2) notwithstanding the disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-seven minutes past four o’clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 166**]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapiak, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at twenty-nine minutes past four o’clock P.M., item 0335-0400 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 0335-0500 (B.M.C., Roxbury Division) was considered, as follows:—

“0335-0500 For the Roxbury division of the Boston municipal court department 1,116,770”.

[The Governor struck out the words: [Boston municipal”.]

The question on passing item 0335-0500 (contained in section 2) notwithstanding the disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-nine minutes past four o’clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 167**]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.



Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at twenty-nine minutes before five o'clock P.M., item 0335-0500 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 0335-0600 (B.M.C., South Boston Division) was considered, as follows:—

“0335-0600 For the South Boston division of the Boston municipal court department 407,439”.

[The Governor struck out the words: “Boston municipal”.]

The question on passing item 0335-0600 (contained in section 2) notwithstanding the disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-nine minutes before five o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 168**]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
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Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— 12.

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — 3.
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at twenty-eight minutes before five o'clock P.M., item 0335-0600 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 0335-0700 (B.M.C., West Roxbury Division) was considered, as follows:—

“0335-0700 For the West Roxbury division of the Boston municipal court department 733,061”.

[The Governor struck out the words: “Boston municipal”.]

The question on passing item 0335-0700 (contained in section 2) notwithstanding the disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-seven minutes before five o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 169**]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — 25.
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— 12.

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — 3.
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at twenty-five minutes before five o'clock P.M., item 0335-0700 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the**

**members present and voting, having approved the same.**  
**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 234 (B.M.C., motor vehicle offenses) was considered, as follows:—

“SECTION 234. Section 1 of chapter 90C of the General Laws, as so appearing, is hereby amended by striking out the definitions of ‘District court’ and ‘Division’ and inserting in the place thereof the following two definitions:—

‘District court’, a division of the district court department or a session thereof for holding court or a division of the Boston municipal court department or a session thereof for holding court. It shall also include the divisions of the juvenile court department with respect to automobile law violations that are treated as a delinquency matter in such department and with respect to civil motor vehicle infractions that are recorded in conjunction with and that arise from the same occurrence as automobile law violations that are treated as a delinquency matter in such department.

‘Division’, a division of the district court department or juvenile court department or a division of the Boston municipal court department.”

[The Governor disapproved this section.]

The question on passing Section 234 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-five minutes before five o’clock P.M., as follows, to wit (yeas 25 — nays 12)  
**[Yeas and Nays No. 170]:**

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

**The yeas and nays have been completed at twenty-four minutes before five o’clock P.M., Section 234 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 449 (B.M.C., number of justices) was considered, as follows:—

“SECTION 449. Section 2 of chapter 211B of the General Laws, is hereby amended by striking out the first sentence, as recently amended by section 38 of chapter 177 of the acts of 2001, and inserting in place thereof the following sentence:— There shall be 82 justices appointed to the superior court department, 10 justices appointed to the housing court department, 6 justices appointed to the land court department, 51 justices appointed to the probate and family court department, 30 justices appointed to the Boston municipal court department, 41 justices appointed to the juvenile court department and 158 justices and special justices appointed to the district court department.”

[The Governor disapproved this section.]

The question on passing Section 449 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-three minutes before five o'clock P.M., as follows, to wit (yeas 25 — nays 12) [Yeas and Nays No. 171]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — 25.
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— 12.

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — 3.
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at twenty-two minutes before five o'clock P.M., Section 449 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 454 (B.M.C., — criminal jurisdiction over waters and islands) was considered, as follows:—

“SECTION 454. Section 3 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 1 to 3, inclusive, the words ‘municipal court of the city of Boston, the municipal court of the Charlestown district and the municipal court of the South Boston district, and the East Boston district court’ and inserting in the place thereof the following words:— central, Charlestown, South Boston, and East Boston divisions of the Boston municipal court department.”

[The Governor disapproved this section].

The question on passing Section 454 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-one minutes before five o'clock P.M., as follows, to wit (yeas 25 — nays 12) [Yeas and Nays No. 172]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at twenty minutes before five o’clock P.M., Section 454 stands, on concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 455 (B.M.C., justices assigned to court divisions I) was considered, as follows:—

“SECTION 455. Section 6 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words ‘, the municipal court of the Dorchester district’.”

[The Governor disapproved this item.]

The question on passing Section 455 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at nineteen minutes before five o’clock P.M., as follows, to wit (yeas 25 — nays 12) **[Yeas and Nays No. 173]:**

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.

Havern, Robert A.                      Travaglini, Robert E.  
Magnani, David P.                      Tucker, Susan C.  
McGee, Thomas M.                      Wilkerson, Dianne — **25**.  
Menard, Joan M.

**NAY.**

Creem, Cynthia Stone                  Melconian, Linda J.  
Hedlund, Robert L.                      Montigny, Mark C.  
Jacques, Cheryl A.                      Resor, Pamela  
Joyce, Brian A.                          Sprague, Jo Ann  
Knapik, Michael R.                      Tarr, Bruce E.  
Lees, Brian P.                          Tisei, Richard R.— **12**.

**ABSENT OR NOT VOTING.**

Fargo, Susan C.                          Walsh, Marian — **3**.  
Nuciforo, Andrea F., Jr.

**The yeas and nays having been completed at eighteen minutes before five o'clock P.M., Section 455 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 456 (B.M.C., justices assigned to court divisions II) was considered, as follows:—

“SECTION 456. Said section 6 of said chapter 218, as so appearing, is hereby further amended by striking out, in lines 9 and 10, the words ‘the municipal court of the Roxbury district.’”

[The Governor disapproved this section.]

The question on passing Section 456 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at eighteen minutes before five o'clock P.M., as follows, to wit (yeas 25 — nays 12) [Yeas and Nays No. 174]:

**YEAS.**

Antonioni, Robert A.                      Moore, Richard T.  
Baddour, Steven A.                      Morrissey, Michael W.  
Barrios, Jarrett T.                      Murray, Therese  
Berry, Frederick E.                      O’Leary, Robert A.  
Brewer, Stephen M.                      Pacheco, Marc R.  
Chandler, Harriette L.                      Panagiotakos, Steven C.  
Creedon, Robert S., Jr.                      Rosenberg, Stanley C.  
Glodis, Guy W.                          Shannon, Charles E.  
Hart, John A., Jr.                      Tolman, Steven A.  
Havern, Robert A.                      Travaglini, Robert E.  
Magnani, David P.                      Tucker, Susan C.  
McGee, Thomas M.                      Wilkerson, Dianne — **25**.  
Menard, Joan M.

**NAY.**

Creem, Cynthia Stone                  Melconian, Linda J.  
Hedlund, Robert L.                      Montigny, Mark C.  
Jacques, Cheryl A.                      Resor, Pamela  
Joyce, Brian A.                          Sprague, Jo Ann  
Knapik, Michael R.                      Tarr, Bruce E.

Lees, Brian P. Tisei, Richard R.— 12.

**ABSENT OR NOT VOTING.**

Fargo, Susan C. Walsh, Marian — 3.

Nuciforo, Andrea F., Jr.

**The yeas and nays having been completed at sixteen minutes before five o'clock P.M., Section 456 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 457 (B.M.C., justices assigned to court divisions III) was considered, as follows:—

“SECTION 457. Said section 6 of said chapter 218, as so appearing, is further amended by striking out the figure ‘177’, inserted by section 44 of chapter 177 of the acts of 2001, and inserting in the place thereof the following figure:— 158.”

[The Governor disapproved this section.]

The question on passing Section 457 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at sixteen minutes before five o'clock P.M., as follows, to wit (yeas 25 — nays 12)

**[Yeas and Nays No. 175]:**

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — 25.
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— 12.

**ABSENT OR NOT VOTING.**

Fargo, Susan C. Walsh, Marian — 3.

Nuciforo, Andrea F., Jr.

**The yeas and nays having been completed at fourteen minutes before five o'clock P.M., Section 457 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 458 (B.M.C., clerk assignment to courts) was considered, as follows:—

“SECTION 458. Section 8 of said chapter 218, as so appearing, is hereby amended by striking out the first sentence and inserting in the place thereof the following sentence:— Each district court and each division of the Boston municipal court department shall have a clerk, except that the central division of the Boston municipal court department shall have two clerks as provided in section 53.”

[The Governor disapproved this section.]

The question on passing Section 458 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at fourteen minutes before five o'clock P.M., as follows, to wit (yeas 25 — nays 12)  
**[Yeas and Nays No. 176]:**

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — 25.
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— 12.

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — 3.
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at twelve minutes before five o'clock P.M., Section 458 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 460 (B.M.C., district court assistant clerks I) was considered, as follows:—

“SECTION 460. The fourth paragraph of section 10 of said chapter 218, as so appearing, is hereby amended by striking out the lines reading ‘municipal court of the Brighton district,’ ‘East Boston district court,’ ‘municipal court of South Boston district;’ and ‘the municipal court of the Charlestown district.’”

[The Governor disapproved this section.]

The question on passing Section 460 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twelve minutes before five o'clock P.M., as follows, to wit (yeas 25 — nays 12)  
**[Yeas and Nays No. 177]:**

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
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Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapiak, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at eleven minutes before five o'clock P.M., Section 460 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 461 (B.M.C., district court assistant clerks II) was considered, as follows:—

“SECTION 461. The eighth paragraph of said section 10 of said chapter 218, as so appearing, is hereby amended by striking out the line reading ‘municipal court of the Dorchester district.’”

[The Governor disapproved this section.]

The question on passing Section 461 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at ten minutes before five o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 178**]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.

McGee, Thomas M.                      Wilkerson, Dianne — **25.**  
Menard, Joan M.

**NAY.**

Creem, Cynthia Stone                  Melconian, Linda J.  
Hedlund, Robert L.                      Montigny, Mark C.  
Jacques, Cheryl A.                      Resor, Pamela  
Joyce, Brian A.                          Sprague, Jo Ann  
Knapik, Michael R.                      Tarr, Bruce E.  
Lees, Brian P.                          Tisei, Richard R.— **12.**

**ABSENT OR NOT VOTING.**

Fargo, Susan C.                      Walsh, Marian — **3.**  
Nuciforo, Andrea F., Jr.

**The yeas and nays having been completed at nine minutes before five o'clock P.M., Section 461 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 462 (B.M.C., district court assistant clerks III) was considered, as follows:—

“SECTION 462. Said eighth paragraph of said section 10 of said chapter 218, as so appearing, is hereby further amended by striking out the line reading ‘district court of West Roxbury district.’”

[The Governor disapproved this section.]

The question on passing Section 462 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at nine minutes before five o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 179**]:

**YEAS.**

Antonioni, Robert A.                      Moore, Richard T.  
Baddour, Steven A.                      Morrissey, Michael W.  
Barrios, Jarrett T.                      Murray, Therese  
Berry, Frederick E.                      O’Leary, Robert A.  
Brewer, Stephen M.                      Pacheco, Marc R.  
Chandler, Harriette L.                      Panagiotakos, Steven C.  
Creedon, Robert S., Jr.                      Rosenberg, Stanley C.  
Glodis, Guy W.                          Shannon, Charles E.  
Hart, John A., Jr.                      Tolman, Steven A.  
Havern, Robert A.                      Travaglini, Robert E.  
Magnani, David P.                      Tucker, Susan C.  
McGee, Thomas M.                      Wilkerson, Dianne — **25.**  
Menard, Joan M.

**NAY.**

Creem, Cynthia Stone                  Melconian, Linda J.  
Hedlund, Robert L.                      Montigny, Mark C.  
Jacques, Cheryl A.                      Resor, Pamela  
Joyce, Brian A.                          Sprague, Jo Ann  
Knapik, Michael R.                      Tarr, Bruce E.  
Lees, Brian P.                          Tisei, Richard R.— **12.**

**ABSENT OR NOT VOTING.**

Fargo, Susan C. Walsh, Marian — 3.  
Nuciforo, Andrea F., Jr.

**The yeas and nays having been completed at seven minutes before five o'clock P.M., Section 462 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 463 (B.M.C., district court assistant clerks IV) was considered, as follows:—

“SECTION 463. Said section 10 of said chapter 218, as so appearing, is hereby further amended by striking out the eleventh and twelfth paragraphs.”

[The Governor disapproved this section.]

The question on passing Section 463 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at six minutes before five o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 180**]:

#### **YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — 25.
Menard, Joan M.	

#### **NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— 12.

#### **ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — 3.
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at five minutes before five o'clock P.M., Section 463 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 464 (B.M.C., district court assistant clerks V) was considered, as follows:—

“SECTION 464. The Fifteenth paragraph of said section 10 of said chapter 218, as so appearing, is hereby further amended by striking out the line reading ‘municipal court of the Dorchester district.’”

[The Governor disapproved this section.]

The question on passing Section 464 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at five minutes before five o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 181**]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at three minutes before five o'clock P.M., Section 464 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 465 (B.M.C., district court assistant clerks VI) was considered, as follows:—

SECTION 465. Said fifteenth paragraph of said section 10 of said chapter 218, as so appearing, is hereby further amended by striking out the line reading 'district court of Brighton;'

[The Governor disapproved this section.]

The question on passing Section 465 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at three minutes before five o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 182**]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.

Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

The yeas and nays having been completed at one minute before five o'clock P.M., Section 465 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Section 466 (B.M.C., deputy assistant clerks) was considered, as follows:—

“SECTION 466. Section 10A of said chapter 218, as so appearing, is hereby amended by striking, in lines 1 and 2, the words ‘municipal court of the city of Boston’ and inserting in place thereof the following words:— central division of the Boston municipal court department.”

[The Governor disapproved this section.]

The question on passing Section 466 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at one minute before five o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 183**]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.

Jacques, Cheryl A.                      Resor, Pamela  
Joyce, Brian A.                          Sprague, Jo Ann  
Knapik, Michael R.                      Tarr, Bruce E.  
Lees, Brian P.                            Tisei, Richard R.— **12.**

**ABSENT OR NOT VOTING.**

Fargo, Susan C.                          Walsh, Marian — **3.**  
Nuciforo, Andrea F., Jr.

**The yeas and nays having been completed at one minute past five o'clock P.M., Section 466 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 469 (B.M.C., criminal jurisdiction) was considered, as follows:—

“SECTION 469. Section 26 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words ‘the municipal court of the city of Boston’ and inserting in place thereof the following words:— divisions of the Boston municipal court department.”

[The Governor disapproved this section.]

The question on passing Section 469 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at one minute past five o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 184**]:

**YEAS.**

Antonioni, Robert A.                      Moore, Richard T.  
Baddour, Steven A.                          Morrissey, Michael W.  
Barrios, Jarrett T.                          Murray, Therese  
Berry, Frederick E.                          O’Leary, Robert A.  
Brewer, Stephen M.                          Pacheco, Marc R.  
Chandler, Harriette L.                      Panagiotakos, Steven C.  
Creedon, Robert S., Jr.                      Rosenberg, Stanley C.  
Glodis, Guy W.                              Shannon, Charles E.  
Hart, John A., Jr.                            Tolman, Steven A.  
Havern, Robert A.                          Travaglini, Robert E.  
Magnani, David P.                          Tucker, Susan C.  
McGee, Thomas M.                          Wilkerson, Dianne — **25.**  
Menard, Joan M.

**NAY.**

Creem, Cynthia Stone                      Melconian, Linda J.  
Hedlund, Robert L.                          Montigny, Mark C.  
Jacques, Cheryl A.                          Resor, Pamela  
Joyce, Brian A.                              Sprague, Jo Ann  
Knapik, Michael R.                          Tarr, Bruce E.  
Lees, Brian P.                                Tisei, Richard R.— **12.**

**ABSENT OR NOT VOTING.**

Fargo, Susan C.                          Walsh, Marian — **3.**  
Nuciforo, Andrea F., Jr.

**The yeas and nays having been completed at three minutes past five o'clock P.M., Section 469 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 470 (B.M.C., court openings) was considered, as follows:—

“SECTION 470. Section 38 of said chapter 218, as so appearing, is hereby amended by inserting after the word ‘courts’, in line 1, the following words:— and Boston municipal court divisions.”

[The Governor disapproved this section.]

The question on passing Section 470 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at three minutes past five o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 185**]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at four minutes past five o'clock P.M., Section 470 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 471 (B.M.C., criminal case filings) was considered, as follows:—

“SECTION 471. Said section 38 of said chapter 218, as so appearing, is hereby further amended by inserting after the word ‘courts’, in line 10, the following words:— and Boston municipal court divisions.”

[The Governor disapproved this section.]

The question on passing Section 471 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at five minutes past five o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 186**]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at six minutes past five o'clock P.M., Section 471 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 472 (B.M.C., books and supplies) was considered, as follows:—

“SECTION 472. Section 39 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words ‘municipal court of the city of Boston’ and inserting in place thereof the following words:— central division of the Boston municipal court department.”

[The Governor disapproved this section.]

The question on passing Section 472 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at six minutes past five o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 187**]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese



Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at eight minutes past five o'clock P.M., Section 472 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 473 (B.M.C., district court justices I) was considered, as follows:—

“SECTION 473. Section 40 of said chapter 218, as so appearing, is hereby amended by striking out, in line 3, the words ‘municipal court of the city of Boston’ and inserting in place thereof the following words:— Boston municipal court department.”

[The Governor disapproved this section.]

The question on passing Section 473 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at eight minutes past five o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 188**]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.

Magnani, David P. Tucker, Susan C.  
McGee, Thomas M. Wilkerson, Dianne — **25**.  
Menard, Joan M.

**NAY.**

Creem, Cynthia Stone Melconian, Linda J.  
Hedlund, Robert L. Montigny, Mark C.  
Jacques, Cheryl A. Resor, Pamela  
Joyce, Brian A. Sprague, Jo Ann  
Knapik, Michael R. Tarr, Bruce E.  
Lees, Brian P. Tisei, Richard R.— **12**.

**ABSENT OR NOT VOTING.**

Fargo, Susan C. Walsh, Marian — **3**.  
Nuciforo, Andrea F., Jr.

**The yeas and nays having been completed at ten minutes past five o'clock P.M., Section 473 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 474 (B.M.C., district court justices II) was considered, as follows:—

“SECTION 474. Said section 40 of said section 218, as so appearing, is hereby further amended by striking out, in line 10, the words ‘municipal court of the city of Boston’ and inserting in place thereof the following words:— central division of the Boston municipal court department.”

[The Governor disapproved this section.]

The question on passing Section 474 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at ten minutes past five o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 189**]:

**YEAS.**

Antonioni, Robert A. Moore, Richard T.  
Baddour, Steven A. Morrissey, Michael W.  
Barrios, Jarrett T. Murray, Therese  
Berry, Frederick E. O’Leary, Robert A.  
Brewer, Stephen M. Pacheco, Marc R.  
Chandler, Harriette L. Panagiotakos, Steven C.  
Creedon, Robert S., Jr. Rosenberg, Stanley C.  
Glodis, Guy W. Shannon, Charles E.  
Hart, John A., Jr. Tolman, Steven A.  
Havern, Robert A. Travaglini, Robert E.  
Magnani, David P. Tucker, Susan C.  
McGee, Thomas M. Wilkerson, Dianne — **25**.  
Menard, Joan M.

**NAY.**

Creem, Cynthia Stone Melconian, Linda J.  
Hedlund, Robert L. Montigny, Mark C.  
Jacques, Cheryl A. Resor, Pamela  
Joyce, Brian A. Sprague, Jo Ann  
Knapik, Michael R. Tarr, Bruce E.  
Lees, Brian P. Tisei, Richard R.— **12**.

**ABSENT OR NOT VOTING.**

Fargo, Susan C. Walsh, Marian — 3.  
Nuciforo, Andrea F., Jr.

**The yeas and nays having been completed at twelve minutes past five o'clock P.M., Section 474 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 475 (B.M.C., clerks duties) was considered, as follows:—

“SECTION 475. Section 47 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words ‘the municipal court of the city of Boston’ and inserting in place thereof the following words:— Boston municipal court department.”

[The Governor disapproved this section.]

The question on passing Section 475 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twelve minutes past five o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 190**]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — 25.
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— 12.

**ABSENT OR NOT VOTING.**

Fargo, Susan C. Walsh, Marian — 3.  
Nuciforo, Andrea F., Jr.

**The yeas and nays having been completed at fourteen minutes past five o'clock P.M., Section 475 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 476 (B.M.C., Deer Island jurisdiction) was considered, as follows:—

“SECTION 476. Section 48 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words ‘or the East Boston district court’.”

[The Governor disapproved this section.]

The question on passing Section 476 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at fourteen minutes past five o’clock P.M., as follows, to wit (yeas 25 — nays 12) **[Yeas and Nays No. 191]:**

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapiak, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at a quarter past five o’clock P.M., Section 476 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 477 (B.M.C., clerks duty to pay fees) was considered as follows:—

“SECTION 477. Section 49 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words ‘the municipal court of the city of Boston, and in the East Boston district court’ and inserting in the place thereof the following words:— central division of the Boston municipal court department, and in the East Boston division of the Boston municipal court department.”

[The Governor disapproved this section.]

The question on passing Section 477 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at a quarter past five o’clock P.M., as follows, to wit (yeas 25 — nays 12) **[Yeas and Nays No. 192]:**

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
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Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapiak, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at seventeen minutes past five o'clock P.M., Section 477 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 478 (B.M.C., number of justices) was considered as follows:—

“SECTION 478. Section 50 of said chapter 218, as so appearing, is hereby amended by striking out, in line 2, the word ‘eleven’ and inserting in place thereof the following figure:— 30.”

[The Governor disapproved this section.]

The question on passing Section 478 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at seventeen minutes past five o'clock P.M., as follows, to wit (yeas 25 — nays 12)

**[Yeas and Nays No. 193]:**

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.

McGee, Thomas M.                      Wilkerson, Dianne — **25.**  
Menard, Joan M.

**NAY.**

Creem, Cynthia Stone                  Melconian, Linda J.  
Hedlund, Robert L.                      Montigny, Mark C.  
Jacques, Cheryl A.                      Resor, Pamela  
Joyce, Brian A.                          Sprague, Jo Ann  
Knapik, Michael R.                      Tarr, Bruce E.  
Lees, Brian P.                          Tisei, Richard R.— **12.**

**ABSENT OR NOT VOTING.**

Fargo, Susan C.                      Walsh, Marian — **3.**  
Nuciforo, Andrea F., Jr.

**The yeas and nays having been completed at nineteen minutes past five o'clock P.M., Section 478 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 479 (B.M.C., administrative head) was considered, as follows:—

“SECTION 479. Section 51A of said chapter 218, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:—

The chief justice of the Boston municipal court department shall have the power to appoint the first justice of each of the various divisions within the Boston municipal court department, subject to the approval of the chief justice for administration and management, and to define his duties; provided, however, that appropriate consideration shall be given to seniority, length of service at that particular division, and managerial ability. Each first justice so appointed shall serve as the first justice of that court for a five year term and shall be eligible to be reappointed for additional five-year terms at that particular court. Any first justice may be removed from his position as first justice, when it is determined by the chief justice of the district court department to be in the best interests of the administration of justice. Any first justice who is removed from his position as first justice by the chief justice of the district court department may appeal such removal to the chief justice for administration and management.”

[The Governor disapproved this section.]

The question on passing Section 479 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at nineteen minutes past five o'clock P.M., as follows, to wit (yeas 25 — nays 12)

**[Yeas and Nays No. 194]:**

**YEAS.**

Antonioni, Robert A.                      Moore, Richard T.  
Baddour, Steven A.                      Morrissey, Michael W.  
Barrios, Jarrett T.                      Murray, Therese  
Berry, Frederick E.                      O'Leary, Robert A.  
Brewer, Stephen M.                      Pacheco, Marc R.  
Chandler, Harriette L.                      Panagiotakos, Steven C.  
Creedon, Robert S., Jr.                      Rosenberg, Stanley C.  
Glodis, Guy W.                          Shannon, Charles E.  
Hart, John A., Jr.                      Tolman, Steven A.  
Havern, Robert A.                      Travaglini, Robert E.  
Magnani, David P.                      Tucker, Susan C.  
McGee, Thomas M.                      Wilkerson, Dianne — **25.**  
Menard, Joan M.

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— 12.

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — 3.
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at twenty-one minutes past five o'clock P.M., Section 479 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 480 (B.M.C., assistant clerks I) was considered, as follows:—

“SECTION 480. Section 53 of said chapter 218, as so appearing, is hereby amended by inserting after the word ‘the’, in line 1, the following words:— central division of the.”

[The Governor disapproved this section.]

The question on passing Section 480 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-one minutes past five o'clock P.M., as follows, to wit (yeas 25 — nays 12)

**[Yeas and Nays No. 195]:**

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — 25.
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— 12.

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — 3.
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at twenty-three minutes past five o'clock P.M., Section 480 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.  
The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 481 (B.M.C., assistant clerks II) was considered, as follows:—

“SECTION 481. Said section 53 of said chapter 218, as so appearing, is hereby further amended by adding the following five paragraphs:—

Four assistant clerks with salaries payable by the commonwealth may be appointed in: Brighton division of the Boston municipal court department; East Boston division of the Boston municipal court department; South Boston division of the Boston municipal court department; Charlestown division of the Boston municipal court department.

Eight assistant clerks with salaries payable by the commonwealth may be appointed in: Dorchester division of the Boston municipal court department; West Roxbury division of the Boston municipal court department.

Twelve assistant clerks for the Roxbury division of the Boston municipal court department shall be appointed for juvenile sessions.

In the following courts, one of the assistant clerks shall be designated in charge of six-person jury sessions and shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief justice of administration and management. Dorchester division of the Boston municipal court department.”

[The Governor disapproved this section.]

The question on passing Section 481 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-three minutes past five o'clock P.M., as follows, to wit (yeas 25 — nays 12)  
**[Yeas and Nays No. 196]:**

#### **YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

#### **NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

#### **ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	



**The yeas and nays having been completed at twenty-five minutes past five o'clock P.M., Section 481 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.  
The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 482 (B.M.C., temporary assistant clerks) was considered, as follows:—

“SECTION 482. Said chapter 218 is hereby further amended by striking out section 53A, as so appearing, and inserting in place thereof the following section:—

Section 53A. In case of the absence, death or removal of a salaried assistant clerk of any of the 8 divisions of the Boston municipal court department, the clerk of said court, may, subject to the approval of the chief justice, appoint a temporary assistant clerk, to act until such assistant clerk resumes his duties or until the vacancy is filled.”

[The Governor disapproved this section.]

The question on passing Section 482 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-five minutes past five o'clock P.M., as follows, to wit (yeas 25 — nays 12) [Yeas and Nays No. 197]:

#### **YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

#### **NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

#### **ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at twenty-seven minutes past five o'clock P.M., Section 482 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.  
The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 483 (B.M.C., civil jurisdiction) was considered, as follows:—

“SECTION 483. Section 54 of said chapter 218, as so appearing, is hereby amended by striking out, in line 2, the words ‘said court’ and inserting in place thereof the following words:— the central division of the Boston municipal court department.”

[The Governor disapproved this section.]

The question on passing Section 483 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-seven minutes past five o'clock P.M., as follows, to wit (yeas 25 — nays 12) **[Yeas and Nays No. 198]:**

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at twenty-nine minutes past five o'clock P.M., Section 483 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 484 (B.M.C., civil jurisdiction II) was considered, as follows:—

“SECTION 484. Section 54 of said chapter 218, as so appearing, is hereby further amended by inserting after the words ‘Suffolk county’ in lines 5 and 8 the following:— , excluding Chelsea and Revere.”

[The Governor disapproved this section.]

The question on passing Section 484 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-nine minutes past five o'clock P.M., as follows, to wit (yeas 25 — nays 12) **[Yeas and Nays No. 199]:**

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.

Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — 25.
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— 12.

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — 3.
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at twenty-nine minutes past five o'clock P.M., Section 484 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 485 (B.M.C., juvenile courts locations) was considered, as follows:—

“SECTION 485. Section 57 of said chapter 218, as so appearing, is hereby amended by striking out the paragraphs under the caption ‘Suffolk County’, and inserting in place thereof the following 3 paragraphs:—

held at the Dorchester division of the Boston municipal court department, within the same territorial limits as are prescribed for the criminal jurisdiction of the Dorchester division of the Boston municipal court, as the chief justice of the juvenile court department may determine.

held at the West Roxbury division of the Boston municipal court, within the same territorial limits as are prescribed for the criminal jurisdiction of the West Roxbury division of the Boston municipal court department, as the chief justice of the juvenile court department may determine.

held at Boston, within the same territorial limits as are prescribed for the criminal jurisdiction of the central division of the Boston municipal court department, the Roxbury division of the Boston municipal court department, as the chief justice of the juvenile court department may determine, the Brighton division of the Boston municipal court department, the Charlestown division of the Boston municipal court department, the East Boston division of the Boston municipal court department, the Chelsea division of the district court department, and the South Boston division of the Boston municipal court department, as the chief justice of the juvenile court department may determine.”

[The Governor disapproved this section.]

The question on passing Section 485 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-nine minutes before six o'clock P.M., as follows, to wit (yeas 25 — nays 12)

**[Yeas and Nays No. 200]:**

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.

Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at twenty-seven minutes before six o'clock P.M., Section 485 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 486 (B.M.C., messenger) was considered, as follows:—

“SECTION 486. Section 66 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words ‘municipal court of the city of Boston’ and inserting in place thereof the following words:— Boston municipal court department.”

[The Governor disapproved this section.]

The question on passing Section 486 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-seven minutes before six o'clock P.M., as follows, to wit (yeas 25 — nays 12) [**Yeas and Nays No. 201**]:

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— 12.

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — 3.
Nuciforo, Andrea F., Jr.	

The yeas and nays having been completed at twenty-five minutes before six o'clock P.M., Section 486 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.  
The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Section 487 (B.M.C., East Boston interpreter) was considered, as follows:—

“SECTION 487. Section 68 of said chapter 218, as so appearing, is hereby amended by striking out, in line 1, the words ‘district court’ and inserting in place thereof the following words:— division of the Boston municipal court department.”

[The Governor disapproved this section.]

The question on passing Section 487 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-five minutes before six o'clock P.M., as follows, to wit (yeas 25 — nays 12)  
**[Yeas and Nays No. 202]:**

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — 25.
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— 12.

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — 3.
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at twenty-four minutes before six o'clock P.M., Section 487 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.  
The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 489 (B.M.C., assistant clerk salaries) was considered, as follows:—

“SECTION 489. Said chapter 218 is hereby further amended by striking out section 75B, as so appearing, and inserting in place thereof the following section:—

Section 75B. The salaries of the first assistant clerks of the central division of the Boston municipal court department and the first assistant clerk designated in charge of twelve man jury sessions of said court for criminal business shall be equal to eighty-three and one-half percent of the salary of the clerks of said court as provided for in section 53.”

[The Governor disapproved this section.]

The question on passing Section 489 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-three minutes before six o'clock P.M., as follows, to wit (yeas 25 — nays 12)  
**[Yeas and Nays No. 203]:**

#### **YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

#### **NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

#### **ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at twenty-two minutes before six o'clock P.M., Section 489 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.  
The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 490 (B.M.C., salaries of secretary and assistant secretary) was considered, as follows:—

“SECTION 490. Said chapter 218 is hereby further amended by striking out section 80A, as so appearing, and inserting in place thereof the following section:—

Section 80A. The secretary and assistant secretary to the justices of the Boston municipal court department shall receive from the commonwealth in full for all services performed by them such salaries as shall be fixed by the justices of said department.”

[The Governor disapproved this section.]

The question on passing Section 490 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-two minutes before six o'clock P.M., as follows, to wit (yeas 25 — nays 12)  
**[Yeas and Nays No. 204]:**

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapiak, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

**The yeas and nays having been completed at twenty minutes before six o'clock P.M., Section 490 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 492 (B.M.C., clerk of courts as magistrates) was considered, as follows:—

“SECTION 492. Section 62B of said chapter 221, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 5, the words ‘municipal court of the city of Boston’ and inserting in place thereof the following words:— Boston municipal court department.”

[The Governor disapproved this section.]

The question on passing Section 492 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty minutes before six o'clock P.M., as follows, to wit (yeas 25 — nays 12)  
**[Yeas and Nays No. 205]:**

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.

Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — <b>25.</b>
Menard, Joan M.	

**NAY.**

Creem, Cynthia Stone	Melconian, Linda J.
Hedlund, Robert L.	Montigny, Mark C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Sprague, Jo Ann
Knapiak, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.— <b>12.</b>

**ABSENT OR NOT VOTING.**

Fargo, Susan C.	Walsh, Marian — <b>3.</b>
Nuciforo, Andrea F., Jr.	

**The President in the Chair, the yeas and nays having been completed at eighteen minutes before six o’clock P.M., Section 492 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 695 (B.M.C., reorganization protections) was considered, as follows:—

“SECTION 695. Notwithstanding any general or special law to the contrary, all judges currently acting as a presiding judge in any of the divisions of the Boston municipal court department which were, prior to the passage of this act, formerly under the jurisdiction of the district court department of the trial court shall continue performing such duties and responsibilities until such time as their term expires. All grant or community service programs which were funded in those divisions of the Boston municipal court department that were, prior to the passage of this act, under the jurisdiction of the district court department shall continue receiving such funding as part of a cooperative agreement between said departments. Notwithstanding any general or special law to the contrary, the chief justice for administration and management, the chief justice of the district court division of the trial court, and the chief justice of the Boston municipal court department shall, on or before August 1, 2003, enter into agreements regarding the assignment of judges between the district court department and the Boston municipal court department in order to preserve the continuity of the current judicial assignments of those judges serving in courts other than the court to which such judges were originally assigned and to minimize the reassignment of such judges to other courts following the passage of this act.”

[The Governor disapproved this section.]

The question on passing Section 695 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at eighteen minutes before six o’clock P.M., as follows, to wit (yeas 25 — nays 12) **[Yeas and Nays No. 206]:**

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.



Chandler, Harriette L. Panagiotakos, Steven C.  
Creedon, Robert S., Jr. Rosenberg, Stanley C.  
Glodis, Guy W. Shannon, Charles E.  
Hart, John A., Jr. Tolman, Steven A.  
Havern, Robert A. Travaglini, Robert E.  
Magnani, David P. Tucker, Susan C.  
McGee, Thomas M. Wilkerson, Dianne — **25**.  
Menard, Joan M.

**NAY.**

Creem, Cynthia Stone Melconian, Linda J.  
Hedlund, Robert L. Montigny, Mark C.  
Jacques, Cheryl A. Resor, Pamela  
Joyce, Brian A. Sprague, Jo Ann  
Knapik, Michael R. Tarr, Bruce E.  
Lees, Brian P. Tisei, Richard R.— **12**.

**ABSENT OR NOT VOTING.**

Fargo, Susan C. Walsh, Marian — **3**.  
Nuciforo, Andrea F., Jr.

**The yeas and nays having been completed at sixteen minutes before six o'clock P.M., Section 695 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

*Report of a Committee.*

By Ms. Wilkerson, for the committee on State Administration, on petition, a Bill authorizing the city of Lawrence to use certain park land for school purposes (Senate, No. 2022) [Local approval received].

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

The same Senator moved that the bill be amended, in section 1, by striking out, in line 6, the words "March 3" and inserting in place thereof the following words:— "July 14".

The amendment was adopted.

**The bill (Senate, No. 2022, amended) was ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

*Communication.*

The Clerk read the following communication:

July 14, 2003.

Mr. Patrick F. Scanlan  
*Clerk of the Senate*  
State House, Room 335  
Boston, MA 02133

Dear Mr. Clerk:

Due to recent surgery I was absent from the Senate Chamber Thursday, July 10, 2003 and missed several roll call votes relative to the Governor's reductions and disapprovals made to the fiscal year 2004 budget and also the report of the conference committee regarding the municipal relief bill, House, No. 3944.

Had I been present, I would have voted in the affirmative on all roll call votes relative to overriding the Governor's vetoes, including roll call votes 110 through 132 and roll call votes 134 and 136.

Regarding the municipal relief conference report, I would have voted in the affirmative on roll call votes 109 and 135.

Regarding other matters, I would have voted in the affirmative on roll call votes 106, 108 and 133 relative to the Massachusetts Business Corporation Act, Senate, No. 103; relative to the production of wind energy along the coastline, Senate, No. 380; and relative to the City of Fall River, House, No. 3831 respectively. Lastly, I would have voted in the negative on roll call vote 107 relative to the motion to lay Senate, No. 380 on the table.

I would respectfully request that this letter be printed in the Senate Journal as part of the official record for Thursday, July 10, 2003. Thank you in advance for your assistance in this matter.

Very truly yours,  
ROBERT A. ANTONIONI,  
*State Senator,*  
Worcester and Middlesex.

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

*Order Adopted.*

On motion of Mr. Creedon,—

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Wednesday next eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar; and that when the Senate adjourns on Wednesday, it adjourn to meet again on Thursday, at eleven o'clock A.M., in full formal session, without a calendar.

On motion of Mr. Havern, at thirteen minutes before six o'clock P.M., the Senate adjourned to meet on the following Wednesday at eleven o'clock A.M.