

**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.



Thursday, June 23, 2005.

Met at a quarter past two o'clock P.M.

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

### *Report of a Committee.*

By Mr. Baddour, for the committee on Transportation, on petition, a Bill designating a certain section of route fifty six in the town of Rutland in memory of Atillio and Ugo Alinovi (Senate, No. 1882, changed in section 1 by striking out the word "that", in line 5, and inserting in place thereof, the word "said"; and in section 1, by adding at the end thereof the following sentence:—"The town of Rutland shall be responsible for the maintenance of said markers", in line 6, after the word "department.");  
**Read and, under Rule 26, referred to the committee on Ethics and Rules.**

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 House Bill authorizing the town of Rowley to lease certain conservation land (House, No. 1721),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

### *PAPERS FROM THE HOUSE.*

#### *Engrossed Bill — Land Taking for Conservation, Etc.*

An engrossed Bill partially releasing a non-development covenant restriction on certain land in the town of Granby and authorizing certain agreements for the Daly Memorial Rink in Brighton (see Senate, No. 2038, 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; 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 two minutes past three o'clock P.M., as follows, to wit (yeas 33 — nays 0) [**Yeas and Nays No. 52**]:

YEAS.

Antonioni, Robert A. Barrios, Jarrett T.

Augustus, Edward M., Jr.	Berry, Frederick E.
Brewer, Stephen M.	Moore, Richard T.
Brown, Scott P.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Spilka, Karen E.
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Timilty, James E.
Lees, Brian P.	Tisei, Richard R.
McGee, Thomas M.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian — 33.
Montigny, Mark C.	

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Baddour, Steven A.	Tolman, Steven A.
Buoniconti, Stephen J.	Wilkerson, Dianne — 5.
Nuciforo, Andrea F., Jr.	

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

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 the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4001) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2101), reported, part, a "Bill making appropriations for the fiscal year 2006 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. 4200),— came from the House, and was read.

There being no objection, the rules were suspended, on motion of Ms. Murray, and the report was considered forthwith.

The question on acceptance of the report of the committee of conference was determined by a call of the yeas and nays, at nine minutes past three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 35— nays 0) [**Yeas and Nays No. 53**]:

**YEAS.**

Antonioni, Robert A.	Baddour, Steven A.
Augustus, Edward M., Jr.	Barrios, Jarrett T.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.

Brown, Scott P.	Murray, Therese
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Timilty, James E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian — 35.
Montigny, Mark C.	

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Buoniconti, Stephen J.	Wilkerson, Dianne — 3.
Nuciforo, Andrea F., Jr.	

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

A Bill relative to the health insurance of active and retired employees of the city of Melrose (House, No. 4064,— on petition),— was read.

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

Recess.

There being no objection, at twenty-eight minutes past three o'clock A.M., the President declared a recess subject to the call of the Chair; and, at four minutes past four o'clock P.M., the Senate reassembled, the President in the Chair.

**PAPERS FROM THE HOUSE.**

*Emergency Preamble Adopted; Engrossed Bill Enacted.*

An engrossed Bill making appropriations for the fiscal year 2006 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. 4200), 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 6 to 0.

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

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

**The Senate then passed the bill to be enacted; and it was signed by the President and laid before the Governor for his approbation.**

Order Adopted.

On motion of Mr. Timilty,—

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

***Adjournment in Memory of Joseph A. Michniewicz.***

**The Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer and the Senator from Worcester, Ms. Chandler, presented a request that when the Senate adjourns today, it do so as a mark of respect to the memory of Joseph A. Michniewicz of Paxton.**

**Mr. Michniewicz died Tuesday at the age of 73. He will be remembered always as an outdoor enthusiast who was in his 40th year writing about fishing, hunting, wildlife and conservation for the *Worcester Telegram and Gazette*. Mr. Michniewicz dedicated himself to educating the central Massachusetts public on the importance of conservation and the most up to date sportsmen news. He will be missed by his family, friends, colleagues and sports enthusiasts.**

**Accordingly, as a mark of respect to the memory of Joseph A. Michniewicz, at eleven minutes past four o'clock P.M. on motion of Mr. Timilty, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.**