

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.

Tuesday, July 25, 2006.

Met at eighteen minutes past twelve o'clock noon.

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

The Senator from Hampden and Hampshire, Mr. Lees, offered the following prayer:

Eternal Father, Source of all blessing, grant that we who have been the heirs of all that is great and glorious in the past may be the trusted servants in forming an even greater and more glorious future.

No blessing does God withhold from us if we act justly, love mercy and walk humbly before the Lord. Whatever may be the judgement of the future generations on the members of this Senate, it must always be remembered that they worked always under the guidance and direction of the eternal Lawmaker, seeking His counsel at the start of each new day, asking His grace for the farsighted plans for the future, steadfast in loyalty, lofty in principle, courageous in the face of all issues.

By Thy voice, O God, have these been called to this high vocation of public service. By Thy power have they been blessedly sustained. By Thee may they be richly rewarded. Amen.

Distinguished Guest.

There being no objection, the President handed the gavel to Mr. Moore for the purpose of an introduction, Mr. Moore introduced Nellie Twardzik Thompson of Webster who gained national recognition as the only female to play on a high school boys baseball team in Webster. Her extraordinary career includes being named recipient of the 2004 Stasia Czernicki Sportswomen Award. She signed the guest book and withdrew from the Chamber.

Reports of Committees.

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 House bills

Relative to sexual assault nurse examiners and forensic evidence in cases of sexual assault and rape (House, No. 878); and

Relative to fire fighter safety (House, No. 1929).

Committees Discharged.

Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Revenue to make an investigation and study of certain current Senate documents relative to taxation (Senate, No. 2654),— **and recommending that the same be**

**referred to the Senate committee on Ethics and Rules.
Under Senate Rule 36, the report was considered forthwith and accepted.**

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4874) of Robert Correia and others (with the approval of the mayor and city council) that the city of Fall River be authorized to place on the ballot a certain question relative to a loan order for the construction of sewers, sewerage systems and sewage treatment and disposal facilities in said city;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 4875) of Christine E. Canavan (by vote of the town) relative to the membership of the conservation commission of the town of West Bridgewater; and

Petition (accompanied by bill, House, No. 4876) of Kay Khan (with the approval of the mayor and board of aldermen) relative to the investment of trust funds by the city of Newton;

Severally to the committee on Municipalities and Regional Government.

A Bill establishing a sick leave bank for Karen Kilroy, an employee of the Massachusetts Department of Correction (House, No. 5039,— on petition),— was read and, under Senate Rule 27, referred to the committee on Ways and Means.

A Bill relative to the department of public works in the town of Hopkinton (printed in House, No. 4747),— **being a message from His Excellency the Governor) was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill authorizing the town of Oxford to make loans to private home owners to replace shallow water supply wells made dry by the drawn down of Sacarrappa Pond (House, No. 4238,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Emergency Preamble Adopted.

An engrossed Bill relative to the minimum wage (see House, No. 4781, 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 5 to 0.**

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

Communications.

The Clerk read the following communication:

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

July 24, 2006.

The Honorable William Welch
Clerk
Massachusetts State Senate
State House
Boston, MA 02133

Dear Mr. Clerk:

I write regarding roll call vote number 389 taken on Thursday, July 20, 2006 to override the Governor's veto of Inter-District Transportation in line item 6000-0200 of the FY 07 Budget.

At the time the vote was taken, I was out of the Chamber due to a personal matter and was unable to cast my vote. If I had been in the Chamber, I would have voted "YES."

Thank you for your attention to this matter.

Sincerely,
STEVEN A. TOLMAN,
State Senator,
2nd Suffolk and Middlesex District.

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

The Clerk read the following communication:

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

July 24, 2006.

William F. Welch, Clerk
Massachusetts State Senate
State House
Boston, MA 02133

Dear Mr. Clerk:

On Thursday, July 20, 2006 I was absent from the chamber due to another commitment and missed five (5) roll call votes. Had I been present, I would have voted in the affirmative on the following: House 3189 relative to Senior Housing, House 4552 relative to Target Shooting Weapons, Senate 2250 relative to Toxic Use Reduction Act, Senate 2652 relative to Dementia Special Care and on item 8324-0000 in H5000.

Thank you for your attention to this matter.

Sincerely,
DIANNE WILKERSON,
State Senator,
Second Suffolk District.

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

Matter Taken Out of the Orders of the Day.

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

The House Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the city of Peabody (House, No. 4247),— was read a third time.

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

“SECTION 1. Notwithstanding sections 40F to 40I, inclusive, of chapter 7 and sections 1 to 16, inclusive, of chapter 82, of the General Laws, or any other general or special law, rule or regulation to the contrary, the commissioner of the division of capital asset management and maintenance may discontinue its easement and convey its rights, title and interests, if any, within a certain parcel, or portions thereof, of land located in the city of Peabody to the following parties: Charles Roston and Ellen Roston; Robert D. and Madeline A. Rossetti; Carl A. Crupi and Athis Kourkoulis, Trustees of Little’s Hill Realty Trust; or the city of Peabody. The parcel or portions thereof, being a portion of Lynnfield street, an 1846 county layout, which is shown as a parcel entitled ‘Old Lynnfield St. (to be abandoned)’ on a plan of land entitled ‘Abandonment Plan of Old Lynnfield Street in Peabody, MA’, drawn by CEC surveyors, Inc. and dated August 16, 2004. Nothing herein shall affect the rights of abutters of the parcel. The exact boundaries of the parcel shall be determined by the commissioner after completion of a survey.

SECTION 2. The consideration for the discontinuance and conveyance of the or portions thereof, as described in section 1, shall be the market value of the interest as described based upon a professional appraisal commissioned by the commissioner of capital asset management and maintenance, taking into consideration and account any land use restrictions. The grantees shall be responsible for all costs associated with any appraisal, surveys or other expenses incurred by the commonwealth relating to the discontinuance and conveyance authorized by section 1.”

This amendment was adopted.

The bill was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Message from the Governor — Disapprovals and Reductions in the 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 0321-2000 (Mental Health Legal Advisors Committee) was considered as follows:

“0321-2000

For the operation of the mental health legal advisors committee and for certain programs for the indigent mentally ill as provided in section 34E of chapter 221 of the General Laws 753,248”.

The question on passing item 0321-2000, contained in section 2, in concurrence, the reduction 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 twelve o'clock noon, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 448**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	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.
Havern, Robert A.	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
Lees, Brian P.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at twenty-eight minutes before one o'clock P.M., item 0321-2000, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0339-2100 (Office of the Jury Commissioner) was considered as follows:

“0339-2100

For the office of the jury commissioner in accordance with chapter 234A of the General Laws 2,310,457”.

After debate, the question on passing item 0339-2100, contained in section 2, in concurrence, the reduction 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 before one o'clock P.M., as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 449**]:

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.
Buoniconti, Stephen J.	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.
Havern, Robert A.	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
Lees, Brian P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS.	
Brown, Scott P. — 1.	
ABSENT OR NOT VOTING.	

Rosenberg, Stanley C.	
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The yeas and nays having been completed at twenty-three minutes before one o'clock P.M., item 0339-2100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2800-0100 (Department of Conservation and Recreation Administration) was considered as follows:

“2800-0100

For the operation of the department of conservation and recreation; provided, that said department shall enter into an interagency service agreement with the department of state police to provide police coverage on department of conservation and recreation properties and parkways; provided further, that not less than \$100,000 shall be expended within thirty days of receipt of said funds for the maintenance of the facility and animal upkeep of the mounted unit in the Blue Hills Reservation, which are not subject to said reimbursement to the department; provided further, that the department of state police shall reimburse said department of conservation and recreation for costs incurred by said department including, but not limited to vehicle maintenance and repairs, the operation of department of state police buildings and other related costs; provided further, that notwithstanding the provisions of any general or special law to the contrary, all offices and positions of the division performing construction activities for the department of conservation and recreation shall be subject to classification under sections 45 to 50, inclusive, of chapter 30 of the General Laws; provided further, that notwithstanding the provisions of section 3B of chapter 7 of the General Laws, the department is hereby authorized and directed to establish or renegotiate fees, licenses, permits, rents and leases, and to adjust or develop other revenue sources to fund the maintenance, operation, and administration of said department; provided further, that an annual report shall be submitted to the house and senate committees on ways and means regarding fee adjustments not later than February 14, 2007; provided further, that notwithstanding the provisions of any general or special law or administrative bulletin to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the operational services division; provided further, that no funds shall be expended from this item for personnel overtime costs; provided further, that any employee paid from this item as of August 1, 2004, that was included in the report required from said item in chapter 149 of the acts of 2004, and any employees assigned to that item after August 1, 2004, shall not be paid from any other item of appropriation; provided further, that the department of conservation and recreation shall provide the house and senate committees on ways and means with a 30 day notice before any inter subsidiary transfers or interagency service agreements and the reason for said transfer; provided further, that the amount transferred pursuant to interagency service agreements shall not increase from fiscal year 2006; provided further, that \$100,000 shall be expended to assist with the planning and construction of the Blue Hills Observatory & Science Center at the Blue Hills Reservation; provided further, that \$185,737 shall be expended for staffing at Middlesex Fells Reservation; provided further, that the playground located adjacent to the Mary Jeanette Murray Bathhouse on Nantasket Ave. on the Nantasket Beach Reservation in Hull, under the care and control of the department of conservation and recreation, shall be designated and known as “Jack Phillips Park”, in honor of the tremendous service of Jack Phillips, a Hull resident and department of conservation and recreation employee who has been instrumental in restoring the prestige and beauty of the Nantasket Beach Reservation; provided further, that suitable markers bearing that designation shall be erected by the department of conservation and recreation in compliance with the standards of the department; the department of conservation and recreation shall file a report with the house and senate committees on ways and means not later than December 15, 2006 detailing the merger of the former metropolitan district commission with the former department of environmental management into the department of conservation and recreation; provided further, that said report shall detail the efficiencies that have been achieved from said merger; provided further, that said report shall detail the areas of the department where efficiencies have been achieved from the sharing of resources; provided further, that said report shall provide a plan to fully integrate all aspects of the department and said plan shall provide any recommendations that are necessary to improve the department; provided further, that no funds shall be expended from this item for personnel overtime costs; provided further, that the department shall maintain and retain all operations, programs, real property and employees related to the Connecticut River Action Program to promote the conservation and protection of the unique natural resources present in the Connecticut river valley; provided further, that notwithstanding any general or special law to the contrary, the department shall continue to fund a maintenance contract for daily trash removal at Revere beach through proceeds received by the city of Revere and the department of conservation and recreation pursuant to section 29 of chapter 236 of the acts of 2002 and section 2 of this act; provided further, that the department shall not close the Bellegarde boat house in Lowell; provided further, that the commissioner of conservation and recreation shall meet with the Lowell legislative delegation and local officials on or before July 31, 2006 to discuss and develop a plan to keep the Bellegarde boat house open, staffed and maintained with ongoing renovations; and provided further, that the department shall notify the house and senate committees on ways and means at least 30 days before closing any facility owned or operated by the department 5,837,218”.

After debate the question on passing item 2800-0100, contained in section 2, in concurrence, the reduction and 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 three minutes before one o'clock P.M., as follows, to wit (*yeas 25 — nays 13*) [**Yeas and Nays No. 450**]:

YEAS.	
Antonioni, Robert A.	Fargo, Susan C.
Augustus, Edward M., Jr.	Hart, John A., Jr.
Barrios, Jarrett T.	Havern, Robert A.
Berry, Frederick E.	Jehlen, Patricia D.
Buoniconti, Stephen J.	Joyce, Brian A.
Creedon, Robert S., Jr.	McGee, Thomas M.
Creem, Cynthia Stone	Menard, Joan M.
Montigny, Mark C.	Resor, Pamela
Morrissey, Michael W.	Timilty, James E.
Murray, Therese	Tolman, Steven A.
Nuciforo, Andrea F., Jr.	Walsh, Marian
Pacheco, Marc R.	Wilkerson, Dianne — 25.
Panagiotakos, Steven C.	
NAYS.	
Baddour, Steven A.	Moore, Richard T.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Spilka, Karen E.
Chandler, Harriette L.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tucker, Susan C. — 13.
Lees, Brian P.	
ABSENT OR NOT VOTING.	

Rosenberg, Stanley C. — 1.	
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The yeas and nays having been completed at one minute past one o'clock P.M., the reduction and objections of His Excellency the Governor of item 2800-0100, contained in section 2, was sustained, less than two-thirds of the members present and voting having voted in the affirmative.

Mr. Joyce moved reconsideration and, after debate, this motion prevailed.

Subsequently, the recurring question on again passing item 2800-0100, contained in section 2, in concurrence, the reduction and 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 eight minutes after one o'clock P.M., as follows, to wit (*yeas 28 — nays 10*) [**Yeas and Nays No. 451**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Nuciforo, Andrea F., Jr.
Barrios, Jarrett T.	Pacheco, Marc R.
Berry, Frederick E.	Panagiotakos, Steven C.
Buoniconti, Stephen J.	Resor, Pamela
Chandler, Harriette L.	Timilty, James E.
Creedon, Robert S., Jr.	Tolman, Steven A.
Creem, Cynthia Stone	Tucker, Susan C.
Fargo, Susan C.	Walsh, Marian
Hart, John A., Jr.	Wilkerson, Dianne
Havern, Robert A.	Montigny, Mark C.
Jehlen, Patricia D.	Morrissey, Michael W.
Joyce, Brian A.	Murray, Therese — 28.
NAYS.	
Brewer, Stephen M.	Hedlund, Robert L.
Brown, Scott P.	Knapik, Michael R.
Lees, Brian P.	Spilka, Karen E.
Moore, Richard T.	Tarr, Bruce E.
O'Leary, Robert A.	Tisei, Richard R. — 10.
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at eleven minutes past one o'clock P.M., item 2800-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8910-0110 (Hampshire County Corrections) was considered as follows:

“8910-0110

For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Hampshire county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2006; and provided further, that \$225,000 shall be expended for the lease payments for modular units located at 205 Rock Hill Road in the city of Northampton 12,024,589”.

The question on passing item 8910-0110, contained in section 2, in concurrence, the reduction 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 past one o'clock P.M., as follows, to wit (*yeas 34 — nays 4*) **[Yeas and Nays No. 452]:**

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Buoniconti, Stephen J.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 34.
NAYS.	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. — 4.
ABSENT OR NOT VOTING.	

Rosenberg, Stanley C. —1.	
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The yeas and nays having been completed at a quarter past one o'clock P.M., item 8910-0110, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2800-0101 (Subdivision of Watershed Management) was considered as follows:
“2800-0101

For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the department and the office of water resources in the department of conservation and recreation; provided, that \$500,000 shall be paid to the town of Clinton, under section 8 of chapter 307 of the acts of 1987, to compensate for the use of certain land; provided further, that the amount of the payment shall be charged to the General Fund and shall not be included in the amount of the annual determination of fiscal year charges to the Massachusetts Water Resources Authority assessed to the authority under the General Laws; provided further, that not less than \$250,000 shall be expended for the Mystic River Master Plan; provided further, that not less than \$25,000 shall be awarded as a one-time grant to the Dudley Pond Association in Wayland to fund the expense of removing the invasive weed Eurasian Milfoil from the pond; provided further, that \$48,000 shall be expended for the flood control activities undertaken by the Thames river valley communities of Massachusetts in conjunction with the state of Connecticut; provided further, that \$100,000 shall be expended to Medway for an environmental protection grant; provided further, that not less than \$250,000 shall be expended to the town of Braintree for a hydrologic study of the watershed area; provided further, that \$400,000 be expended for monitoring of invasive weeds in Crystal Lake in the City of Peabody; and provided further, that not less than \$250,000 shall be expended for a comprehensive study, including a management plan, for the entire Taunton river watershed, in accordance with the executive office of environmental affairs ‘Scope of Work: Taunton River Comprehensive Water Management Plan’, dated May 1, 2006, to be conducted, in partnership, by the Old Colony Planning Council, the Southeastern Regional Planning & Economic Development District and the Watershed access lab at Bridgewater State College 2,692,275”.

The question on passing item 2800-0101, contained in section 2, in concurrence, the reduction and 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 past one o'clock P.M., as follows, to wit (*yeas 32 — nays 6*) **[Yeas and Nays No. 453]:**

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.
Buoniconiti, Stephen J.	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.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 32.
NAYS.	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 6 .
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at eighteen minutes past one o'clock P.M., item 2800-0101, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2800-0500 (Beach Funding) was considered as follows:
"2800-0500

For the freshwater and saltwater beaches under the control of the department of conservation and recreation; provided, that all beaches shall remain open and staffed from Memorial Day through Labor Day; provided further, that the beaches shall have their full amount of required maintenance and upkeep; provided further, that no less than \$35,000 shall be expended for Nahant Beach Reservation; provided further, that not less than \$150,000 be allocated for maintaining, trash removal, maintenance and upkeep for Nantasket Beach in the town of Hull; provided further, that the department shall file a report with the house and senate committees on ways and means not later than December 15, 2006 that shall include, but not be limited to, the following: (1) the amount of funding provided to each beach under the control of the department in fiscal years 2004, 2005 and 2006; (2) a breakdown of how the funds were spent for each beach and the services that were provided; (3) the items of appropriation used to provide funding; (4) the amount of funding to be provided for each beach in fiscal year 2007 from this item; and (5) a list of the services or materials for each beach that will be provided from this item; and provided further, that not less than \$250,000 shall be appropriated to the Middlesex canal commission 1,735,000".

The question on passing item 2800-0500, contained in section 2, in concurrence, the reduction and 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 past one o'clock P.M., as follows, to wit (*yeas 34 — nays 4*) [**Yeas and Nays No. 454**]:

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.
Buoniconti, Stephen J.	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.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 34.
NAYS.	
Brown, Scott P.	Lees, Brian P.
Knapik, Michael R.	Tisei, Richard R. — 4 .
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. —1.	

The yeas and nays having been completed at twenty-one minutes past one o’clock P.M., item 2800-0500 contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2810-0100 (Division of State Parks and Recreation Operations) was considered as follows:
“2810-0100

For the operations of the division of state parks and recreation; provided, that funds appropriated in this item shall be used to operate all of the division’s parks, heritage state parks, reservations, campgrounds, beaches and pools and for the oversight of rinks, to protect and manage the division’s lands and natural resources including the forest and parks conservation services and the bureau of forestry development; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that the department may issue grants to public and nonpublic entities from this item; provided further, that not less than \$200,000 shall be expended for Watson’s Pond State Park in Taunton for recreation purposes; provided further, that Watson’s Pond State Park in Taunton and Ames Nowell state park in Abington shall remain open and appropriately staffed to allow public swimming and recreation for the season; provided further, that not less than \$400,000 shall be expended for the maintenance of the community center at Greenleaf Park in the City, of Springfield; provided further, that not less than \$10,000 shall be provided to the Wheelocksville Park Association; provided further, that \$100,000 shall be expended for a public safety program in the city of Woburn; provided further, that no less than \$500,000 shall be expended for a public safety grant on Morrissey Boulevard in Dorchester; provided further, that not less than \$100,000 shall be expended for the electric tide gate controls at the DCR owned Wollaston Beach; provided further, that \$650,000 shall be expended for the replacement of outdated motor vehicle equipment; provided further, that the department shall file a report with the house and senate committees on ways and means not later than December 20, 2006 on the vehicles that are to be replaced; provided further, that said report shall include, but not be limited to, the following: a detailed list of every vehicle that was replaced that includes (1) the age of each vehicle that was replaced, (2) the type of each vehicle that was replaced, (3) a list of any vehicles that are scheduled to be replaced; provided further, that \$185,000 shall be expended for the Schooner Ernestina commission; provided further, that the level of funding for the beaches and pools from this item in fiscal year 2007 shall not be reduced from fiscal year 2006; and provided further, that not less than \$25,000 shall be appropriated for the Orange River

Front Park Project 22,312,890”.

The question on passing item 2810-0100, contained in section 2, in concurrence, the reduction and 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 past one o’clock P.M., as follows, to wit (*yeas 32 — nays 6*) **[Yeas and Nays No. 455]**:

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.
Buoniconiti, Stephen J.	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.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 32.
NAYS.	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 6 .
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at twenty-six minutes past one o’clock P.M., item 2810-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2820-0100 (Division of Urban Parks and Recreation Operation) was considered as follows:
“2820-0100

For the administration, operation and maintenance of the division of urban parks and recreation, including for the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the division, flood control activities of the division, purchase of all necessary supplies and related equipment, and the civilianization of crossing guards located at division intersections where state police previously performed such duties; provided, that no less than \$50,000 shall be expended for the maintenance of Red Rock Park on Lynn Shore Drive in the town of Lynn; provided further, that the parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation; provided further, that not less than \$50,000 shall be expended for remediation of hazardous conditions at the former Nike/Ajax Missile launch site, ‘so-called’, in the town of Randolph, including but not limited to, removal of silos and buildings and to secure the site; provided further, that \$50,000 be expended for school zone safety in the town of Wakefield; provided further, that not less than \$25,000 shall be expended for Loker Park in Natick; provided further that \$40,000 shall be expended for aquatic nuisance control in Sluice Pond and Flax Pond in the city of Lynn; provided further that not less than \$60,000 be expended for irrigation program in the town of Pembroke; provided further, that not less than \$450,000 shall be expended for the city of Lowell; provided further, that not less than \$225,000 shall be expended for maintenance and horticulturalist personnel for the southwest corridor park; provided further, that \$320,000 shall be expended for the Boston Parks Department; provided further, that \$25,000 shall be expended for aquatic weed control for Upper Mystic Lake in Winchester; provided further, that \$15,000 be expended for aquatic weed control for Winter Pond in Winchester; provided, further, that not less than \$250,000 shall be expended for the Echo Bridge safety program in the city of Newton and town of Needham; provided further, that not less than \$250,000 shall be expended for the maintenance of a linked trail system for local and state parks along the Back River in the towns of Weymouth and Hingham; provided further, that not less than \$75,000 shall be expended for the Belle Isle Marsh for the purpose of enhancing public access and recreation in consultation with the friends of Belle Isle Marsh; provided further, that not less than \$100,000 shall be expended for the operations of Milford recreation program; provided further, that not less than \$75,000 shall be expended for maintenance and management of the Neponset Reservation including Pope John Paul Park and the Multiuse Trail in Dorchester and Milton; provided further that not less than \$75,000 shall be expended for a study of pedestrian safety issues at the intersection of Route 16 and Rindge Avenue in Cambridge, and for refurbishment of the lighting at said intersection, including both pedestrian traffic lights and the general lighting at the Parkway; provided further, that \$75,000 shall be expended for staffing on the Esplanade in Boston; provided further, that not less than \$100,000 shall be allocated for an environmental study administered by the commissioner of the department of conservation and recreation to determine the actions necessary to restore complete environmental safety to the General Services Administration property on Greenough Boulevard in Watertown; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that not less than \$3,902 shall be expended on the Senator Charles E. Shannon Crossing Guard Corps at the corner of Mystic avenue and Shore drive in the city of Somerville; provided further, that \$50,000 shall be expended for flood mitigation at Fellsmere pond; provided further, that not less than \$50,000 shall be expended for the purposes of trash removal on Revere beach between May 30th and September 5th, which shall match proceeds generated pursuant to section 29 of chapter 236 of the acts of 2002; provided further, that \$297,000 shall be expended for the James Michael Curley Recreation Center in the city of Boston; provided further, that \$95,000 shall be allocated for a private contractor to maintain the DCR Lynn Shore drive facility; provided further, that the level of funding for the beaches and pools from this item in fiscal year 2007 shall not be reduced from fiscal year 2006; provided further, that no funds from this item shall be made available for payment to true seasonal employees; and provided further, that the rinks under the control of the department shall remain open and staffed for the full rink season 26,719,207”.

The question on passing item 2820-0100, contained in section 2, in concurrence, the reduction and 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-seven minutes past one o’clock P.M., as follows, to wit (*yeas 33 — nays 5*) **[Yeas and Nays No. 456]:**

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.
Buoniconti, Stephen J.	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.	Tolman, Steven A.
Havern, Robert A.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 33.
McGee, Thomas M.	
NAYS.	
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 5 .
Lees, Brian P.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at twenty-nine minutes past one o’clock P.M., item 2820-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4000-0300 (Division of Medical Assistance Administration) was considered as follows:
“4000-0300

For the operation of the executive office, including the operation of the managed care oversight board; provided, that the executive office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that the executive office and its agencies, when contracting for services on the islands of Martha’s Vineyard and Nantucket, shall take into consideration the increased costs associated with the provision of goods, services, and housing on said islands; provided further, that the executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by all agencies under the purview of the secretariat, and shall ensure that all measures are taken to make such systems compatible with one another for enhanced interagency interaction; provided further, that the executive office shall continue to develop and implement the common client identifier; provided further, that the executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that funds appropriated herein shall be expended for the administrative, contracted services and non-personnel systems costs related to the implementation and operation of programs authorized by sections 9A to 9C, inclusive, and section 16C of chapter 118E of the

General Laws; provided further, that such costs shall include, but not be limited to, pre-admission screening, utilization review, medical consultants, disability determination, reviews, health benefit managers, interagency service agreements, the management and operation of the central automated vendor payment system, including the recipient eligibility verification system, vendor contracts to upgrade and enhance the central automated vendor payment system, the medicaid management information system and the recipient eligibility verification system MA21, costs related to the information technology chargebacks, contractors responsible for system maintenance and development, personal computers and other information technology equipment; provided further, that 50 per cent of the cost of provider point of service eligibility verification devices purchased shall be assumed by the providers utilizing the devices; provided further, that the executive office shall assume the full cost of provider point of service eligibility verification devices utilized by any and all participating dental care providers; provided further, that in consultation with the division of health care finance and policy, no rate increase shall be provided to existing medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that expenditures for the purposes of each item appropriated for the purpose of programs authorized by chapter 118E of the General Laws shall be accounted for according to such purpose on the Massachusetts management accounting and reporting system not more than 10 days after such expenditures have been made by the medicaid management information system; provided further, that no expenditures shall be made for the purpose of such programs that are not federally reimbursable, except as specifically authorized herein, or unless made for cost containment efforts the purposes and amounts of which have been submitted to the house and senate committees on ways and means 30 days prior to making such expenditures; provided further, that the executive office may continue to recover provider overpayments made in the current and prior fiscal years through the medicaid management information system, and that such recoveries shall be deemed current fiscal year expenditure refunds; provided further, that the executive office may collect directly from a liable third party any amounts paid to contracted providers under chapter 118E of the General Laws for which the executive office later discovers another third party is liable if no other course of recoupment is possible; provided further, that no funds shall be expended for the purpose of funding interpretive services directly or indirectly related to a settlement or resolution agreement, with the office of civil rights or any other office, group or entity; provided further, that interpretive services currently provided shall not give rise to enforceable legal rights for any party or to an enforceable entitlement to interpretive services; provided further, that the federal financial participation received from claims filed for the costs of outreach and eligibility activities performed at certain hospitals or by community health centers which are funded in whole or in part by federally permissible in-kind services or provider donations from the hospitals or health centers, shall be credited to this item and may be expended without further appropriation in an amount specified in the agreement with each donating provider hospital or health center; provided further, that notwithstanding any general or special law to the contrary, the executive office shall require the commissioner of mental health to approve any prior authorization or other restriction on medication used to treat mental illness in accordance with written policies, procedures and regulations of the department of mental health; provided further, that notwithstanding section 1 of chapter 118G of the General Laws or any general or special law to the contrary, for fiscal year 2007 the definition of a 'pediatric specialty unit' shall mean an acute care hospital with a burn center verified by the American Burn Center and the American College of Surgeons and a level 1 trauma center for pediatrics verified by the American College of Surgeons or a pediatric unit of an acute care hospital in which the ratio of licensed pediatric beds to total licensed hospital beds as of July 1, 1994, exceeded 020; provided further, that in calculating that ratio, licensed pediatric beds shall include the total of all pediatric service beds, and the total of all licensed hospital beds shall include the total of all licensed acute care hospital beds, consistent with Medicare's acute care hospital reimbursement methodology as put forth in the Provider Reimbursement Manual Part 1, Section 2405.3G; provided further, that a hospital with a unit designated as a pediatric specialty unit, or an acute care hospital with a burn center verified by the American Burn Center and the American College of Surgeons and a level 1 trauma center for pediatrics verified by the American College of Surgeons as defined in this item shall be exempt from the inpatient and outpatient efficiency standards being applied to their rate methodology; provided further, that in calculating rates of payment for children enrolled in MassHealth receiving inpatient services at acute care pediatric hospitals and pediatric subspecialty units as defined in section 1 of chapter 118G of the General Laws, the executive office shall make a supplemental payment, if necessary, sufficient to assure that inpatient SPAD and outlier payments for discharges with a case mix acuity greater than 5.0 shall be at least equal to 85 per cent of the expenses incurred in providing services to those children; provided further, that in determining the inpatient and outpatient acute hospital rates of payment, the executive office and its contractors shall utilize a payment methodology so that rates of payment are not less than those in effect during fiscal year 2006; provided further, that said inpatient rates for acute hospitals shall also include outlier benefits which were in effect on January 1, 2003 for all MassHealth members; provided further, that in determining the inpatient and outpatient non-acute hospital rates of payment, the executive office and its contractors shall utilize a payment methodology so that rates of payment are not less than those in effect during fiscal year 2006; provided further, that said executive office shall not reduce the supplement to chronic disease and rehab hospitals administrative day rate below that which was granted during hospital fiscal year 2006; provided further, that said executive office, in fiscal year 2007, shall not eliminate payment to hospital outpatient departments for primary care provided to MassHealth members; provided further, that the executive office shall not reduce the outpatient rates for any specialty hospital which limits its admissions to patients under active diagnosis and treatment of the eyes, ears, nose, and throat, below that which was granted during hospital fiscal year 2005; provided further, that a new methodology shall be established for rates reimbursed by the commonwealth through the division of health care finance and policy and the executive office of health and human services to cover the cost of care provided by any health care facility licensed by the department of public health as a non-acute chronic hospital with no fewer than 500 licensed beds as of June 30, 2005, with no fewer than 150,000 Medicaid patient days in the state fiscal year ended June 30, 2006, and with

an established geriatric teaching program for physicians, medical students, and other health professionals, as follows: (1) the rate for any such facility shall be developed collaboratively through an agreement among the office of Medicaid, the division of health care finance and policy, and any such health care facility; provided that the process for development of this rate shall include a mechanism to adjust the rate to account for costs outside the reasonable control of the facility that may arise after the rate has been established; (2) the reimbursement methodology shall incorporate the following components: (a) utilization of the payment methodology in effect during fiscal year 2006 together with the most recent 403 cost report filed with the division of health care finance and policy, (b) a per diem rate shall be established which reimburses the full cost, including capital, for both acute and administratively necessary services, (c) a separate per diem rate shall be established which reimburses the full cost, including capital, for long term care services, (d) both rates shall include the full cost, not otherwise reimbursed, of teaching and research activities, and (e) rates shall be inflated over the base year period by the applicable medicare market basket inflation factors; (3) until such time as the new reimbursement methodology is established pursuant to this section, the per diem rates for any such facility shall be increased by at least 34 dollars per day for the year starting July 1, 2006, and by 5 percent annually for each subsequent year; provided that, notwithstanding this section or any contractual or other provision of law, such facility shall have the right to an increase to the rate then in effect to account for costs outside the reasonable control of such facility that may arise; and (4) notwithstanding any other provision of law, in no event will the rates of payment be lower than the highest rate in effect for such facility in the previous state fiscal year; provided further, that the secretary shall ensure that all medicaid benefit restorations, program expansions, and rate increases required pursuant to chapter 58 of the acts of 2006 are implemented in fiscal year 2007; provided further, that effective July 1, 2006, the executive office shall include smoking and tobacco use cessation treatment and information within MassHealth covered services pursuant to section 108 of chapter 58 of the acts of 2006; provided further, that the executive office shall develop a process whereby all participating providers who have signed the Virtual Gateway Services Agreement shall have access to the contents of the consolidated summary of any individual's application submitted through the virtual gateway; provided further, that said information access shall comply with all HIPPA requirements and state privacy laws; provided further, that with respect to section 6037 of the Deficit Reduction Act of 2005, the executive office shall refer applicants and recipients to the registrar of vital records and statistics to obtain a copy of a birth certificate for the purpose of establishing eligibility for Medicaid at no cost to the recipient; provided further, that the executive office shall not, by amendment to the state plan or amendment to the section 1115 demonstration program, elect any state option to increase premiums and cost sharing or reduce benefits pursuant to sections 1916A and 1937 of the Social Security Act as amended by chapter 4 of Title VI of the Deficit Reduction Act of 2005, Pub. L. No. 109171 with respect to any category of persons eligible for medical benefits wider chapter 118E as said chapter was in effect on January 1, 2006, unless the executive office has given 90 days notice to the Legislature and has received approval of the proposed plan from a majority of the Legislature; provided further, that not less than \$2,662,000 shall be expended for a one time payment to Haverhill to defray the debt resulting from the operation of a former municipally owned hospital; provided further that the executive office shall expend not less than \$150,000 for the purpose of identifying resources and establishing any interagency agreements within the secretariat, the departments or the commissions operating under the secretary for the purpose of opening access to an array of community based services for citizens with adult-onset disorders, including information and referral for services available to said population; provided further, that not later than September 1, 2006, the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing planned fiscal year 2007 expenditures by the executive office as funded by chargebacks to the 17 executive office cluster agencies; provided further, that no later than March 1, 2007, the executive office, in consultation with the division of health care finance and policy, shall submit a report evaluating the processes used to determine eligibility for Medicaid and free care services, including the Virtual Gateway; provided further, that the report shall include: (i) an analysis of the effectiveness of these processes in enforcing eligibility requirements for publicly funded health programs and in enrolling uninsured residents into programs of health insurance offered by public and private sources; (ii) an assessment of the impact of these processes on the level of free care by providers; and (iii) recommendations for ongoing improvements that will enhance the performance of eligibility determination systems and reduce hospital administrative costs; and provided further, that any projection of deficiency in item 4000-0320, 4000-0430, 4000-0500, 4000-0600, 4000-0620, 4000-0700, 4000-0860, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0891, 4000-0895, 4000-0990, 4000-1400 or 4000-1405, shall be reported to the house and senate committees on ways and means not less than 90 days before the projected exhaustion of funding and that any unexpended balance in these accounts shall revert to the General Fund on June 30, 2007 137,095,096".

The question on passing item 4000-0300, contained in section 2, in concurrence, the reduction and 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 a half past one o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 457**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconiti, Stephen J.	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.
Havern, Robert A.	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
Lees, Brian P.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. —1.	

The yeas and nays having been completed at twenty-eight minutes before two o'clock P.M., item 4000-0300, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4000-0600 (MassHealth Long Term Care Services) was considered as follows:

“4000-0600

For health care services provided to medical assistance recipients under the executive office of elder affairs' senior care plan; provided, that funds may be expended from this item for health care services provided to these 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 not less than \$9,240,000 shall be expended for a demonstration project known as the 'community choices' initiative; provided further, that benefit for this demonstration project shall not be reduced below the services provided in fiscal year 2006; provided further, that the eligibility requirements for this demonstration project shall not be more restrictive than those established in fiscal year 2006; provided further, that the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing the projected costs and the number of individuals served by the 'community choices' initiative in fiscal year 2007 delineated by the, federal poverty level; provided further, that the report shall be submitted not later than February 1, 2007; provided further, that notwithstanding any general or special law to the contrary, the regulations, criteria and standards for determining admission to and continued stay in a nursing home in fiscal year 2007 shall not be more restrictive than those regulations, criteria and standards in effect on January 1, 2004 until the executive office of health and human services and the executive office of elder affairs submit a multi-year plan to the house and senate committees on ways and means and the joint committee on health care financing detailing the suggested timeline for phasing in changes to nursing home clinical criteria, provided that these changes shall not adversely affect current nursing home residents and shall not jeopardize the effectiveness of the 2176 home and community based waiver; provided further, that notwithstanding any general or special law to the contrary, for any nursing home or non-acute chronic disease hospital that provides kosher food to its residents, the department, in consultation with the division, in recognition of the unique special innovative program status granted by the executive office, shall continue to make the standard payment rates established in fiscal year 2006 to reflect the high dietary costs incurred in providing kosher food; provided further, that the department shall, in correlation with the senior care options program, explore options for enrolling the senior care population into managed care programs through federal waivers or other necessary means; provided further, that the secretary of elder affairs may transfer not more than 3 per cent of funds appropriated in this item to item 4000-0620; provided further, that the executive office shall provide written notice to the house and senate committees on ways and means not less than 30 days prior to any transfer; provided further, that not less than \$2,000,000 shall be expended for the purpose of a housing with services demonstration project known as the 'Caring Homes' initiative designed to delay or prevent nursing home placement by providing care-giving services to an elder; provided further, that under said demonstration project, eligible MassHealth enrollees shall be able to live in the home of an individual or relative, with the exception of spouses and dependent children, to provide for their long term supports, pursuant to regulations promulgated by said executive office; provided further, that the executive office of elder affairs shall make no change in the reimbursement system or operations of adult day health programs as they relate to transportation of program participants, except that the executive office may grant periodic rate increases, as appropriate, for transportation services; and provided further, that effective July 1, 2006 for the fiscal year ending June 30, 2007, nursing facility MassHealth rates established by the Division of Health Care Finance and Policy shall be adjusted by no less than \$30,500,000 above the payments made to nursing facilities for the fiscal year ended June 30, 2006 for the purpose of funding inflationary costs 1,726,309,136”.

The question on passing item 4000-0600, contained in section 2, in concurrence, the reduction and 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 before two o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 458**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	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.
Havern, Robert A.	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
Lees, Brian P.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at twenty-three minutes before two o'clock P.M., item 4000-0600, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4000-0700 (MassHealth Indemnity Plan Services) was considered as follows:

“4000-0700

For health care services provided to medical assistance recipients under the executive office's health care indemnity/third party liability plan and medical assistance recipients not otherwise covered under the executive office's managed care or senior care plans; 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 in this item; provided further, that notwithstanding the foregoing, funds may be expended from this item for the purchase of third party insurance including, but not limited to, Medicare for any medical assistance recipient including, but not limited to, seniors; provided further, that funds may be expended from this item for activities relating to disability determinations or utilization management and review, including patient screenings and evaluations, regardless of whether such activities are performed by a state agency, contractor, agent or provider; and provided further, that the executive office shall submit a report to the executive office of administration and finance and the house and senate committees on ways and means not later than March 1, 2007 detailing the activities described in the preceding proviso to be expended from this item during fiscal year 2007; and provided further, that not less than \$10,000,000 shall be expended to pay for an increase in Medicaid rates for community health centers, as defined in section 1 of chapter 118G of the General Laws 1,538,637,750”.

The question on passing item 4000-0700, contained in section 2, in concurrence, the reduction and 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 two o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) **[Yeas and Nays No. 459]:**

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	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.
Havern, Robert A.	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
Lees, Brian P.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at twenty-one minutes before two o'clock P.M., item 4000-0700, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4000-0880 (Child Health Insurance Program) was considered as follows:

“4000-0880

For MassHealth benefits under clause (c) of subsection (2) of section 9A and section 16C of chapter 118E of the General Laws as amended by chapter 58 of the acts of 2006 for children and adolescents whose family incomes as determined by the executive office are above 150 per cent of the federal poverty level; provided, that funds may be expended from this item for health care services provided to the children and adolescents in prior fiscal years; and provided further, that children who have aged out of the custody of the department of social services shall be eligible for these benefits until they reach age 20, subject to federal approval 100,095,712”.

The question on passing item 4000-0880, contained in section 2, in concurrence, the reduction and 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 minutes before two o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 460**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	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.
Havern, Robert A.	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
Lees, Brian P.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. —1.	

The yeas and nays having been completed at eighteen minutes before two o'clock P.M., item 4000-0880, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4190-0102 (Holyoke Soldiers' Home Pharmacy Co-Payment Retained Revenue) was considered as follows:

"4190-0102

The Soldiers' Home in Holyoke may expend for the outpatient pharmacy program an amount not to exceed \$225,000 from co-payments which it may charge to users of the program; provided, that no co-payments shall be imposed or required of any person which exceed the level of co-payments charged in fiscal year 2006; provided further, that no funds appropriated in this item shall be expended until the superintendent has submitted a report to the secretary and the house and senate committees on ways and means detailing projected expenditures for fiscal years 2007 and 2008 and any and all assumptions used to project outpatient pharmacy spending for the outpatient pharmacy program from this item and item 4190-0100 by September 1, 2006; provided further, that said superintendent shall submit a report to said secretary and the house and senate committees on ways and means that shall include, but not be limited to, demographic information on said outpatient pharmacy users, including age and insurance status, utilization information for the outpatient pharmacy, including the number of generic prescriptions filled, the number of brand name prescriptions filled, the number of 30-day supplies of generic drugs dispensed, the number of 30-day supplies of brand name drugs dispensed, and a description of said Soldiers' Home's drug utilization review program for the first 2 quarters of fiscal year 2007; provided further, that said report shall be submitted not later than January 16, 2007; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the Soldiers' home may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system 225,000".

The question on passing item 4190-0102, 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 seventeen minutes before two o'clock P.M., as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 461**]:

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.
Buoniconti, Stephen J.	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.
Havern, Robert A.	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
Lees, Brian P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS.	
Brown, Scott P. — 1.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at fourteen minutes before two o'clock P.M., item 4190-0102, 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.

Item 4200-0100 (DYS Non-Residential Services for Committed Population) was considered as follows:
 "4200-0100

For supervision, counseling and other community-based services provided to committed youths in nonresidential care programs of the department; provided, that not less than \$300,000 shall be expended to provide career services to youth in the department's care; provided further, that not less than \$537,256 shall be expended for the restoration of the Northeast Region; provided further, that not less than \$400,000 shall be expended for the Boston juvenile re-entry program; provided further, that the commissioner may transfer up to 7 per cent of the amount appropriated in this item to items 4200-0200 and 4200-0300; and provided further, that 30 days before any such transfer is made, the commissioner shall file with the secretary of administration and finance and the

house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer 23,441,647”.

Mr. Havern in the Chair, the question on passing item 4200-0100, contained in section 2, in concurrence, the reduction 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 two o'clock P.M., as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 462**]:

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.
Buoniconti, Stephen J.	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.
Havern, Robert A.	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
Lees, Brian P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS.	
Brown, Scott P. — 1.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at twelve minutes before two o'clock P.M., item 4200-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4200-0500 (DYS Education Funding) was considered as follows:

“4200-0500

For the department of youth services’ education system; provided, that not less than \$2,550,000 shall be expended to address the salaries of teachers 3,300,000”.

The question on passing item 4200-0500, contained in section 2, in concurrence, the reduction 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 two o’clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 463**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	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.
Havern, Robert A.	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
Lees, Brian P.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at nine minutes before two o’clock P.M., item 4200-0500, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7000-9402 (Talking Book Library) was considered as follows:

“7000-9402

For the talking book library at the Worcester public library 390,000”.

The question on passing item 7000-9402, contained in section 2, in concurrence, the reduction 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 eight minutes before two o’clock, P.M., as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 464**]:

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.
Buoniconti, Stephen J.	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.
Havern, Robert A.	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
Lees, Brian P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS.	
Brown, Scott P. — 1.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at seven minutes before two o’clock P.M., item 7000-9402, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7000-9406 (Talking Book Machine Lending) was considered as follows:

“7000-9406

For the Braille and talking book library at Watertown, including the operation of the machine lending agency; provided, that not less than \$50,000 shall be expended for the National Federation of the Blind Newsline Program 2,182,175”.

The question on passing item 7000-9406, contained in section 2, in concurrence, the reduction 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 six minutes before two o’clock P.M., as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 465**]:

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.
Buoniconti, Stephen J.	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.
Havern, Robert A.	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
Lees, Brian P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS.	
Brown, Scott P. — 1.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at three minutes before two o'clock P.M., item 7000-9406, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7000-9506 (Library Telecommunications) was considered as follows:

“7000-9506

For the technology and automated resource sharing networks 2,833,000”.

The question on passing item 7000-9506, contained in section 2, in concurrence, the reduction 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 two o'clock P.M., as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 466**]:

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.
Buoniconti, Stephen J.	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.
Havern, Robert A.	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 — 37.
McGee, Thomas M.	
NAYS.	
Lees, Brian P. — 1.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at two o'clock P.M., item 7000-9506, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7000-9507 (Public Library Matching Incentive Grant Program) was considered as follows:

“7000-9507

For the purposes of implementing a public library matching incentive grant program; provided, that a 50 cent state match shall be made for each dollar local trustees and public library foundations raise; provided further, that eligible state matching funds shall be made available to municipalities that raise at least \$2,000 and only up to \$100,000 raised; and provided further, that funds from this item shall be made available to the local public library trustees for the enhancement of library services and shall not be used as part of the local match for an approved public library project as defined in section 19H of chapter 78 of the General Laws or to meet the appropriation requirement as defined in section 19A of chapter 78 of the General Laws 250,000”.

The question on passing item 7000-9507, contained in section 2, in concurrence, the disapproval 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 one minute after two o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 467**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	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.
Havern, Robert A.	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
Lees, Brian P.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	

Rosenberg, Stanley C. —1.	
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The yeas and nays having been completed at three minutes past two o'clock P.M., item 7000-9507, contained in section 2, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7027-0016 (School to Work Matching Grants) was considered as follows:
“7027-0016

For matching grants for various school-to-work programs; provided, that the board of education shall establish guidelines for such programs in consultation with the department of workforce development; provided further, that any funds distributed from this item to cities, towns or regional school districts shall be deposited with the treasurer of the city, town, or regional school district and held in a separate account and shall be expended by the school committee without further appropriation, notwithstanding any general or special laws to the contrary; provided further, that each grant awarded herein shall be matched by the recipient from local, federal, or private funds; provided further, that the board of education may determine the percentage match required on an individual grant basis; provided further, that the department of education shall make available a payment of \$734,400 for the state's matching grant for the CS-squared program at the Commonwealth Corporation; provided further, that the department of education shall make available a payment of \$942,191 to Jobs for Bay State Graduates, Inc., for the purpose of school-to-work activities; provided further, that the department of education shall make available a payment of \$42,975 to the Blue Hills regional vocation school for the School to Careers Partnership to fund a teacher externship program and a student internship program; provided further, that \$250,000 shall be expended for Amer-I-Can Program, Inc through the Black Men of Greater Springfield, Inc.; provided further, that of this \$250,000, funds may be expended for the administration of this program in Springfield; provided further, that not less than \$50,000 shall be expended for the Diploma Plus Program at Cape Cod Community College; provided further, that not less than \$200,000 shall be provided for the Diploma; Plus drop out prevention program in partnership with Commonwealth and the Massachusetts Department of Education; and provided further, that not less than \$60,000 shall be expended for Junior Achievement of Central Massachusetts; and provided further, that not less than \$50,000 shall be expended for Junior Achievement of Western Massachusetts 2,329,566”.

The President in the Chair, the question on passing item 7027-0016, contained in section 2, in concurrence, the reduction and 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 past two o'clock P.M., as follows, to wit (*yeas* 37 — *nays* 1) [**Yeas and Nays No. 468**]:

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.
Buoniconti, Stephen J.	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.
Havern, Robert A.	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 — 37.
McGee, Thomas M.	
NAYS.	
Lees, Brian P. — 1.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at fourteen minutes past two o'clock P.M., item 7027-0016, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8000-0000 (Office of the Secretary of Public Safety) was considered as follows:

“8000-0000

For the office of the secretary, including the administration of the committee on criminal justice and the highway safety bureau to provide matching funds for a federal planning and administration grant pursuant to 23 U.S.C. section 402; provided, that not less than \$150,000 shall be expended for the purpose of a targeted controlled substance interdiction pilot program to be administered jointly by the district attorney for Suffolk county and the chiefs of police for the city of Revere and the town of Winthrop; and provided further, that the office shall submit a report to the house and senate committees on ways and means not later than June 1, 2007 which shall include, but not be limited to, the quantity and nature of drug seizures resulting from the implementation of the pilot program 2,298,049

General Fund 15.0%
Highway Fund 85.0% ”.

The question on passing item 8000-0000, contained in section 2, in concurrence, the reduction and 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 a quarter past two o'clock P.M., as follows, to wit (*yeas 32 — nays 6*) [**Yeas and Nays No. 469**]:

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.
Buoniconti, Stephen J.	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.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 32.
NAYS.	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 6 .
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

Mr. Havern in the Chair, the yeas and nays having been completed at sixteen minutes after two o’clock P.M., item 8000-0000, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8000-0619 (SAFE Program) was considered as follows:

“8000-0619

For the distribution of grants for city and fire district student awareness of fire education programs, to be known as S.A.F.E. programs, which shall include information about the fire risks caused by smoking; provided, that funds may be expended by the department of fire services for the purpose of performing grant related services and training 1,078,666”.

The question on passing item 8000-0619, contained in section 2, in concurrence, the disapproval 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 seventeen minutes past two o’clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 470**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.

Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	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.
Havern, Robert A.	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
Lees, Brian P.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at twenty minutes past two o’clock P.M., item 8000-0619, contained in section 2, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8910-0102 (Hampden County Corrections) was considered as follows:
“8910-0102

For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Hampden county; provided, that not less than \$4,679,911 shall be expended for costs related to the opening and operation of a new facility; provided further, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2006; and provided further, that \$88,000 shall be expended for a re-entry initiative program within the Hampden Sheriffs Department 66,264,176”.

The question on passing item 8910-0102, contained in section 2, in concurrence, the reduction 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-one minutes past two o’clock P.M., as follows, to wit (*yeas 34 — nays 4*) [**Yeas and Nays No. 471**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.

Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Buoniconti, Stephen J.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 34.
NAYS.	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. — 4.
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at twenty-three minutes past two o'clock P.M., item 8910-0102, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8910-0105 (Worcester County Corrections) was considered as follows:

“8910-0105

For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Worcester county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2006 43,645,877”.

The question on passing item 8910-0105, contained in section 2, in concurrence, the reduction 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-three minutes past two o'clock P.M., as follows, to wit (*yeas 34 — nays 4*) [**Yeas and Nays No. 472**]:

YEAS.

Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Buoniconti, Stephen J.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 34.
NAYS.	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. — 4.
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at twenty-five minutes past two o'clock P.M., item 8910-0105, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8910-0107 (Middlesex Correctional Facility Operations) was considered as follows:
"8910-0107

For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Middlesex county; provided, that not less than \$7,005,660 shall be expended for costs related to the opening and operation of a new facility; and provided further, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2006 62,711,438".

The question on passing item 8910-0107, contained in section 2, in concurrence, the reduction and 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, twenty-six minutes past two o'clock P.M., as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 473**]:

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.
Buoniconti, Stephen J.	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
Lees, Brian P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS.	
Havern, Robert A. — 1.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at twenty-eight minutes past two o'clock P.M., item 8910-0107, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8910-0145 (Berkshire Sheriff's Department) was considered as follows:

"8910-0145

For the operation of the jail, house of correction, and any other statutorily authorized facilities and functions under the

administration of the office of the sheriff of Berkshire county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2006 14,934,974”

The question on passing item 8910-0145, contained in section 2, in concurrence, the reduction 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 two o'clock P.M., as follows, to wit (*yeas 34 nays 4*) [**Yeas and Nays No. 474**]:

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.
Buoniconti, Stephen J.	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.
Havern, Robert A.	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 — 34.
NAYS.	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tisei, Richard R. — 4.
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at twenty-nine minutes before three o'clock P.M., item 8910-0145, contained in section 2, stands, in concurrence, notwithstanding the reduction 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 Supplemental 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 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056, amended), 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. 5091) was read; and the Senate proceeded to reconsider an item; which had been reduced or disapproved in accordance with the provisions of the Constitution.

Section 104 (Department of Workforce Development Earmark) was considered as follows:

“SECTION 104. Item 7003-0702 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; and provided further, that \$1,250,000 shall be expended for the 1:1 Wireless Initiative at the New Boston Pilot Middle School; provided further, that not less than \$200,000 shall be expended for a pilot program to provide employment training and job placement by the Center for Adaptive Learning and Programs; provided further, that \$250,000 shall be expended for the Metro West/495 Corridor Partnership, as successor to the I-495 Technology Initiative; provided further, that the contribution of said funds shall be matched by contributions from private entities equal to 1 times the expenditures from this item; and provided further, that \$39,999 shall be expended for Self Esteem Boston for the Skills For Success Facilitator Qualification and Group Leader Training Programs to upgrade the skills of group leaders who conduct groups for at-risk populations in the greater Boston area; provided further, that not less than \$150,000 shall be expended for Barn-Raising.org in the town of Wayland”.

The question on passing section 104, in concurrence, the disapproval 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-eight minutes before three o'clock P.M., as follows, to wit (*yeas 34 — nays 4*) [**Yeas and Nays No. 475**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	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.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
Knapik, Michael R.	Wilkerson, Dianne — 34.
NAYS.	

Hedlund, Robert L.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 4.
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. —1.	

The yeas and nays having been completed at twenty-seven minutes before three o'clock P.M., section 104 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Message from the Governor — Disapproval of 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 an item, which had been reduced and disapproved in accordance with the provisions of the Constitution.

Item 7007-0515 (Regional Economic Development Projects) was considered as follows:

“7007-0515

For economic development grants to be administered by the department of business and technology; provided, that not less than \$150,000 be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce; provided further, that not less than \$200,000 shall be expended on the operation of the Massachusetts Fisheries Recovery Commission, not less than \$60,000 of which shall be expended for the continuation of a socio-economic study and analysis of the commonwealth's fishing industry; and provided further, that not less than \$250,000 shall be expended for a grant to the South Shore Tri-Town Development Corporation established in chapter 301 of the acts of 1998; and provided further, that \$350,000 shall be expended to the Massachusetts Alliance for Economic Development for enhancing economic development related services including, but not limited to, implementation of a statewide online site finder to assist business growth 950,000”.

The question on passing item 7007-0515, contained in section 2, in concurrence, the reduction and 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-one minutes before three o'clock, as follows, to wit (*yeas 33 — nays 5*) [**Yeas and Nays No. 476**]:

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.

Buoniconti, Stephen J.	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.	Tolman, Steven A.
Havern, Robert A.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 33.
McGee, Thomas M.	
NAYS.	
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 5 .
Lees, Brian P.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at nineteen minutes before three o'clock P.M., item 7007-0515, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Recess.

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

PAPERS FROM THE HOUSE.

The Senate Bill regarding choice of long-term care settings (Senate, No. 2273, amended),— came from the House passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5203.

The rules were suspended, on motion of Mr. Berry, and the House amendment was considered forthwith and adopted, in concurrence.

Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to early education and care (see House, No. 4755, amended) [for message, see House, No. 5220] 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.

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

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

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 passed to be re-enacted and was signed by the President and again laid before the Governor for his approbation.

Matter Taken Out of the Orders of the Day.

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

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

Ms. Creem moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following text:—

“SECTION 1. Section 57 of chapter 71 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:—

Every private school shall be required to inform each parent or guardian of every enrolled pupil that the school is not required to conduct examinations under this section.”

After remarks, the question on passing it to be engrossed, in concurrence, was determined by a call of the yeas and nays, at one minute before five o'clock P.M., on motion of Mr. Lees, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No 477**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	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.
Havern, Robert A.	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
Lees, Brian P.	Wilkerson, Dianne — 38.
NAYS — 0.	

ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. —1.	

Mr. Panagiotakos in the Chair, the yeas and nays having been completed at two minutes past five o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Reports of a Committee.

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 restricting the use of certain amusement devices (Senate, No. 2591).

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

Pending the question on ordering the bill to a third reading, Mr. McGee moved that the bill be amended by substituting a new draft entitled "An Act providing rock wall climbing safeguards" (Senate, No. 2677).

After remarks, the amendment was adopted.

The bill (Senate, No. 2677) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at nine minutes past five o'clock P.M., on motion of Mr. Lees, as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 478**]:

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.
Buoniconti, Stephen J.	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
Lees, Brian P.	Wilkerson, Dianne — 37.

McGee, Thomas M.	
NAYS.	
Havern, Robert A. —1.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. —1.	

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

The House Bill relative to the use of the name of financial institutions (House, No. 5195).

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

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at a quarter past five o'clock P.M., on motion of Mr. Lees, as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 479**]:

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.
Buoniconti, Stephen J.	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
Lees, Brian P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	

NAYS.	
Havern, Robert A. —1.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. —1.	

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

PAPERS FROM THE HOUSE.

Engrossed Bill Returned by Governor With His Objections Thereto.

The President in the Chair, the engrossed Bill relative to a certain retired employee of the Commonwealth (see House, No. 5063), which, on Wednesday, July 19, 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. 5219] and having passed that branch, notwithstanding said objections.

The message (House, No. 5219) 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-one minutes past five o'clock P.M., as follows, to wit [**Yeas and Nays No. 480**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Moore, Richard T.
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.
Brown, Scott P.	Panagiotakos, Steven C.
Buoniconiti, Stephen J.	Resor, Pamela
Creedon, Robert S., Jr.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Wilkerson, Dianne — 29.
McGee, Thomas M.	
NAYS.	

Chandler, Harriette L.	Hedlund, Robert L.
Creem, Cynthia Stone	Jehlen, Patricia D.
Fargo, Susan C.	Montigny, Mark C.
Morrissey, Michael W.	Tisei, Richard R.
Timilty, James E.	Walsh, Marian — 10.
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at twenty-four minutes after five 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.

Mr. Havern in the Chair, an engrossed Bill authorizing the city of Boston and the Commonwealth to grant sewer and drainage easements over certain parcels of land in the city of Boston (see Senate, No. 2627), 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 3 to 0.**

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

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5229) of Cleon H. Turner, Robert A. O'Leary and another relative to authorizing the Dennis Water District and MHC Old Chatham L.L.C. to exchange certain parcels of land;

Under suspension of Joint Rules 12 and 9, to the committee on Municipalities and Regional Government;

Petition (accompanied by bill, House, No. 5230) of Thomas M. Petrolati for legislation to establish a sick leave bank for Paul F. Taylor, an employee of the Division of Professional Licensure;

Under suspension of Joint Rule 12, to the committee on Public Service.

Message from the Governor — Disapproval and Reductions in Supplemental 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 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056, amended), 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. 5091) was read; and the Senate proceeded to reconsider an item, which had been disapproved in accordance with the provisions of the Constitution.

Section 145 (Effective Date for Retroactive Pay Raises) was considered as follows:

“SECTION 145. Sections 3, 4, 5, 7, 10, 11 and 12 shall take effect as of July 1, 2005.”

The question on passing section 145, in concurrence, the disapproval 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-eight minutes past five o'clock P.M., as follows, to wit (*yeas 35 — nays 2*) [**Yeas and Nays No. 481**]:

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.
Buoniconti, Stephen J.	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.
Havern, Robert A.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 35.
McGee, Thomas M.	
NAYS.	
Brown, Scott P.	Hedlund, Robert L. — 2.
ANSWERED “PRESENT”.	
Timilty, James E. — 1.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at twenty-eight minutes before six o’clock P.M., section 145 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Reports of Committees.

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 House Bill relative to sexual assault nurse examiners and forensic evidence in cases of sexual assault and rape (House, No. 878).

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

After remarks, the question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays, at twenty-five minutes before six o’clock P.M., on motion of Mr. Moore, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 482**]:

YEAS.

Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	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.
Havern, Robert A.	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
Lees, Brian P.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

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

The House Bill relative to state chartered banks (House, No. 5198).

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

By Ms. Chandler, for the committee on Community Development and Small Business, on Senate, Nos. 2543 and 2586, a Bill establishing additional economic target areas in the Commonwealth (Senate, No. 2673).

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

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at sixteen minutes before six o’clock P.M., on motion of Ms. Chandler, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 483**]:

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.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	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.
Havern, Robert A.	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
Lees, Brian P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Berry, Frederick E.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at twelve minutes before six o'clock P.M., the bill was passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act establishing additional economic target areas."

Sent to the House for concurrence.

Committee of Conference Report.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill relative to streamlining and expediting the permitting process in the Commonwealth (House, No. 4968) (amended by the Senate striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2571), reported, recommending that the House recede from its non-concurrence with the Senate in its amendment and concur therein with further amendments striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5207; and by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith expedite the permitting process in the Commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation

of the public convenience”; and that the Senate concur in the further amendments, came from the House, and was read. Senate Rule 36 was suspended, on motion of Mr. Tarr, and the report was considered forthwith and, after debate, accepted in concurrence.

Matters Taken Out of the Orders of the Day.

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

The House Bill authorizing the town of Wayland to transfer care and control of certain park land (House, No. 5079),— **was read a second time.**

Mr. Brown moved that the bill be amended by striking out all after the enacting clause, and inserting in place thereof the following text:—

“SECTION 1. The park and recreation commission of the town of Wayland may transfer the care, custody, management and control of a certain parcel of park land located in the town of Wayland to the board of selectmen to be used for municipal purposes, which shall be limited to housing, conservation, passive and active recreation and any combination thereof. Said parcel is approximately .73 acre, and is shown as Parcel B on a plan of land entitled ‘Plan of Land in Wayland, Massachusetts Prepared for the Wayland Board of Selectmen, Former Nike Site, Oxbow Road’ prepared by the town of Wayland survey department, dated January 3, 2006. A copy of this plan is on file in the office of the town clerk.

SECTION 2. The transfer of land in section 1 is in exchange for a transfer of land from the care, custody, management and control of the board of selectmen to the park and recreation commission for park and recreation purposes. This exchanged parcel is approximately .73 acre, and is shown as Parcel D on the plan described in section 1. The transfer and exchange of Parcel B and Parcel D are as voted at the Wayland annual town meeting on May 1, 2006.

SECTION 3. If the parcel of land authorized for transfer in section 1 ceases to be used for purposes as described in section 1, the parcel, Parcel B, shall revert to the care, custody, management and control of the park and recreation commission of the town of Wayland.”

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The Senate Bill authorizing the town of Ipswich to change the use, the care, custody and control of a portion of town owned land (Senate, No. 2055),— was read a second time.

Mr. Tarr moved that the bill be amended by substituting a new draft entitled “An Act authorizing the town of Ipswich to change the use, the care, custody and control of a portion of town-owned land” (Senate, No. 2678).

The amendment was adopted.

The bill (Senate, No. 2678) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Pacheco,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o’clock P.M., in a full formal session without a calendar.

On motion of the same Senator, at twenty-three minutes past six o’clock P.M., the Senate adjourned to meet on the following day at one o’clock P.M.