

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

## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

Thursday, July 13, 2006.

Met at one minute past one o'clock P.M. (Mr. Tolman in the Chair).

#### *Petitions.*

Petitions were presented and referred, as follows:

By Mr. Augustus, a petition (subject to Joint Rule 12) of Edward M. Augustus, Jr., Vincent A. Pedone, Robert P. Spellane, John P. Fresolo and other members of the General Court for legislation to re-establish a regional office of the Massachusetts Commission Against Discrimination in the city of Worcester; and

By Mr. Berry, a petition (subject to Joint Rule 12) of Frederick E. Berry for legislation to establish a sick leave bank for Sandra Brennan, an employee of the Department of Mental Retardation;

**Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Reports of Committees.*

By Mr. Nuciforo, for the committee on Financial Services, on petition (accompanied by bill, Senate, No. 558), an Order relative to authorizing the joint committee on Financial Services to make an investigation and study of a certain current Senate document relative to drug voice synthesizers (Senate, No. 2639);

**Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.**

By Mr. Morrissey, for the committee on Telecommunications, Utilities and Energy, on petition (accompanied by bill, Senate, No. 2594), a Bill relative to the creation of an alternative energy portfolio standard (Senate, No. 2638);

**Read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Mr. Augustus, for the committee on Election Laws, on petition, a Bill relative to the recall by law for the town of Upton (Senate, No. 2613) [Local approval received];

**Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Mr. Buoniconti, for the committee on Ethics and Rules, reported that the following matters be placed in the Orders of the Day for the next session:

The Senate Bill to ensure consumer choice of nurse practitioner services (Senate, No. 1248); and

The House Bill relative to certain elder abuse assessment reports (House, No. 1490).

#### *Committee Discharged.*

Mr. Buoniconti, for the committee on Ethics and Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Revenue to make an investigation and study of certain current Senate documents relative to revenue (Senate, No. 2410), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate No. 2366) of Cynthia S. Creem relative to promoting biomedical research through tax incentives,— and recommending that the same be

recommitted to the committee on Revenue.

**Under Senate Rule 36, the report was considered forthwith and accepted.**

#### **Papers from the House.**

A petition (accompanied by bill, House, No. 5184) of Rachel Kaprielian and Peter J. Koutoujian (with the approval of the town council) that the Secretary of the Commonwealth be directed to place on the state election ballot in the city known as the town of Watertown a certain question relative to the filling of a vacancy in the office of school committee in said town,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Election Laws.**

#### **Bills**

Designating a certain parcel of land in the city of Boston as the Frank Jordan Memorial Rose Garden (House, No. 4815,— on petition); and

Further regulating eligibility for the police civil service examination (House, No. 5041,— on House, No. 453);

Were severally read and, under Senate Rule 26, referred to the committee on Senate Ethics and Rules.

A Bill designating a portion of the Captain William K. Webb Memorial State Park in the town of Weymouth as the Robert B. Ambler Walkway (House, No. 4921,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

There being no objection, at three minutes past one o'clock P.M., the Chair (Mr. Tolman) declared a recess subject to the call of the Chair; and, at twenty-three minutes past two o'clock P.M., the Senate reassembled, Ms. Murray in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

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

#### *Resolutions.*

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

Resolutions (filed by Mr. Creedon) “congratulating Joseph Edward Peters, Sr. on the occasion of his ninetieth birthday”;

Resolutions (filed by Mr. O’Leary and Ms. Murray) “congratulating Bonnie Snow on being selected to receive the fifth Mercy Otis Warren Cape Cod Woman of the Year Award”;

and Resolutions (filed by Mr. Timilty) “congratulating Raymond ‘Sarge’ Miller on his retirement.”

#### **Papers from the House.**

##### *Emergency Preamble Adopted; Engrossed Bill Enacted.*

An engrossed Bill relative to early education and care (see House, No. 4755, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 8 to 0.

The bill was signed by the Acting President (Ms. Murray) 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 Acting President (Ms. Murray) and laid before the Governor for his approbation.

##### *Bill Returned with Recommendation of Amendment.*

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill further establishing a personal care attendant quality home care workforce council (see House, No. 4758, amended) [for message, see House, No. 5157],— came from the House with the endorsement that the House had rejected the amendment recommended by the Governor, as follows:

By striking out all after the enacting clause and inserting in place a new text (as contained in House, No. 5157) (contained in the form approved by the committee on Bills in the Third Reading).

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

**The rules were suspended, on motion of Mr. Berry, and the Governor’s amendment was considered forthwith and rejected, in concurrence.**

**Sent to the House for re-enactment.**

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill making appropriations for the fiscal year 2007 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. 5000) insomuch as relates to Section 123 (see House, No. 5156) [for message, see Attachment G of House, No. 5151],— came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).

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

**There being no objection, the rules were suspended, on the motion of Mr. Moore.**

**The Governor's amendment was then rejected.**

**The bill was returned to the House to be again enacted.**

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill making appropriations for the fiscal year 2007 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. 5000) insomuch as relates to Section 95 (see House, No. 5153) [for message, see Attachment D of House, No. 5151],— came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).

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

**There being no objection, the rules were suspended, on the motion of Ms. Resor.**

**The Governor's amendment was then rejected.**

**The bill was returned to the House to be again enacted.**

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill making appropriations for the fiscal year 2007 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. 5000) insomuch as relates to Section 93 (see House, No. 5152) [for message, see Attachment C of House, No. 5151],— came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).

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

**There being no objection, the rules were suspended, on the motion of Mr. Nuciforo.**

**The Governor's amendment was then rejected.**

**The bill was returned to the House to be again enacted.**

#### *Report of a Committee.*

By Mr. Brewer, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by the Governor to the engrossed Bill relative to clinical laboratories (see Senate, No. 725) [for message, see Senate, No. 2634],— reported, that the amendment recommended by the Governor be considered in the following form:—

In section 1, by striking out the word “clinics” and inserting in place thereof the following word:— “programs”; in said section 1, by striking out the words “or other government entities” and inserting in place thereof the following words:— “or those vendors that contract with state agencies and are designated by the contracting agency to request such screenings”; in section 2, by inserting after the word “regulations” the following words:— “for the MassHealth program that are”; and in said section 2, by striking out the word “physician’s”.

**The President stated that under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.**

**After remarks, the report was accepted.**

**On motion of Mr. Panagiotakos, the Senate then adopted the amendment in the form recommended by the committee on Bills in the Third Reading.**

**Sent to the House for its action.**

#### *Orders of the Day.*

The Orders of the Day were considered, as follows:

##### Bills

Relative to municipal light plants (Senate, No. 1809);

Directing the State Superintendent of State Office Buildings to install a plaque in honor of school nurses in the State House (House, No. 3531);

Exempting the position of superintendent of streets of the town of Hull from the civil service law (House, No. 4309);

Relative to the historic district commission of the town of Provincetown (House, No. 4501);

Relative to elections in the city of Holyoke (House, No. 4579); and

Authorizing the town of Wareham to grant 5 additional licenses for the sale of all alcoholic beverages to be drunk on the

premises (House, No. 5003);

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

The Senate bills

Requiring a study of Medicaid reimbursement payments to health care providers for electronic consultations (Senate, No. 2565) (its title having been changed by the committee on Bills in the Third Reading);

Further regulating the sale and distribution of bottled water (Senate, No. 2416, amended) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the period of registration of real estate appraisers (Senate, No. 2422);

Providing for testing an administrative records list to create jury pools and purge voting lists (Senate, No. 2628, amended) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to disabled persons rights of passage (Senate, No. 2636);

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

**Severally sent to the House for concurrence.**

The Senate Bill relative to oceans (Senate, No. 2308),— was read a second time, the main question being on ordering the bill to a third reading.

After remarks, pending the question on adoption of the amendment recommended by the committee on Ways and Means substituting a new draft with the same title (Senate, No. 2575), and pending the main question on ordering the bill to a third reading, on motion of Mr. Tisei, the further consideration thereof was postponed until the next session.

The House Bill prohibiting the use of certain vehicles on public ways in the city of Chelsea (House, No. 5054),— **was read a second time and ordered to a third reading.**

The Senate Bill authorizing the negotiation of taxes due under a tax increment financing agreement (Senate, No. 1701) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time and after remarks, was passed to be engrossed.

Sent to the House for concurrence.

The House Bill establishing state trademarks (House, No. 3500),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to kayak safety (House, No. 4949),— **was read a third time.**

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

The Senate Bill promoting school nutrition (Senate, No. 2373),— **was considered; the question being on passing the bill to be engrossed.**

On motion of Mr. Berry, the further consideration thereof was postponed until the next session.

The House Bill regulating health examinations for private school children (House, No. 3637),— **was considered; the question being on passing the bill to be engrossed, in concurrence.**

On motion of Mr. Moore, the further consideration thereof was postponed until Thursday, July 20.

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows:

*Matters Taken Out of the Notice Section of the Calendar.*

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows:

The Senate Bill authorizing the conservation commission of the city of Pittsfield to convey a certain parcel of conservation land for public purposes (Senate, No. 2576),— **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.**

*Matters Taken Out of the Orders of the Day.*

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows:

The House Bill relative to certain housing in the town of Westborough (printed in House, No. 4609),— 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 authorizing certain housing in the town of Westborough".

The House Bill authorizing the town of Shrewsbury to lease certain land (House, No. 4205),— **was read a third time and passed to be engrossed, in concurrence.**

*Report of a Committee.*

Mr. Buoniconti for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill authorizing the University of Massachusetts to convey a certain parcel of land in the city of Boston to the United States of America acting by and through the National Archives and Records Administration (Senate, No. 2597, amended) (the committee on Bonding, Capital Expenditures and State Assets having recommended that the bill be amended in section 2, in lines 7 and 8, by striking out the words “joint committee on state administration” and inserting in place thereof the words “joint committee on bonding, capital expenditures and state assets”; and in section 2, in lines 21 and 22, by striking out the words “joint committee on state administration” and inserting in place thereof the following words “bonding, capital expenditures and state assets”).

**There being no objection, the rules were suspended, on motion of Mr. Morrissey, and the bill was read a second time and was amended, as recommended by the committee on Bonding, Capital Expenditures and State Assets.**

**The bill (Senate, No. 2597, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

*Report of a Committee.*

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 2557) of Harriette L. Chandler, Pamela P. Resor, Harold P. Naughton, Jr. and Karyn E. Polito (by vote of the town) for legislation to authorize the licensing authority of the town of Northborough to issue five additional licenses for the sale of all alcoholic beverages to be drunk on the premises.

On motion of Ms. Chandler, the report was amended by substituting a “Bill authorizing the licensing authority of the town of Northborough to issue five additional licenses for the sale of all alcoholic beverages to be drunk on the premises” (Senate, No. 2557).

The bill was read. There being no objection, on motion of the same Senator, the bill was read a second time, 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 licensing authority of the town of Northborough to issue 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises”.

**Sent to the House for concurrence.**

**Papers from the House.**

*Engrossed Bills.*

The following engrossed bills (the first of which originated in the Senate), 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 (Ms. Murray) and laid before the Governor for his approbation, to wit:

Authorizing certain terms for borrowing by the town of Hopkinton for construction of school buildings (see Senate, No. 2070); and

Providing for direct billing of certain pathology tests (see House, No. 4812).

A Bill authorizing the town of Dartmouth to borrow money to fund certain payments (House, No. 5047,— on petition) [Local approval received],— was read.

**There being no objection, the rules were suspended, on motion of Mr. Berry, 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 Bill.*

An engrossed Bill relative to the minimum wage (see House, No. 4781, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at three minutes before three o'clock P.M., on motion of Mr. Pacheco, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 314**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.

Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>36.</b>
<b>NAYS 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>
Havern, Robert A.	

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

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

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant certain easements to the town of Princeton over lands held for conservation and recreation purposes (see Senate, No. 2355) (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 six minutes past three o’clock P.M., as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 315**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Berry, Frederick E.
Augustus, Edward M., Jr.	Brewer, Stephen M.
Baddour, Steven A.	Brown, Scott P.
Barrios, Jarrett T.	Chandler, Harriette L.
Creedon, Robert S., Jr.	Murray, Therese

Creem, Cynthia Stone	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	O’Leary, Robert A.
Hart, John A., Jr.	Pacheco, Marc R.
Hedlund, Robert L.	Panagiotakos, Steven C.
Jehlen, Patricia D.	Resor, Pamela
Joyce, Brian A.	Spilka, Karen E.
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Timilty, James E.
McGee, Thomas M.	Tisei, Richard R.
Menard, Joan M.	Tolman, Steven A.
Montigny, Mark C.	Tucker, Susan C.
Moore, Richard T.	Walsh, Marian — <b>35.</b>
Morrissey, Michael W.	
<b>NAYS — 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C.
Havern, Robert A.	Wilkerson, Dianne — <b>4.</b>

The yeas and nays having been completed at ten 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 Acting President (Ms. Murray) and laid before the Governor for his approbation.

*Reports of Committees.*

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Mark C. Montigny, Stephen R. Canessa, John F. Quinn and Antonio F. D. Cabral for legislation to require equal benefits for all new mothers.

**Senate Rule 36 was suspended, on motion of Mr. Pacheco, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Children and Families.**

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Mark C. Montigny, John F. Quinn, Stephen R. Canessa and Robert M. Koczera for legislation relative to private occupational schools.

**Senate Rule 36 was suspended, on motion of Mr. Pacheco, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education.**

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of John A. Hart, Jr. for legislation to clarify coordination of the Diane Zaniboni Breast Cancer Research Fund.

**Senate Rule 36 was suspended, on motion of Mr. Pacheco, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Health Care Financing.**

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Mark C. Montigny, Susan C. Fargo, Cory Atkins, Anthony J. Verga and other members of the General Court for legislation to extend emergency prescription drug coverage for seniors and the disabled.

**Senate Rule 36 was suspended, on motion of Mr. Pacheco, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Health.**

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Mark C. Montigny and John F. Quinn for legislation to direct the state retirement to grant creditable service to Michael Ryan.

**Senate Rule 36 was suspended, on motion of Mr. Pacheco, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Severally sent to the House for concurrence.**

#### **Papers from the House.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5188) of Christopher J. Donelan and Stanley C. Rosenberg relative to assistant clerks of court for the District Court of Greenfield and the District Court of Franklin; and

Petition (accompanied by bill, House, No. 5189) of Jeffrey Davis Perry and Cleon H. Turner for legislation to establish a sick leave bank for Karen W. Boyson, an employee of the Barnstable Division of the Juvenile Court of the Commonwealth;

**Severally, under suspension of Joint Rule 12, to the committee on the Judiciary.**

Petition (accompanied by bill, House, No. 5190) of Patricia A. Walrath and Pamela P. Resor authorizing the Massachusetts highway department and the town of Maynard to construct certain road improvements in said town;

**Under suspension of Joint Rule 12, to the committee on Transportation.**

A petition (accompanied by bill, House, No. 5046) of Shirley Owens-Hicks for legislation relative to the the procurement of contracts for the redevelopment of certain public housing projects in the city of Boston,— **came from the House, under suspension of Joint Rule 12 referred to the committee on the Municipalities and Regional Government.**

**The Senate NON-concurred in the reference to the committee on Municipalities and Regional Government.**

**On motion of Mr. Berry, the petition was referred to the committee on Housing.**

**Sent to the House for its action.**

#### *Orders of the Day.*

The Orders of the Day were further considered, as follows:

The Senate Bill relative to food allergens (Senate, No. 153),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Ms. Creem and Ms. Chandler moved that the bill be amended substituting a new draft entitled “An Act promoting food allergy awareness in restaurants” (Senate, No. 2643).

**This amendment was adopted.**

**The bill (Senate, No. 2643) was then passed to be engrossed.**

**Sent to the House for concurrence.**

There being no objection, during consideration of the Orders of the Day, the following matters were considered as follows:—

#### *Matter Taken Out of the Notice Section of the Calendar.*

There being no objection, the following matter was taken Out of the Notice Section of the Calendar and considered as follows:

The Senate Bill authorizing the town of Manchester-By-The-Sea to recall elected municipal officials (Senate, No. 2280),— **was read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

#### *Report of a Committee.*

By Mr. Timilty, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the city of Boston and the Commonwealth of Massachusetts to grant sewer and drainage easements over certain parcels of land in the city of Boston (Senate, No. 2627).

**The bill was read. There being no objection, the rules were suspended, on motion of Mr. Berry, 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.**

#### *Matter Taken Out of the Notice Section of the Calendar.*

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows:

The House Bill authorizing the appointment of certain police officers in the town of Milford (House, No. 4715),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

#### *Recess.*

Mr. Berry in the Chair, there being no objection, at twenty-three minutes past three o'clock P.M., the Chair (Mr. Berry) declared a recess subject to the call of the Chair; and, at twenty-six minutes before four o'clock P.M., the Senate reassembled, the President in the Chair.

*Orders of the Day.*

The Orders of the Day were further considered, as follows:

The Senate Bill relative to Gold Star license plates (Senate, No. 2203),— **was read a third time.**

After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at twenty-two minutes before four o'clock P.M., on motion of Mr. Brewer, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 316**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>36.</b>
<b>NAYS 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>
Havern, Robert A.	

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

**Papers from the House.**

*Message from the Governor — Disapproval and Reductions in Economic Stimulus 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 relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy (see House, No. 5057), which on Friday, June 16, 2006, 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. 5101) was read; and the Senate proceeded to reconsider several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.**

Item 7007-0900 (Department of Business and Technology) was considered as follows:

7007-0900 ..... 6,290,000

The question on passing item 7007-0900, contained in Section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twelve minutes before four o'clock P.M., as follows, to wit (*yeas 34 — nays 2*) [**Yeas and Nays No. 317**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — <b>34.</b>
<b>NAYS.</b>	
Brown, Scott P.	Hedlund, Robert L. — <b>2.</b>
<b>ABSENT OR NOT VOTING.</b>	

Buoniconti, Stephen J.	Rosenberg, Stanley C. — 3.
Havern, Robert A.	

The yeas and nays having been completed at ten minutes before four o'clock P.M., item 7007-0900, 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.

Section 49 (Massachusetts Historic Rehabilitation Tax Credit) was considered as follows:

“SECTION 49. Paragraph (1) of subsection (j) of section 6 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

A taxpayer or nonprofit organization which commences and diligently pursues an environmental response action on or before August 5, 2011, and who achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the regulations promulgated pursuant thereto which includes an activity and use limitation shall, at the time such permanent solution or remedy operation status is achieved, be allowed a base credit of 25 per cent of the net response and removal costs incurred between August 1, 1998, and January 1, 2012, for any property it owns or leases for business purposes and which is located within an economically-distressed area as defined in section 2 of chapter 21E. Such costs shall be not less than 15 per cent of the assessed value of the property prior to response action on or before remediation and the site shall be reported to the department of environmental protection. A credit of 50 per cent of such costs shall be allowed for any such taxpayer or nonprofit organization which achieves and maintains a permanent solution or remedy operation status in compliance with said chapter 21E and the Massachusetts Contingency Plan at 310 CMR 40.00, as amended, which does not include an activity and use limitation. Only a taxpayer or nonprofit organization that is an eligible person, as defined in section 2 of said chapter 21E, and not subject to any enforcement action brought pursuant to said chapter 21E shall be allowed a credit. Any credit allowed under this subsection may be taken only after a response action outcome statement or remedy operation status submittal has been filed with the department of environmental protection as set forth in said Massachusetts contingency Plan.”

The question on passing section 49, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nine minutes before four o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 318**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Hart, John A., Jr.
Augustus, Edward M., Jr.	Hedlund, Robert L.
Baddour, Steven A.	Jehlen, Patricia D.
Barrios, Jarrett T.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	Lees, Brian P.
Brown, Scott P.	McGee, Thomas M.
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.
Murray, Therese	Tarr, Bruce E.

Nuciforo, Andrea F., Jr.	Timilty, James E.
O’Leary, Robert A.	Tisei, Richard R.
Pacheco, Marc R.	Tolman, Steven A.
Panagiotakos, Steven C.	Tucker, Susan C.
Resor, Pamela	Walsh, Marian
Spilka, Karen E.	Wilkerson, Dianne — <b>36.</b>
<b>NAYS — 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>
Havern, Robert A.	

The yeas and nays having been completed at six minutes before four o’clock P.M., section 49 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 65 (Massachusetts Historic Rehabilitation Tax Credit) was considered as follows:

“SECTION 65. Subparagraph (i) of paragraph (1) of subsection (b) of section 38R of said chapter 63, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The commissioner, in consultation with the Massachusetts historical commission, shall authorize annually, for the 6-year period beginning January 1, 2006, and ending December 31, 2011, under this section together with section 6J of chapter 62, an amount not to exceed \$50,000,000 per year.”

The question on passing section 65, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at five minutes before four o’clock P.M., as follows, to wit (*yeas 35 — nays 1*) [**Yeas and Nays No. 319**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Knapik, Michael R.
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Brown, Scott P.	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.
Hart, John A., Jr.	Resor, Pamela
Hedlund, Robert L.	Spilka, Karen E.
Jehlen, Patricia D.	Tarr, Bruce E.
Joyce, Brian A.	Timilty, James E.
Tisei, Richard R.	Walsh, Marian
Tolman, Steven A.	Wilkerson, Dianne — <b>35.</b>
Tucker, Susan C.	
<b>NAY.</b>	
Knapik, Michael R. — <b>1.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>
Havern, Robert A.	

The yeas and nays having been completed at three minutes before four o'clock P.M., section 65 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

*Engrossed Bills Returned by Governor With His Objections Thereto.*

The engrossed Bill relative to compensation of justices (see House, No. 5093, amended), which, on Friday, June 16, 2006, had been laid before His Excellency the Governor for his approbation,— **came from the House the same having been returned by His Excellency the Governor, with his objections thereto in writing [for message, see House, No. 5158], and having passed that branch, notwithstanding said objections.**

The message (House, No. 5158) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

The question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at two minutes before four o'clock P.M., as follows, to wit (*yeas 29 — nays 1*) [**Yeas and Nays No. 320**]:

<b>YEAS.</b>	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese

Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Wilkerson, Dianne — <b>29.</b>
Lees, Brian P.	
<b>NAY.</b>	
<b>Brown, Scott P. — 1.</b>	
<b>ANSWERED “PRESENT”.</b>	
Creedon, Robert S., Jr.	Pacheco, Marc R.
Montigny, Mark C.	Timilty, James E.
O’Leary, Robert A.	Walsh, Marian — <b>6.</b>
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Berry, Frederick E. — <b>3.</b>
Havern, Robert A.	

The yeas and nays having been completed at one minute past four o’clock P.M., the bill was passed, in concurrence, by the Senate, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

The engrossed Bill relative to compensation of sheriffs (see House, No. 5094, amended), which, on Friday, June 16, 2006, had been laid before His Excellency the Governor for his approbation,— **came from the House the same having been returned by His Excellency the Governor, with his objections thereto in writing [for message, see House, No. 5159], and having passed that branch, notwithstanding said objections.**

The message (House, No. 5159) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

The question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at two minutes past four o’clock P.M., as follows, to wit (*yeas 33 — nays 1*) [**Yeas and Nays No. 321**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Moore, Richard T.
Augustus, Edward M., Jr.	Morrissey, Michael W.
Baddour, Steven A.	Murray, Therese

Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Hart, John A., Jr.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>33.</b>
Menard, Joan M.	
<b>NAY.</b>	
Hedlund, Robert L. — <b>1.</b>	
<b>ANSWERED “PRESENT”.</b>	
Brown, Scott P.	Montigny, Mark C. — <b>2.</b>
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>
Havern, Robert A.	

The yeas and nays having been completed at four minutes past four o’clock P.M., the bill was passed), in concurrence, by the Senate, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

The engrossed Bill relative to compensation of certain court employees (see House, No. 5095, amended), which, on Friday, June 16, 2006, had been laid before His Excellency the Governor for his approbation,— **came from the House the same having been returned by His Excellency the Governor, with his objections thereto in writing [for message, see House, No. 5160], and having passed that branch, notwithstanding said objections.**

The message (House, No. 5160) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

The question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at five minutes past four o’clock P.M., as follows, to wit (*yeas 28 — nays 1*) [**Yeas and Nays No. 322**]:

<b>YEAS.</b>	
Antonioni, Robert A.	McGee, Thomas M.

Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creem, Cynthia Stone	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Hart, John A., Jr.	Tisei, Richard R.
Hedlund, Robert L.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
Knapik, Michael R.	Wilkerson, Dianne — <b>28.</b>
<b>NAY.</b>	
Brown, Scott P. — <b>1.</b>	
<b>ANSWERED “PRESENT”.</b>	
Creedon, Robert S., Jr.	O’Leary, Robert A.
Lees, Brian P.	Pacheco, Marc R.
Menard, Joan M.	Timilty, James E. — 7.
Montigny, Mark C.	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>
Havern, Robert A.	

The yeas and nays having been completed at eight minutes past four o’clock P.M., the bill was passed, in concurrence, by the Senate, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

The engrossed Bill relative to the Commonwealth Zoological Society (see House, No. 5096), which, on Thursday, June 30, 2006, had again been laid before His Excellency the Governor for his approbation, came from the House the same having been returned by His Excellency the Governor, with his objections thereto in writing [for message, see House, No. 5161], and having passed that branch, notwithstanding said objections.

The message (House, No. 5161) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

After remarks, the question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary

notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nine minutes past four o'clock P.M., as follows, to wit (*yeas 35 —nays 1*) [**Yeas and Nays No. 323**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Hart, John A., Jr.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>35.</b>
Menard, Joan M.	
<b>NAY.</b>	
Lees, Brian P. — <b>1.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>
Havern, Robert A.	

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

The engrossed Bill relative to certain programs within the Executive Office of Public Safety (see House, No. 5098), which, on Thursday, June 30, 2006, had again been laid before His Excellency the Governor for his approbation,— **came from the House the same having been returned by His Excellency the Governor, with his objections thereto in writing [for message, see House, No. 5162], and having passed that branch, notwithstanding said objections.**

The message (House, No. 5162) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

After remarks, the question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at thirteen minutes past four o'clock P.M., as follows, to wit (*yeas 32 — nays 4*) [**Yeas and Nays No. 324**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — <b>32.</b>
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tisei, Richard R. — <b>4.</b>
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>
Havern, Robert A.	

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

The engrossed Bill establishing the Massachusetts Cultural Facilities Fund (see House, No. 5103), which, on Thursday, June 30, 2006, had again been laid before His Excellency the Governor for his approbation,— **came from the House the same having been returned by His Excellency the Governor, with his objections thereto in writing [for message, see House, No. 5164], and having passed that branch, notwithstanding said objections.**

The message (House, No. 5164) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

After remarks, the question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eighteen minutes past four o'clock P.M., as follows, to wit (*yeas 33 — nays 3*) [**Yeas and Nays No. 325**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Hart, John A., Jr.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>33.</b>
Menard, Joan M.	
<b>NAYS.</b>	
Hedlund, Robert L.	Tisei, Richard R. — <b>3.</b>
Lees, Brian P.	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>
Havern, Robert A.	

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

*Emergency Preamble Adopted.*

An engrossed Bill to establish a personal care attendant quality home care workforce council (see House, No. 4758, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency

preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 10 to 0. The bill was signed by the President and sent to the House for enactment.

*Engrossed Bills Returned by Governor With His Objections Thereto.*

The engrossed Bill establishing certain educational funds (see House, No. 5105), which, on Thursday, June 30, 2006, had again been laid before His Excellency the Governor for his approbation, came from the House the same having been returned by His Excellency the Governor, with his objections thereto in writing [for message, see House, No. 5166], and having passed that branch, notwithstanding said objections.

The message (House, No. 5166) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

After remarks, the question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-six minutes past four o'clock P.M., as follows, to wit (*yeas 31 — nays 5*) [**Yeas and Nays No. 326**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>31.</b>
Menard, Joan M.	
<b>NAYS.</b>	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. — <b>5.</b>
Lees, Brian P.	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>

Havern, Robert A.	
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The yeas and nays having been completed at twenty-eight minutes past four o'clock P.M., the bill was passed, in concurrence, by the Senate, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

The engrossed Bill relative to HIV and Hepatitis C prevention (see House, No. 4176, amended), which, on Thursday, June 22, 2006, had been laid before His Excellency the Governor for his approbation,— **came from the House the same having been returned by His Excellency the Governor, with his objections thereto in writing [for message, see House, No. 5124], and having passed that branch, notwithstanding said objections.**

The message (House, No. 5124) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

Pending the question of passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, Mr. Lees moved that the bill be laid on the table. Under the provisions of Senate Rule 24, the matter was laid over until the next session.

Subsequently, Mr. Lees moved to withdraw his motion to lay the matter on the table and the veto was taken up forthwith.

The question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at thirteen minutes before nine o'clock P.M., as follows, to wit (*yeas 25 — nays 11*) [**Yeas and Nays No. 337**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Moore, Richard T.
Augustus, Edward M., Jr.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tolman, Steven A.
Jehlen, Patricia D.	Travaglini, Robert E.
Joyce, Brian A.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — <b>25.</b>
Montigny, Mark C.	
<b>NAYS.</b>	
Baddour, Steven A.	Lees, Brian P.
Brewer, Stephen M.	Panagiotakos, Steven C.
Brown, Scott P.	Tarr, Bruce E.
Creedon, Robert S., Jr.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R. — <b>11.</b>
Knapik, Michael R.	

<b>PAIRED.</b>	
<b>YEA.NAY.</b>	
Stanley C. Rosenberg	Marc R. Pacheco — <b>2.</b>
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>
Havern, Robert A.	

The yeas and nays having been completed at five minutes before nine o'clock P.M., House, No. 4176, was passed, in concurrence, by the Senate, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

The engrossed Bill relative to the use of unsigned circulars and posters for political purposes (see House, No. 126), which, on Thursday, June 22, 2006, had been laid before His Excellency the Governor for his approbation,— **came from the House the same having been returned by His Excellency the Governor, with his objections thereto in writing [for message, see House, No. 5124], and having passed that branch, notwithstanding said objections.**

The message (House, No. 5124) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

The question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-nine minutes past four o'clock P.M., as follows, to wit (*yeas 30 — nays 6*) [**Yeas and Nays No. 327**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — <b>30.</b>
<b>NAYS.</b>	

Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — <b>6.</b>
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>
Havern, Robert A.	

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

*Message from the Governor — Disapproval and Reductions in Economic Stimulus Bill.*

A message from His Excellency the Governor, returning, with his disapproval economic stability of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy (see House, No. 5057), which on Friday, June 16, 2006, 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. 5101) was read; and the Senate proceeded to reconsider several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.**

Item 7100-8181 (Program with UMS Food Science Department and Industry) was considered as follows:

“7100-8181

For a one-time grant to the University of Massachusetts at Amherst for a public/private program of matching funds between the food science department of the university and private food industry businesses with the purpose of establishing the research, scientific and regulatory frameworks to expand the creation and production of high-value, high-growth and high-profitability functional foods and to stimulate growth and profitability in the food-producing industries in the commonwealth; provided, further, that grants pursuant to this item shall be subject to a matching funding requirement of dollar for dollar of the amount of the grant 200,000”.

After debate, the question on passing item 7100-8181, contained in Section 2A, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-five minutes before five o'clock P.M., as follows, to wit (*yeas 31 — nays 5*) [**Yeas and Nays No. 328**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Moore, Richard T.
Augustus, Edward M., Jr.	Morrissey, Michael W.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela

Creem, Cynthia Stone	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Hart, John A., Jr.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — <b>31.</b>
Montigny, Mark C.	
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tisei, Richard R. — <b>5.</b>
Knapik, Michael R.	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>
Havern, Robert A.	

The yeas and nays having been completed at twenty-three minutes before five o'clock P.M., item 7100-8181, contained in section 2A, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 88 (International Trade and International Marketing Partnership) was considered as follows:

“SECTION 88. Item 7007-0900 of said section 2 of said chapter 45 is hereby amended by inserting after the words ‘the commonwealth’s lost international market share’ the following words:— ; provided further that not less than \$90,000 of said grant shall be used for the development of a joint marketing and branding program in conjunction with the Massachusetts International Trade Council to promote and market Massachusetts as a location for foreign direct investment and international business opportunity.”.

The question on passing section 88, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-two minutes before five o'clock P.M., as follows, to wit (*yeas 34 — nays 2*) [**Yeas and Nays No. 329**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.

Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — <b>34.</b>
<b>NAYS.</b>	
Brown, Scott P.	Hedlund, Robert L. — <b>2.</b>
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>
Havern, Robert A.	

The yeas and nays having been completed at twenty minutes before five o'clock P.M., section 88 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 89 (Office of Travel and Tourism) was considered as follows:

“SECTION 89. Said item 7007-0900 of said section 2 of said chapter 45 is hereby further amended by adding the following words:— ; provided further, that not less than \$250,000 shall be expended for Sail Boston and Sail Massachusetts 2007 public safety and marketing expenses, subject to 1:1 matching requirements; provided further, that not less than \$350,000 shall be expended for fixed and public safety costs for the Head of the Charles Regatta; provided further; that not less than \$1,000,000 shall be expended for Old Sturbridge Village to implement its strategic plan for the upgrade of technology, transportation, exhibits and visitor activities; provided further, that not less than \$1,000,000 shall be transferred to the city of Pittsfield to assist with the development of the Pittsfield Cinema Center; provided further, that not less than \$500,000 shall be transferred to the Shirley Shaker Village for the preservation of its deteriorating buildings; provided further, that not less than \$250,000 shall be expended for an educational tourism program, modeled on the Campus Visit Partnership program in Pennsylvania, subject to 1:1 matching requirements; provided further, that not less than \$300,000 shall be transferred to the city of Pittsfield for the restoration of Pittsfield’s Historic Gateway; provided further, that not less than \$250,000 shall be expended for restoration of the schooner Ernestina; provided further, that not less than \$100,000 shall be transferred to the Hancock Shaker Village; provided further, that a one-time grant of \$500,000, subject to a 1:1 match, be awarded to the North Shore Music Theatre for restoration of the theatre; provided further, that not less than \$200,000 shall be expended for the reconstruction of the pier facilities at the Maritime Heritage Center in the city of Gloucester; provided further, that \$75,000 shall be transferred to the Plymouth County Convention and Visitors Bureau for the implementation of a new website; provided further, that \$50,000 shall be transferred to the Thornton W. Burgess Society for the construction of a new education building; provided further, that \$250,000 shall be transferred to the Boston Harbor Island Alliance for costs associated with the new visitor contact station known as the Harbor Park Pavilion on Parcel 14 of the Rose Kennedy Greenway; provided further, that not less than \$150,000 shall be expended for City Stage in the city of Springfield; and provided further, that not less than \$100,000 shall be expended for certain payments for the maintenance and use of the Trailside Museum and the Chickatawbut Hill center; provided further, that \$15,000 shall be transferred to the town of Spencer for the installation of markers at historic sites; provided further, that not less than \$200,000 shall be expended for the repair of Victorian street lighting within the state-recognized historic district of downtown Melrose;

provided further, that not less than \$250,000 shall be expended for the Hopkinton Athletic Association for facilitation, promotion, and coordination of trade and tourism activities in connection with the international “Running for the Human Race” project; provided further that not less than \$150,000 shall be expended for the creation of an economic development plan in the city of Gloucester; provided further, that \$100,000 shall be expended for the purposes of a federally-funded grant entitled, the Essex National Heritage Commission Cooperative Agreement; and provided further, that not less than \$250,000 shall be expended for the Plimoth Plantation for the creation of a new brand identity.”

The question on passing section 89, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nineteen minutes before five o’clock P.M., as follows, to wit (*yeas 34 — nays 2*) [**Yeas and Nays No. 330**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — <b>34.</b>
<b>NAYS.</b>	
Brown, Scott P.	Hedlund, Robert L. — <b>2.</b>
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>
Havern, Robert A.	

The yeas and nays having been completed at seventeen minutes before five o’clock P.M., section 89 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 91 (Connecting Activities Increase) was considered as follows:

“SECTION 91. Said section 2 of said chapter 45 is hereby further amended by striking out item 7027-0019 and inserting in place thereof the following item:

“7027-0019

For school to career connecting activities; provided, that notwithstanding any general or special law to the contrary, the board of education, in cooperation with the department of workforce development, and the state workforce investment board, may establish and support a public-private partnership to link high school students with economic and learning opportunities on the job as part of the school-to-work transition program; provided further, that such program may include the award of matching grants to workforce investment boards or other local public-private partnerships involving local community job commitments and work site learning opportunities for students; provided further, that the grants shall require at least a 200 per cent match in wages for the students from private sector participants; provided further, that the program shall include, but not be limited to, a provision that business leaders commit resources to pay salaries, to provide mentoring and instruction on the job and to work closely with teachers; and provided further, that public funds shall assume the costs of connecting schools and businesses to ensure that students serve productively on the job 7,129,687.”

The question on passing section 91, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at sixteen minutes before five o'clock P.M., as follows, to wit (*yeas 33 — nays 3*) [**Yeas and Nays No. 331**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Spilka, Karen E.
Fargo, Susan C.	Timilty, James E.
Hart, John A., Jr.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>33.</b>
Menard, Joan M.	
<b>NAYS.</b>	
Hedlund, Robert L.	Tarr, Bruce E. — <b>3.</b>
Lees, Brian P.	

<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>
Havern, Robert A.	

The yeas and nays having been completed at fourteen minutes before five o'clock P.M., section 91 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 96 (Transfer to Cultural Facilities Fund) was considered as follows:

“SECTION 96. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer \$13,000,000 from the General Fund to the Massachusetts Cultural Facilities Fund established pursuant to section 42 of chapter 23G of the General Laws.”

The question on passing section 96, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at thirteen minutes before five o'clock P.M., as follows, to wit (*yeas 33 — nays 3*) [**Yeas and Nays No. 332**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Hart, John A., Jr.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>33.</b>
Menard, Joan M.	
<b>NAYS.</b>	
Hedlund, Robert L.	Tisei, Richard R. — <b>3.</b>

Lees, Brian P.	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 3.
Havern, Robert A.	

Ms. Menard in the Chair, the yeas and nays having been completed at twelve minutes before five o'clock P.M., section 91 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 104 (Wireless Broadband Development Fund) was considered as follows:

“SECTION 104. Notwithstanding any general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer \$1,000,000 from the General Fund to the Wireless Broadband Development Fund established pursuant to subsection (b) of section 6B of chapter 40J of the General Laws. Said funds shall be administered by executive director of the wireless and broadband development council, subject to the approval of said council, and in a manner consistent with the duties of the director of wireless and broadband development established pursuant to section 3 of chapter 23A of the General Laws; provided further, that within 9 months of the effective date of this act, said wireless and broadband development council shall submit an initial report to the governor, the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, and the chairs of the joint committee on telecommunications, utilities and energy examining the current state of access to wireless, cellular and broadband internet services across the commonwealth. Said report shall include, but not be limited to, the following:

(i) a comprehensive needs assessment for wireless and broadband access in each county and municipality, taking into consideration the needs and demands of businesses, residents, consumers and public safety officials; (ii) an examination and evaluation of programs in communities with existing wireless internet and broadband capabilities; (iii) policy options at the state, county and municipal level to provide expanded or universal wireless access; (iv) the costs and potential funding mechanisms to pay for such policy options, including funding from commonwealth appropriations, county and local appropriations, private assessments or taxes, and other funding options; (v) identification of physical boundaries and “last-mile” areas that would require special solutions in gaining access to wireless and broadband services; (vi) identification of open dark fiber and telecom towers owned by the commonwealth, contracted or non-contracted telecommunications companies in the commonwealth; (vii) identification of any state law or regulation that hinders or affects the expansion of wireless and broadband communications services in the state; (viii) an analysis of best practice initiatives in other cities and states to expand wireless access and a subsequent analysis of which similar approaches would be appropriate in the commonwealth; and (ix) specific steps required to implement any policy options recommended by the council.

The question on passing section 104, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eleven minutes before five o'clock P.M., as follows, to wit (*yeas 34 — nays 2*) [**Yeas and Nays No. 333**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Knapik, Michael R.
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.

Creem, Cynthia Stone	O’Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Hedlund, Robert L.	Resor, Pamela
Jehlen, Patricia D.	Spilka, Karen E.
Joyce, Brian A.	Tarr, Bruce E.
Timilty, James E.	Tucker, Susan C.
Tisei, Richard R.	Walsh, Marian
Tolman, Steven A.	Wilkerson, Dianne — <b>34.</b>
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P. — <b>2.</b>
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>
Havern, Robert A.	

The yeas and nays having been completed at eight minutes before five o’clock P.M., section 104 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 111 (Port Area Designation) was considered as follows:

“SECTION 111. Notwithstanding any general or special law, rule or regulation to the contrary, a certain parcel of land located on the northerly side of Medford street in the Charlestown section of the city of Boston is hereby eliminated as a Designated Port Area under 301 C.M.R. 25 and 310 C.M.R. 9 and any other applicable provision of the code of Massachusetts regulations. Said parcel is located at 267-281 Medford street in the Charlestown section of the city of Boston, assessor’s parcel number 02-02750-000, contains approximately 30,470 square feet of land and is registered under certificate of title number 109069 in the Suffolk county registry of deeds.

Notwithstanding chapter 91 of the General Laws or any other general or special law, rule or regulation to the contrary, no waterways license pursuant to said chapter 91 shall be required for the construction, reconstruction, renovation, use or re-use of any building or structure, which is or may be: (a) constructed on present or former private tidelands filled under the authority of chapter 105 of the acts of 1852, chapter 481 of the acts of 1855 and chapter 334 of the acts of 1893; (b) located more than 500 feet from the current high water mark of the Mystic River; and (c) located on the parcel at 267-281 Medford street in the Charlestown section of the city of Boston.”

After debate, and pending the question on passing Section 111, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, Mr. Lees moved that the matter be laid upon the table. Under the provisions of Senate Rule 24, the matter was laid over until the next session.

The Senate Bill further regulating election practices (Senate, No. 2277),— came from the House passed to be engrossed, in concurrence with certain amendments, in section 3, in line 14, and also in section 5, in line 14, by inserting after the word schooled;”, in each instance, the word “and”, and that the bill be amended by inserting after section 5 the following section: “SECTION 8. Section 13 of said chapter 54, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Such election officers shall be enrolled voters so appointed as equally to represent the two leading political parties, except that, without disturbing the equal representation of such parties, not more than one-third of the election officials not representing either of them may be appointed.”; In section 1, in line 5, by inserting after the word “commonwealth” the words “and if any such city so chooses, subject to the approval of the city council and the board of registrars”; and by adding at the end thereof the following two sections: “SECTION 2. Section 11B of said chapter 54, as appearing in the 2004 Official Edition, is hereby amended by inserting, after the word ‘provided’ in line 21, the following words:— and if any such city so chooses, subject to the approval of the city council and

board of registrars.

SECTION 5. Section 12 of said chapter 54, as so appearing is hereby amended by inserting, after the word 'officers' , in lines 2 and 3, the following words:— and if any town so chooses, subject to the approval of the board of aldermen or board of selectmen and board of registrars.”.

**The rules were suspended, on motion of Mr. Augustus, and the Senate NON-concurred in the House amendments. Sent to the House for their action.**

*Engrossed Bill.*

An engrossed Bill further regulating the compensation of the commission members of the Greater Lawrence Sanitary District (see House, No. 4138, 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 (Ms. Menard) and laid before the Governor for his approbation.

*Recess.*

There being no objection, at three minutes past five o'clock P.M., at the request of Mr. Lees, for the purpose of a minority caucus, the President declared a recess; and, at twenty minutes before eight o'clock P.M., the Senate reassembled, the President in the Chair.

**Paper from the House.**

*House Order.*

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

*Ordered*, That the Bill making certain supplemental appropriations for fiscal year 2007 and to provide for the inspection and safety of the Interstate-90 Connector Tunnel and all tunnels of the Metropolitan Highway System (House, No 5187), shall not be subject to amendment by the House or Senate.

*Suspension of Senate Rule 38A.*

Mr. Creedon 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 the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

*Emergency Preambles Adopted.*

An engrossed Bill establishing nursing facility Medicaid rates (see House, No. 5152), 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 7 to 0.**

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

An engrossed Bill providing funds for the essential community provider trust (see House, No. 5153), 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 7 to 0.**

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

An engrossed Bill transferring certain funds to the medical assistance trust fund (see House, No. 5156), 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 5 to 0.**

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

*Engrossed Bill.*

An engrossed Bill to establish a personal care attendant quality home care workforce council (see House, No. 4758, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the President and again laid before the Governor for his approbation.

A Bill making certain supplemental appropriations for the fiscal year 2007 and inspection to provide for the inspection and safety of the Interstate-90 connector tunnel and all tunnels of the Metropolitan Highways System tunnels (House, No. 5187,— being a message from His Excellency the Governor),— **was read.**

**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 debate, the question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and the nays, at twenty-seven minutes before nine o'clock P.M., on motion of Mr. Lees, as follows, to wit (*yeas 33 — nays 2*) [**Yeas and Nays No. 334**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
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.
Brown, Scott P.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>33.</b>
McGee, Thomas M.	
<b>NAYS.</b>	
Creedon, Robert S., Jr.	Tolman, Steven A. — <b>2.</b>
<b>ANSWERED "PRESENT".</b>	
Morrissey, Michael W. — <b>1.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>
Havern, Robert A.	

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

*Engrossed Bill Returned by Governor With His Objections Thereto.*

The engrossed Bill providing for the licensing of genetic counselors (see House, No. 4326), which, on Monday, June 26, 2006, had been laid before His Excellency the Governor for his approbation,— **came from the House the same having been returned by His Excellency the Governor, with his objections thereto in writing [for message, see House, No. 5130], and having passed that branch, notwithstanding said objections.**

The message (House, No. 5130) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

The question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-two minutes before nine o'clock P.M., as follows, to wit (*yeas 35 — nays 1*) [**Yeas and Nays No. 335**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Hart, John A., Jr.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>35.</b>
Menard, Joan M.	
<b>NAY.</b>	
Lees, Brian P. — <b>1.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>
Havern, Robert A.	

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

*Message from the Governor — Disapproval General Appropriations Bill.*

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2007 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. 5000), which on Friday, June 30, 2006, 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. 5150) was read; and the Senate proceeded to reconsider one item, which had been disapproved in accordance with the provisions of the Constitution.

Item 4000-0500 (MassHealth Managed Care Services) was considered as follows:  
4000-0500

For health care services provided to medical assistance recipients under the executive office's primary care clinician/mental health and substance abuse plan or through a health maintenance organization under contract with the executive office; provided, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein; provided further, that the secretary of health and human services and the commissioner of mental health shall report quarterly to the house and senate committees on ways and means relative to the performance of the managed care organization under contract with the executive office to administer the mental health and substance abuse benefit; provided further, that such quarterly reports shall include, but not be limited to, analyses of utilization trends, quality of care and costs across all service categories and modalities of care purchased from providers through the mental health and substance abuse program, including those services provided to clients of the department of mental health; provided further, that in conjunction with the new medicaid management information system project, said executive office shall continue to study the feasibility of modifying its claim payment system, in collaboration with the MassHealth behavioral health contractor, to routinely process for payment valid claims for medically necessary covered medical services to eligible recipients with psychiatric and substance abuse diagnoses on a timely basis in an effort to avoid delay and expenses incurred by lengthy appeals processes; provided further, that said secretary shall report to the house and senate committee on ways and means any proposed modifications to said payment system, and a timeline of steps to be taken to implement said modifications; provided further, that not less than \$14,000,000 shall be expended for disproportionate share payments for inpatient services provided at pediatric specialty hospitals and units, including pediatric chronic and rehabilitation long-term care hospitals as allowable under federal law; provided further, that not less than \$2,000,000 of said \$14,000,000 shall be expended as a grant to said pediatric chronic and rehabilitation long-term care hospital for which federal financial participation and federal approval need not be obtained; provided further, that \$11,700,000 shall be expended on disproportionate share payments to high public payer hospitals; provided further, that not less than \$87,000,000 shall be expended to increase actuarially sound rates in addition to the fiscal year 2007 inflation trends, benefit restorations, and provider rate increase factors applied to the fiscal year 2006 rates pursuant to section 122 of chapter 58 of the acts of 2006; provided further, that the contracts referenced under section 122 of chapter 58 of the acts of 2006 shall be considered to be in effect on July 1, 2006; and provided further, that notwithstanding any general or special law to the contrary, the secretary of health and human services shall not reassign to a managed care plan under contract with the office of MassHealth the behavioral health benefit of any eligible person when the benefit is managed by MassHealth's specialty behavioral health managed care contractor, after the benefit is elected by or initially assigned to that person, unless the person provides written or verbal consent to the reassignment  
..... 2,520,227,848

After debate, the question on passing item 4000-0500, contained in Section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eighteen minutes before nine o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 336**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Jehlen, Patricia D.
Augustus, Edward M., Jr.	Joyce, Brian A.
Baddour, Steven A.	Knapik, Michael R.

Barrios, Jarrett T.	Lees, Brian P.
Berry, Frederick E.	McGee, Thomas M.
Brewer, Stephen M.	Menard, Joan M.
Brown, Scott P.	Montigny, Mark C.
Chandler, Harriette L.	Moore, Richard T.
Creedon, Robert S., Jr.	Morrissey, Michael W.
Creem, Cynthia Stone	Murray, Therese
Fargo, Susan C.	Nuciforo, Andrea F., Jr.
Hart, John A., Jr.	O'Leary, Robert A.
Hedlund, Robert L.	Pacheco, Marc R.
Panagiotakos, Steven C.	Tisei, Richard R.
Resor, Pamela	Tolman, Steven A.
Spilka, Karen E.	Tucker, Susan C.
Tarr, Bruce E.	Walsh, Marian
Timilty, James E.	Wilkerson, Dianne — <b>36.</b>
<b>NAYS 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconiti, Stephen J.	Rosenberg, Stanley C. — <b>3.</b>
Havern, Robert A.	

The yeas and nays having been completed at sixteen minutes before nine o'clock P.M., item 4000-0500, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

*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 re-enacted and were signed by the President and again laid before the Governor for his approbation, to wit:

Establishing nursing facility Medicaid rates (see House, No. 5152);  
 Providing funds for the essential community provider trust (see House, No. 5153); and  
 Transferring certain funds to the medical assistance trust fund (see House, No. 5156).

*Engrossed Bill.*

An engrossed Bill authorizing the town of Dartmouth to borrow money to fund certain payments (see House, No. 5047) (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.

*Emergency Preamble Adopted; Engrossed Bill Enacted.*

An engrossed Bill making certain supplemental appropriations for fiscal year 2007 and to provide for the inspection and safety of the Interstate Highway Route 90 connector tunnel and all tunnels of the Metropolitan Highways System (see House Bill, printed

in House, No. 5187), 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 5 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 Ms. Murray,—

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

*Adjournment in Memory of William “Bill” McEvoy.*

Mr. Tarr in the Chair, the Senator from Essex and Middlesex, Mr. Tarr, and the Senator from Essex, Mr. Baddour, requested that when the Senate adjourns today, it do so as a mark of respect to the memory of William “Bill” McEvoy of North Andover.

Mr. McEvoy, who passed away on Tuesday, was among North Andover’s most dedicated and distinguished public servants, and his legacy earned him the titles of “Mr. North Andover” and the “Mayor of North Andover.” He founded the town’s festival committee, coordinated the July 4th fireworks, coached the town’s first little league team, founded public ice skating, served as President of the North Andover Housing Authority, and gained control for the town of the former Chadwich Playground now named in his honor. He is survived by his wife, Jeannine, daughters Pamela and Lisa and his son Bill, Jr. Bill McEvoy’s life will always serve as a shining example of the value and importance of service to the community and citizenship.

The President in the Chair, accordingly, as a mark of respect to the memory of William “Bill” McEvoy of North Andover, at four minutes past nine o'clock P.M., on motion of Ms. Murray, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.