

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.

Wednesday, November 19, 2003.

Met at ten minutes past twelve o'clock noon.

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

Report of a Committee.

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

The House Bill relative to emergency medical services (House, No. 1914).

Committee Discharged.

Mr. Moore, for the committee on Health Care, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 651) of Therese Murray, Susan C. Fargo, John A. Hart, Jr., Thomas J. O'Brien and other members of the General Court for legislation relative to "Taylor's Law" pertaining to the nature of Board of Registration in Medicine adjudicatory hearings,— and recommending that the same be referred to the Senate committee on Ways and Means. **Under Senate Rule 36, the report was considered forthwith and accepted. Sent to the House for concurrence in the discharge of the joint committee.**

PAPER FROM THE HOUSE.

Notice was received from the House that the House had insisted on its amendments to the Senate Bill relative to regulating commercial electronic mail (Senate, No. 2019, amended), and had concurred in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Representatives Dempsey of Haverhill, Pedone of Worcester and Polito of Shrewsbury had been appointed as the committee on the part of the House.

At eleven minutes past twelve o'clock noon, Mr. Lees doubted the presence of a quorum; and, a count of the Senate determined that a quorum was not present.

Subsequently, at a quarter past twelve o'clock noon, the President declared that a quorum was present; and the Senate proceeded with the business at hand.

Resolutions.

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

Resolutions (filed by Ms. Creem) "commemorating the celebration of Hanukkah"; and

Resolutions (filed by Mr. Moore) “congratulating the students, faculty, staff and administration of Blackstone Valley Regional Vocational Technical High School.”

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133

November 18, 2003.

Mr. William Welch, *Clerk*
Massachusetts State Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

Last Thursday, November 13, 2003, due to an absence from the building, I missed two roll call votes. I had a longstanding commitment within my district. Had I been present, I would have voted in the negative on roll call vote number 374, pertaining to amendment number 31, relative to the sex offender registry section of the Supplemental Budget, Senate Bill 2139. In addition, had I been present I would have voted in the affirmative on roll call vote number 375, pertaining to the engrossment of the Supplemental Budget, Senate Bill 2139.

I would respectfully request that this letter be published in the Senate Journal as part of the official record for Thursday, November 13, 2003. Thank you in advance for your assistance in this matter.

Sincerely,
DIANNE WILKERSON,
Senator,
Second Suffolk District.

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

PAPERS FROM THE HOUSE.

Engrossed Bills.

Mr. Berry in the Chair (having been appointed by the President, under the authority conferred by Senate Rule 4, to perform the duties of the Chair), an engrossed bill authorizing the town of Hingham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3886, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. Berry) and laid before the Governor for his approbation.**

The President in the Chair, an engrossed Bill authorizing the certification of David E. Jones to a civil service list for police officer notwithstanding the maximum age requirement (see House, No. 3918) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Governor for his approbation.**

Reports of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill amending the definition of a veteran (Senate, No. 822),— ought to pass.

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

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty minutes past twelve o'clock noon, on motion of Mr. Lees, as follows, to wit (yeas 35 — nays 0) **[Yeas and Nays No. 393]:**

YEAS

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	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
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 — 35.
Melconian, Linda J.	

NAYS — 0.

ABSENT OR NOT VOTING.

Antonioni, Robert A.	Menard, Joan M.
Havern, Robert A.	O’Leary, Robert A. — 4.

The yeas and nays having been completed at twenty-six minutes past twelve o’clock noon, the bill was passed to be engrossed.

Sent to the House for concurrence.

Ms. Murray, for the committee on Ways and Means, on House, No. 4254, reported, in part, a “Bill making certain changes to the tax laws of the Commonwealth” (Senate, No. 2149).

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

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-seven minutes past twelve o’clock noon, on motion of Mr. Lees, as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 394**]:

YEAS.

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.

Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Jacques, Cheryl A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne —
McGee, Thomas M.	37.

NAYS — 0.

ABSENT OR NOT VOTING.

Menard, Joan M. O’Leary, Robert A. — 2.

Mr. Berry in the Chair, the yeas and nays having been completed at twenty-nine minutes before one o’clock P.M., the bill was passed to be engrossed.

Subsequently, Ms. Murray moved that no action be taken on the question on passing the bill to be engrossed; and this motion prevailed.

Pending the question on passing the bill to be engrossed, Ms. Murray offered an amendment, inserting after section 2 the following 2 sections:—

“SECTION 2A. Section 36 of chapter 62C, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:—

An application for an abatement or a refund of an overpayment of any tax where a return which is required to be filed has not been timely filed, shall be made and filed, along with the overdue return, within 3 years from the date that the return was due to be filed, without regard to extensions, or within 2 years of the date that the tax was paid, whichever is later. An application for an abatement or refund filed beyond those alternate deadlines shall be denied by the commissioner. An application for refund of an overpayment of any tax where no return is required shall be made by the taxpayer within 2 years from the time such tax was paid. An application for an abatement or refund in any other circumstance, including either where no return is required to be filed, or where the return has been filed in a timely manner, shall be made within the periods provided under section 37 of this chapter.

SECTION 2B. Said chapter 62C is hereby further amended by striking out section 39, as so appearing, and inserting in place thereof the following section:—

Section 39. Any person aggrieved by the refusal of the commissioner to abate or to refund any tax, in whole or in part, whether such refusal results from the denial of an abatement application made under section 36 or section 37, may appeal therefrom, within 60 days after the date of notice of the decision of the commissioner or within 6 months after the time when the application for abatement is deemed to be denied as provided in section 6 of chapter 58A, as follows:

- (a) appeals from the decision of the commissioner as to the value of an asset of the estate for purposes of chapter 65C shall be made by filing a petition with the clerk of the appellate tax board;
- (b) appeals from the decision of the commissioner as to all other matters arising under chapter 65C shall be made by filing a petition with either the clerk of the appellate tax board or the probate court having jurisdiction of the estate of the decedent;
- (c) appeals from the commissioner’s refusal to abate any other tax or to refund any tax, in whole or in part, whether such refusal results from the denial of an abatement application made under section 36 or section 37, shall be made by filing a petition with the clerk of the appellate tax board. If, on hearing, the board or the court, whichever the case may be, finds that the person making the appeal was entitled to an abatement or a refund, it shall make such abatement or refund as it sees fit. If a tax so abated has been paid, the state treasurer, upon presentation to him of the notice of the decision of the board, or the court, shall repay to

the petitioner the amount of the abatement and interest computed in accordance with section 40.”
After further remarks, the amendment was adopted.

The question on passing the bill to be engrossed, with the amendment, was then determined by a call of the yeas and nays, at twenty-seven minutes before one o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 395**]:

YEAS.

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Jacques, Cheryl A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne —
McGee, Thomas M.	37.

NAYS — 0.

ABSENT OR NOT VOTING.

Menard, Joan M. O’Leary, Robert A. — 2.

**The yeas and nays having been completed at twenty-three minutes before one o'clock P.M., the bill (Senate, No. 2149, amended) was passed to be engrossed.
Sent to the House for concurrence.**

PAPER FROM THE HOUSE.

Engrossed Bill.

Mr. Havern in the Chair (having been appointed by the President, under the authority conferred by Senate Rule 4, to perform the duties of the Chair), an engrossed Bill relative to public employees serving in the armed forces of the United States (see Senate, No. 1985, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at a quarter before one o'clock P.M., on motion of Mr. Moore, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 396**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
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 —
Melconian, Linda J.	39.

NAYS — 0.

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

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill amending the conservation restrictions and agricultural preservations statutes (Senate, No. 1192),— ought to pass, with an amendment, substituting a new draft entitled “An Act to amend the conservation restrictions and agricultural preservation statutes” (Senate, No. 2147).

There being no objection, the rules were suspended, on motion of Ms. Walsh and the bill was read a second time, and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2147) was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at nine minutes before one o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 397**]:

YEAS.

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

Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
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 —
Melconian, Linda J.	39.

NAYS — 0.

The yeas and nays having been completed at seven minutes before one o'clock P.M., the bill (Senate, No. 2147) was passed to be engrossed.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill designating a portion of state highway Route 2 as the Johnny Appleseed Trail (see Senate, No. 1621) (which originated in the Senate), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was, after remarks, passed to be enacted and was signed by the Acting President (Mr. Havern) and laid before the Governor for his approbation.**

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to the taxation of corporations (printed in House, No. 3727, changed),— ought to pass, with an amendment, inserting after the word “commissioner”, in line 9, the following words:— “and consistent with section 3A of chapter 62C”.

There being no objection, the rules were suspended, on motion of Ms. Murray and the bill was read a second time, and was amended, as recommended by the committee on Ways and Means, ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at one minute past one o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 398**]:

YEAS.

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

Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
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 —
Melconian, Linda J.	39.

NAYS — 0.

**The yeas and nays having been completed at six minutes past one o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.**

Distinguished Guests.

There being no objection, the Chair (Mr. Havern) handed the gavel to the Senator from Middlesex, Ms. Fargo, who introduced Benton and Lorraine Burgess and their son, Garrett, from Chelmsford. Garrett, a sixth grader who was paralyzed from the neck down in a car accident, and his father Benton, embarked on an extraordinary journey across America this summer. Benton, an amateur pilot, and Garrett flew across the country in a small plane and visited every state capital, except Honolulu and Juneau, to raise awareness and funds for spinal cord injury research and treatment. They were accompanied in the Chamber by Kathy LaFlamme, Garrett's health aide, Bobby Vecchione and Evan Bohaker, who accompanied Garrett on his journeys, and David Lavoie and John Baraldi, classmates of Garrett at Parker Middle School. Garrett signed the guest book and he and all his family and friends departed from the Chamber. They were the guests of Senator Fargo.

Report of a Committee.

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

The House Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement in a certain parcel of land in the town of Grafton (House, No. 263) (the committee on Ways and Means having recommended that the bill be amended in section 1, in the first sentence, by striking out the word "shall", and inserting in place thereof the following word:—"may"; in section 1, in the first sentence, by striking out the words "an easement" and inserting in place thereof the following words:—"a non-exclusive easement"; in section 1, in the first sentence, by inserting after the words "general public", the following word:—"currently"; in section 1, in the last sentence, by inserting after the word "easement", the following word:—"area"; in section 1, in the last sentence by inserting after the word "university" the following words:—"and the easement shall be subject to such reasonable conditions as the commissioner shall deem necessary to protect the value of the commonwealth's adjacent property"; and by striking out section 5).

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

Communication.

The Clerk read the following communication:

OFFICE OF THE MAJORITY WHIP
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133

November 19, 2003.

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

Dear Mr. Clerk:

On Wednesday, November 19, 2003 I was away from the State House due to family matters. I was therefore unable to be present for the roll call vote on Engrossment of House Bill 4254 & Senate Bill 822. Had I been present I would have voted in the affirmative on these matters.

I respectfully request that this letter be printed in the Senate Journal as part of the official record for November 19, 2003. Thank you for your assistance in this matter.

Sincerely,
JOAN M. MENARD,
Majority Whip.

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

Matters Taken Out of the Orders of the Day.

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

The Senate Bill relative to the public records law (Senate, No. 1671),— was read a third time.

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

“Section 3 of chapter 55 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by adding the following paragraph:—

The director shall not disclose publicly any correspondence or communication to a candidate, political committee, or ballot question committee which contains a deadline for response until the deadline has passed or the director has received a response, whichever is earlier. Notices of future filing requirements and notices of failure to file a required report, however, shall be public records when issued.”

The amendment was adopted.

After remarks, the question on passing the bill, (Senate, No. 1671, amended), to be engrossed was determined by a call of the yeas and nays, at a quarter past one o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 399**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
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 —
Melconian, Linda J.	39.

NAYS — 0.

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

The Senate Bill relative to the estate of homestead (Senate, No. 995),— was read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-five minutes past one o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 400**]:

YEAS.

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

NAYS — 0.

ABSENT OR NOT VOTING.

Shannon, Charles E. — 1.

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

Recesses.

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

At twenty-one minutes past three o'clock P.M., Mr. Lees doubted the presence of a quorum; and, a count of the Senate determined that a quorum was not present.

Subsequently, at twenty-four minutes past three o'clock P.M., the President declared that a quorum was present; and the Senate proceeded with the business at hand.

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill relative to the reform of the unemployment insurance system (see Senate, No. 2150), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 13 to 0.

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

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133

November 19, 2003.

Mr. William Welch
Acting Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

I respectfully request that this correspondence be read into the record. I was out of the State House on official business and I was not present for a roll call vote at the beginning of the Senate Session on November 19, 2003.

Had I been present, I would have voted in the affirmative on S-822 "An Act Amending the Definition of a Veteran". As co-sponsor of the bill, I have actively supported the change in definition, and the opportunity to move the legislation forward.

Thank you for your consideration.

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

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

Distinguished Guests.

There being no objection, the President handed the gavel to the Senator from Cape and Islands, Mr. O'Leary, who introduced, in the rear of the Chamber, the students of the government class that he teaches at the Massachusetts Maritime Academy. The students were the guests of Senator O'Leary.

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133

November 19, 2003.

Mr. William Welch
Acting Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

Due to a prior commitment in another part of the building, I was absent from the Senate Chamber for a brief period earlier this afternoon. As a result, I missed the roll call to engross Senate Bill 995, *An Act Relative to the Estate of Homestead*. Had I been present, I would have voted in the affirmative on this particular matter.

I would respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for Thursday, November 19th, 2003. Thank you in advance for your assistance in this matter.

Sincerely,
CHARLES E. SHANNON,
State Senator.

On motion of Ms. Wilkerson, the above communication was ordered printed in the Journal of the Senate.

Recess.

At twenty-seven minutes before four o'clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the President declared a recess; and at three minutes before four o'clock P.M., the Senate reassembled, the President in the Chair.

PAPER FROM THE HOUSE.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the town of Braintree to lease certain property (see House, No. 4098) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at one minute before four o'clock P.M., as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 401**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
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 —
39.
Melconian, Linda J.

NAYS — 0.

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

There being no objection, the President recognized the Senator from Norfolk, Bristol and Middlesex, Ms. Jacques, who addressed the Senate regarding her resignation and her years of service in the Senate.

PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill relative to the reform of the unemployment insurance system (see Senate, No. 2150) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

After debate, the question on passing the bill to be enacted was determined by a call of the yeas and nays, at twenty minutes before five o'clock P.M., on motion of Mr. Tolman, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 402**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
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 — 39.
Melconian, Linda J.	

NAYS — 0.

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

Committee of Conference Report.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill making appropriations for fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4311) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2140), reported, in part a “Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects” (House, No. 4330), and recommending that the Senate concur therein,— came from the House, and was read.

Ms. Walsh in the Chair, on motion of Ms. Murray, the rules were suspended, and the report was considered forthwith.

After debate, the question on acceptance of report of the committee of conference was determined by a call of the yeas and nays, at twenty minutes past four o’clock P.M., on motion of Ms. Murray, as follows, to wit (yeas 32 — nays 7) [**Yeas and Nays No. 403**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 32.

Nays.

Creedon, Robert S., Jr.	Montigny, Mark C.
Glodis, Guy W.	Morrissey, Michael W.
Hart, John A., Jr.	Pacheco, Marc R. — 7.
Hedlund, Robert L.	

The yeas and nays having been completed at twenty-four minutes past four o’clock P.M., the report (House, No. 4330) was accepted, in concurrence.

Senate Order — Amended.

The Senate Order “relative to suspending the provisions of Joint Rule 12B,” came from the House, adopted, in concurrence, with an amendment, by striking out the text contained therein and inserting in place thereof the following:

“*Ordered.* That, notwithstanding the provisions of Joint Rule 12B, any appropriation bill returned by His Excellency the Governor on or after the third Wednesday of November of the first annual session of the General Court, with reduction or disapproval under the provisions of Section 5 of Article LXIII as amended by Section 4 of Article XC of the Amendments of the

Constitution, shall continue to exist upon termination of the first annual session of the General Court for the purpose of reconsideration of items or parts of items or sections contained in said bills; provided further, that any such matter shall be considered only after it is printed on the calendar by the clerk and listed in the orders of the day, and be it further

Ordered, That, notwithstanding the provisions of Joint Rule 12B, the Bill providing for investments in emerging technologies to stimulate job creation and economic opportunity in the Commonwealth (House, No. 3955) or any reports based, in whole or in part, on said bill shall continue to exist upon termination of the first annual session of the General Court.”

The rules were suspended, on motion of Ms. Murray, and the House amendment was considered forthwith.

After debate, the question on concurring in the House amendment was determined by a call of the yeas and nays, at twenty-three minutes before six o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 33 — nays 6) [**Yeas and Nays No. 404**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 33.
Melconian, Linda J.	

Nays.

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

The yeas and nays having been completed at twenty minutes before six o'clock P.M., the Senate concurred in the House amendment.

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, on petition (accompanied by bill, Senate, No. 651), a Bill relative to adjudicatory hearings of the Board of Registration in Medicine (“Taylor’s Law”) (Senate, No. 2151).

The rules were suspended, on motion of Mr. Nuciforo and the bill was read a second time, ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at a quarter before six o'clock P.M., on motion of Ms. Murray, as follows, to wit (yeas 37 — nays 1) [**Yeas and Nays No. 405**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian — 37.
Melconian, Linda J.	

Nays.

Lees, Brian P. — 1.

ABSENT OR NOT VOTING.

Wilkerson, Dianne — 1.

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

Suspension of Senate Rule 38A.

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

Recess.

At eleven minutes before six o'clock P.M., the President declared a recess subject to the call of the Chair, and at four minutes past seven o'clock P.M., the Senate reassembled, Mr. Rosenberg in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Orders of the Day.

The President asked that if there was no objection, one matter would be taken out of the Orders of the Day and considered forthwith: the House Bill to improve public health in the Commonwealth (House, No. 4256, printed as amended,— **but objection was made thereto, by Mr. Lees; and the matter was laid aside.**

Order Adopted.

Ms. Fargo offered the following order, to wit:—

Ordered, That when the Senate adjourns, it adjourn to meet again forthwith for a second legislative day.

On motion of the same Senator, at five minutes past seven o'clock P.M., the Senate adjourned to meet again forthwith for a second legislative day.

SECOND LEGISLATIVE DAY.

Met according to adjournment.

Orders of the Day.

The Orders of the Day were considered as follows:—

The House Bill to improve public health in the Commonwealth (House, No. 4256, printed as amended),— was considered; the main question being on passing the bill to be engrossed.

Pending further consideration thereof, at twelve minutes past seven o'clock P.M., Mr. Lees doubted the presence of a quorum; and, a count of the Senate determined that a quorum was not present.

Subsequently, at thirteen minutes past seven o'clock P.M, the Chair (Mr. Rosenberg) declared that a quorum was present; and the Senate proceeded with the business at hand.

The House Bill (House, No. 4256, printed as amended) was further considered.

Mr. Lees moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following text:—

“SECTION 1. Chapter 270 of the General Laws is hereby amended by striking out section 22, as appearing in the 2002 Official Edition, and inserting in place thereof the following section:—

Chapter 270.

Section 22. Smoking in public places.

Section 22. No person shall smoke in any public elevator, supermarket or retail food outlet, in or upon any public mass transit conveyances or indoor platform or enclosed outdoor platform, at any open meeting of a governmental body as defined in section eleven A of chapter thirty A, section twenty-three A of chapter thirty-nine and section nine F of chapter thirty-four or in any courtroom. The owner, manager or other person in charge of such a facility, building or vehicle or place as herein described in this paragraph shall post conspicuously a notice at each entrance indicating that smoking is prohibited therein.

No person shall smoke in any courthouse, school, college, university, museum, library, train, airplane, waiting area of an airport, waiting area of a health care facility as defined in section nine C of chapter one hundred and twelve, group child care center, school-aged day care center, or family day care center or on any premises where activities are licensed under section thirty-eight of chapter ten, except beano, or in any public building, except in an area which has specifically been designated as a smoking area. An area shall be designated as a smoking area only if nonsmoking areas of sufficient size and capacity are available to accommodate nonsmokers. Any person admitted to a health care facility as defined in said section nine C of said chapter one hundred and twelve shall, upon request, be assigned a room in which smoking is not permitted and shall be entitled to be assigned to such room for the duration of his stay or until an alternative assignment is requested. No person shall smoke in the state house or in any building owned by the commonwealth or in any space occupied by a state agency or department of the commonwealth which is located in another building, including any private office in any such building or space mentioned in this sentence notwithstanding the provisions of the last paragraph. The provisions of the foregoing sentence shall not apply to residents or patients of state hospitals, private interview or meeting area of a law enforcement facility, the Soldiers' Home in Massachusetts, the Soldiers' Home in Holyoke and any substance abuse treatment center under the jurisdiction of the commonwealth.

No person shall smoke in any restaurant with a seating capacity of one hundred or more persons, except in an area which has been specifically designated as a smoking area. In such case, smoking may be permitted in an area or areas that have been specifically designated by notice or sign, only if nonsmoking areas of sufficient size and capacity are available to accommodate nonsmokers. Smoking and nonsmoking areas in any restaurant need not be separated by walls, partitions or other physical barriers; provided, however, that nonsmoking areas in any part of a restaurant, as provided herein, shall be no less than two hundred square feet of floor space.

The owner, manager or other person in charge of a facility, building, vehicle or place described in the second and third paragraphs shall post conspicuously such notices or signs at each entrance indicating that smoking is prohibited therein except in

specifically designated areas, and shall post conspicuously such notice or signs indicating which is the no smoking area and which is the smoking area.

Any person aggrieved by the willful failure or refusal to comply with any of the provisions of this section may complain in writing to the local health officer in the case of a restaurant, supermarket or retail food outlet, or to the local building inspector in the case of all other facilities described in this section. Said authority shall respond in writing within fifteen days to the complainant that he has inspected the area described in the complaint and has enforced the provisions of this section.

Said authority shall file a copy of the original complaint and his response thereto with the department of public health.

Any person aggrieved by the willful failure or refusal to comply with any provisions of this section in any public building may complain in writing to the head of such department or agency occupying the area herein such violation occurs. Such agency or department head shall respond, in writing, within fifteen days to the complainant that he has inspected the area described in the complaint and has enforced the provisions of this section. Said agency or department head shall file a copy of the original complaint and his response thereto with the department of public health.

Nothing in this section shall prohibit smoking in a completely enclosed private office used by an individual within a facility, public building, vehicle or place described in the first, second and third paragraphs.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at fourteen minutes before eight o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 31) [**Yeas and Nays No. 406**]:

YEAS.

Glodis, Guy W.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 7.
Panagiotakos, Steven C.	

Nays.

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

ABSENT OR NOT VOTING.

Havern, Robert A. — 1.

The yeas and nays having been completed at seven minutes before eight o'clock P.M., the amendment was *rejected*.

After further debate, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at three minutes past eight o'clock P.M., on motion of Ms. Fargo, as follows, to wit (yeas 29 — nays 10) [**Yeas and Nays No. 407**]:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
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 — 29.
Menard, Joan M.	

Nays.

Baddour, Steven A.	Lees, Brian P.
Brewer, Stephen M.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Glodis, Guy W.	Sprague, Jo Ann
Knapik, Michael R.	Tisei, Richard R. — 10.

The yeas and nays having been completed at seven minutes past eight o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

PAPER FROM THE HOUSE

A Bill authorizing the town of Bourne to lease certain conservation land (House, No. 4076,— on petition) [Local approval received],— was read.

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

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to a certain property in the town of Hingham (Senate, No. 1221),— ought to pass.

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

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bill — Land Taking for Conservation, Etc.

The engrossed Bill relative to grant of easements by the city of Newton to the Massachusetts Water Resources Authority (see House, No. 4009, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas any nays, at eleven minutes past eight o'clock P.M., as follows, to wit (yeas 38 — nays 1) [**Yeas and Nays No. 408**]:

YEAS.

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

Nays.

Lees, Brian P. — 1.

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

Emergency Preamble Adopted.

The engrossed Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4330), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 12 to 0.

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

Engrossed Bills.

An engrossed Bill relative to mutual aid agreements (see Senate, No. 1342, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at eighteen minutes past eight o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 409**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
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 — 39.
Melconian, Linda J.	

NAYS — 0.

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

The engrossed Bill facilitating electronic transactions (see Senate, No. 2076) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

After remarks, the question on passing the bill to be enacted was determined by a call of the yeas and nays, at a half past eight o'clock P.M., on motion of Mr. Moore, as follows, to wit (yeas 39 — nays 0): [**Yeas and Nays No. 410**]:

YEAS.

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

Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
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 —
Melconian, Linda J.	39.

NAYS — 0.

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

Matter Taken Out of the Orders of the Day.

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

The Senate Bill relative to selective service registration (Senate, No. 2119),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Committee of Conference Report.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill providing for investments in emerging technologies to stimulate job creation and economic opportunity in the Commonwealth (House, No. 3955, printed as amended) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2131 and striking out the title and inserting in place thereof the following title: “An Act to promote job creation, economic stability and competitiveness in the Massachusetts economy.”), reported, in part, a “Bill relative to investments in emerging technologies to promote job creation, economic stability and competitiveness in the Massachusetts economy” (House, No. 4328),— came from the House, and was read.

The rules were suspended, on motion of Ms. Melconian, and the report was considered forthwith.

After debate, the report was accepted, in concurrence.

Engrossed Bill.

The engrossed Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4330) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.**

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill authorizing the commissioner of the Metropolitan District Commission to lease certain land in the city of Newton/Boston (Senate, No. 737),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2152).

The rules were suspended, on motion of Ms. Murray, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the Metropolitan District Commission to lease certain property in the city of Newton and the city of Boston.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

A Bill to further regulate property tax classifications in cities and towns (House, No. 4329,— on House, No. 1980, changed),— was read.

There being no objection, the rules were suspended, on motion of Ms. Walsh, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act further regulating property tax payments in cities and towns.”

Resolutions.

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

Resolutions (filed by Mr. Baddour) “honoring the memory of Private First Class Evan O’Neill”;

Resolutions (filed by Mr. Pacheco) “dedicating the Weir Playground in Taunton to the memory of Charles L. Flannery”; and

Resolutions (filed by Ms. Resor) “honoring Michael P. Hogan.”

Matter Taken Out of the Orders of the Day.

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

The Senate Bill relative to the issuance of certain bonds by the city of Revere (Senate, No. 2057),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

Engrossed Bill — Land Taking for Conservation, Etc.

The President in the Chair, an engrossed Bill authorizing the Department of Highways and the city of Westfield to divert the use of certain parcels of land in the city of Westfield (see Senate, No. 2087) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at one minute before ten o’clock P.M., as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 411**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
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 —

39.

Melconian, Linda J.

NAYS — 0

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

Matter Taken Out of the Orders of the Day.

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

The Senate Bill relative to damages for securities law violations under the consumer protection act (Senate, No. 91) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time. The question on passing it to be engrossed was determined by a call of the yeas and nays, at four minutes past ten o'clock P.M., on motion of Mr. Nuciforo, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 412**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
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 —
Melconian, Linda J.	39.

NAYS — 0.

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

PAPERS FROM THE HOUSE.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the town of Bourne to lease certain conservation land (see House, No. 4076) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eight minutes past ten o'clock P.M., as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 413**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
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 —
Melconian, Linda J.	39.

NAYS — 0.

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

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

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for fiscal year 2004 to provide for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4004), 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.

Section 681 (Nursing home union persuasion activities) was considered, as follows:—

“SECTION 681. Notwithstanding any general or special law to the contrary, no funds from the Health Care Quality Improvement Trust Fund or appropriated in items 4000-0600 of any general appropriation act shall be used directly or indirectly by a recipient nursing home or health care facility for political contributions, lobbying activities, entertainment expenses or efforts to assist, promote, deter or discourage union organizing. As a condition of receiving monies from the fund or item 4000-0600, a nursing

home or health care facility shall provide a certification to the division of medical assistance that no funds shall be used for such activities. If the division determines that a recipient of monies from the fund or item 4000-0600 has spent such monies in violation of this section, the recipient nursing home or health care facility shall be required to document the cost of such activity. The division of medical assistance shall conduct an investigation or audit if a complaint is filed by any person alleging a violation of this section. The division shall consider that there is a rebuttable presumption that such activities were funded in part from such monies and shall require the recipient nursing home or health care facility to provide all appropriate information and documentation showing that no such monies were used for activities in violation of this section. An expense, including legal and consulting fees and salaries of supervisors and employees, incurred for research for, preparation, planning or coordination of, or carrying out an activity to assist, promote or deter union organizing shall be treated as paid or incurred for that activity. An expense incurred in connection with:

- (1) addressing a grievance or negotiation or administering a collective bargaining agreement;
- (2) performing an activity required by federal or state law or by a collective bargaining agreement; or
- (3) obtaining legal advice about rights and responsibilities under federal or state law shall not be treated as paid or incurred for activities to assist, promote, deter or discourage union organizing.

Monies spent in violation of this section shall be reimbursed to the fund or the division of medical assistance as appropriate.”

[The Governor disapproved this section.]

After remarks, the question on passing Section 681 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at thirteen minutes past ten o'clock P.M., as follows, to wit (yeas 36 — nays 3) [**Yeas and Nays No. 414**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	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 — 36.

Nays.

Knapik, Michael R.	Sprague, Jo Ann — 3.
Lees, Brian P.	

The yeas and nays having been completed at a quarter past ten o'clock P.M., Section 681 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 4403-2120 (Emergency assistance family shelters) was considered, as follows:—

“4403-2120

For certain expenses of the emergency assistance program as herein delineated: (i) contracted family shelters; (ii) transitional housing programs; (iii) programs to reduce homelessness in Barnstable, Dukes and Nantucket counties; (iv) residential education centers for single mothers with children; (v) intake centers, so-called; (vi) hotel and motel payments on behalf of homeless families; and (vii) voucher shelters, so-called; provided, that eligibility shall be limited to families with income at or below 100 per cent of the federal poverty level; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States; provided further, that the department shall take all steps necessary to enforce regulations to prevent abuse in the emergency assistance program; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized; provided further, that no funds may be expended for heat or utility arrearages; provided further, that an otherwise eligible household shall be authorized for temporary emergency shelter even if that household has been authorized to receive a rental arrearage payment within the past 12 months, provided further, that eligible households shall be placed in shelter as close as possible to their home community, unless the household requests otherwise; provided further, if the closest available placement is not within 20 miles of the household’s home community, the household shall be transferred to an appropriate shelter within 20 miles of its home community at the earliest possible date, unless the household requests otherwise; provided further, that the department may add up to 150 new units of scattered site shelter over and above those contracted for in fiscal year 2003 provided that these new units shall be used to reduce the population placed in hotels and motels, and upon a determination that this action shall not entail additional costs to the family shelter program; provided further, that these new units shall be located in areas of greatest need to facilitate placement of eligible families within 20 miles of their home communities; provided further, that the department shall report quarterly to the house and senate committees on ways and means on the number of families who apply for emergency assistance funded family shelter, the number of families approved for shelter, the number of families denied shelter along with reasons for denials, the home community of families receiving shelter, the number of families receiving shelter within each home community, the number of available shelter slots within each home community, the income level of families receiving shelter, the number of families receiving shelter who had previously accessed state-funded programs to reduce homelessness and the programs that had been accessed, the composition of families receiving shelter, the reason that the household is seeking emergency family shelter, and any other information that the department determines to be necessary in evaluating the operation of the emergency assistance family shelters program; provided further, that the report shall also include information, by type of shelter, on average length of stay, average cost per household served, average number of shelter slots not used either as the result of no placement being made or of a placed family not making use of shelter, and an analysis of this data, including an analysis of causes relating to any significant differences in the data for each type of shelter; provided further, that the report shall also provide a status report on efforts to increase the number of units of scattered site shelter above the number contracted for in fiscal year 2003, any barriers encountered to increasing the number of units of scattered site shelter, and the plan of action or recommendations for overcoming any barriers encountered; provided further, that the department shall make every effort to insure that children receiving services from this item are able to continue attending school in the community in which they lived prior to receiving services funded from this item; provided further, that no hotel or motel stay funded from this item shall establish tenancy on the part of the family; provided further, that in promulgating, amending, or rescinding regulations with respect to eligibility or benefits under this program, the department shall take into account the amounts available to it for expenditure in this item so as not to exceed the amount appropriated herein; provided further, that notwithstanding the provisions of any general or special law to the contrary, 30 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that nothing herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to services other than to the extent that such rights or entitlements exist under the regulations promulgated by the department; and provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels, except to the extent that such changes are needed to avoid a deficiency in this item 75,728,399”.

[The Governor struck out the words: “; provided further, that the department shall report quarterly to the house and senate committees on ways and means on the number of families who apply for emergency assistance funded family shelter, the number of families approved for shelter, the number of families denied shelter along with reasons for denials, the home community of families receiving shelter, the number of families receiving shelter within each home community, the number of available shelter slots within each home community, the income level of families receiving shelter, the number of families receiving shelter who had previously accessed state-funded programs to reduce homelessness and the programs that had been accessed, the composition of families receiving shelter, the reason that the household is seeking emergency family shelter, and any other information that the department determines to be necessary in evaluating the operation of the emergency assistance family shelters program; provided further, that the report shall also include information, by type of shelter, on average length of stay, average cost per household served, average number of shelter slots not used either as the result of no placement being made or of a placed family not making use of shelter, and an analysis of this data, including an analysis of causes relating to any significant differences in the

data for each type of shelter, provided further, that the report shall also provide a status report on efforts to increase the number of units of scattered site shelter above the number contracted for in fiscal year 2003, any barriers encountered to increasing the number of units of scattered site shelter, and the plan of action or recommendations for overcoming any barriers encountered; provided further, that the department shall make every effort to insure that children receiving services from this item are able to continue attending school in the community in which they lived prior to receiving services funded from this item”.]

After remarks, the question on passing item 4403-2120 (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 seventeen minutes past ten o'clock P.M., as follows, to wit (yeas 34 — nays 4) [**Yeas and Nays No. 415**]:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	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.

Barrios, Jarrett T. — 1.

The yeas and nays having been completed at twenty-one minutes past ten o'clock P.M., item 4403-2120 (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.

A Bill relative to the survivor benefits of George Calder (House, No. 3868,— on petition) [Local approval received],— was read. **There being no objection, the rules were suspended, on motion of Mr. Havern, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Engrossed Bills.

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

Authorizing the town of Dracut to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 3922, amended);

Authorizing a ballot question in the town of Belmont relative to the granting of licenses for the sale of alcoholic beverages (see House, No. 3975); and

Relative to the duties of the clerk and assistant clerks of the Supreme Judicial Court for Suffolk County (see House, No. 4211, amended).

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill authorizing the town of Weymouth, Norfolk County to grant access to its sewer system and to assess charges therefor (Senate, No. 1222),— ought to pass, with an amendment, substituting a new draft entitled “An Act authorizing the town of Weymouth Norfolk County to grant access to its sewer system and to assess charges therefor (Senate, No. 2148).

There being no objection, the rules were suspended, on motion of Ms. Murray, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2148) was then ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the city known as the town of Weymouth to grant access to its sewer system and to assess charges therefor”. Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted.

An engrossed Bill relative to the taxation of corporations (see printed in House, No. 3727, changed), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 14 to 0.

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

An engrossed Bill to further regulate property tax classifications in cities and towns (see House, No. 4329), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 9 to 1.

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

Engrossed Bills.

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

Relative to the taxation of corporations (see printed in House, No. 3727, changed); and

To further regulate property tax classifications in cities and towns (see House, No. 4329).

Emergency Preamble Adopted — Engrossed Bill Enacted.

The engrossed Bill relative to investments in emerging technologies to promote job creation, economic stability and competitiveness in the Massachusetts economy (see House, No. 4328), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 16 to 0.

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

Subsequently, the engrossed Bill relative to investments in emerging technologies to promote job creation, economic stability and competitiveness in the Massachusetts economy (see House, No. 4328) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at eleven minutes after eleven o'clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 416**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
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 —
Melconian, Linda J.	39.

NAYS — 0.

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

Order Adopted.

On motion of Mr. Lees,—

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

On motion of Mr. Lees, at nineteen minutes past eleven o'clock P.M., the Senate adjourned to meet on Friday next at eleven o'clock A.M.