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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, July 26, 2006.

Met at three minutes past one o'clock P.M. (Mr. Havern in the Chair).

Report of Committees.

By Ms. Fargo, for the committee on Public Health, on petition (accompanied by bill, Senate, No. 2622), a Bill requiring automatic external defibrillator devices in health clubs (Senate, No. 2681);

Read, and, under Joint Rule 1E, referred to the committee on Health Care Financing.

By Ms. Creem, for the committee on Revenue, on the recommitted petition (accompanied by bill, Senate, No. 1652), a Bill improving the earned income credit for working families (Senate, No. 2679);

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

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4878) of Harriett L. Stanley and Bruce E. Tarr (by vote of the town) that the town of Newbury be authorized to increase the membership of the board of selectmen,— **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Bills

Authorizing the town of Boylston to convey certain open space land (House, No. 4105,— on petition) [Local approval received]; and

Authorizing the town of Weymouth to sell and convey certain water supply land (House, No. 4745,— on petition) [Local approval received];

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

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

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

The Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer, offered the following prayer:

God of our fathers, strength of our sons, help us build our Commonwealth into a great community of balance and moderation in which averages are high but extremes few, in which we strive to protect the great heritage of the past but do not hesitate to increase it. The graces and inspirations we seek through Christ our Lord, that we may all clearly understand our duties and honestly and enthusiastically fulfill them. Amen.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Augustus and Ms. Chandler) “congratulating the Jesse Burkett Juniors Division as the 2006 Massachusetts Little League Softball State Champions”;
Resolutions (filed by Mr. Augustus and Ms. Chandler) “congratulating the Jesse Burkett Seniors Division as the 2006 Massachusetts Little League Softball State Champions”; and
Resolutions (filed by Mr. Augustus and Ms. Chandler) “congratulating the Jesse Burkett Majors Division as the 2006 Massachusetts Little League Softball State Champions.”

Communications.

The Clerk read the following communication:

July 24, 2006.

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

Dear Mr. Clerk:

On Thursday July 20, 2006, I was away from the State House due to a scheduling conflict and I was therefore unable to participate in a roll call vote to enact the following legislation: House Bill, No. 4546 — An Act Authorizing the City of Revere to Use Certain Dedicated Park Land for School Purposes.

Had I been present, I would have voted in the affirmative.

I am respectfully requesting that a copy of this letter be printed in the Senate Journal. Thank you in advance for your assistance in this matter.

Sincerely,
CYNTHIA STONE CREEM,
State Senator,
1st Middlesex and Norfolk.

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

The Clerk read the following communication:

July 25, 2006.

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

Dear Mr. Welch:

On Monday, July 24, 2006, I was absent from the chamber due to another commitment and missed two (2) roll call votes. Had I been present, I would have voted in the affirmative on S-2597 and S-2431.

Thank you for your attention to this matter.

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

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

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill relative to early education and care (see House, No. 4755, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 6 to 0.**

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

Engrossed Bills.

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

Authorizing the town of Palmer to grant 4 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 2551);

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

Relative to the use of the name of financial institutions (see House, No. 5195).

Engrossed Bill.

An engrossed Bill relative to choice of long-term care (see Senate, No. 2273, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at twenty-two minutes before two o'clock P.M., on motion of Mr. Lees, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 484**]:

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

Order Adopted.

Mr. Baddour offered the following order, to wit:

Ordered, That, notwithstanding Senate Rule 7 or any other rule to the contrary: (1) full consideration of the House Bill further regulating driver education and junior operator's licenses (House, No. 5064), with the Ways and Means new text pending, shall be allowed on Thursday, July 27, 2006;

(2) all amendments to the bill shall be filed electronically in the office of the Clerk of the Senate by 5:00 p.m. on Wednesday, July 26, 2006;

(3) all such amendments shall be second-reading amendments, but further amendments in the third degree to such amendments shall be in order. After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the Committee on Bills in the Third Reading.

There being no objection, the order was considered forthwith and adopted.

Message from the Governor — Disapprovals and Reductions 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 one item, which had been disapproved in accordance with the provisions of the Constitution.

Item 3000-3050 (Supportive Child Care) was considered as follows:

“3000-3050

For supportive early education and care associated with the family stabilization program; provided, that funds from this item shall only be expended for early education and care costs of children with active cases at the department of social services; provided further, that the department of social services and the department of early education and care are directed to design and implement standards for early education and care placements made under this item; provided further, that the department of early education and care, in collaboration with the department of social services, shall maintain a centralized list detailing the number of children eligible for services in this item, the number of supportive slots filled, and the number of supportive slots available; provided further, that no waiting list for the services shall exist; provided further, that all children eligible for services under this item shall receive said services; provided further, that if the department determines that available appropriations for this program will be insufficient to meet projected expenses, the commissioner shall file with the house and senate committees on ways and means and with the secretary of administration and finance, a report detailing the amount of appropriation needed to address such a deficiency; provided further, that the commissioner of the department of early education and care may transfer funds to this item from items 3000-1000, 3000-4050 and 3000-4060, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days before the transfer; and provided further, that not less than \$1,300,000 shall be expended to increase rates for transportation costs associated with this item 54,673,130”.

Mr. Havern in the Chair, the question on passing item 3000-3050, 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 seventeen minutes before two o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 485**]:

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 fourteen minutes before two o’clock P.M., item 3000-3050, 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 3000-4050 (Child Care Vouchers) was considered as follows:
“3000-4050

For early education and care programs for families in transition; provided, that the department shall issue monthly reports detailing the number and average cost of voucher and contracted slots funded from this item and item 3000-3050 by category of eligibility; provided further, that the report shall include the number of recipients subject to subsection (f) of section 110 of chapter 5 of the acts of 1995 funded from this item; provided further, that notwithstanding any general or special law to the contrary, the office shall perform post-audit reviews on a representative sample of the income-eligibility determinations performed by vendors receiving funds from this item; provided further, that the department shall report quarterly to the joint committee on education, the joint committee on children and families, the house and senate committees on ways and means and the secretary of administration and finance on the error rate, if any, in income-eligibility determinations calculated by the post audit reviews; provided further, that recipients of benefits under the employment services program or any successor program, participants of any component activity under the program of transitional aid to families with dependent children, former recipients of transitional aid to families with dependent children who are employed during the year after termination of benefits, former recipients of transitional aid to families with dependent children participating in education or training programs authorized by department of transitional assistance regulations, parents under the age of 18 currently enrolled in an education or job training program who would qualify for transitional aid for families with dependent children, but for the deeming of grandparents’

income, and former recipients of transitional aid to families with dependent children who are employed or in an authorized period of job search as of the expiration of the transitional year, and require post-transitional early education and care vouchers, shall be paid for from this item; provided further, that recipients of transitional aid to families with dependent children shall not be charged fees for care provided under this item; provided further, that early education and care for the children of teen parents receiving transitional aid to families with dependent children benefits, teen parents receiving supplemental security income payments and whose dependent children receive the aid, and teen parents at risk of becoming eligible for transitional aid to families with dependent children benefits shall be paid from this item; provided further, that all teens eligible for year-round full-time early education and care services shall be participating in school, education, work and training-related activities or a combination thereof for at least the minimum number of hours required by regulations promulgated for the program of transitional aid, whether or not such teens are recipients of benefits from the program; provided further, that early education and care slots funded from this item shall be distributed geographically in a manner that provides fair and adequate access to early education and care for all eligible individuals; provided further, that informal early education and care benefits shall be funded from this item; provided further, that not more than \$2 per child per hour shall be paid for the services; provided further, that income-eligible early education and care shall not be funded from this item; provided further, that all early education and care providers that are part of a public school system shall accept early education and care vouchers from recipients funded through this appropriation; provided further, that no waiting list for the services shall exist; provided further, that all children eligible for services under this item shall receive said services; provided further, that if the department determines that available appropriations for this program will be insufficient to meet projected expenses, the commissioner shall file with the house and senate committees on ways and means and with the secretary of administration and finance, a report detailing the amount of appropriation needed to address such a deficiency; provided further, that the commissioner of the department of early education and care may transfer funds to this item from items 3000-1000, 3000-2000, 3000-2025, 3000-4000 and 3000-4060, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means at least 30 days before the transfer; and provided further, that not more than 3 percent of any item may be transferred in fiscal year 163,151,082”.

After remarks, the question on passing item 3000-4050, 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 38 — nays 0*) [**Yeas and Nays No. 486**]:

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 President in the Chair, the yeas and nays having been completed at eleven minutes before two o'clock P.M., item 3000-4050, 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 3000-7070 (Reach Out and Read) was considered as follows:

“3000-7070

For matching grants to fund the Reach Out and Read program, to provide books to at-risk children through book distribution programs established in community health centers, medical practices and hospitals for at-risk children; provided, that the funds distributed through this program shall be contingent upon a match of not less than \$1 in private or corporate contributions for every \$1 in state funding distributed through the grant program; and provided further, that the department shall, to the maximum extent feasible, coordinate services provided through this item with services provided through items 3000-7000 and 3000-7050 in order to ensure that parents receiving services through this item are aware of all opportunities available to them and their children through the department 1,000,000”.

The President in the Chair, the question on passing item 3000-7070, 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 nine minutes before two o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 487**]:

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 six minutes before two o'clock P.M., item 3000-7070, 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 4200-0010 (Department of Youth Services Administration) was considered as follows:

“4200-0010

For the administration of the department of youth services; provided, that the department shall continue to collaborate with the department of education in order to align curriculum at the department of youth services with the statewide curriculum frameworks and to ease the reintegration of youth from facilities at the department of youth services into regular public school settings; provided further, that the department shall continue to execute phase 2 of its education funding initiative; provided further, that the commissioner of youth services, in conjunction with the department of education, shall submit a report on progress made during phase 2, and projected needs for phase 3 in fiscal year 2008, to the house and senate committees on ways and means by December 1, 2006; provided further, that the department shall expend not more than \$300,000 on the juvenile case management system; and provided further, that \$50,000 shall be expended for the City-Wide Dialogues on Boston's Ethic & Racial Diversity, a program that provides a safe venue for honest, respectful discussions across racial and ethnic lines, including neighborhood diversity dialogues and youth police dialogues 5,456,208”.

The question on passing item 4200-0010, 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 five minutes before two o'clock P.M., as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 488**]:

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 4200-0010, 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 4400-1000 (Department of Transitional Assistance Administration (DTA)) was considered as follows:
“4400-1000

For the central administration of the department, including the development and maintenance of automated data processing systems and services in support of department operations, and for the administration of department programs in local transitional assistance offices, including the expenses of operating a food stamp program; provided, that during fiscal year 2007 the department shall maintain 2 transitional assistance offices in the city of Springfield; provided further, that all costs associated with verifying disability for all programs of the department shall be paid from this item; provided further, that the department shall submit on a monthly basis to the house and senate committees on ways and means and the secretary of administration and finance a status report on program expenditures, savings and revenues, error rate measurements, and public assistance caseloads and benefits; provided further, that the report shall comprehensively track statewide use of the emergency assistance program by eligibility category including, but not limited to, caseload, average length of use or stay and monthly expenditures; provided further, that the department shall collect all out-of-court settlement restitution payments; provided further, that the restitution payments shall include, but not be limited to, installment and lump sum payments; provided further, that notwithstanding any general or special law to the contrary, unless otherwise expressly provided, federal reimbursements received for the purposes of the department, including reimbursements for administrative, fringe and overhead costs, for the current fiscal year and prior fiscal years, shall be credited to the General Fund; provided further, that under 21 U.S.C. section 862a(d)(1), the department shall exempt individuals from the eligibility restrictions of 21 U.S.C. section 862a, except that individuals incarcerated for a conviction which would otherwise be disqualifying under 21 U.S.C. section 862a(a) shall not be eligible for cash assistance funded through item 4403-2000 during the first 12 months after release from a correctional institution unless the individual qualifies for an exemption under subsection (e) of section 110 of chapter 5 of the acts of 1995, or any successor statute, or a domestic violence waiver; provided further, that an application for assistance under chapter 118 of the General Laws shall be deemed an application for assistance under chapter 118E of the General Laws; provided further, that if assistance under said chapter 118 is denied, the application shall be transmitted by the department to the executive office of health and human services for a determination of

eligibility under said chapter 118E; provided further, that the department shall continue policies to increase participation in the food stamp program; provided further, that no funds may not be expended from this item for costs related to the homeless management information system; provided further, that the department may allocate funds, not to exceed \$2,500,000 from this item to item 4400-1100 for the costs of the department's caseworkers; provided further, that the department shall, to the extent feasible within the appropriation provided, provide for extended office hours; to the maximum extent possible through the use of flex-time that will allow workers to modify their working hours to accommodate their specific personal and family needs; provided further, that the department shall, to the extent feasible within the appropriation provided, continue and expand the program of placing workers at community and human service organizations for the purposes of facilitating food stamp applications and redeterminations; and provided further, that the department shall report to the house and senate committees on ways and means not later than December 15, 2006 on the extended office hours and placement of workers at community and human service organizations that the department has determined is feasible within the appropriation provided that the department will provide in the current fiscal year; provided further, that a full-scale DTA office may remain in Cambridge or Somerville in a location that is accessible by public transportation; and provided further, that said office shall be located by the department with due consideration to comparable size, space and rental agreement 66,220,503".

The question on passing item 4400-1000, 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 two minutes before two o'clock P.M., as follows, to wit (*yeas 33 — nays 5*) [**Yeas and Nays No. 489**]:

YEAS.	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
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.	Tisei, Richard R.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 33.
Menard, Joan M.	
NAYS.	

Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E. — 5.
Knapik, Michael R.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at two o'clock P.M., item 4400-1000, 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 4401-1000 (Employment Services Program for TAFDC Recipients) was considered as follows:
 “4401-1000

For a program to provide employment and training services for recipients of benefits provided under the program of transitional aid to families with dependent children; provided, that certain parents who have not yet reached the age of 18, including those who are ineligible for transitional aid to families with dependent children and who would qualify for benefits under chapter 118 of the General Laws but for the deeming of the grandparents' income, shall be allowed to participate in the employment services program; provided further, that funds from this item may be expended on former recipients of the program for up to 1 year after termination of their benefits due to employment or subsection (f) of section 110 of chapter 5 of the acts of 1995 or any successor statute; provided further, that funds from this item shall be expended for the purposes of the young parents program, transportation costs, pre-employment skills training and education programs, and structured subsidized employment services; provided further, that the department of transitional assistance may use funds from this item and shall collaborate with the department of workforce development to access funding through Title I of the federal Workforce Investment Act to ensure that sufficient resources are available to provide substantive, pre-employment skills training, including training that integrates basic education and English as a second language instruction, to recipients of transitional aid to families with dependent children who are in need of such services; provided further, that funds from this item may also be expended for re-employment services, job search assistance, vocational training services, job retention services, adult basic education, graduate equivalency degree courses, English as a second language courses and training programs for persons with limited English proficiency, and emergency work-related expenses for recipients, including emergency transportation costs; provided further, that the department shall inform all recipients and applicants of the full range of programs and of skills training programs funded by Title I of the federal Workforce Investment Act accessible through the one-stop career centers and adult education programs funded by the department of education available under this program; provided further, that funds may be allocated from this item to other agencies for the purposes of this program; provided further, that within 90 days of a recipient without a high school degree or a graduate equivalency degree or proficiency in English who is subject to said subsection (f) of said section 110 of said chapter 5, or any successor statute, becoming eligible for benefits, the department shall offer to the recipient a skills assessment to identify barriers to employment; and provided further, that in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise to any enforceable right or entitlement to services in excess of the amounts appropriated by this item 27,087,733”.

The question on passing item 4401-1000, 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 one minute past two o'clock P.M., as follows, to wit (*yeas 35 — nays 3*) [**Yeas and Nays No. 490**]:

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.	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.	Tarr, Bruce E. — 3.
Hedlund, Robert L.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at four minutes past two o’clock P.M., item 4401-1000, 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 4403-2000 (Transitional Aid to Families with Dependent Children) was considered as follows:

“4403-2000

For a program of transitional aid to families with dependent children; provided, that notwithstanding any general or special law to the contrary, benefits under the program of transitional aid to families with dependent children shall be paid only to citizens of the United States and to non-citizens for whom federal funds may be used to provide benefits; provided further, that notwithstanding any general or special law, or any provisions of this act to the contrary, no benefits under this item shall be made available to illegal or undocumented aliens; provided further, that the need standard shall be equal to the standard in effect in fiscal year 2006; provided further, that the payment standard shall be equal to the need standard; provided further, that the payment standard for families who do not qualify for an exempt category of assistance under the provisions of subsection (e) of section 110 of chapter 5 of the acts of 1995, or any successor statute, shall be 23/4 per cent below the otherwise applicable payment standard, in fiscal year 2007, pursuant to the state plan required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; provided further, that the department shall notify all teen parents receiving benefits from the program of the requirements found in clause (2) of subsection (i) of said section 110 of said chapter 5, or any successor statute; provided further, that a \$40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that a nonrecurring children’s clothing allowance in the amount of \$150 shall be provided to each child eligible under this program in September 2006; provided further, that the children’s clothing allowance shall be included in the standard of need for the month of September 2006; provided further, that benefits under this program shall not be available to those families where a child has been removed from the household pursuant to a court order after a care and protection hearing under chapter 119 of the General Laws, nor to adult recipients otherwise

eligible for transitional aid to families with dependent children but for the temporary removal of the dependent child or children from the home by the department of social services in accordance with department procedures; provided further, that notwithstanding section 2 of chapter 118 of the General Laws, or any other general or special law to the contrary, the department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the month such payments are to be made or within the 3 month period after such month of payment, and who, if such child had been born and was living with her in the month of payment would be categorically and financially eligible for transitional aid to families with dependent children benefits; provided further, that certain families that suffer a reduction in benefits due to a loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for such loss; provided further, that no funds from this item shall be expended by the department for child care or transportation services for the employment and training program; provided further, that no funds from this item shall be expended by the department for family reunification benefits or informal child care; provided further, that the department shall provide oral and written notification to all recipients of their child care benefits on a semi-annual basis; provided further, that the notification shall include the full range of child care options available, including center-based child care, family-based child care, and in-home relative child care; provided further, that the notification shall detail available child care benefits for current and former recipients, including employment and training benefits, transitional benefits and post-transitional benefits; provided further, that the department shall work with the department of early education and care to ensure that both recipients currently receiving benefits and former recipients during the 1 year period after termination of benefits are provided written and verbal information about child care services; provided further, that the notice shall further advise recipients of the availability of food stamps benefits; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility for, or levels of benefits under the program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the senate and house of representatives a detailed and comprehensive report setting forth the text of, basis, and reasons for such proposed changes; and provided further, that the report shall state the department's most accurate assessment of the probable effects of any such benefit or eligibility changes upon recipient families; and provided further, that not less than \$418,074 shall be expended for the purposes of the operation of the Transportation Assistance Program operated by Traveler's Aid Family Services 296,555,455".

The question on passing item 4403-2000, 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 four minutes past two o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 491**]:

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 six minutes past two o'clock P.M., item 4403-2000, 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 4403-2120 (Emergency Assistance Family Shelters) was considered as follows:

“4403-2120

For certain expenses of the emergency assistance program as follows: (i) contracted family shelters; (ii) transitional housing programs; (iii) programs to reduce homelessness in Barnstable, Dukes and Nantucket counties; (iv) residential education centers for single mothers with children; (v) intake centers; and (vi) voucher shelters; provided, that eligibility shall be limited to families with income at or below 130 per cent of the federal poverty level; provided, however, that any family whose income exceeds 130 per cent of the federal poverty level while the family is receiving assistance funded by this item shall not become ineligible for assistance due to exceeding the income limit for a period of 6 months from the date that the 130 per cent level was exceeded; provided further, that the department shall establish reasonable requirements for such families to escrow some or all of the portion of their income which exceeds 130 per cent of the federal poverty level; provided further, that any such escrowed funds shall be exempt from otherwise applicable asset limits; provided further that the family shall be allowed to withdraw the amount placed in escrow upon transition to permanent housing or losing eligibility for shelter services; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States; provided further, that the department shall take all steps necessary to enforce regulations to prevent abuse in the emergency assistance program; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized; provided further, that eligible households shall be placed in shelters as close as possible to their home community unless a household requests otherwise; provided further, that if the closest available placement is not within 20 miles of the household's home community, the household shall be transferred to an appropriate shelter within 20 miles of its home community at the earliest possible date unless the household requests otherwise; provided further, that eligibility for shelter by an otherwise eligible family shall not be impaired by prior receipt of any non-shelter benefit; provided further, that the department shall make every effort to ensure that children receiving services from this item shall continue attending school in the community in which they lived prior to receiving services funded from this item; provided further, that not less than \$50,000 shall be expended for the Weymouth Youth and Family Services Teen Center to provide for advocacy, social service programs and to promote growth and social welfare; provided further, that notwithstanding any other general or special law to the contrary, the department shall immediately provide shelter for up to 30 days to families who appear to be eligible for such shelter based on statements provided by the family and any other information in the possession of the department but who need additional time to obtain any third-party verifications reasonably required by the department; provided further, that shelter benefits received under the preceding proviso shall not render a family ineligible under any regulation providing that a family who previously received shelter is ineligible for shelter benefits for a period of 12 months; provided further, that families receiving such shelter benefits who are found not to be eligible for continuing shelter benefits shall be eligible for aid pending a timely appeal pursuant to section 16 of chapter 18 of the General Laws; provided further, that the department shall not impose unreasonable requirements for third-party verification and shall accept verifications from the family whenever reasonable; provided further, that in promulgating, amending or rescinding regulations with respect to eligibility or benefits under this program, the department shall take into account the amounts available to it for expenditure in this item so as not to exceed the amount appropriated in this item; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that all of this item

shall be subject to appropriation and, in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise to any enforceable right or entitlement to services in excess of the amounts appropriated by this item; provided further, that nothing in the preceding provision shall authorize the department to alter eligibility criteria or benefit levels except to the extent that such changes are needed to avoid a deficiency in this item; provided further, that the department shall report quarterly to the house and senate committees on ways and means an unduplicated count of families who apply for emergency assistance funded family shelter during the fiscal year; provided further, that the report shall include the total number of applications received, the number of families approved for shelter, the number of families denied shelter along with reasons for denials, the number of families who are approved for shelter benefits within 12 months of an initial denial, the home community of families receiving shelter, the number of families receiving shelter within each home community, the number of available shelter slots within each home community, the income level of families receiving shelter who had previously accessed state-funded programs to reduce homelessness and the programs that had been accessed, the composition of families receiving shelter, the reason that the household is seeking emergency family shelter, the reasons that families exit shelters by type of reason, including reasons for voluntary departure and termination, exiting families, housing plans by type of plan, including type of housing arrangements, subsidy status, monthly rent, and gross monthly income, and any other information that the department determines to be necessary in evaluating the operation of the emergency assistance family shelters program; provided further, that the report shall also include information, by type of shelter, on average length of stay, average cost per household served, average number of shelter slots not used either as the result of no placement being made or of a placed family not making use of shelter, and an analysis of this information, including an analysis of causes relating to any significant differences in the data for each type of shelter; and provided further, that the report shall also include a status report on the outcomes of department-funded homelessness prevention initiatives or pilot programs, providing information on the nature and total cost of each such initiative, the number of families served by each such initiative, the average cost per family of each such initiative, the affordability and stability of housing or alternative shelter placements for prevention program recipients, including type of housing arrangement, subsidy status, monthly rent, and gross monthly income, and any other information that the department determines to be necessary in evaluating the operation of state-funded homeless prevention programs; provided further, that not less than \$179,381 shall be obligated for the Crossroads Family Shelter in East Boston; and provided further, that not less than \$100,000 shall be expended for a contract with the St. Frances Samaritan House in Taunton 73,650,000”.

The question on passing item 4403-2120, 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 seven minutes past two o'clock P.M., as follows, to wit (*yeas 35 — nays 3*) [**Yeas and Nays No. 492**]:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
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.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 35.
Menard, Joan M.	
NAYS.	
Brown, Scott P.	Lees, Brian P. — 3.
Hedlund, Robert L.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at ten minutes past two o’clock P.M., item 4403-2120, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4406-3010 (Housing First Initiative) was considered as follows:

“4406-3010

For a grant to the Home and Healthy for Good pilot program operated by the Massachusetts Housing and Shelter Alliance for the purpose of reducing the incidence of chronic homelessness in the commonwealth; provided, that the Massachusetts Housing and Shelter Alliance shall be solely responsible for the administration of this program; provided further, that the Massachusetts Housing and Shelter Alliance shall file a report with the clerks of the house, the commissioner of the department of transitional assistance and senate, and the chairpersons of the house and senate committees on ways and means no later than March 1, 2007, detailing the implementation of this program; and provided further, that the report shall include information on the number of people served, the average cost per participant, the demographics of those served, whether participants have previously received

government services and any projected cost-savings in other state-funded programs 600,000”.

After debate, the question on passing item 4406-3010, 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 thirteen minutes past two o’clock P.M., as follows, to wit (*yeas 36 — nays 2*) [**Yeas and Nays No. 493**]:

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
McGee, Thomas M.	Wilkerson, Dianne — 35.
NAYS.	
Knapik, Michael R.	Lees, Brian P. — 3.
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at a quarter past two o’clock P.M., item 4406-3010, 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 4408-1000 (Emergency Aid to the Elderly, Disabled and Children) was considered as follows:
“4408-1000

For a program of cash assistance to certain residents of the commonwealth, entitled emergency aid to the elderly, disabled and

children found by the department to be eligible for such aid under chapter 117A of the General Laws and regulations promulgated by the department and subject to the limitations of appropriation therefore; provided, that benefits under this item shall only be provided to residents who are citizens of the United States or qualified aliens or non-citizens otherwise permanently residing in the United States under color of law and shall not be provided to illegal or undocumented aliens; provided further, that any such individual shall not be a subject to sponsor income deeming or related restrictions; provided further, that the payment standard shall equal the payment standard in effect under the general relief program in fiscal year 1991; provided further, that the department may provide benefits to persons age 65 or older who have applied for benefits under chapter 118A of the General Laws, to persons suffering from a medically determinable impairment or combination of impairments which is expected to last for a period as determined by department regulations and which substantially reduces or eliminates the individual's capacity to support himself and which has been verified by a competent authority, to certain persons caring for a disabled person, to otherwise eligible participants in the vocational rehabilitation program of the Massachusetts rehabilitation commission and to dependent children who are ineligible for benefits under both chapter 118 of the General Laws and the separate program created by section 210 of chapter 43 of the acts of 1997 and parents or other caretakers of dependent children who are ineligible under chapter 118 and under the separate program; provided further, that no ex-offender, person over age 45 without a prior work history or person in a residential treatment facility shall be eligible for benefits under this program unless the person otherwise meets the eligibility criteria described in this item and defined by regulations of the department; provided further, that no person incarcerated in a correctional institution shall be eligible for benefits under the program; provided further, that no funds shall be expended from this item for the payment of expenses associated with any medical review team, other disability screening process or costs associated with verifying disability for this program; provided further, that the department shall adopt emergency regulations under chapter 30A of the General Laws to implement the changes to this program required by this item promptly and within the appropriation; provided further, that in initially implementing the program for this fiscal year, the department shall include all eligibility categories permitted in this item at the payment standard in effect for the former general relief program in fiscal year 1991; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility or benefits, including the payment standard, medical benefits and any other benefits under this program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the amount appropriated in this item; provided further, that the department may promulgate emergency regulations under chapter 30A of the General Laws to implement these eligibility or benefit changes or both; provided further, that nothing in this item shall be construed as creating any right accruing to recipients of the former general relief program; provided further, that reimbursements collected from the Social Security Administration on behalf of former clients of the emergency aid to the elderly, disabled and children program or unprocessed payments from the program that are returned to the department shall be credited to the General Fund; provided further, that notwithstanding any general or special law to the contrary, the funds made available in this item shall be the only funds available for the program, and the department shall not spend funds for the program in excess of the amount made available in this item; and provided further, that, notwithstanding any general or special law to the contrary, 60 days before implementing any eligibility or benefit changes, the commissioner shall file with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth the proposed changes 65,904,156".

The question on passing item 4408-1000, 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 sixteen minutes past two o'clock P.M., as follows, to wit (*yeas* 33 — *nays* 5) [**Yeas and Nays No. 494**]:

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.
Hedlund, Robert L.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 33.
McGee, Thomas M.	
NAYS.	
Brown, Scott P.	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 past two o’clock P.M., item 4408-1000, 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 4510-0720 (Certified Nurse’s Aide Training Scholarships) was considered as follows:
“4510-0720

For a scholarship program for certified nurses’ aide and direct care worker training; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that the department shall establish appropriate guidelines and application criteria for the administration of the program; provided further, that the scholarships shall cover the full cost of tuition to an approved certified nurses’ aide or long-term care direct worker training program, including approved programs providing for cross-training; provided further, that funds may also be available to provide adult basic education and English as a second language training for applicants otherwise meeting criteria for the scholarships, as well as pilot training programs using enhanced curricula designed to support increased retention; provided further, that the department shall, in consultation with the nursing home industry, consumer groups, the department of labor and workforce development, the Commonwealth Corporation, training providers and other appropriate state and local agencies, conduct outreach regarding the availability of such scholarships; provided further, that the department shall consult with the scholarship program advisory council and the extended care career ladder initiative to review and recommend new training requirements for certified nurses’ aides, home health aides and home care workers to improve the quality of the direct care workforce and the quality of care provided in all long-term care settings by developing skill standards, supporting the transition from training to work, improving retention, promoting portability, recognizing career advancement curricula and addressing language and education barriers; and provided further, that costs for outreach activities shall not exceed 5 per cent of the amount appropriated in this item and administrative costs of the program shall not exceed 5 per cent of the amount appropriated in this item 250,000”.

The question on passing item 4510-0720, 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 twenty minutes past two o’clock. P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 495**]:

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 past two o'clock P.M., item 4510-0720, 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 4512-0225 (Gamblers Treatment Program Retained Revenue) was considered as follows:
"4512-0225

The department of public health may expend not more than \$1,000,000 for a compulsive gamblers' treatment program from unclaimed prize money held in the State Lottery Fund for more than 1 year from the date of the drawing when the unclaimed prize money was won, and from the proceeds of a multi-jurisdictional lottery game under subsection (e) of section 24A of chapter 10 of the General Laws; provided, that the state comptroller shall transfer the amount to the General Fund 1,000,000".

After remarks, the question on passing item 4512-0225, 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-four minutes past two o'clock P.M., as follows, to wit (*yeas 34 — nays 4*) [**Yeas and Nays No. 496**]:

YEAS.	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
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.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 34.
NAYS.	
Brown, Scott P.	Knapik, Michael R.
Hedlund, Robert L.	Lees, Brian P. — 4.
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at twenty-six minutes past two o'clock P.M., item 4512-0225, 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 4512-0500 (Dental Health Services) was considered as follows:

“4512-0500

For dental health services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further that, of the amount appropriated in this item, funds shall be expended to maintain a program of dental services for the developmentally disabled; provided further, that not less than \$122,000 shall be allotted to the Taunton Oral Health Clinic in the city of Taunton for the basic dental needs of moderate and low income residents of southeastern Massachusetts; and provided further, that the department shall submit to the house and senate committees on ways and means a quarterly report on the number of children served by this dental health services program and the number of children waiting to be served by the program; and provided further, that not less than \$90,000 shall be expended to Harbor Health Services, Inc. for support and implementation of a model dental program that provides comprehensive dental care for low-income uninsured adults throughout the Cape 1,868,150”.

After debate the question on passing item 4512-0500, 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 twenty-nine minutes before three o'clock P.M., as follows, to wit (*yeas 33 — nays 5*)
[Yeas and Nays No. 497]:

YEAS.	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
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.	Tisei, Richard R.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 33.
Menard, Joan M.	
NAYS.	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E. — 5.

Knapik, Michael R.	
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., item 4512-0500, 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 4590-0915 (Hospital Operations) was considered as follows:
“4590-0915

For the maintenance and operation of Tewksbury hospital, Massachusetts hospital school, Lemuel Shattuck hospital and the hospital bureau, including the state office of pharmacy services; provided, that all revenue generated by the hospitals shall be credited to the General Fund; provided further, that no funds appropriated in this item shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded in this item; provided further, that Tewksbury hospital shall not be used to house county, state or other prisoners; provided further, that the department shall take no action to reduce or realign the client population and services at Tewksbury hospital unless such action results in alternative service delivery in an appropriate and cost-effective method of care; provided further, that staffing configurations at Tewksbury hospital shall be consistent with the client population and service realignment; provided further, that not less than \$2,790,000 shall be expended for the creation of a children's specialty care unit at Massachusetts hospital school; provided further, that \$275,000 shall be made available for the third of 6 annual TELP payments for a CT scanner procured for Lemuel Shattuck hospital; provided further, that reimbursements received for medical services provided at the Lemuel Shattuck hospital to inmates of county correctional facilities not managed by private health care vendors shall be credited to item 4590-0903 of section 2B; and provided further, that, notwithstanding any general or special law to the contrary, the department shall seek to obtain federal financial participation for care provided to inmates of the department of correction and of county correctional facilities who are treated at the public health hospitals 128,956,272”.

The question on passing item 4590-0915, 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-five minutes before three o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) **[Yeas and Nays No. 498]**:

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 three o'clock P.M., item 4590-0915, 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 5047-0002 (DMH Acute Inpatient and Emergency Services Retained Revenue) was considered as follows:
“5047-0002

The department of mental health may expend not more than \$5,287,427 in revenue collected from services rendered in emergency programs and acute inpatient and diversionary settings on continuing care services in the community; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department 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 5,287,427”.

The question on passing item 5047-0002, 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 three o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 499**]:

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 nineteen minutes before three o’clock P.M., item 5047-0002, 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.

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to the interstate insurance compact (House, No. 1515),— ought to pass.

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

Message from the Governor — Disapproval and Reductions in 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 5055-0000 (Forensic Services Program) was considered as follows:

“5055-0000

For forensic services provided by the department; provided, that no less than \$500,000 shall be expended to sustain and expand services provided through juvenile court clinics 6,607,903”.

The question on passing item 5055-0000, 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 eighteen minutes before three o'clock P.M., as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 500**]:

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.
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.	
Hedlund, Robert L. — 1.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at a quarter before three o'clock P.M., item 5055-0000, 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 7114-0106 (Salem State College Second Degree Nursing) was considered as follows:

“7114-0106

For the second degree nursing program at Salem State College 922,313”.

The question on passing item 7114-0106, 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 fourteen minutes before three o'clock P.M., as follows, to wit (*yeas 36 — nays 2*) [**Yeas and Nays No. 501**]:

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.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 36.
NAYS.	
Brown, Scott P.	Hedlund, Robert L. — 2.
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at twelve minutes before three o'clock P.M., item 7114-0106, 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 7114-0105 (Aquaculture Program) was considered as follows:

“7114-0105

For the aquaculture program at Salem State College established under section 274 of chapter 38 of the acts of 1995 200,000”.

The question on passing item 7114-0105, 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 eleven minutes before three o'clock P.M., as follows, to wit (*yeas 35 — nays 3*) [**Yeas and Nays No. 502**]:

YEAS.	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
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.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 35.
Menard, Joan M.	
NAYS.	
Brown, Scott P.	Knapik, Michael R. — 3.
Hedlund, Robert L.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at nine minutes before three o'clock P.M., item 7114-0105, 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 5920-5000 (Turning 22 Residential and Day Care Services) was considered as follows:
 “5920-5000

For services to clients of the department who turn 22 years of age during state fiscal year 2007; provided, that the amount appropriated under this item shall not annualize to more than \$17,664,660 in fiscal year 2008; provided further, that the department shall report to the house and senate committees on ways and means not later than January 2, 2007, on the use of any funds encumbered or expended from this item including, but not limited to, the number of clients served in each region and the types of services purchased in each region 8,500,000”

The question on passing item 5920-5000, 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 three o’clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 503**]:

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 — 37.
Lees, Brian P.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C.	Wilkerson, Dianne — 2.

The yeas and nays having been completed at six minutes before three o’clock P.M., item 5920-5000, 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.

Section 104 (Commissioner on Public Employee Health Benefits) was considered as follows:

“SECTION 104. There shall be a special commission, to consist of 13 persons, 1 of whom shall be the house chair of the joint committee on public service who shall serve as co-chair of the commission, 1 of whom shall be appointed by the house co-chair upon the approval of the other commission members, who shall have professional expertise in the area of healthcare financing, 1 of whom shall be the senate chair of the joint committee on public service who shall also serve as co-chair of the commission, 1 of whom shall be appointed by the senate co-chair upon the approval of the other commission members who shall have professional expertise in the area of public employee benefits, 1 of whom shall be the house chair of the joint committee on health care financing, 1 of whom shall be the senate chair of the joint committee on healthcare financing, the president of the Massachusetts AFL-CIO or his designee, the president of the Massachusetts Teachers Association or his designee, the president of the Massachusetts SEIU or his designee, the president of the Retired State County and Municipal Employees Association of Massachusetts or his designee, the executive director of the group insurance commission, and 1 person to be appointed by the governor, for the purpose of making an investigation and study relative to review public employee health benefits. The commission shall consider the range of benefits that are or should be provided as well as the current and anticipated future cost of providing them. The commission shall consider and may make recommendations on how best to divide the costs between the commonwealth. The commission shall also study the operation and structure of the group insurance commission. The commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerks of the senate and the house of representatives on or before February 1, 2007.”.

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 five minutes before three o'clock P.M., as follows, to wit (*yeas 32 — nays 5*) [**Yeas and Nays No. 504**]:

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.
Hedlund, Robert L.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian — 32.
NAYS	
Brown, Scott P.	Tarr, Bruce E.

Knapik, Michael R.	Tisei, Richard R. — 5.
Lees, Brian P.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C.	Wilkerson, Dianne — 2.

Mr. Havern in the Chair, the yeas and nays having been completed four 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 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 several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.

Section 16 (MDC Retirement I) was considered as follows:

“SECTION 16. Chapter 32 of the General Laws is hereby amended by striking out section 90C¾, as so appearing, and inserting in place thereof the following section:—

Section 90C¾. A former state or metropolitan district police officer, retired before July 1, 1992, who has been retired under this chapter or similar provision or earlier law on account of superannuation after having served in the state or metropolitan district police force for a period of not less than 20 years shall have his retirement allowance increased to an amount not exceeding one-half the rate of regular compensation payable to state police officers holding similar positions, at the time of increasing the allowance, in the comparable grade or classification occupied by the former officer at the time of his retirement.”.

The question on passing section 16, 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 three minutes before three o'clock P.M., as follows, to wit (*yeas 31 — nays 6*) [**Yeas and Nays No. 505**]:

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 — 31.
McGee, Thomas M.	
NAYS	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 5.
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C.	Wilkerson, Dianne — 2.

The yeas and nays having been completed at one minute before three o'clock P.M., section 16 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 121 (Department of Correction — Earmark) was considered as follows:

“SECTION 121. Item 8900-0001 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; and provided further, that \$875,000 shall be expended for an emergency safety equipment grant to the town of Bridgewater”.

The question on passing section 121, 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 sixteen minutes past three o'clock P.M., as follows, to wit (*yeas 32 — nays 6*) [**Yeas and Nays No. 506**]:

YEAS.	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
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.	Tisei, Richard R.
Hart, John A., Jr.	Timilty, James E.

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

The yeas and nays having been completed at nineteen minutes past three o'clock P.M., section 121 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 and Reductions in Economic Stimulus Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy (see House, No. 5057), which on Friday, June 16, 2006, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 5101) was read; and the Senate proceeded to reconsider several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.

Section 54 (Payment of Sales Tax) was considered as follows:

“SECTION 54. Said section 1 of said chapter 62C, as so appearing, is hereby further amended by inserting after the definition of “Code” the following 2 definitions:—

‘Commissioner’, the commissioner of revenue.

‘Materialman’, a person primarily engaged in the retail sale of building material, tools and equipment to building contractors for the improvement of real property and authorized by law to file a mechanics lien upon real property for improvements related to the property. For the purposes of this definition, ‘primarily engaged’ shall mean sales of 50 per cent or more of total sales to building contractors.”.

The question on passing section 54 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 minutes past three o'clock P.M., as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 507**]:

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 twenty-two minutes past three o’clock P.M., section 54 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 14 (Environmental Insurance Matching Grants to Municipalities) was considered as follows:

“SECTION 14. Said chapter 23A is hereby further amended by inserting after section 3H the following section:—

Section 3I. (a) Notwithstanding any other provisions of this chapter, the department shall upon receipt of qualifying applications, expend not less than \$500,000 annually in matching grants to assist municipalities to purchase environmental insurance naming as an additional insured the Massachusetts Bay Transportation Authority or the executive office of transportation and construction, as applicable, for purposes of establishing and maintaining rail-trails, as defined in section 2 of chapter 21E and section 35A of chapter 82, utilizing the Brownfield’s Redevelopment Access to Capital Policy Form or similar or replacement form, with terms, conditions, amendments and endorsements as appropriate under the circumstances of the proposed rail-trail project, and with coverage limits of at least \$3,000,000 per incident, a deductible of at most \$50,000 per incident, and a term of at least 5 years.

(b) Unless specifically required by federal law in connection with any grant for construction of a rail-trail, a municipality that has applied for and received a grant and has purchased the environmental insurance as described in subsection (a) shall not be required to furnish to any person, authority or governmental entity, any other form of environmental insurance, or any defense, indemnification or hold harmless agreement with respect to any claims, injuries, costs, damages or other relief arising out of or related to the pre-existing release or threat of release of oil or hazardous materials at or from the project site as those terms are defined in chapter 21E, in connection with its design, acquisition, construction, use or maintenance of the rail-trail for which the application is made.

(c) The department shall promulgate regulations, policies, or directives necessary to expedite the receipt and approval of grant applications from municipalities under this section”.

The question on passing section 14, 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-six minutes past three o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 508**]:

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 past three o'clock P.M., section 14 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Report of a Committee.

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill authorizing the town of Lincoln to issue a single license for the sale of wine and malt beverages (Senate, No. 2503) [Local approval received]. There being no objection, the rules were suspended, on motion of Mr. Berry, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third

Reading to read as follows: “An Act authorizing the town of Lincoln to grant 1 license for the sale of wines and malt beverages to be drunk on the premises.”

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Resolve providing for an investigation and plan by a special commission relative to ending homelessness in the Commonwealth (House, No. 5206, amended,— on Senate, Nos. 121, 145 and House, No. 1465),— **was read.**

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

A Bill relative to the redetermination of municipal sewer assessments (House, No. 4435,— being a new draft of Senate Bill, No. 1203),— **was read.**

There being no objection, the rules were suspended, on motion of Mr. Barrios, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act regulating the redetermination of municipal sewer assessments”.

Report of a Committee.

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

The House Bill to designate a certain bridge on Route 140 in the town of Franklin as the Lance Corporal Shayne Cabino Bridge (House, No. 4997).

There being no objection, the rules were suspended, on motion of Mr. Brown, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: An Act designating a certain bridge in the town of Franklin as the Lance Corporal Shayne Cabino Bridge.”

Matter Taken Out of the Orders of the Day.

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

The House Bill authorizing the town of Southbridge to grant additional liquor licenses for the sale of alcoholic beverages (House, No. 5004),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the town of Southbridge to grant additional licenses for the sale of alcoholic beverages”.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5138) of Karyn E. Polito and others for legislation to designate the Department of Youth Services site in the town of Westborough as the Zara Cisco Brough— “Little White Flower” Facility,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.**

A Bill relative to traffic improvements in the town of Maynard (House, No. 5190,— on petition),— **was read.**

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

Recess.

There being no objection, at twenty-seven minutes before four 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-seven minutes past four o’clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill to provide a system of trademark registration and protection (see House, No. 3500) [for message, see House, No. 5227],— **came from the House with endorsement that the House adopted the amendment as approved by the committee on Bills in the Third leading, as follows: By striking out the emergency preamble.**

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. McGee, and the House amendment was considered forthwith and adopted, in

concurrence.

Sent to the House for re-enactment.

A petition (accompanied by bill, House, No. 5139) of Viriato Manuel deMacedo and others relative to the date for the installation of carbon monoxide alarms and smoke detectors in residential buildings,— **was referred, in concurrence, to the committee on Public Safety and Homeland Security.**

Reports of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill releasing certain land in Dudley from the operation of an agricultural preservation restriction (Senate, No. 55),— **ought to pass.**

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

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill further regulating home improvement contracts (Senate, No. 248, amended),— ought to pass, with an amendment striking out section 5.

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

The bill (Senate, No. 248, amended) was then ordered to a third reading and read a third time.

Subsequently, after debate, and pending the question on passing the bill to be engrossed, Mr. Tarr moved that the further consideration thereof be postponed until Wednesday, August 2; and, this motion was negatived.

Mr. Tarr doubted the vote and asked for a call of the yeas and nays, and sufficient number of members joining him in this request, the yeas and nays were ordered.

The question on postponing the further consideration thereof until Wednesday, August 2, was determined by a call of the yeas and nays, at seven minutes past five o'clock P.M., as follows, to wit (*yeas 7 — nays 29*) [**Yeas and Nays No. 511**]:

YEAS.	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tucker, Susan C. — 7.
Lees, Brian P.	
NAYS.	
Antonioni, Robert A.	Barrios, Jarrett T.
Augustus, Edward M., Jr.	Brewer, Stephen M.
Baddour, Steven A.	Buoniconti, Stephen J.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Murray, Therese
Creem, Cynthia Stone	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	O'Leary, Robert A.
Hart, John A., Jr.	Pacheco, Marc R.
Havern, Robert A.	Panagiotakos, Steven C.
Jehlen, Patricia D.	Resor, Pamela
Joyce, Brian A.	Spilka, Karen E.
McGee, Thomas M.	Timilty, James E.

Menard, Joan M.	Tolman, Steven A.
Montigny, Mark C.	Walsh, Marian — 29.
Moore, Richard T.	
ABSENT OR NOT VOTING.	
Berry, Frederick E.	Wilkerson, Dianne — 3.
Rosenberg, Stanley C.	

The President in the Chair, the yeas and nays having been completed at eleven minutes past five o'clock P.M., the motion to postpone was negatived.

After further debate, Mr. Lees moved that the matter be laid on the table; and Mr. Havern in the Chair, this motion was negatived.

The bill was then passed to be engrossed.

Sent to the House for concurrence.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill protecting consumers from unsolicited loans (Senate, No. 559),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2682).

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

The bill (Senate, No. 2682) was then read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-seven minutes before five o'clock P.M., on motion of Mr. Lees, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 509**]:

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.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.

Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 36.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Berry, Frederick E.	Rosenberg, Stanley C. — 3.
Hart, John A., Jr.	

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

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to the taxation of forest, farm, and recreation land (Senate, No. 1703)— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2683).**

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

The bill (Senate, No. 2683) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill to establish employment leave and safety remedies to victims of domestic violence, stalking and sexual assault (Senate, No. 2338),— **ought to pass, with an amendment substituting a new draft entitled “An Act establishing employment leave and safety remedies for victims of domestic violence, stalking and sexual assault” (Senate, No. 2684).**

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

The bill (Senate, No. 2683) 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 seventeen minutes before five o'clock P.M., on motion of Ms. Creem, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 510**]:

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 fourteen minutes before five o'clock P.M., the bill was then passed to be engrossed.

Sent to the House for concurrence.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill establishing the public libraries fund (Senate, No. 2357),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2585).**

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

After remarks, the bill (Senate, No. 2685) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill prohibiting the fraudulent use of certain telephone technology (Senate, No. 2644),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2686).**

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

After remarks, the bill (Senate, No. 2686) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

A Bill providing for a certain exemption from the sales tax (House, No. 5200, amended,— on Senate, No. 265),— was read.

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

Pending the question on ordering the bill to a third reading, Mr. Baddour moved that the bill be amended by adding the following 2 sections:—

“SECTION 7. Section 1 of chapter 64C of the General Laws is hereby amended by striking out the words “, smokeless tobacco, cigars and smoking tobacco”, inserted by section 23 of chapter 122 of the acts of 2006, and inserting in place thereof the following words:- and smokeless tobacco.

SECTION 8. In calculating the fiscal year 2008 base revenue amount for the Massachusetts Bay Transit Authority State and Local Contribution Fund under section 35T of chapter 10 of the General Laws, the state comptroller shall add to the actual tax revenues received under chapters 64H and 64I of the General Laws in the preceding 12 months the amount of sales tax revenue foregone because of this act, as estimated by the commissioner of revenue.”

After remarks, the amendment was adopted.

The bill, as amended, 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 nineteen minutes before six o'clock P.M., on motion of Mr. Lees, as follows, to wit (*yeas 34 — nays 2*) [**Yeas and Nays No. 512**]:

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.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian — 34.
NAYS.	
Hedlund, Robert L.	Jehlen, Patricia D. — 2.
ABSENT OR NOT VOTING.	
Berry, Frederick E.	Wilkerson, Dianne — 3.
Rosenberg, Stanley C.	

The yeas and nays having been completed at sixteen minutes before six o’clock P.M., the bill was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill relative to early education and care (see House, No. 4755, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. Havern) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation.

Reports of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to retirement benefits for Stuart Freedman (House, No. 4518),— ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2687.

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

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

Sent to the House for concurrence in the amendment.

By Ms. Murray, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to transfer certain land in the city of Marlborough to James Farina (House, No. 4656, amended),— ought to pass, with an amendment in section 1, by striking out the words “notwithstanding the provisions of sections 40E through section 40H”, in lines 2 and 3, and inserting in place thereof the following words;— “notwithstanding sections 40H to section 40I”; in section 1, by striking out the words “approved as to form by the attorney general, to James Farina”, in lines 4 and 5; and in section 4, by striking out the words “James Farina and his agents, tenants or contractors agree”, in lines 1 and 2, and inserting in place thereof the following words:— “Grantee agrees” (Senator Knapik dissents).

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

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

Sent to the House for concurrence in the amendment.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain permanent easements to Brockton Hospital (Senate, No. 2537, changed),— **ought to pass.**

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.

PAPERS FROM THE HOUSE.

A Bill establishing the Massachusetts military enhanced relief individual tax (MERIT) plan (House, No. 4660, amended,— on Senate, Nos. 1636, 1637, 1643, 1668, 1676, 1980, 1987, 1988, 1997, 2004, 2005, 2008, 2013 and 2129; and House, Nos. 2305, 2316, 2319, 2320, 2321, 2323, 2339, 2348, 2356, 2363, 2364, 2409, 2449, 2454, 2508, 2512, 2524, 2537, 2539, 2540, 2541, 2542, 2543, 4025, 4089 and 4355),— **was read.**

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

Pending the question on ordering the bill to a third reading, Mr. O’Leary moved that the bill be amended by striking out section 3 and inserting in place thereof the following section:—

“SECTION 3. Said section 5 of chapter 59, as so appearing, is hereby further amended by striking out, in line 640 and in line 645, the figure ‘\$425’ and inserting in place thereof, in each instance, the following figure:— ‘\$750’.”; and by inserting after section 9 the following section:—

“SECTION 9A. Said section 5 of said chapter 59, as so appearing, is hereby amended by inserting after the word, ‘sailors’, in line 759, the following words: ‘and their spouses.’ ”

The amendment was **adopted**

Mr. Brewer moved that the bill be amended by adding the following section:—

“SECTION 17. Section 9 shall take effect as of September 11, 2001, for those soldiers, sailors and members of the National Guard who died or who became missing in action with a presumptive finding of death on or after September 11, 2001.”

The amendment was **adopted**.

The bill, as amended, was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at two minutes before six o’clock P.M., on motion of Mr. Brewer, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 513**]:

YEAS.	
Antonioni, Robert A.	Lees, Brian P.
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.

Brown, Scott P.	Murray, Therese
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.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C. — 36.
NAYS —0.	
ANSWERED “PRESENT”.	
Walsh, Marian — 1.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C.	Wilkerson, Dianne — 2.

The yeas and nays having been completed at six o’clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

Engrossed Bill Returned by Governor With His Objections Thereto.

The engrossed Bill that the city of Franklin be authorized to establish a post employment health insurance trust fund for retired employees of said town, (see House, No. 4150, amended), which, on Monday, July 10, 2006, had been laid before His Excellency the Governor for his approbation,— came from the House the same having been returned by His Excellency the Governor, with his objections thereto in writing, [for message, see House, No. 5186] and having passed that branch, notwithstanding said objections.

The message (House, No. 5186) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

The question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at one minute past six o’clock, P.M., as follows, to wit (*yeas 35 — nays 1*) [**Yeas and Nays No. 514**]:

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.	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 — 35.
Knapik, Michael R.	
NAYS.	
Lees, Brian P. — 1.	
ABSENT OR NOT VOTING.	
Panagiotakos, Steven C.	Wilkerson, Dianne — 3.
Rosenberg, Stanley C.	

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

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:
The House Bill authorizing the town of Somerset to lease land and grant easements in certain land (House, No. 4842, changed),— **was read a third time and passed to be engrossed, in concurrence.**

PAPER FROM THE HOUSE.

A Bill regulating the grant of sewer system connections by the sewer commission of the town of Kingston (House, No. 4528,— on petition) [Local approval received],— **was read.**

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

Order Adopted.

On motion of Mr. Brewer,—

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 six minutes past six o'clock P.M., the Senate adjourned to meet on the following day at one o'clock P.M.