

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

## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

*Monday, July 31, 2006.*

Met at six minutes past eleven o'clock A.M.

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:  
Gracious and merciful God, grant that the United States of America may be defended by Thy power against all evil. May the President and members of this Senate be wise in counsel, calm in action, and sincere in motive as they cope with the various problems of our State. Inspire them to legislate in the fear of the Lord, and in fear of no one else, but courageously striving to promote and support that which they conscientiously feel will assure the safety, and honor the temporal and spiritual welfare of this Commonwealth. This we ask through Christ the Redeemer and Saviour of the world. Amen.

#### *Report.*

A report of the Special Commission Relative to Liquefied Natural Gas Facility Siting and Use (pursuant to the provisions of Chapter 1 of the Resolves of 2006) relative to the siting and use of liquefied natural gas facilities in the Commonwealth (received Friday, July 28, 2006),— **was placed on file.**

#### *Petition.*

Mr. Brown presented a petition (subject to Joint Rule 12) of Scott P. Brown for legislation to amend the criminal offender record information,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Report of a Committee.*

By Ms. Jehlen, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for a certain employee of the Department of Social Services (Senate, No. 2665);

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

### PAPER FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to the terms of certain bonds to be issued by the Commonwealth (accompanied by bill, House, No. 5237) — **was referred, in concurrence, to the committee on Bonding, Capital Expenditures and State Assets.**

A Bill authorizing the Department of Conservation and Recreation and the Department of Fish and Game to acquire conservation restrictions in and to the lands of the town of Egremont (printed in House, No. 4345,— being a message from His Excellency the Governor),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

*Communication.*

The Clerk read the following communication:

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

*July 27, 2006.*

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

Dear Mr. Clerk:

Today I was delayed from entering the chamber. In my absence six roll call votes were taken. Please note that had I been present, I would have Voted Affirmatively on the following matters:

7110-0100 Fitchburg State College  
7112-0100 Framingham State College  
7113-0100 MA College of Liberal Arts  
7114-0100 Salem State College  
7115-0100 Westfield State College  
7116-0100 Worcester State College

I would appreciate if this could be printed in the Senate Journal.  
Thank you.

*Sincerely,*  
Jack Hart,  
*State Senator.*

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

**PAPERS FROM THE HOUSE.**

*Emergency Preamble Adopted.*

An engrossed Bill regulating the redetermination of municipal sewer assessments (see House, No. 4435), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 3 to 0. The bill was signed by the President and sent to the House for enactment.**

*Engrossed Bills.*

The following engrossed bills (the first two 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:

Relative to the payment of referral fees to unlicensed employees of insurance producers (see Senate, No. 2060);  
Further regulating the Essex Regional Retirement System (see Senate, No. 2263, amended); and  
Relative to the interstate insurance compact (see House, No. 1515).

An engrossed Bill establishing state trademarks (see House, No. 3500, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the President and again laid before the Governor for his approbation.

*Reports of Committees.*

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on petition, a Bill relative to the transfer of a parcel of land used for conservation/recreation purposes to the town of Ayer for the enhancement of public access to the Nashua River Rail Trail (Senate, No. 2658).

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

Ms. Resor moved that the bill be amended by substituting a new draft entitled “An Act authorizing transfer of land to the town of Ayer to enhance public access to the Nashua river rail trail” (Senate, No. 2694).

**The amendment was adopted.**

**The bill (Senate, No. 2694) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

Ms. Murray, for the committee on Ways and Means, that the Senate Bill authorizing the Department of Conservation and Recreation to provide leases to yacht clubs on its property (Senate, No. 2411),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2695).**

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

**The bill (Senate, No. 2695) 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 House Bill relative to the disposition of land owned by the Department of Conservation and Recreation in the town of Rowley in exchange for certain other land located in the town of Rowley (House, No. 4661),— **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 House Bill authorizing disposition of certain conservation and recreation lands under the care, custody and control of the Department of Conservation and Recreation within the town of Mashpee (House, No. 3416),— **ought to pass.**

**There being no objection, the rules were suspended, on motion of Mr. Baddour, 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 authorizing disposition of certain conservation and recreation lands under the care, custody and control of the department of conservation and recreation within the town of Mashpee”.**

By Ms. Murray, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management to release a portion of an easement in the city of Somerville (House, No. 4902) ,— **ought to pass, with an amendment inserting after section 2 the following section:—**

**“SECTION 2A. The exact boundaries of the property described in sections 1 and 2 shall be determined by the commissioner of capital asset management and maintenance, in consultation with the Massachusetts Water Resources Authority, after completion of a survey.”.**

**There being no objection, the rules were suspended, on motion of Mr. Augustus, 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, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the division of capital asset management and maintenance to release a portion of an easement in the city of Somerville.”.**

By Ms. Murray, for the committee on Ways and Means, that the House Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to grant easements to Algonquin Gas Transmission, LLC and Colonial Gas Company d/b/a Keyspan Energy Delivery New England (House, No. 5173),— **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, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the Commissioner of Capital Asset Management and Maintenance to grant easements to Algonquin Gas Transmission, LLC and Colonial Gas Company d/b/a Keyspan Energy Delivery New England.”**

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

The engrossed Bill establishing the Asian American Commission (see Senate, No. 2201, amended), which, on Thursday, July 20, 2006, had been again laid before His Excellency the Governor for his approbation,— **was returned to the Senate Clerk by His Excellency the Governor on Friday, July 28, 2006, at a quarter before five o’clock P.M., with his objections thereto in writing [for message, see Senate, No. 2692].**

**The message (Senate, No. 2692) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of Article LVI of the Amendments to the Constitution.**

The question on passing the bill, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-one minutes past eleven o’clock A.M., as follows, to wit (*yeas 32 — nays 0*) **[Yeas and Nays No. 581]:**

<b>YEAS.</b>	
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.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>32.</b>
<b>NAYS — 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Antonioni, Robert A.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Hart, John A., Jr.	Timilty, James E. — <b>7.</b>
Hedlund, Robert L.	

**The yeas and nays having been completed at twenty-five minutes past eleven o'clock A.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.  
Sent to the House for its action.**

#### **PAPERS FROM THE HOUSE.**

*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.

Item 0330-0318 (Boston Municipal Court — Treatment Coordinators) was considered as follows:  
 “0330-0318

For the Boston municipal court to fund treatment coordinators and support services for intensive probation, supervision and treatment initiatives to treat nonviolent, substance-abusing offenders 200,000”.

The question on passing item 0330-0318, contained in section 2A, 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 eleven o’clock A.M., as follows, to wit (*yeas 32 — nays 3*) [**Yeas and Nays No. 582**]:

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

The yeas and nays having been completed at twenty-nine minutes past eleven o’clock A.M., item 0330-0318, contained in section 2A, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0330-0410 (Alternative Dispute Resolution) was considered as follows:  
 “0330-0410 .....83,000”.

The question on passing item 0330-0410, 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 a half past eleven o'clock A.M., as follows, to wit (*yeas 31 — nays 4*) [**Yeas and Nays No. 583**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Jehlen, Patricia D.
Augustus, Edward M., Jr.	Joyce, Brian A.
Baddour, Steven A.	McGee, Thomas M.
Barrios, Jarrett T.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Buoniconti, Stephen J.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	O'Leary, Robert A.
Hart, John A., Jr.	Tisei, Richard R.
Havern, Robert A.	Tolman, Steven A.
Pacheco, Marc R.	Tucker, Susan C.
Panagiotakos, Steven C.	Walsh, Marian
Resor, Pamela	Wilkerson, Dianne — <b>31.</b>
Spilka, Karen E.	
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P. — <b>4.</b>
Knapik, Michael R.	Tarr, Bruce E.
<b>ABSENT OR NOT VOTING.</b>	
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Hedlund, Robert L.	Timilty, James E. — <b>4.</b>

The yeas and nays having been completed at twenty-eight minutes before twelve o'clock noon, item 0330-0410, 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 1100-1560 (Massachusetts Development Finance Agency — Otis Air National Guard Base) was considered as follows: "1100-1560 For the Massachusetts Development Finance Agency; provided, that not less than \$500,000 shall be expended by the agency for the planning for a new mission to be executed by the Massachusetts air national guard at Otis air national guard base; and provided further, that not less than \$500,000 shall be expended by the agency for the planning and development of a homeland security training center to be located on the Massachusetts military reservation 1,000,000".

The question on passing item 1100-1560, contained in section 2A, 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-seven minutes before twelve o'clock noon, as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 584**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>35.</b>
McGee, Thomas M.	
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Hedlund, Robert L.	Timilty, James E. — <b>4.</b>

The yeas and nays having been completed at twenty-six minutes before twelve o'clock noon, item 1100-1560, contained in section 2A, stands, in concurrence, notwithstanding the of disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4000-0265 (Grants to Community Health Centers) was considered as follows:

“4000-0265

For the purpose of providing one-time grants to community health centers; provided, that \$200,000 shall be expended for the Dimock Community Health Center located in the Egleston square neighborhood in the Roxbury section of the city of Boston for health care and traditional housing to the medically underserved patients from the Roxbury, Dorchester and Jamaica Plain sections of the city of Boston; provided further, that \$200,000 shall be expended for Whittier Street Community Health Center in the Roxbury section of the city of Boston for adult and child behavioral health services to the homeless, immigrant and refugee populations; provided further, that \$200,000 shall be expended for a community health center serving a disadvantaged population in the Mattapan section of the city of Boston; provided further, that \$100,000 shall be expended for the Fenway Community Health Center located in the Fenway section of the city of Boston which provides health care to gay and lesbian populations;

provided further, that \$100,000 shall be expended for South Cove Community Health Center located in the Chinatown section of the city of Boston which provides health care to immigrant and linguistically diverse populations; provided further, that \$200,000 shall be expended for the Harvard Street Health Center located in the North Dorchester section of the city of Boston; provided further, that \$200,000 shall be expended for the Roxbury Comprehensive Community Health Center (RoxComp) to mitigate health care disparities; and provided further, that \$300,000 shall be expended for the Manet Community Health Center in the city of Quincy 1,500,000”.

The question on passing item 4000-0265, contained in section 2A, 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-five minutes before twelve o’clock noon, as follows, to wit (*yeas 30 — nays 5*) [**Yeas and Nays No. 585**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Jehlen, Patricia D.
Augustus, Edward M., Jr.	Joyce, Brian A.
Baddour, Steven A.	McGee, Thomas M.
Barrios, Jarrett T.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Buoniconti, Stephen J.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	O’Leary, Robert A.
Hart, John A., Jr.	Tisei, Richard R.
Havern, Robert A.	Tolman, Steven A.
Pacheco, Marc R.	Tucker, Susan C.
Panagiotakos, Steven C.	Walsh, Marian
Resor, Pamela	Wilkerson, Dianne — <b>31.</b>
Spilka, Karen E.	
<b>NAYS.</b>	
Brown, Scott P.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — <b>5.</b>
Lees, Brian P.	
<b>ABSENT OR NOT VOTING.</b>	
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Hedlund, Robert L.	Timilty, James E. — <b>4.</b>

The yeas and nays having been completed at twenty-two minutes before twelve o’clock noon, section 4000-0265, contained in section 2A, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4512-0200 (Department of Public Health — Substance Abuse) was considered as follows:  
 “4512-0200 20,100,000”.

[The Governor reduced this item by \$8,249,990.]

The question on passing item 4512-0200, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-one minutes before twelve o'clock noon, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 586**]:

<b>YEAS.</b>	
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.	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
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>36.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Hedlund, Robert L.	Timilty, James E. — <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at nineteen minutes before twelve o'clock noon, item 4512-0200, 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 7003-0702 (Department of Workforce Development) was considered as follows:  
 “7003-0702 1,789,999”.

The question on passing item 7003-0702, 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 eighteen minutes before twelve o'clock noon, as follows, to wit (*yeas 34 — nays 2*) [**Yeas and Nays No. 587**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce 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 — <b>34.</b>
<b>NAYS —0.</b>	
Knapik, Michael R.	Lees, Brian P. — <b>2.</b>
<b>ABSENT OR NOT VOTING.</b>	
Hedlund, Robert L.	Timilty, James E. — <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at sixteen minutes before twelve o'clock noon, item 7003-0702, 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 7004-0099 (Department of Housing and Community Development — Partners for the Community Corporation) was considered as follows:  
 “7004-0099 385,000”.

Mr. Havern in the Chair, the question on passing item 7004-0099, 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 a quarter before twelve o'clock noon, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 588**]:

<b>YEAS.</b>	
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.	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
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>36.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Hedlund, Robert L.	Timilty, James E. — <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at thirteen minutes before twelve o'clock noon, section 7004-0099, 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.

*Report of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the House Bill authorizing the Department of Conservation and Recreation and the Department of Fish and Game to acquire conservation restrictions in and to the lands of the town of Egremont (printed in House, No. 4345),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Panagiotakos, 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 authorizing the Department of Conservation and Recreation and the Department of Fish and Game to acquire conservation restrictions in and to parcels of land in the town of Egremont."

**PAPERS FROM THE HOUSE.**

*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.

Item 7007-0900 (Department of Business and Technology — MetroWest/495 Corridor Partnership) was considered as follows: “7007-0900 835,000”.

The President in the Chair, the question on passing item 7007-0900, 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 twelve o’clock noon, as follows, to wit (*yeas 35 — nays 1*)  
**[Yeas and Nays No. 589]:**

<b>YEAS.</b>	
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.	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
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>34.</b>
<b>NAYS.</b>	
Brown, Scott P. — 1.	
<b>ABSENT OR NOT VOTING.</b>	
Hedlund, Robert L.	Timilty, James E. — <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at eight minutes before twelve o'clock noon, item 7007-0900, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7007-1000 (Regional Tourism Council) was considered as follows:  
 "7007-1000 500,000".

After debate, the question on passing item 7007-1000, 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 six minutes before twelve o'clock noon, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 590**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>37.</b>
McGee, Thomas M.	
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Hedlund, Robert L.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at three minutes before twelve o'clock noon, item 7007-1000, 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.

*Reconsideration.*

There being no objection, on motion of Mr. Lees, the Senate reconsidered the vote by which it had passed, in concurrence, item 7007-0900, contained in section 2, of the House 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), the disapproval of His Excellency the Governor to the contrary notwithstanding.

Subsequently, the recurring question came on again passing item 7007-0900, 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 two minutes before twelve o'clock noon, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 591**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconiti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>37.</b>
McGee, Thomas M.	
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Hedlund, Robert L.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at twelve o'clock noon, item 7007-0900, 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 7100-0400 (UMass — Winter Moth Study) was considered as follows:

“7100-0400 For an ongoing study conducted by the University of Massachusetts at Amherst’s agricultural department, of the winter moth worm and methods to minimize and or eliminate its damage 150,000”.

The question on passing item 7100-0400, contained in section 2A, 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 II, Article II, of the Constitution, at one minute past twelve o’clock noon, as follows, to wit (*yeas 35 — nays 1*) [**Yeas and Nays No. 592**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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.	Travaglini, Robert E.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>35.</b>
Menard, Joan M.	
<b>NAYS.</b>	
Brown, Scott P. — 1.	
<b>ABSENT OR NOT VOTING.</b>	
Barrios, Jarrett T.	Rosenberg, Stanley C. — 3.
Hedlund, Robert L.	

The yeas and nays having been completed at three minutes past twelve o'clock noon, section 7100-0400, 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 7509-1000 (Mount Wachusett Community College — Renewable Energy Systems) was considered as follows:  
 “7509-1000

For the development of a program at Mount Wachusett community college providing technical assistance to state facilities and public school districts to reduce energy costs through the utilization of renewable energy systems 150,000”.

The question on passing item 7509-1000, contained in section 2A, 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 four minutes past twelve o'clock noon, as follows, to wit (*yeas 34 — nays 3*) [**Yeas and Nays No. 593**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>34.</b>
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P. — <b>3.</b>
Knapik, Michael R.	
<b>ABSENT OR NOT VOTING.</b>	
Hedlund, Robert L.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at five minutes past twelve o'clock noon, section 7509-1000, contained in section 2A, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7509-1002 (Mount Wachusett Community College — Field and Recreational Maintenance) was considered as follows:

“7509-1002 For the one-time maintenance on the fields and recreational sites at the Mount Wachusett community college 100,000”.

The question on passing item 7509-1002, contained in section 2E, 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 six minutes past twelve o'clock noon, as follows, to wit (*yeas 34 — nays 3*) [**Yeas and Nays No. 594**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>34.</b>
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P. — <b>3.</b>
Knapik, Michael R.	
<b>ABSENT OR NOT VOTING.</b>	
Hedlund, Robert L.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at eight minutes past twelve o'clock noon, section 7509-1002, contained in section 2E, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7515-0122 (Roxbury Community College — IT Upgrades) was considered as follows:  
 “7515-0122 For one-time upgrades, replacement, and repair of academic and administrative computers at Roxbury community college 105,600”.

The question on passing item 7515-0122, contained in section 2A, 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 nine minutes past twelve o’clock noon, as follows, to wit (*yeas 34 — nays 4*) [**Yeas and Nays No. 595**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>34.</b>
<b>NAY.</b>	
Brown, Scott P.	Knapik, Michael R.
Hedlund, Robert L.	Lees, Brian P. — <b>4.</b>
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at ten minutes past twelve o’clock noon, section 7515-0122, contained in section 2A, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8000-0000 (Executive Office of Public Safety and Homeland Security) was considered as follows:  
 “8000-0000 869,000”.

[The Governor reduced this item by \$280,000.]

The question on passing item 8000-0000, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twelve minutes past twelve o'clock noon, as follows, to wit (*yeas 36 — nays 2*) [**Yeas and Nays No. 596**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Buoniconiti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	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 — <b>36.</b>
<b>NAYS.</b>	
Brown, Scott P.	Hedlund, Robert L. — <b>2.</b>
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at a quarter past twelve o'clock noon, section 8000-0000, 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 8900-0001 (Department of Corrections — Emergency Safety Grant) was considered as follows:  
“8900-0001 875,000”.

After remarks, the question on passing item 8900-0001, 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 twenty-two minutes past twelve o'clock noon, as follows, to wit (*yeas 32 — nays 6*) [**Yeas and Nays No. 597**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>32.</b>
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — <b>6.</b>
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C.	
— <b>1.</b>	

The yeas and nays having been completed at a twenty-four minutes past twelve o'clock noon, section 8900-0001, 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.

Section 88 (Department of Conservation and Recreation — Earmark) was considered as follows:

“SECTION 88. Item 2800-0100 of said section 2 of said chapter 45 is hereby amended by striking out the words “provided further, that not less than \$100,000 shall be expended within thirty days of receipt of said funds, for the maintenance of the facility and animal upkeep of the mounted unit in the Blue Hills Reservation, which are not subject to said reimbursement to the department;” and inserting in place thereof the following words:— provided further, that not less than \$100,000 shall be expended within thirty days of receipt of said funds for the sole purpose of restoring, operating, maintaining and ongoing support of the department of conservation and recreation park rangers mounted unit in the Blue Hills Reservation, existing as of January 1, 2004, which shall be located and operated from the stable and adjacent facilities in the Blue Hills Reservation; provided further, that the Secretary of the Executive Office of Environmental Affairs is hereby directed to request and obtain the return of

all animals, equipment, including tack and trailers, and personnel of the departments park rangers mounted unit within their control, custody, and possession as of January 1, 2004; provided further, that not later than December 30, 2006 the department shall file a report with the house and senate committees on ways and means detailing the actual expenditure of funds for the maintenance of the mounted unit in the Blue Hills Reservation.”

The question on passing section 88, 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-five minutes past twelve o'clock noon, as follows, to wit (*yeas 34 — nays 4*) [**Yeas and Nays No. 598**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>34.</b>
<b>NAYS.</b>	
Brown, Scott P.	Knapik, Michael R.
Hedlund, Robert L.	Lees, Brian P. — <b>4.</b>
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at a twenty-six minutes past twelve o'clock noon, section 88 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 106 (Department of Housing and Community Development — Earmark) was considered as follows:  
 “SECTION 106. Said item 7004-0099 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ;

provided further, that \$100,000 shall be expended for the Partners for Community Corporation; provided further, that \$100,000 shall be expended for the Puerto Rican Cultural Center in Springfield; provided further, that \$85,000 shall be expended for the operation and management of the Homeowner Options for Massachusetts Elders program; and provided further, that not less than \$100,000 shall be provided to Housing Families, Inc. of Malden for providing educational support programming for homeless children through the Children and Family Program.”

The question on passing section 106, 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-seven minutes past twelve o'clock noon, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 599**]:

<b>YEAS.</b>	
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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. <b>—1.</b>	

The yeas and nays having been completed at twenty-nine minutes past twelve o'clock noon, section 106 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two thirds of the members present and voting having approved the same.

Section 110 (Office of Travel and Tourism — Earmark I) was considered as follows:

“SECTION 110. Item 7007-0900 of said section 2 of said chapter 45 is hereby amended by striking out the words “provided

further, that not less than \$200,000 shall be expended for a grant for From the Top, Inc.” and inserting in place thereof the following words:— “provided further, that not less than \$300,000 shall be expended for a grant for From the Top, Inc.; provided further, that not less than \$50,000 shall be transferred to the Barre Historical Society for the restoration of a stagecoach; provided further, that not less than \$50,000 be provided to the town of Sutton for the study and design of the Manchaug Village tourism streetscape plan; provided further, that not less than \$150,000 shall be expended for the Highland Center for the Arts at the Cape Cod National Seashore; provided further, that not less than \$40,000 shall be expended to the St. Peter’s Fiesta Committee for the purchase of Seine Boat replicas; provided that the committee shall match this amount from private funds; provided further, that not less than \$100,000 shall be expended for improvements to the Granby town hall; provided further, that \$20,000 shall be transferred to the town of Monson for the beautification of the downtown area; provided further, that \$250,000 shall be expended to the Merrimack Valley Economic Development Council; provided further, that not less than \$75,000 shall be expended for the Worcester County Convention and Visitor’s Bureau located in the city of Worcester.”

The question on passing section 110, 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 a half past twelve o’clock noon, as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 600**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>37.</b>
McGee, Thomas M.	
<b>NAYS.</b>	
Hedlund, Robert L. — <b>1.</b>	
<b>ABSENT OR NOT VOTING.</b>	

Rosenberg, Stanley C. —1.	
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The yeas and nays having been completed at twenty-eight minutes before one o'clock P.M., section 110 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 111 (Office of Travel and Tourism — Earmark II) was considered as follows:  
 “SECTION 111. Said item 7007-0900 in said section 2 of said chapter 45 is hereby further amended by striking out the words “provided further, that not less than \$100,000 shall be expended for the Metro West/495 Corridor Partnership, as successor to the I-495 Technology Initiative.”

The question on passing section 111, 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 XI, of the Constitution, at twenty-seven minutes before one o'clock P.M., as follows, to wit (*yeas 33 — nays 5*) **[Yeas and Nays No. 601]:**

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	Spilka, Karen E.
Fargo, Susan C.	Timilty, James E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — <b>33.</b>
McGee, Thomas M.	
<b>NAYS.</b>	
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — <b>5.</b>
Lees, Brian P.	
<b>ABSENT OR NOT VOTING.</b>	

Rosenberg, Stanley C. —1.	
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The yeas and nays having been completed at twenty-five minutes before one o'clock P.M., section 111 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 113 (Department of Education — Earmark) was considered as follows:  
 “SECTION 113. Section 2 of Chapter 45 of the acts of 2005 is hereby amended by inserting after item 7035-0002 the following item:  
 7035-0004 For a grant to the Greater Lawrence Community Action Council, Inc’s Spanish Community Services Program 66,000”.

Mr. Havern in the Chair, the question on passing section 113, 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-four minutes before one o'clock P.M., as follows, to wit (*yeas 34 — nays 4*) [**Yeas and Nays No. 602**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>34.</b>
<b>NAYS.</b>	
Brown, Scott P.	Knapik, Michael R.
Hedlund, Robert L.	Lees, Brian P. — <b>4.</b>
<b>ABSENT OR NOT VOTING.</b>	

Rosenberg, Stanley C. — 1.	
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The yeas and nays having been completed at twenty-three minutes before one o'clock P.M., section 113 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 141 (Trial Court Report) was considered as follows:

“SECTION 141. Notwithstanding any general or special law to the contrary, the chief justice for administration and management shall report to the house and senate committees on ways and means not later than November 31, 2006 on the cost of reestablishing the trial court child care program.”

The question on passing section 141, 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-two minutes before one o'clock P.M., as follows, to wit (*yeas 35 — nays 3*) [**Yeas and Nays No. 603**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	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.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>35.</b>
Menard, Joan M.	
<b>NAYS.</b>	
Brown, Scott P.	Knapik, Michael R. — <b>3.</b>
Creedon, Robert S., Jr.	

<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. —1.	

The yeas and nays having been completed at nineteen minutes before one o'clock P.M., section 141 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

*Engrossed Bills — Land Takings for Conservation, Etc.*

An engrossed Bill authorizing the commonwealth to acquire conservation restrictions in and to lands of the city of Leominster (see Senate, No. 31, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eighteen minutes before one o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 604**]:

<b>YEAS.</b>	
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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	

Rosenberg, Stanley C. —1.	
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The yeas and nays having been completed at seventeen minutes before one o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Havern) and laid before the Governor for his approbation.

An engrossed Bill authorizing the Massachusetts Water Resources Authority to enter into an agreement with the town of Walpole to use certain land for recreational purposes (see Senate, No. 2588) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at sixteen minutes before one o'clock P.M., as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 605**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
<b>NAYS.</b>	
Joyce, Brian A. —1.	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. —1.	

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

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property in the town of Weymouth to the South Shore Association of Retarded Citizens (see Senate, No. 2649) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at fourteen minutes before one o'clock, P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 606**]:

<b>YEAS.</b>	
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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. —1.	

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

An engrossed Bill authorizing the town of Ipswich to change the use, the care, custody and control of a portion of town owned land (see Senate, No. 2678) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eleven minutes before one o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 607**]:

<b>YEAS.</b>	
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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. <b>—1.</b>	

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

An engrossed Bill authorizing the towns of Fairhaven, Marion, Mattapoisett and Rochester to make certain conveyances of well field and water supply and protection land to the Mattapoisett River Valley Water District (see House, No. 4379) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined

by a call of the yeas and nays, at eight minutes before one o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 608**]:

<b>YEAS.</b>	
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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. <b>—1.</b>	

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

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Sterling (see House, No. 4507, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at six minutes before one o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 609**]:

<b>YEAS.</b>
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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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

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

An engrossed Bill authorizing the town of Wayland to transfer care and control of certain park land (see House, No. 5079) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at four minutes before one o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 610**]:

<b>YEAS.</b>	
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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. —1.	

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

An engrossed Bill relative to traffic improvements in the town of Maynard (see House, No. 5190) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at one minute before one o’clock P.M., as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 611**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese

Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>37.</b>
McGee, Thomas M.	
<b>NAYS.</b>	
Lees, Brian P. — <b>1.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

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

*Emergency Preambles Adopted.*

An engrossed Bill establishing a sick leave bank for Cheryl Ferrara, an employee of the Department of Mental Retardation (see Senate, No. 2550, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 5 to 0.

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

An engrossed Bill authorizing reimbursement to the town of Eason for veterans' benefits (see House, No. 4917), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 7 to 0.

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

An engrossed Bill establishing a sick leave bank for Paul F. Taylor, an employee of the Division of Professional Licensure (see House, No. 5230), 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 11 to 0.

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

*Engrossed Bills.*

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

Regulating college student meningococcal disease immunization (see Senate, No. 2290, amended);

Promoting alternative resolution of certain public work disputes (see Senate, No. 2655);

Designating a certain bridge in the town of Weymouth as the Weymouth veterans memorial bridge (see House, No. 1693, changed);

Regulating the redetermination of municipal sewer assessments (see House, No. 4435);

Regulating the grant of sewer system connections by the sewer commission of the town of Kingston (see House, No. 4528);

Authorizing the town of Topsfield to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (see House, No. 4810, amended);

Relative to the retirement allowance payable to Robert W. Noseworthy (see House, No. 4841);

Designating a certain bridge in the town of Franklin as the Lance Corporal Shayne Cabino Bridge (see House, No. 4997); and

Relative to state chartered banks (see House, No. 5198).

The House Bill relative to child labor (House, No. 4638, amended),— came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2614 with a still further amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5231.

Senate Rule 36 was suspended, on motion of Mr. McGee, and the House amendment was considered forthwith.

The same Senator moved that the Senate concur in the House amendment with a still further amendment by adding the following 2 sections:—

“SECTION 19. Said chapter 149 is hereby amended by inserting after section 105, as appearing in the 2004 Official Edition, the following section:—

Section 105½. (a) For purposes of this section ‘Entertainment production’ means and includes the following activities performed in the commonwealth: motion pictures of any kind using any format distributed in any medium, photography, recording, modeling, motion picture, theatrical or stage production, television production, commercial production, that but, production crew, publicity, rodeos, circuses, musical performances, or any other performance where minors perform to entertain the public. (b) Notwithstanding any other general or special law to the contrary, a child under 18 years of age may be employed in entertainment production, provided the hours of work do not exceed the following: (1) for a child at least 15 days old but less than 2 years 6 months of age, 36 hours at the place of employment with no more than 2 hours of work and no more than 20 minutes of consecutive work, excluding meal breaks; (2) for a child at least 6 months old but less than 2 years of age, 6 hours at the place of employment with no more than 2 hours of work and no more than 30 minutes of consecutive work, excluding meal breaks; (3) for a child at least 2 years of age but less than 6 years of age, 6 hours at the place of employment with no more than 3 hours of work, excluding meal breaks; (4) or a child at least 6 years of age but less than 9 years of age, 8 hours at the place of employment with no more than 5 hours of work, excluding meal breaks; (5) for a child at least 9 years of age but less than 16 years of age, 9 hours at the place of employment with no more than 6 hours of work, excluding meal breaks; (6) for a child at least 16 years of age but less than 18 years of age, 12 hours at the place of employment with no more than 9 hours of work, excluding meal breaks. (c) The work day for a child under 18 years of age employed under this section shall begin no earlier than 5:00 a.m. and shall end not later than 10:00 p.m. on evenings preceding school days; provided, however, that but a child performer at least 8 years of age in a theatrical or stage production, circus, musical performance or other performance with a live audience may continue a performance until 12:00 a.m. midnight on an evening preceding a school day if the performance began before 10:00 p.m. On evenings preceding non-school days, the child’s work day shall end no later than 12:30 a.m. on the morning of the non-school day. A child shall have a 12-hour break between the end of work on one day and the beginning of the next work day. A child shall not work more than 6 consecutive days. (d) Child performers shall be held to the hour requirements of subsections (b) and (c) and shall not be restricted by any other hour requirements. (e) A child shall fulfill the educational requirements set forth by the department of education or by the state or country of his residence, if he is not a resident of the commonwealth. A child who has not completed the requirements and who is employed in entertainment production when school is in session shall be subject to the following requirements: (1) An employer employing a child for 2 or more school days in a 30 day period shall provide a state certified teacher who has credentials issued by the department of education or recognized by the department of education. This requirement shall apply beginning on the second day that the child performer renders services for that employer and shall continue on each day thereafter that school is in session and the child is rendering services; provided, however, that but if the child has executed a contract with the employer to work for 2 or more school days in the next 30-day period, the requirement shall apply beginning on the first day of the child performer’s employment. A child receiving instruction from a teacher as required by this section shall not be declared absent from school. The requirements of this section shall be applicable only when school is in session and the child performer is not receiving educational instruction due to his employment schedule. Local school districts shall retain the power to determine that a minor is meeting applicable educational standards. (2) For any child performer under 16 years old employed under this section, a parent or legal guardian shall be present with and accompany the performer on the set or location of the entertainment production. A parent or legal guardian may designate in writing any person over 21 years old to serve as an accompanying guardian for purposes of this section, (3) A child performer employed in an entertainment

production under this section shall obtain a permit issued in accordance with this section and sections 86 to 88, inclusive. A child performer who resides in and attends school in the commonwealth shall obtain said permit from the attorney general, from the superintendent of schools in the town where the student resides or by a party authorized by the school committee of the town. A child performer who resides in, but does not attend school in the commonwealth shall obtain the permit from the attorney general once the attorney general receives, examines, approves and files all of the documents required by section 87 with the exception of a school record. A child performer who does not reside in or attend school in the commonwealth shall obtain the permit from the attorney general or from the appropriate issuing authority in the student's state or country of residence. If a child performer resides in a state or country that does not require child actors to obtain work permits, then the child performer shall obtain a work permit from the attorney general. The attorney general shall promulgate regulations pertaining to the application process for expedited or emergency permits to enable eligible performers to receive permits within 24 hours of submitting an application. A permit issued under this section shall be valid for employment by multiple employers and shall be valid for the longer of (i) the full duration of a child performer's service with an employer, or (ii) 6 months.

SECTION 20. Section 85P½ of chapter 231 of the General Laws, as so appearing, is hereby amended by striking out, in lines 42 and 43, the words "and occurs during hours when attendance for instruction is not required in accordance with law".

**The still still further amendment was adopted.**

**The House amendment was then adopted, as amended.**

**Sent to the House for concurrence in the further amendment.**

*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 several items, which had been disapproved in accordance with the provisions of the Constitution.

Item 1102-3224 (Saltonstall Lease Payments Section) was considered as follows:

"1102-3224

For the costs for the Leverett Saltonstall lease and occupancy payments; provided, that the division of capital asset management and maintenance shall submit to the house and senate committees on ways and means on or before the first of each month beginning July 1, 2006 a monthly report on the agencies that currently, or will during fiscal year 2007 occupy space in the Saltonstall building, their rental costs, utility costs, parking space allocation, floor space, lease dates, all services included in the lease and all services that the agencies are obligated to fund beyond the lease payments; provided further, that the report shall include both estimated payments and prior expenditures 11,217,734".

The question on passing item 1102-3224, contained in section 2B, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nine minutes past one o'clock P.M., as follows, to wit (*yeas 32 — nays 6*) [**Yeas and Nays No. 612**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.

Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>32.</b>
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — <b>6.</b>
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at twelve minutes past one o'clock P.M., item 1102-3224, contained in section 2B, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2511-0100 (Department of Agriculture — Administration) was considered as follows:  
“2511-0100

For the operation of the department of agricultural resources, including the office of the commissioner, the expenses of the board of agriculture, the division of daily services, and the division of regulatory services and animal health, including a program of laboratory services at the University of Massachusetts at Amherst, the expenses of the pesticides board, and the division of agricultural development and fairs; provided, that not less than \$45,000 shall be expended for shellfish propagation on the islands of Martha's Vineyard and Nantucket to be administered by the state aquaculture coordinator and Dukes and Nantucket counties; provided further, that \$100,000 shall be expended for 4H activities from this item; provided further, that funds may be expended for the Southeastern Massachusetts Agricultural Partnership; provided further, that funds may be expended for agricultural fair prizes and rehabilitation, including the expenses of the agricultural lands board; provided further, that the department shall, to the extent possible, encourage corporate sponsorships for the purposes of providing agricultural fair prizes; provided further, that \$200,000 shall be expended to enhance the buy local effort in western, central, northeastern southeastern Massachusetts; and provided farther, that funds may be expended for implementation of the agricultural marketing strategic plan, including, but not limited to funding for agricultural business training and technical assistance; provided further, that \$150,000 shall be expended for an electronic pesticide license and product registration system for the licensing and registration required under chapter 132B of the General Laws; and provided further, that the system shall be integrated with the existing SPORT electronic licensing system operated by the department of fish and game 4,497,692.”

The question on passing item 2511-0100, 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 thirteen minutes past one o'clock P.M., as follows, to wit (*yeas 32 — nays 6*) [**Yeas and Nays No. 613**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.

Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>32.</b>
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — <b>6.</b>
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at fourteen minutes past one o'clock P.M., item 2511-0100), 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 7003-0604 (Long Term Care Career Ladder) was considered as follows:

“7003-0604

For the career ladder grant program in long-term care established under section 410 of chapter 159 of the acts of 2000; provided, that grants shall be available for certified nurses' aides, home health aides, homemakers and other entry level workers in long-term care; provided further, that the grants may include training for English for speakers of other languages and other language and adult basic education programs to improve quality of care and improve direct care worker access to and participation in career ladder training; provided further, that the length of these grants shall not exceed a period of 3 years; provided further, that the Commonwealth Corporation shall submit quarterly reports to the house and senate committees on ways and means on this grant program including, but not limited to, the number of grants awarded, the amount of each grant, a description of the career ladder programs, changes in care-giving and workplace practices that have occurred and their impact on quality of care and worker retention and the certificates, degrees or professional status attained by each participating employee; provided further, that the administrative and program management costs for the implementation of the grant program shall not exceed 4 per cent of the amount appropriated in this item; and provided further, that each grant may include funding for technical assistance and evaluation 1,500,000”.

The question on passing item 7003-0604, 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 a quarter past one o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 614**]:

<b>YEAS.</b>	
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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at seventeen minutes past one o'clock P.M., item 7003-0604, 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 7007-0500 (Massachusetts Biotech Research Institute) was considered as follows:

“7007-0500

For the operation and maintenance of the Massachusetts Biotechnology Research Institute for the purpose of promoting the commercialization of new, academic-based research and development, and raising the scientific awareness of the communities of the common-wealth 700,000”.

The question on passing item 7007-0500, 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 eighteen minutes past one o'clock P.M., as follows, to wit (*yeas 35 — nays 3*) **[Yeas and Nays No. 615]:**

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>35.</b>
Menard, Joan M.	
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P. — <b>3.</b>
Hedlund, Robert L.	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C.	
— <b>1.</b>	

The yeas and nays having been completed at nineteen minutes past one o'clock P.M., item 7007-0500 contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8000-0125 (Sex Offender Registry) was considered as follows:  
 “8000-0125

For the operation of the sex offender registry program, including, but not limited to, the costs of maintaining a computerized registry system and the classification of persons subject to the registry; provided, that the \$75 registration fee paid by convicted sex offenders shall be directed from the General Fund to the sex offender registry board to be used to expand the victim services unit 3,972,913”.

[The Governor struck the following wording “; provided, that the \$75 registration fee paid by convicted sex offenders shall be

directed from the General Fund to the sex offender registry board to be used to expand the victim services unit.”  
 The question on passing item 8000-0125, 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 twenty minutes past one o’clock P.M., as follows, to wit (*yeas 38 — nays 0*) **[Yeas and Nays No. 616]:**

<b>YEAS.</b>	
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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. <b>—1.</b>	

The yeas and nays having been completed at twenty-one minutes past one o’clock P.M., item 8000-0125, 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.

*Report of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Jan O. Modzeleski, Sr., an employee of the Massachusetts Correctional Institute in Concord (Senate, No. 2640),— ought to pass, with an amendment inserting before the enacting clause the following emergency preamble:

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for an employee of the department of correction, therefore it is hereby declared to be an emergency law, necessary for the immediate

preservation of the public convenience.”

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

**The bill (Senate, No. 2640, amended) was then ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act establishing a sick leave bank for Jan O. Modzeleski, Sr., an employee of the Department of Correction.”**  
**Sent to the House for concurrence.**

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

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

The Senate Bill relative to the inspection and certification of air tanks on utility high voltage circuit breakers (Senate, No. 2079),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Morrissey moved that the bill be amended by substituting a new draft entitled “An Act exempting from inspection certain electrical substation air tanks” (Senate, No. 2696).

**This amendment was adopted.**

**The bill (Senate, No. 2696) was then passed to be engrossed.**

**Sent to the House for concurrence.**

**PAPER FROM THE HOUSE.**

The Senate Bill authorizing the town of Oxford to provide certain water supply improvements (Senate, No. 2548),— came from the House passed to be engrossed, in concurrence with an amendment inserting after section 3 the following section:

“SECTION 3A. This act shall not be construed to authorize the town of Oxford to construct, own, or operate a water supply or water distribution system serving the entire town, or any portions thereof other than those agreed to by contract with the Aquarion Water Company of Massachusetts, Inc. pursuant to the authorization granted by section 1 of this act. This act shall not be deemed to constitute a repeal or amendment of said chapter 193 of the Acts of 1904, nor shall it be held to be a limitation upon the exclusive service franchise granted to said company by said act or otherwise be interpreted to limit or impair the rights of the company under said act.”

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

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

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

The House Bill relative to the historic district commission of the town of Provincetown (House, No. 4501),— was read a third time and passed to be engrossed, in concurrence.

The House Bill exempting Sean W. Richards from the maximum age requirement for appointment as police officer in the city of Methuen (House, No. 4768),— was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

The Senate Bill relative to the recall by law for the town of Upton (Senate, No. 2613),— 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 recall elections in the town of Upton”.

**Sent to the House for concurrence.**

*Report of a Committee.*

By Mr. Moore, for the committee on Health Care Financing, that the Senate Bill requiring automatic external defibrillator devices in health clubs (Senate, No. 2681),— **ought to pass.**

**There being no objection, the rules were suspended, on motion of Mr. O’Leary, and the bill was read a second time and after remarks, was ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

*Motion to Reconsider.*

There being no objection, on motion of Ms. Menard, the Senate reconsidered the vote by which, it had previously amended the engrossed Bill relative to the renewable energy portfolio standard (see House, No. 5090, amended).

The amendment, previously offered by the same Senator, in section 3, by striking out the words “there shall be on” and inserting in place thereof the following words:— “there shall be no”; and by striking out section 4 and inserting in place thereof the following section:—

“SECTION 4. Section 1 shall take effect on July 31, 2007.”,— was again considered; and it was rejected.

Subsequently, the engrossed bill (see House, No. 5090, 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) and laid before the Governor for his approbation.

*Recess.*

There being no objection, at twenty-seven minutes before two 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 nine minutes before three o'clock P.M., the Senate reassembled, the President in the Chair.

*Petition.*

On motion of Mr. Havern, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. McGee, (accompanied by bill) of Thomas M. McGee, Scott P. Brown, Robert F. Fennell, Steven M. Walsh and other members of the General Court for legislation to establish a sick leave bank for George Mazareas, an employee of the Department of Economic Development,— and the same was referred to the committee on Public Service.

**Sent to the House for concurrence.**

**PAPERS FROM THE HOUSE.**

A petition (accompanied by bill, House, No. 5252) of Thomas J. O'Brien and others for legislation to establish a sick leave bank for Leo D. Shea, an employee of the Trial Court Department,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on The Judiciary.**

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

The engrossed Bill providing for the establishment and administration of rent regulations and the control of evictions in manufactured housing communities in the town of Lakeville (see House, No. 5016), which, on Monday, July 17, 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. 5213] and having passed that branch, notwithstanding said objections.

The message (House, No. 5213) 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 six minutes before three o'clock, P.M., as follows, to wit (*yeas 30 — nays 5*) [**Yeas and Nays No. 617**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Moore, Richard T.
Augustus, Edward M., Jr.	Murray, Therese
Baddour, Steven A.	Nuciforo, Andrea F., Jr.
Barrios, Jarrett T.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Havern, Robert A.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.

Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — <b>30.</b>
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P. — <b>3.</b>
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	
<b>ABSENT OR NOT VOTING.</b>	
Berry, Frederick E.	Hart, John A., Jr.
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>4.</b>

The yeas and nays having been completed at three minutes before three 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.

A Bill authorizing the town of Westwood to grant alcoholic beverages licenses to innholders (House, No. 5232,— on House, No. 5014) [Local approval received on House, No. 5014],— **was read.**

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

*Emergency Preambles Adopted.*

An engrossed Bill authorizing the Department of Conservation and Recreation and the Department of Fish and Game to acquire conservation restrictions in and to the lands of the town of Egremont (see printed in House, No. 4345), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 7 to 0.

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

An engrossed Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to grant easements to Algonquin Gas Transmission, LLC and Colonial Gas Company d/b/a Keyspan Energy Delivery New England (see House, No. 5173), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 5 to 0.

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

*Engrossed Bills.*

Mr. Havern in the Chair, 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:

Establishing a sick leave bank for Cheryl Ferrara, an employee of the Department of Mental Retardation (see Senate, No. 2550, amended);

Authorizing reimbursement to the town of Eason for veterans' benefits (see House, No. 4917); and

Establishing a sick leave bank for Paul F. Taylor, an employee of the Division of Professional Licensure (see House, No. 5230).

*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 expanding the Sherwood Greens Road Improvement and Maintenance District in the town of Becket (House, No. 4811) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

*Report of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to certain retirement benefits for surviving spouses of the State Police (House, No. 4941),— ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2697.

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

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

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

The Senate Bill further regulating ketomine as a Class A controlled substance (Senate, No. 1150) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

*Report of Committees.*

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that the Senate Resolve that there is hereby established a commission to be known as the police training commission (Senate, No. 2661),— **ought to pass.**

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

**Pending the question on passing the resolve to be engrossed, Mr. Brewer, for the committee on Bills in the Third Reading, reported, recommending that the resolve be amended by substituting a new draft entitled “A Resolve providing for a special commission on police training” (Senate, No. 2698).**

**The report was accepted.**

**The resolve (Senate, No. 2698) was then passed to be engrossed.**

**Sent to the House for concurrence.**

*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. 5210, amended), which on Thursday, July 20, 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. 5241) was read; and the Senate proceeded to reconsider several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 1599-1975 (Turnpike Authority Reserve) was considered as follows:

“1599-1975 For a reserve for the Massachusetts Turnpike Authority to be used solely to restore and develop Parcels 6, 12 and 18 to be used exclusively by nonprofit Turnpike Authority entities and as identified in the Central Artery Tunnel Project Joint Development Protocol for Surface Parcels dated June 26, 2003 along the Rose Fitzgerald Kennedy Greenway in the City of Boston, provided however, that not less than \$16 million of this amount shall be used solely for decking and the development of Parcel 6 31,000,000”.

The question on passing item 1599-1975, contained in section 2A, 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 nineteen minutes past three o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) **[Yeas and Nays No. 618]:**

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

Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	Spilka, Karen E.
Fargo, Susan C.	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 — <b>37.</b>
McGee, Thomas M.	
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Hart, John A., Jr.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at a twenty-two minutes past three o’clock P.M., item 1599-1975, contained in section 2A, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 1599-4133 (Higher Ed CBA — FY02 Retro) was considered as follows:  
“1599-4133

For a reserve for the payment of a portion of the salary adjustments and other economic items provided for in various collective bargaining agreements negotiated between the board of higher education and the Association of Professional Administrators; and the American Federation of State, County and Municipal Employees, Council 93, Local 1067, AFL-CIO; provided, that the payments shall fund the fiscal year 2002 payments associated with salary adjustments and other economic items provided for in such collective bargaining agreements; provided further, that, no later than 30 days from the effective date of this act employees covered by the collective bargaining agreements listed in this item shall be paid a lump sum amount equal to the difference between: (a) the salary specified in the relevant agreement; and (b) the salary each received for the period from July 1, 2001 through June 30, 2002; provided further, that employees covered by the collective bargaining agreements in this item shall, subject to appropriation in fiscal year 2007 and thereafter, continue to be paid salaries in effect for fiscal year 2002 until the parties to the collective bargaining agreements reach agreement or lawful impasse in negotiations for successor agreements; provided further, that the chancellor of higher education shall expend these funds for such salary adjustments and other economic items in accordance with this item and the terms of the collective bargaining agreements in this item; provided further, that funds appropriated in this item shall be transferred by the comptroller to the board of higher education based upon a schedule submitted by the chancellor of higher education; provided further, that any requirement that the employer shall submit to the general court a request for an appropriation necessary to fund cost items in a collective bargaining agreement shall not apply to the funding for salary adjustments set forth in this item for the collective bargaining agreements in this item, notwithstanding chapter 150E of the General Laws, including subsection (c) of section 7 of said chapter 150E, or any other general or special law to the contrary or the expiration of any collective bargaining agreement and any contractual requirements relative to allocation of appropriations which would interfere with or impede the payment of salary adjustments and other economic items provided for in this item for the collective bargaining agreements listed in this item and shall not apply to the payment of such salary adjustments and other

economic items, notwithstanding the expiration of any collective bargaining agreement; provided further, that notwithstanding said chapter 150E or any other general or special law to the contrary, appropriation or expenditure of funds in this item shall not constitute or create an obligation for the commonwealth or any institution of public higher education to provide any other salary adjustments or economic benefits associated with any fiscal year prior to or other than fiscal year 2002, as otherwise provided in such collective bargaining agreement 5,764,199”.

The question on passing item 1599-4133, contained in section 2A, 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-three minutes past three o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 619**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconiti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	Spilka, Karen E.
Fargo, Susan C.	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 — <b>37.</b>
McGee, Thomas M.	
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Hart, John A., Jr.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at twenty-five minutes past three o'clock P.M., item 1599-4133, contained in section 2A, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 1599-4131 (UMass CBA — FY02 Retro) was considered as follows:

“1599-4131

For a reserve for the payment of a portion of the salary adjustments and other economic items provided for in various collective bargaining agreements negotiated between the board of trustees of the University of Retro. Massachusetts and: the Massachusetts Society of Professors/Faculty Staff Union/MTA/NEA; the Professional Staff Union, Local 509, Service Employees International Union, AFL-CIO/CLC; the University Staff Association/ Massachusetts Teachers Association/NEA; the International Brotherhood of Police Officer, Local 432, Units A and B; the International Brotherhood of Teamsters, Local 25 (two units); the University of Massachusetts and the International Brotherhood of Police Officers, Local 399; the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 507; the National Association of Government Employees, Local 245; the American Federation of Teachers, Local 1895, AFL-CIO, Faculty Federation; the American Federation of Teachers, Local 1895, AFL-CIO, Educational Services; International Association of Police Officers, Local 399; the Massachusetts Society of Professors/Lowell; the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 1776; the Graduate Employee Organization, Local 2322, UAW; the Service Employees’ International Union, Local 509, Unit B; the Service Employees’ International Union, Local 254, AFL-CIO, CLC, Clerical-Technical Unit; the Service Employees’ International Union, Local 254, AFL-CIO, CLC, Professional/Mid-Management Unit; the National Association of Government Employees; the Graduate Employee Organization, Local 1596, UAW; the Graduate Employee Organization Boston, Local 1596, UAW; provided, that said payments shall fund the fiscal year 2002 payments associated with salary adjustments and other economic items provided for in the collective bargaining agreements; provided further, that, not later than ninety days from the effective date of this act employees covered by the terms of the collective bargaining agreements listed in this item shall be paid a lump sum amount equal to the difference between (a) the salary specified in the relevant agreement and (b) the salary each received, for the period July 1, 2001 through July 6, 2002; provided, further, that employees covered by the terms of the collective bargaining agreements listed in this item shall, subject to appropriation in fiscal year two thousand and seven and thereafter, continue to be paid salaries in effect for fiscal year 2002 until the parties to said collective bargaining agreements reach agreement or lawful impasse in negotiations for successor agreements; provided, further, that the president of the University of Massachusetts shall expend these funds for such salary adjustments and other economic items in accordance with the provisions herein and the terms of the collective bargaining agreements listed in this item; provided further, that funds appropriated in this item shall be transferred by the comptroller to the University based upon a schedule submitted by the president of the University of Massachusetts; provided further, that any requirement that the employer shall submit to the general court a request for an appropriation necessary to fund cost items in a collective bargaining agreement shall not apply to the funding for salary adjustments and other economic items set forth in this item for the collective bargaining agreements listed in this item, notwithstanding the provisions of chapter 150E of the General Laws, including subsection (c) of section 7 of said chapter 150E or any other general or special law to the contrary nor the expiration of any collective bargaining agreement and any contractual requirements relative to allocation of appropriations which would interfere with or impede the payment of salary adjustments and other economic items provided for in this item for the collective bargaining agreements listed in this item and shall not apply to the payment of such salary adjustments and other economic items, notwithstanding the expiration of any collective bargaining agreement; provided further, that notwithstanding the provisions of chapter 150E of the General Laws or any other general or special law to the contrary, appropriation or expenditure of funds in this item shall not constitute or create an obligation for the commonwealth or any institutions of public higher education to provide any other salary adjustments or economic benefits associated with any fiscal year prior to fiscal year 2002, as otherwise provided in such collective bargaining agreements 14,575,687”.

The question on passing item 1599-4131, contained in section 2A, 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 36 — nays 0*) **[Yeas and Nays No. 620]**:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
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
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 — <b>36.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Berry, Frederick E.	Rosenberg, Stanley C. — <b>3.</b>
Hart, John A., Jr.	

The yeas and nays having been completed at a half past three o'clock P.M., item 1599-4131 contained in section 2A, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7003-0605 (Massachusetts Manufacturing Extension Partnership) was considered as follows:  
“7003-0605 706,666”.

The question on passing item 7003-0605, contained in section 2C.I, 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-nine minutes before four o'clock P.M., as follows, to wit (*yeas 34 — nays 2*) [**Yeas and Nays No. 621**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.

Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	Spilka, Karen E.
Fargo, Susan C.	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.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — <b>34.</b>
<b>NAYS.</b>	
Hedlund, Robert L.	Lees, Brian P. — <b>2.</b>
<b>ABSENT OR NOT VOTING.</b>	
Berry, Frederick E.	Rosenberg, Stanley C. — <b>3.</b>
Hart, John A., Jr.	

The yeas and nays having been completed at twenty-seven minutes before four o'clock P.M., item 7003-0605, contained in section 2C.I, 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 Ms. Murray, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Karen Kilroy, an employee of the Massachusetts Department of Correction (House, No. 5039),— **ought to pass.**

**There being no objection, the rules were suspended, on motion of Mr. McGee, 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 — Disapprovals 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. 5210, amended), which on Thursday, July 20, 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. 5241) was read; and the Senate proceeded to reconsider several items and sections, which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 7027-0016 (School to Work Matching Grants) was considered as follows:  
“7027-0016 2,600,000”.

The question on passing item 7027-0016, contained in section 2C.I, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-six minutes before four o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 622**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.

Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Buoniconiti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	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 — <b>36.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Berry, Frederick E.	Rosenberg, Stanley C. — <b>3.</b>
Hart, John A., Jr.	

The yeas and nays having been completed at twenty-four minutes before four o’clock P.M., item 7027-0016, contained in section 2C.I, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7027-0019 (School to Career Connecting Activities) was considered as follows:  
“7027-0019 3,000,000”.

The question on passing item 7027-0019, contained in section 2C.I, 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-three minutes before four o’clock P.M., as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 623**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese

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
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 — <b>36.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Berry, Frederick E.	Rosenberg, Stanley C. — <b>3.</b>
Hart, John A., Jr.	

The yeas and nays having been completed at twenty-one minutes before four o’clock P.M., item 7027-0019, contained in section 2C.I, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7035-0004 (Lawrence Community Action Council) was considered as follows:  
“7035-0004 66,000”.

The question on passing item 7035-0004, contained in section 2C.I, 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 before four o’clock P.M., as follows, to wit (*yeas 31 — nays 6*) [**Yeas and Nays No. 624**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	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
Fargo, Susan C.	Spilka, Karen E.
Havern, Robert A.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Hart, John A., Jr.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>31.</b>
Menard, Joan M.	
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — <b>6.</b>
<b>ABSENT OR NOT VOTING.</b>	
Berry, Frederick E.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at a quarter before four o'clock P.M., item 7035-0004, contained in section 2C.I, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 2¾ (Homeland Security Inspections) was considered as follows:

“SECTION 2¾. Subsection (b) of section 19L of chapter 90 of the General Laws, inserted by chapter 120 of the acts of 2006, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:— Municipal police officers or municipal police departments shall not conduct terminal audits.”

The question on passing section 2¾, 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 four o'clock P.M., as follows, to wit (*yeas 36 — nays 1*) [**Yeas and Nays No. 625**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
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.
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.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>36.</b>
<b>NAY.</b>	
Brown, Scott P. — <b>1.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Berry, Frederick E.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at twelve minutes before four o'clock P.M., section 2¾ stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 3 (State and Community Colleges) was considered as follows:

“SECTION 3. Item 1599-4124 of section 2A of chapter 6 of the acts of 2005 is hereby amended by striking out the words ‘July 6, 2003’ and inserting in place thereof the following words:— July 1, 2003.”

The question on passing section 3, 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 four o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 626**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Buoniconiti, Stephen J.	Pacheco, Marc R.

Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	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.	
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Berry, Frederick E.	Rosenberg, Stanley C. —2.

The yeas and nays having been completed at ten minutes before four o'clock P.M., section 3 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 an item, which had been reduced and disapproved in accordance with the provisions of the Constitution.

Item 7004-0097 (Community Development Action Grants) was considered as follows:  
“7004-0097

For economic grants to municipalities; provided further, that not less than \$150,000 shall be expended for improvements to the Stevens library in North Andover; provided, that \$40,825 shall be expended for the Rockland community center; provided further, that \$50,000 shall be expended to the Salisbury historical society to complete a historic building restoration and create a town history museum and visitors center at Parson’s corner in Salisbury; provided, further, that not less than \$13,622 shall be expended for repair of the kitchen facilities at Lawrence senior center; provided further, that \$500,000 shall be expended for the Mohawk theatre, subject to a 100 per cent funding match; provided further, that \$16,000 shall be expended for emergency flood remediation in the town of Athol; provided that \$500,000 shall be expended in the city of Peabody for a one time matching funds for the North river flood control project; provided further, that \$1,100,000 shall be expended to the town of Norwood for a one-time matching grant for the elderly population growth project; provided further, that \$40,000 shall be expended to the Woburn redevelopment authority for improvements to an elevator to meet the standards of the Americans with Disabilities Act; provided further, that \$1,500,000 shall be expended for the state contribution for a recreational complex in the town of Wrentham; provided further, that \$100,000 shall be expended for the renovation of the Bing theatre in Springfield; provided further, that \$125,000 shall be expended for the renovation of municipal infrastructure in the town of Webster; provided further, that \$68,000 shall be expended for the North Adams airport; provided further, that \$200,000 shall be expended for revitalization of the Weymouth landing area in the town of Weymouth; provided further, that \$50,000 shall be expended for an economic development project in the city of New Bedford at the Elco dress factory; provided further, that \$15,000 shall be expended for the WWII monument in the town of Hamilton; provided further, that \$400,000 shall be expended for costs associated with the

Tewksbury center expansion project on Chandler street in the town of Tewksbury; provided further, that \$50,000 shall be expended for the destruction of old army bunkers located on the division of fisheries and wildlife land in the town of Hingham; provided further, that \$250,000 shall be expended for new seating in the historic Chevalier auditorium in Medford; provided further, that \$200,000 shall be expended to assist the town of Burlington for the renovation and expansion of the Grand View farm; provided further, that \$50,000 shall be expended for the Cambridge housing authority work force program; provided further, that \$50,000 shall be expended for the destruction of old army bunkers located on Massachusetts highway department land in the town of Hingham; provided further, that not less than \$1,000,000 shall be expended for Our House Family Learning Center of the Merrimack valley; provided further, that \$75,000 shall be provided to World is Our Classroom, Inc. serving the towns of Holyoke, Westfield, Chicopee and Greenfield; provided further, that \$250,000 shall be expended for the improvement of recreational sites in the town of West Bridgewater; provided further, that not less than \$2,000,000 shall be expended for the purpose of expanding the groundwater monitoring system in the city of Boston; provided further, that \$50,000 shall be expended for the Amesbury Carriage Alliance in the Amesbury lower milliard to preserve and renovate an existing building into a carriage museum, visitors center and artisans center; provided further, that \$1,430,000 shall be expended for renovations and upgrades for Winthrop recreational areas; provided further, that \$40,000 shall be expended to assist the city of Newton with a smart growth development plan for Newton center; provided further, that \$1,000,000 shall be expended for pollution prevention at the tri-town landfill in Heath; provided further, that \$225,000 shall be expended to the town of Wayland for a generator for the purpose of emergency evacuation; provided further, that \$205,000 shall be expended for the Major Taylor memorial in Worcester; provided further, that \$300,000 shall be expended for the McPherson youth center in the town of Beverly; provided further, that \$200,000 shall be expended to reconstruct the parks and fields in the town of Medway; provided further, that \$100,000 shall be expended for an economic development project in the town of Braintree; provided further, that \$1,500,000 shall be expended for the Blackstone river bikeway and visitor center including, but not limited to, engineering, design, construction and permitting; provided further, that the department of conservation and recreation shall be responsible for the Blackstone river bikeway and may enter into agreements with local communities, as well as, private non profit organizations for the construction, care and maintenance of the Blackstone river bikeway; provided further, that \$1,600,000 shall be expended for commonwealth contribution funds related to the route 146 connector project in the city of Worcester; provided further, that \$175,000 shall be expended for the Greenwood memorial bathhouse; provided further, that \$280,000 shall be expended for a park renovations at the Municipal youth center in the city of Beverly; provided further, that \$200,000 shall be expended for a matching contribution for the enhancement of recreational sites in the town of Reading; provided further, that \$75,000 shall be expended to the Hyannis Athletic Association for field improvements to McKeon field in Hyannis; provided further that \$75,000 shall be expended to the town of Barnstable J.F.K. statue committee as a one-time matching grant to erect a statue honoring the late President John F. Kennedy at the J.F.K. museum located in the village of Hyannis; provided further, that \$200,000 shall be expended for the design and construction of a senior center in the town of Hanover; provided further, that not less than \$250,000 be expended for a joint housing rehabilitation project in the city of Gardner and the town of Templeton; provided further, that \$100,000 shall be provided to Lilly library in the Florence section of the city of Northampton for historic preservation, reconstruction, window installation and brick re-pointing and cleaning, the funds to supplement any funds provided by the board of library commissioners; provided further, that \$75,000 shall be expended for repair and renovation of the Danforth building in the town of Framingham; provided further, that \$150,000 shall be expended to the town of Belmont for a one-time matching grant for the construction of a senior citizen center; provided further, that \$200,000 shall be expended for the town of Kingston senior center; provided further, that \$5,000,000 shall be expended for the reconstruction of the Manning bowl in the city of Lynn; provided further, that not less than \$250,000 shall be expended for a community action grant associated with improvements to the site of the 1999 Worcester cold storage warehouse fire in the city of Worcester; provided further, that \$40,000 shall be expended for the maintenance and upkeep of Plympton town hall; provided further, that not less than \$100,000 shall be expended for the Worcester county convention and visitor's bureau located in the city of Worcester; provided further, that \$175,000 shall be expended to the Worcester Educational Development Foundation; provided further, that not less than \$1,000,000 shall be expended for the renovation of the Haverhill stadium and that not less than \$200,000 shall be expended for the renovation of the Cawley stadium in Lowell; provided further, that not less than \$20,000 be provided to the Millville senior center for food service and maintenance equipment; provided further, that \$1,000,000 shall be expended for the demolition, design and reconstruction of the Bellegarde boat house in the city of Lowell upon transfer of care and control of the boat house to the University of Massachusetts Lowell; provided further, that the town of Halifax shall receive not less than \$50,000 for the Monoponsett pond weed; provided further, that \$200,000 shall be expended for the design of a senior center in the town of Plymouth; provided further, that \$400,000 shall be expended for the construction of the Springfield public market; provided further, that no less than \$200,000 shall be provided for brownfield redevelopment projects in the city of Lynn; provided further, that \$200,000 shall be expended for the Central Square theater project in the city of Lynn; provided further, that \$75,000 shall be expended for safety upgrades in the town of Franklin; provided further, that \$100,000 shall be expended for the revitalization of downtown Hingham; provided further that not less than \$100,000 be allocated for the repairs and renovation of the Charles river landing at Watertown square; provided further, that \$100,000 shall be expended for the design and construction of a permanent bandstand or gazebo on the ground of Sunset lake in the town of Braintree; provided further, that \$500,000 shall be expended for the conversion of Korean War microfilm and all remaining paper records of veterans and members of the Massachusetts national guard to an electronic format to enhance compliance with section 15 of chapter 33 of the General Laws pertaining to the adjutant general maintaining a roster of all veterans by city and town; provided further, that \$160,000 be expended for the Sharon community center to be utilized for the Americans with Disabilities Act compliance projects therein; provided further, that \$100,000 shall be expended for the Hampden senior center; provided further, that \$200,000 shall be expended for the Medway senior center; provided further, that not less than

\$100,000 be expended for the planning of design of the Agawam senior center in the city known as the town of Agawam; provided further, that not less than \$50,000 shall be expended for a grant to the town of Wakefield for the purposes of conducting a study to alleviate the parking and public safety problems at the northeast metropolitan regional vocational school, Wakefield high school and the Woodville school; provided further, that \$50,000 shall be expended for repairs to the Hamilton community center in Newton Lower Falls; provided further, that \$100,000 shall be expended for the renovation of St. Anne's for the Maria Quintana family center in the city of Lawrence; provided further, that \$400,000 shall be expended for the renovation expenses at the East Longmeadow senior center; provided further, that \$60,000 shall be expended for upgrades and improvements at the Abington memorial stadium in Abington; provided further, that not less than \$83,000 shall be expended for Our Father's House in Fitchburg; provided further, that not less than \$100,000 shall be expended to the town of Randolph for capital improvements to the Joseph J. Zapustas arena; provided further, that \$2,000,000 shall be expended for the renovation of the Wallace civic center and planetarium in the city of Fitchburg, contingent on payment of \$1, for a 99 year lease for the facility between the Wallace civic center board of trustees and the commonwealth, acting on behalf of Fitchburg state college; and provided further, that \$25,000 shall be expended for the Braintree councils on aging for structural improvements to meet the standards for the Americans with Disabilities Act 30,361,447".

The question on passing item 7004-0097, contained in section 2E, in concurrence, the objections and reductions of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nine minutes before four o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 627**]:

<b>YEAS.</b>	
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.	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
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.
Knapiak, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at seven minutes before four o'clock P.M., item 7004-0097 contained in section 2E stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

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),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment in section 1, in lines 2 and 3, striking out the words “notwithstanding the provisions of sections 40E through section 40H”, and inserting in place thereof the following:— “notwithstanding sections 40H to section 40I”; in section 1, in line 4 and 5, striking out the words “approved as to form by the attorney general, to James Farina” 5; and in section 4, in lines 1 and 2, striking out the words “James Farina and his agents, tenants or contractors agree”, and inserting in place thereof the following words:— “Grantee agrees”.

**On motion of Mr. Berry, the Senate receded from its amendment.**

*Engrossed Bills — Land Takings for Conservation, Etc.*

An engrossed Bill authorizing disposition of certain conservation and recreation lands under the care, custody and control of the Department of Conservation and Recreation within the town of Mashpee (see House, No. 3416) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at five minutes before four o’clock P.M., as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 628**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>37.</b>
McGee, Thomas M.	
<b>NAY.</b>	
Lees, Brian P. — <b>1.</b>	
<b>ABSENT OR NOT VOTING.</b>	

Rosenberg, Stanley C. —1.	
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The yeas and nays having been completed at three minutes before four o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Havern) and laid before the Governor for his approbation.

An engrossed Bill authorizing the Department of Conservation and Recreation and the Department of Fish and Game to acquire conservation restrictions in and to the lands of the town of Egremont (see printed in House, No. 4345) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at two minutes before four o'clock P.M., as follows, to wit (*yeas 36 — nays 1*) [**Yeas and Nays No. 629**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
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
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
McGee, Thomas M.	Wilkerson, Dianne — 37.
<b>NAY.</b>	
Lees, Brian P. — 1.	
<b>ABSENT OR NOT VOTING.</b>	
Berry, Frederick E.	Rosenberg, Stanley C. — 2.

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

An engrossed Bill relative to the disposition of land owned by the Department of Conservation and Recreation in the town of Rowley in exchange for certain other land located in the town of Rowley (see House, No. 4661) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at one minute past four o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 630**]:

<b>YEAS.</b>	
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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. —1.	

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

An engrossed Bill authorizing the town of Westford to grant a restrictive covenant through town owned land for the new Cameron Senior Center septic system (see House, No. 5135) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at four minutes past four o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 631**]:

<b>YEAS.</b>	
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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

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

An engrossed Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to grant easements to Algonquin Gas Transmission, LLC and Colonial Gas Company d/b/a Keyspan Energy Delivery New England (see House, No. 5173) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be

enacted was determined by a call of the yeas and nays, at six minutes past four o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [Yeas and Nays No. 632]:

<b>YEAS.</b>	
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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. <b>—1.</b>	

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

A Bill authorizing the town of Hanover to convey certain park land (House, No. 4877,— on petition),— was read. There being no objection, the rules were suspended, on motion of Mr. Havern, and the bill was read a second time. Pending the question on ordering the bill to a third reading, Mr. Creedon moved that the bill be amended by striking out section 2 and inserting in place thereof the following 2 sections:—  
 “SECTION 2. If the parcel authorized for transfer in section 1 ceases to be used for the purposes stated in section 1, the care, custody and control of the parcel shall revert to the park and recreation committee of the town of Hanover.  
 SECTION 3. This act shall take effect upon its passage.”

**The amendment was adopted.**

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

**with the amendment.**

**Sent to the House for concurrence in the amendment.**

*Bill Returned with Recommendation of Amendment.*

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to authorizing the town of Mansfield to establish a housing corporation (see House, No. 4334) [for message, see House, No. 4612],— came from the House with amendment in the form approved by the committee on Bills in the Third Reading as follows:—

In section 2 by striking out, in the introductory paragraph the words “and clause (k)”.

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. Creedon, and the Governor’s amendment was considered forthwith.**

**After remarks, on motion of Mr. Timilty, the Governor’s amendment was adopted, in concurrence.**

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

*Communication.*

The Clerk read the following communication:

*July 31, 2006.*

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

Dear Mr. Clerk:

On July 31, 2006 I was unable to be present in the Senate Chamber for a small number of roll call votes pertaining to the Governor’s vetoes of items contained in House Bill 5056. My absence from the Chamber was due to a scheduled meeting in my district regarding transportation for my constituents. Had I been present, I would have voted in the affirmative on the following roll calls:

- Roll Call No. 581, An Act Establishing The Asian American Commission Of The Commonwealth Of Massachusetts
- Roll Call No. 582 Restoring \$200,000 to Line Item 0330-0318 Boston Municipal Court
- Roll Call No. 583 Restoring \$148,376 to Line Item 0330-0410 Alternative Dispute Resolution
- Roll Call No. 584 Restoring \$1 million to Line Item 1100-1560 Mass Development Finance Agency
- Roll Call No. 585 Restoring \$1.5 million to Line Item 4000-0265 Grants to Community Health Centers
- Roll Call No. 586 Restoring \$8,249,990 to Line Item 4512-0200 Substance Abuse Treatment
- Roll Call No. 587 Restoring \$300,000 to Line Item 7003-0702 Workforce Development
- Roll Call No. 588 Restoring \$385,000 to Line Item 7004-0099 Housing Main Administration
- Roll Call No. 589 Restoring \$835,000 to Line Item 7007-0900 Office of Travel and Tourism

While I regret not being present for the roll calls cited above, my first duty was to represent the interests of the citizens of Norfolk and Bristol on a matter of vital importance to the future of the community. I respectfully request that this letter be printed in the Senate Journal as part of the official record for July 31, 2006. Thank you for your assistance on this matter.

With Every Good Wish,  
James E. Timilty,  
*Senator,*  
*Bristol and Norfolk District.*

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

*Recess.*

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

*Suspension of Senate Rule 38A.*

Mr. Berry moved that Senate Rule 38A be suspended to allow the Senate to continue in session beyond the hour of eight o’clock P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

*Report of a Committee.*

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

The Senate Bill prohibiting the exhibition of exotic animals (Senate, No. 2457).

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

Pending the question on ordering the bill to a third reading, Mr. Hedlund moved that the bill be amended by substituting a new draft entitled "An Act further regulating the treatment of elephants" (Senate, No. 2699).

**The amendment was adopted.**

**After remarks, the bill (Senate, No. 2699) was then ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

**PAPER FROM THE HOUSE.**

A Bill relative to social workers (House, No. 730,— on petition),— was read.

There being no objection, the rules were suspended, on motion of Mr. Morrissey, 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 applying the malpractice tribunal to social workers."

*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 Boylston to convey certain open space land (House, No. 4105),— was read a second time.

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

"SECTION 1. The town of West Boylston, acting by and through its board of selectmen may convey all or a portion of a certain parcel of town common land, as determined by the board of selectmen, to Fay Brothers Funeral Home on such terms and conditions as the board of selectmen may determine, including the express purpose for the conveyance and restrictions on future use. The parcel is bounded on the south by lot 76 on assessor's map 148, on the west by lot 77 on assessor's map 148, and on the north and east by Church street, a public way.

SECTION 2. The consideration for the parcel described in section 1 shall be the fair market value of the parcel or the fair market value of its proposed use, whichever is greater, to be determined by 1 or more independent appraisals. The cost of the appraisals shall be assumed by Fay Brothers Funeral Home. The town of West Boylston shall apply the proceeds thereof for conservation and recreation purposes.

SECTION 3. No deed conveying the parcel of land as authorized in section 1 shall be valid if the board of selectmen have included future use restrictions as a term of purchase as provided in section 1 unless the deed contains a provision so restricting its use and contains a reversionary clause that stipulates that the property shall revert to the town of West Boylston for open space purposes if the property ceases to be used for the express purpose for which it was transferred."

**The amendment was adopted.**

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

**Sent to the House for concurrence in the amendment.**

*Report of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain property to the town of Sherborn (House, No. 3426),— ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2701.

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

**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.**

**PAPER FROM THE HOUSE.**

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Karen Kilroy, an employee of the Massachusetts Department of Correction (see House, No. 5039), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a**

vote of 5 to 0.

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

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

The engrossed Bill relative to the retirement classification of emergency medical services employees in the town of Billerica (see Senate, No. 2093, amended), which, on Wednesday, July 18, 2006, had been again laid before His Excellency the Governor for his approbation,— was returned to the Senate Clerk by His Excellency the Governor on Friday, July 28, 2006, at a quarter before five o'clock P.M., with his objections thereto in writing [for message, see Senate, No. 2693].

The message (Senate, No. 2693) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of Article LVI of the Amendments to the Constitution.

The question on passing the bill, 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 a quarter before eight o'clock P.M., as follows, to wit (*yeas 34 — nays 3*) [**Yeas and Nays No. 633**]:

<b>YEAS.</b>	
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.	Murray, Therese
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
Fargo, Susan C.	Spilka, Karen 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 — <b>34.</b>
<b>NAYS.</b>	
Brown, Scott P.	Tarr, Bruce E. — <b>3.</b>
Lees, Brian P.	
<b>ABSENT OR NOT VOTING.</b>	
Nuciforo, Andrea F., Jr.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at twelve minutes before eight 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.**  
**Sent to the House for its action.**

**PAPERS FROM THE HOUSE.**  
*Engrossed Bills.*

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

Relative to the historic district commission of the town of Provincetown (see House, No. 4501);  
Exempting Sean W. Richards from the maximum age requirement for appointment as police officer in the city of Methuen (see House, No. 4768);  
Expanding the Sherwood Greens Road Improvement and Maintenance District in the town of Becket (see House, No. 4811);  
Establishing a sick leave bank for Karen Kilroy, an employee of the Massachusetts Department of Correction (see House, No. 5039); and  
Authorizing the town of Westwood to grant alcoholic beverages licenses to innholders (see House, No. 5232).

An engrossed Bill establishing a housing corporation in the town of Mansfield (see House, No. 4334, 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 reenacted and was signed by the President and again 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 authorizing the Division of Capital Asset Management and Maintenance to transfer easements in certain land in the city of Chelsea (House, No. 5224),— ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2702.

**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 protecting the rights of nursing mothers (Senate, No. 2369),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2704).

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

**The bill (Senate, No. 2704) 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 authorizing the transfer of a certain parcel of land in the city of Taunton (Senate, No. 60),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2703).

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

**The bill (Senate, No. 2703) was then ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

**PAPERS FROM THE HOUSE.**

A Bill relative to insurance and lawful travel by applicants for life and disability insurance and insured individuals (House, No. 5238,— on House, No. 4962),— was read.

There being no objection, the rules were suspended, on motion of Mr. Berry, and the bill was read a second time, ordered to a third reading 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 five minutes past eight o'clock P.M., on motion of Ms. Creem, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 634**]:

<b>YEAS.</b>	
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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. —1.	

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

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

The engrossed Bill relative to judges and registers of probate (see House, No. 4251, amended), which, on Thursday, July 20, 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. 5250] and having passed that branch, notwithstanding said objections.

The message (House, No. 5250) 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 eight minutes past eight o'clock, P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 635**]:

<b>YEAS.</b>	
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.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Buoniconiti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>37.</b>
Lees, Brian P.	
<b>NAYS —0.</b>	
<b>ANSWERED “PRESENT.”</b>	
Pacheco, Marc R. — 1.	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. —1.	

The yeas and nays having been completed at ten minutes past eight 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.

The engrossed Bill relative to the minimum wage (see House, No. 4781, amended), which, on Tuesday, July 25, 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. 5251] and having passed that branch, notwithstanding said objections.

The message (House, No. 5251) 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 twelve minutes past eight o’clock, P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 636**]:

<b>YEAS.</b>	
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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at fourteen minutes past eight 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.

*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 existing appropriations and for certain other activities and projects (see House, No. 5057, 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. 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 103 (Transfer to Life Science Investment Fund) was considered as follows:

“SECTION 103. Notwithstanding any general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer \$10,000,000 from the General Fund to the Massachusetts Life Sciences Investment Fund established pursuant to section 5 of chapter 231 of the General Laws.”

The question on passing section 103, 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 XI, of the Constitution, at a quarter past eight o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 637**]:

<b>YEAS.</b>	
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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. —1.	

The yeas and nays having been completed at seventeen minutes past eight o'clock P.M., section 103 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 24 (Massachusetts Life Science Center) was considered as follows:

“SECTION 24. The General Laws are hereby amended by inserting after chapter 23H the following chapter:

**CHAPTER 231.  
THE MASSACHUSETTS LIFE SCIENCES CENTER.**

Section 1. The general court finds and declares that:

- (1) research in the life sciences and regenerative medicine presents a significant opportunity of yielding fundamental biological knowledge from which may emanate therapies to relieve, on a large scale, human suffering from disease and injury;
- (2) the extraordinary biomedical scientists working within institutions of higher education, research institutes, hospitals, biotechnology companies and pharmaceutical companies can contribute significantly to the welfare of mankind by performing outstanding research in these fields;
- (3) promoting the health of residents of the commonwealth is a fundamental purpose of state government;
- (4) promoting life sciences research to foster the development of the next generation of health-related innovations, to enhance the competitive position of the commonwealth in this vital sector of the economy, and to improve the quality and delivery of health care for the people of the commonwealth is a clear public purpose and governmental function;
- (5) public support for and promotion of the life sciences will benefit the commonwealth and its residents through improved health status and health outcomes, economic development, and contributions to scientific knowledge, and such research will lead to breakthroughs and improvements that might not otherwise be discovered due to the lack of existing market incentives, especially in the area of regenerative medicine, such as stem cell research;
- (6) public support for, and promotion of, life sciences research has the potential to provide cures or new treatments for many debilitating diseases that cause tremendous human suffering and cost the commonwealth millions of dollars each year;
- (7) it is imperative for the purposes of the commonwealth's competitiveness to invest in life sciences research, biotechnology, nanotechnology and bio-defense, to leverage revenues and to encourage cooperation and innovation among public and private institutions involved in life sciences research and related applications;
- (8) the purpose of this chapter is to establish a life sciences center, to grant that center the power to contract with other entities to receive other funds, and to disburse those funds consistent with the purpose of this chapter;
- (9) the life sciences center is intended to: (i) promote the best available research in life sciences disciplines through diverse institutions and to build upon existing strengths in the area of biosciences in order to spread the economic benefits across the commonwealth; and, (ii) foster improved health care outcomes in the commonwealth and the world; and
- (10) the investments of the life sciences center are intended to support future statewide, comprehensive strategies to lead the nation in life sciences-related research, innovations and employment.

Section 2. As used in this chapter the following words, shall unless the context clearly requires otherwise, have the following meanings:

'Board', the board of directors of the Massachusetts Life Sciences Center.

'Bonds', when used in reference to the Center, any bonds, notes, debentures, interim certificates, or other financial undertakings for the purpose of raising capital, including, but not limited to, lines of credit, forward purchase agreements, investment agreements and other banking or financial arrangements, issued by or entered into by the Center pursuant to section 6.

'Center', the Massachusetts Life Sciences Center established pursuant to section 3.

'Contribution agreement', any agreement authorized under this chapter in which a private entity or public entity other than the commonwealth agrees to provide to the Center contributions for the purpose of promoting life sciences research.

'Federal agency'; the United States of America, the President of the United States of America, and any department or corporation, Agency or instrumentality heretofore or hereafter created, designated or established by the United States of America.

'Fund', the Massachusetts Life Sciences Investment Fund.

'Life sciences' advanced and applied sciences, including but not limited to, stem cell research, regenerative medicine, biotechnology and nanotechnology.

'Life sciences research' and applied sciences, including, but not limited to, stem cell research, regenerative medicine, biotechnology and nanotechnology, that has, as a result, significant chance of yielding fundamental biological knowledge from which may emanate therapies to relieve human suffering from disease and injury, vanguard medical therapies, or advanced scientific development and other areas of scientific research and development vital to the state's economy.

'Person', any natural or corporate person, including bodies politic and corporate, public departments, offices, agencies, authorities and political subdivisions of the commonwealth, corporations, trusts, societies, associations, and partnerships and subordinate instrumentalities of any one or more political subdivisions of the commonwealth.

'Public body', the commonwealth, and any body politic and corporate of the commonwealth, including any political subdivision or instrumentality thereof, which is empowered to issue bonds secured by a pledge of revenues or other special funds or assets, including any municipality or district for which the issuance of debt is governed or limited by the provisions of chapter 44.

'Revenues', any receipts, fees, rentals or other payments or income received or to be received on account of obligations to the Center including, without limitation, income on account of the leasing, mortgaging, sale or other disposition of a project or proceeds of a loan made by the Center in connection with any project and also including amounts in reserves or held in other funds or accounts established in connection with the issuance of bonds and the proceeds of any investments thereof, proceeds of foreclosure and any other fees, charges or other income received or receivable by the center other than the industrial mortgage established pursuant to section 4 with respect to a project or the financing thereof.

Section 3. (a) There is hereby created a body politic and corporate to be known as the Massachusetts Life Sciences Center. The center is hereby constituted a public instrumentality and the exercise by the center of the powers conferred by this chapter shall be considered to be the performance of an essential governmental function.

The center is hereby placed in the executive office of economic development but shall not be subject to the supervision, or control of said office, or of any board, bureau, department, or other center of the commonwealth, except as specifically provided in this chapter.

(b) The center shall be governed and its corporate powers exercised by a board of directors consisting of the secretary of administration and finance or his designee; the director of economic development or his designee; the President of the University of Massachusetts or his designee; 2 members who shall be appointed by the governor, 1 of whom shall be a physician licensed to practice medicine in the commonwealth and 1 of whom shall be a chief executive officer of a Massachusetts based life sciences corporation which is a member of the Massachusetts Biotechnology Council. Each member shall serve for a term of five years. Any person appointed to fill a vacancy in the office of a member of the board shall be appointed in a like manner and shall serve for only the unexpired term of such member. Any member shall be eligible for reappointment. Any member may be removed from his appointment by the governor for cause.

(c) Three of the directors shall constitute a quorum and the affirmative vote of a majority of directors present at a duly called meeting where a quorum is present shall be necessary for any action to be taken by the board. Any action required or permitted to be taken at a meeting of the directors may be taken without a meeting if all of the directors consent in writing to such action and such written consents are filed with the records of the minutes of the meetings of the board. Such consents shall be treated for all purposes as a vote at a meeting.

The members of the board shall serve without compensation, but each member shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance of his official duties.

(d) The provisions of chapter 268A shall apply to all ex-officio directors or their designees and employees of the center. The provisions of chapter 268A shall apply to all other directors of the center, except that the center may purchase from, sell to, borrow from, loan to, contract with or otherwise deal with any person in which any director of the center is in any way interested or involved; provided, however, that such interest or involvement is disclosed in advance to the members of the board and recorded in the minutes of the board; and provided, further, that no director having such an interest or involvement may participate in any decision of the board relating to such person. Employment by the commonwealth or service in any agency thereof shall not be deemed to be such an interest or involvement.

(e) The Board shall have the power to appoint and employ an executive director, and to fix his compensation and conditions of employment. The executive director shall be the chief executive, administrative and operational officer of the center and shall direct and supervise administrative affairs and the general management of the center. The executive director may, subject to the general supervision of the board, employ other employees, consultants, agents, including legal counsel, and advisors, and shall attend meetings of the board.

(f) Neither the center nor any of its officers, agents, employees, consultants or advisors shall be subject to the provisions of sections 9A, 45, 46 and 52 of chapter 30, or to chapter 31, or to chapter 200 of the acts of 1976.

(g) The board shall biannually elect 1 of its members as chairperson, 1 of its members as secretary. The secretary shall keep a record of the proceedings of the board and shall be custodian of all books, documents, and papers filed by the board and of its minute book and seal. The secretary shall cause copies to be made of all minutes and other records and documents of the center and shall certify that such copies are true copies, and all persons dealing with the center may rely upon such certification. The treasurer shall be the chief financial and accounting officer of the center and shall be in charge of its funds, books of account and accounting records.

(h) All officers and employees of the center having access to its cash or negotiable securities shall give bond to the center at its expense in such amounts and with such surety as the board may prescribe. The persons required to give bond may be included in one or more blanket or scheduled bonds.

(i) Board members and officers who are not compensated employees of the center shall not be liable to the commonwealth, to the center or to any other person as a result of their activities, whether ministerial or discretionary, as such board members or officers except for willful dishonesty or intentional violations of law. Neither members of the center nor any person executing bonds or policies of insurance shall be liable personally thereon or be subject to any personal liability or accountability by reason of the issuance thereof. The board of directors may purchase liability insurance for board members, officers and employees and may indemnify said persons against claims of others.

(j) The center shall continue as long as it shall have bonds or insurance or guarantee commitments outstanding and until its existence is terminated by law. Upon the termination of the existence of the center, all right, title and interest in and to all of its assets and all of its obligations, duties, covenants, agreements and obligations shall vest in and be possessed, performed and assumed by the commonwealth.

(k) Any action of the center may take effect immediately and need not be published or posted unless otherwise provided by law. Meetings of the center shall be subject to section 11A½ of chapter 30A; but, said section 11A½ shall not apply to any meeting of members of the center serving ex officio in the exercise of their duties as officers of the commonwealth so long as no matters relating to the official business of the center are discussed and decided at the meeting. The center shall be subject to all other provisions of said chapter 30A, and records pertaining to the administration of the authority shall be subject to section 42 of chapter 30 and section 10 of chapter 66. All moneys of the center shall be considered to be public funds for purposes of chapter 12A. The operations of the center shall be subject to chapter 268A and chapter 26&B and all other operational or administrative standards or requirements to the same extent as the office of the state treasurer.

(l) Any documentary materials or data whatsoever made or received by any member or employee of the center and consisting of, or to the extent that such materials or data consist of, trade secrets or commercial or financial information regarding the operation of any business conducted by an applicant for any form of assistance which the center is empowered to render or regarding the competitive position of such applicant in a particular field of endeavor, shall not be deemed public records of the center and specifically shall not be subject to the provisions of section 10 of chapter 66. Any discussion or consideration of such trade secrets or commercial or financial information may be held by the board in executive sessions closed to the public.

notwithstanding the provisions of section 11A½ of chapter 30A, but the purpose of any such executive session shall be set forth in the official minutes of the center and no business which is not directly related to such purpose shall be transacted nor shall any vote be taken during such executive session.

Section 4. (a) The center shall have all powers necessary or convenient to carry out and effectuate its purposes, including, without limiting the generality of the foregoing, the powers:

- (1) to adopt and amend bylaws, regulations and procedures for the governance of its affairs and the conduct of its business without regard to chapter 30A;
- (2) to establish standards requiring that any grant, loan or other appropriation of funds pursuant to this chapter be subject to an intellectual property agreement between the center and the recipient person; provided said intellectual property agreements balance the opportunity for the commonwealth to benefit from the patents, royalties, and licenses with the needs to ensure that essential medical research is not unreasonably hindered by the intellectual property agreements;
- (3) to adopt an official seal and a functional name;
- (4) to maintain offices at places within the commonwealth as it may determine and to conduct meetings of the center in accordance with the by-laws of the authority and the second paragraph of section 59 of chapter 156B;
- (5) to sue and be sued, to prosecute and defend actions relating to its properties and affairs, and to be liable in tort in the same manner as a private person; provided however, that the center is not authorized to become a debtor under the United States Bankruptcy Code;
- (6) to appoint officers and employees and to engage consultants, agents and advisors;
- (7) to enter into contracts and agreements and execute all instruments necessary or convenient thereto for accomplishing the purposes of this chapter; such contracts and agreements may include, without limiting the foregoing, construction agreements, purchase or acquisition agreements, loan or lease agreements, partnership agreements including limited partnership agreements, joint ventures, participation agreements, service agreements with biotechnology entities, nanotechnology entities, bio-defense entities, health care, educational or other financial institutions or intermediaries, and agreements with one or more persons for the servicing of loans made by the center including the receipt by such servicer of payments made by a user under a financing document. Any such payments shall constitute trust funds to be held and applied solely as provided in such agreement for the servicing of loans, shall constitute pledged funds of the center and shall be entitled to the same protection when received by a person for the servicing of loans, without the need for filing and recording of the servicing agreement under the provisions of chapter 106 or otherwise except in the records of the center, as is afforded to funds received by an issuer and pledged to a trustee under section 14 of chapter 40D.
- (8) to acquire real and personal property, or any interest in real or personal property, by gift, purchase, transfer, foreclosure, lease or otherwise including rights or easements; to hold, sell, assign, lease, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage any interest owned by it or under its control, custody or in its possession; to release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including any equity or right of redemption in property foreclosed by it; to take assignments of leases and rentals, proceed with foreclosure actions, or take any other actions necessary or incidental to the performance of its corporate purposes;
- (9) to invest any funds held in reserves or sinking funds, or the Massachusetts Life Sciences Investment Fund, or any funds not required for immediate disbursement, in such investments as may be provided in any financing document relating to the use of such funds, or, if not so provided, as the board may determine;
- (10) to review and recommend changes in laws, rules, programs, and policies of the state and its agencies and subdivisions to further the enhancement of life sciences financing, infrastructure and development within the commonwealth;
- (11) to appear in its own behalf before boards, commissions, departments or other agencies of municipal, state or federal government;
- (12) to obtain insurance;
- (13) to apply for and accept subventions, grants, loans, advances and contributions from any source of money, property, labor or other things of value, to be held, used and applied for its corporate purposes, provided however, that the center shall not accept funding from any source, including any federal agency, if the receipt of said funding would limit the center's ability to promote all forms of biomedical research or scientific inquiry;
- (14) to borrow money, issue bonds and apply the proceeds thereof as provided in section 8, in order to implement the purposes of this chapter and, without limiting the generality of the foregoing, to augment the means of securing financing authorized by law for or otherwise available to public bodies and other users;
- (15) to lend money to and to acquire or hold obligations issued by public bodies or other users at such prices and in such manner as the center shall deem advisable and sell such bonds acquired or held by it at prices without relation to cost and in such manner as the center shall deem advisable and to secure its own issues of bonds with such obligations held by it, all as provided in section 8;
- (16) to issue notes or bonds for any of the purposes provided in this chapter;
- (17) to act as the central entity and coordinating organization of life sciences, advanced sciences, biotechnology and nanotechnology initiatives on behalf of the commonwealth. The center shall work in collaboration with governmental entities, bodies, centers, institutes, and facilities operating within the public domain and promote biotechnology, nanotechnology, stem cell research and related physical technology fields, in order to advance the commonwealth's interests and investments in biotechnology, life sciences, nano-manufacturing, bio-manufacturing, so-called, and other advanced technologies;
- (18) to enter into agreements with public and private entities that deal primarily with biotechnology, nanotechnology, and related physical technology fields with preference to but not limited to stem cell research, bio-manufacturing, and nano-manufacturing,

in order to distribute and provide leveraging of monies or services for the purposes of furthering scientific research in the commonwealth, aiding in the promotion the health of residents, fostering jobs in the life sciences, and promoting overall economic growth within the commonwealth by fostering collaboration and investments in life sciences in the commonwealth;

(19) to provide and pay for such advisory services and technical assistance as may be necessary or desired to carry out the purposes of this chapter;

(20) to establish and collect such fees and charges as the center without further appropriation shall determine to be reasonable; and to receive and apply revenues from fees and charges to the purposes of the Center or allotment by the commonwealth or any political subdivision thereof;

(21) to make loans to any person for the acquisition, construction, alteration, or any combination thereof, or other financing of a project, including but not limited to loans to lending institutions under terms and conditions requiring the proceeds of such loans to be used by such lending institutions for the making of loans to users for qualified projects;

(22) to disburse, appropriate, grant, loan or allocate funds for the purposes of investing in life sciences, emerging technologies, stem cell research, biotechnology, nanotechnology, bio-defense and advanced sciences as directed in this chapter;

(23) to provide assistance to local entities, local authorities, public bodies and private corporations for the purposes of maximizing opportunities for the expansion of life sciences and advanced technologies in the commonwealth and attracting new life sciences entities and advanced technology investments to Massachusetts, fostering new innovative research applications to the commonwealth and creating new manufacturing and development initiatives in the commonwealth;

(24) to prepare, publish and distribute, with or without charge, as the center may determine, such studies, reports and bulletins and other material as the Center deems appropriate;

(25) to exercise any other powers of a corporation organized under chapter 156B; and

(26) to engage accountants, architects, attorneys, engineers, planners, real estate experts and other consultants as may be necessary in its judgment to carry out the purposes of this act and fix their compensation;

(27) to take any actions necessary or convenient to the exercise of any power or the discharge of any duty provided for by this act;

(28) enter into agreements or other transactions with any person, including without limitation any public entity or other governmental instrumentality or agency in connection with its powers and duties under this chapter;

(29) to institute and administer the Massachusetts Life Sciences Investment Fund, established pursuant to section 5 for the purposes of making appropriations, allocations, grants or loans to leverage development and investments in stem cell research, pursuant to chapter 111L, biotechnology, nano-manufacturing, advanced sciences, facilities of higher education whose work and mission applies directly to the aforementioned applications and industries, including, but not limited to, health care, advanced medical technologies and related areas. The center shall implement an application and grant process for these purposes.

Section 5. (a) There is hereby established and placed within the corporation a fund to be known as the Massachusetts Life Sciences Investment Fund, hereinafter referred to as the fund, to be held by the corporation separate and apart from its other funds, to finance the activities of the Massachusetts Life Sciences Center established pursuant to section 3, hereinafter referred to as the center. The fund shall be credited any appropriations, bond proceeds or other monies authorized by the general court and specifically designated to be credited thereto, such additional funds as are subject to the direction and control of the center, any pension funds, federal grants or loans, royalties or private investment capital which may properly be applied in furtherance of the objectives of the fund, any proceeds from the sale of qualified investments secured or held by the fund, any fees and charges imposed relative to the making of qualified investments, as the same shall be defined by the center created pursuant to section 3, secured or held by the fund, and any other monies which may be available to the center for the purposes of the fund from any other source or sources. Any revenues, deposits, receipts, or funds received through the receipt of royalties, dividends, or the sale of equity instruments, inclusive, shall be deposited in the fund, and shall be available expressly to the life sciences center established pursuant to 3 for the purposes described in this section, without further appropriation.

(b) The center shall invest and reinvest the fund and the income thereof, except as hereinafter provided, only as follows: (1) in the making of qualified investments approved by the board, pursuant to rules approved by the board; (2) in defraying the ordinary and necessary expenses of administration and operation associated with the center; provided, however, that said administrative and operational expenses shall not exceed 15 per cent of the total assets of the fund in any one fiscal year; (3) in the investment of any funds not required for immediate disbursement in the purchase of such securities as may be lawful investments for fiduciaries in the commonwealth; (4) for the payment of binding obligations associated with such qualified investments which are secured by the fund as the same become payable; and (5) for the payment of principal or interest on qualified investments secured by the fund or the payment of any redemption premium required to be paid when such qualified investments are redeemed prior to maturity; provided, however, that monies in the fund shall not be withdrawn at any time in such an amount as would reduce the amount of the fund to less than the minimum requirement thereof established by the center, except for the purpose of paying binding obligations associated with qualified investments which are secured by the fund as the same become payable.

(c) The fund shall be held and applied by the center, subject to the approval of the board, to make qualified investments designed to advance the following public purposes: (1) to stimulate increased financing for the expansion of research and development in the areas of life sciences, nano-technology, biotechnology and stem cell research in the commonwealth by leveraging private financing for highly, productive state-of-the-art research and development facilities and by providing financing related thereto including, without limitation, financing of the construction or expansion of such new facilities; (2) to make targeted investments in the areas of life sciences, nano-technology, biotechnology and stem cell research and to spur manufacturing activities for new or existing advanced technologies and life sciences in the commonwealth; (3) to make matching grants to universities, colleges, public instrumentalities, companies and other entities to induce the federal government, industry and other grant-funding sources

to fluid the expansion of research and development in the areas of life sciences, nano-technology, biotechnology and stem cell research in the commonwealth, and to thereby serve to increase and strengthen the commercial and industrial base of the commonwealth and the economic development and employment opportunities related thereto; and (4) to provide bridge financing to universities, colleges, public instrumentalities, companies and other entities in anticipation of the receipt of grants of the type described in clause (2) awarded or to be awarded by the federal government, industry or other sources.

The center shall make no such qualified investment pursuant to clause (1) of subsection (b) unless: (i) said investment has been approved by a majority vote of the board; and (ii) the center finds that, to the extent possible, said qualified investment is such that a definite benefit to the economy of the commonwealth may reasonably be expected therefrom; provided, further, that, in evaluating any request or application for funding, the Center shall consider the following: (1) the appropriateness of any proposed project; (2) whether the project has significant potential to expand life sciences related employment opportunities in the commonwealth; (3) the project's potential to enhance technological advancements in the life sciences; (4) the project's potential to offer a breakthrough medical treatment for a particular disease, or medical condition; (5) the project's potential for leveraging additional funding, or attracting resources to the commonwealth; (6) the project's potential to stimulate life sciences manufacturing in the commonwealth; and (7) evidence of potential royalty income and contractual means to recapture such income for the purposes of this chapter, as the center considers appropriate. In addition, the center shall make no such qualified investment pursuant to said clause (1) of said subsection (b) unless such qualified investment is in conformity with rules adopted by the Center and approved by the board.

Said rules shall also set the terms and conditions for investments which are to constitute qualified investments, which may include, without limitation, loans, guarantees, loan insurance or reinsurance, equity investments, grants made only pursuant to clause (3) of subsection (c), or other financing or credit enhancing devices, as made by the center directly or on its own behalf or in conjunction with other public instrumentalities, or private institutions, or the federal government; provided further, that said rules and regulations shall provide that each such qualified investment made pursuant to clauses (1) and (2) of said subsection (c) shall involve a transaction with the participation of at least one at-risk private party.

Said rules shall, in addition, set forth the terms, procedures, standards and conditions which the center shall employ to identify qualified applications, process applications, make investment determinations, safeguard the fund, advance the objective of increasing employment opportunities for the citizens of the commonwealth, oversee the progress of qualified investments, and secure the participation of other public instrumentalities, private institutions, or the federal government in such qualified investments; provided, further that said rules shall provide for negotiated intellectual property agreements between the center and each recipient of a qualified investment which shall include the terms and conditions by which the fund's support thereof could be reduced or withdrawn.

(d) The center may solicit investments by private institutions or investors in the activities of the fund and may reach agreements with such private institutions or investors regarding the terms of any such investments including, without limitation, the rights of such investors to participate in the income or appropriation of the fund. In furtherance of the objective of securing investments by private institutions or investors in the activities of the fund as set forth in the preceding sentence, the center may develop a proposal relative to the creation of a separate investment entity which would allow for the commingling of the resources of the fund with the maximum participation by such private institutions or investors in a manner which is consistent with the public purpose of the fund and under terms and conditions calculated to protect and preserve the assets of the fund.

(e) Copies of the approved rules, and any modifications thereto, shall be submitted to the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, the chairs of the joint committee telecommunication, utilities and energy and the clerks of the house of representatives and senate.

(f) Qualified investment transactions undertaken by the Center pursuant to the provisions of this section shall not, except as specified in this act, be subject to the provisions of chapter 175, or any successor thereto, and shall be payable solely from the Massachusetts Life Sciences Investment Fund, established by this section and shall not constitute a debt or pledge of the faith and credit of the commonwealth, the Center or any subdivision of the commonwealth.

(g) The center shall not at any time make expenditure from or commitment of the assets of the fund, including, without limitation, the making of qualified investments secured by the fund, if following the making of said qualified investment, the amount of the fund shall be less than the minimum requirement established by the board.

Section 6. (a) The exercise of the powers granted by this chapter shall be in all respects for the benefit of the people of the commonwealth and for the improvement of their health and living conditions and as the operation and of the center shall constitute the performance of essential governmental functions, the center shall not be required to pay any taxes or assessments, except as otherwise provided by this chapter and the notes or bonds issued under this chapter, their transfer and the income therefrom, including any profit made on the sale thereof, at all times shall be free from taxation by and within the commonwealth.

(b) The lands and tangible personal property of the center shall be deemed to be public property used for essential public and governmental purposes and shall be exempt from taxation and from betterments and special assessments.

Section 7. The center shall annually submit to the governor, the chair of the senate committee on ways and means, the chair of the house committee on ways and means, the chairs of the joint committee on economic development and emerging technologies, the secretary of administration and finance, and the comptroller within 90 days after the end of its fiscal year a complete and detailed report setting forth its operations and accomplishments; its receipts and expenditures during such fiscal year; and, its assets and liabilities at the end of its fiscal year.

Section 8. The books and records of the center shall be subject to a biennial audit by the auditor of the commonwealth."

The question on passing section 24, 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 eighteen minutes past eight o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 638**]:

<b>YEAS.</b>	
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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at twenty minutes past eight o'clock P.M., section 24 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

*Engrossed Bill — Land Taking for Conservation Etc.*

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to transfer certain land in the city of Marlborough to James Farina (see House, No. 4656, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, — was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-one minutes past eight o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No 639**]:

<b>YEAS.</b>	
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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

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

*Report of Committees.*

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Frederick E. Berry for legislation to establish a sick leave bank for Sandra Brennan, an employee of the Department of Mental Retardation.

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

**PAPER FROM THE HOUSE.**

A Bill authorizing the Department of Highways to acquire a certain bridge in the town of Walpole (House, No. 5236,— on petition),— was read.

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

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

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

The Senate Bill increasing consumer access to licensed marriage and family therapists (Senate, No. 136) (its title having been changed by the committee on Bills in the Third Reading),— was read a second time, ordered to a third reading, read a third time and passed to be engrossed.

**Sent to the House for concurrence.**

*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 designating basketball as the state sport (printed as Senate, No. 1851).

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

**PAPERS FROM THE HOUSE.**

*Bills Returned with Recommendation of Amendment.*

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill making appropriations for fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects. (see House, No. 5210) insomuch as relates to Section 17 (see House, No. 5246) [for message, see Attachment C of House, No. 5242],— came from the House with endorsement that the House adopted the amendment recommended by the Governor (as approved by committee on Bills in the Third Reading), as follows:

By striking out all after the enacting clause and inserting in place thereof the following:

“Notwithstanding any general or special law to the contrary, the withdrawal of water from Spot Pond reservoir by the town of Winchester under the Spot Pond Elevation Management Agreement between the town of Winchester and the Massachusetts Water Resources Authority dated October 27, 2002 shall be considered a water sharing agreement for the purpose of chapter 21G of the General Laws and as defined in 310 CMR 36.00. The town of Winchester may withdraw water from Spot Pond so long as it is in compliance with this agreement and said chapter 21G.”.

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

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

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

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill making appropriations for fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects, (see House, No. 5210) insomuch as relates to Section 6 (see House, No. 5243) [for message, see Attachment B of House, No. 5242] came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).

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

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

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

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill making appropriations for fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects. (see House, No. 5210) insomuch as relates to Section 6 (see House, No. 5244) [for message, see Attachment C of House, No. 5242],— came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).

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

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

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

*Recess.*

There being no objection, at twenty-two minutes before nine o'clock P.M., at the request of Mr. Lees, for the purpose of a minority caucus, the President declared a recess; and, at twenty-six minutes before ten o'clock P.M., the Senate reassembled, Mr. Havern 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 making appropriations for fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects. (see House, No. 5210) insomuch as relates to Section 6 (see House, No. 5245) [for message, see Attachment D of House, No. 5242],— came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).

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

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

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

*Engrossed Bills.*

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

Relative to social workers (see House, No. 730); and

Authorizing the Department of Highways to acquire a certain bridge in the town of Walpole (see House, No. 5236).

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

An engrossed Bill authorizing the town of Hanover to convey certain park land (see House, No. 4877, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-two minutes before ten o'clock P.M., as follows, to wit (*yeas 36 — nays 1*) [**Yeas and Mays No 640**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
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
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
McGee, Thomas M.	Wilkerson, Dianne — <b>36.</b>
<b>NAY.</b>	
Lees, Brian P. — <b>1.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Berry, Frederick E.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at eighteen minutes before ten o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Havern).

*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 one item, which had been disapproved in accordance with the provisions of the Constitution.

Item 2200-0100 (Department of Environmental Protection) was considered as follows:  
“2200-0100 250,000”.

The question on passing item 2200-0100, 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 eighteen minutes before ten o'clock P.M., as follows, to wit (*yeas 33 — nays 4*) [**Yeas and Nays No. 641**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Moore, Richard T.
Augustus, Edward M., Jr.	Murray, Therese
Baddour, Steven A.	Nuciforo, Andrea F., Jr.
Barrios, Jarrett T.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>33.</b>
Montigny, Mark C.	
<b>NAYS.</b>	
Brown, Scott P.	Knapik, Michael R.
Hedlund, Robert L.	Lees, Brian P. — <b>4.</b>
<b>ABSENT OR NOT VOTING.</b>	
Berry, Frederick E.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at a quarter before ten o'clock P.M., item 2200-0100, 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.

The House Bill authorizing the conveyance of certain parcels of land in the Commonwealth (House, No. 4905, amended),— came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2672, with a further amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5255.

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

*Report of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to taxation of research and development corporations (House, No. 4645, amended),— ought to pass, with an amendment by striking out sections 1 and 2; and by inserting after the enacting clause the following emergency preamble:—

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, forthwith, to expedite the processing of cases before the appellate tax board, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

**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, 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.**

*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 relative to certain elder abuse assessment reports (House, No. 1490, amended),— **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 Supplemental Appropriations Bill.*

A message from His Excellency the Governor, returning, with his disapproval supplemental 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.**

Item 2000-0100 (Executive Office of Environmental Affairs) was considered as follows:  
 “2000-0100 855,000”.

The question on passing item 2000-0100, 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 eight minutes before ten o'clock P.M., as follows, to wit (*yeas 35 — nays 3*) [**Yeas and Nays No. 642**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>35.</b>
Menard, Joan M.	
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P. — <b>3.</b>
Knapik, Michael R.	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at five minutes before ten o'clock P.M., item 2000-0100, 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 2030-1000 (Environmental Law Enforcement) was considered as follows:  
 “2030-0100 397,000”.

The question on passing item 2030-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at four minutes before ten o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 643**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	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 — <b>37.</b>
McGee, Thomas M.	
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at two minutes before ten o'clock P.M., item 2030-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

A Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Saugus (House, No. 5254,— on House, No. 1434),— **was read.**

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

Item 4000-0012 (Levi Standish House and Abilities Unlimited Kamp for Kids) was considered as follows:  
 “4000-0112 400,000”.

The question on passing item 4000-0112, contained in section 2, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at one minute before ten o'clock P.M., as follows, to wit (*yeas 36 — nays 1*) [**Yeas and Nays No. 644**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
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.
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.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>36.</b>
<b>NAY.</b>	
Brown, Scott P. — <b>1.</b>	

<b>ABSENT OR NOT VOTING.</b>	
Berry, Frederick E.	Rosenberg, Stanley C. —2.

The yeas and nays having been completed at two minutes past ten o'clock P.M., item 4000-0112, 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.

Section 74 (Alternative Dispute Resolution — Earmark) was considered as follows:

“SECTION 74. Item 0330-0410 of said section 2 of said chapter 45 is hereby amended by striking out the words “provided further, that not less than \$50,000 shall be expended for Quabbin Mediation in Athol” and inserting in place thereof the following words:— provided further, that not less than \$133,000 shall be expended for Quabbin Mediation in Athol.”

The question on passing section 74, 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 past ten o'clock P.M., as follows, to wit (*yeas 32 — nays 5*) [**Yeas and Nays No. 645**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	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
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.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — <b>32.</b>
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E. — <b>5.</b>
Knapik, Michael R.	
<b>ABSENT OR NOT VOTING.</b>	

Berry, Frederick E.	Rosenberg, Stanley C. —2.
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The yeas and nays having been completed at four minutes past ten o'clock P.M., section 74 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 79 (Executive Office of Environmental Affairs) was considered as follows:

“SECTION 79. Item 2000-0100 of said section 2 of said chapter 45 is hereby amended by adding the following words:— provided further, that not less than \$155,000 shall be expended and not less than \$60,325 provided as in-kind services toward the completion of the agreement with the U.S. Army Corps of Engineers of an ongoing environmental investigation of the Blackstone river including special focus on Fisherville pond in Grafton and Rice City pond in Uxbridge; provided further, that \$300,000 shall be expended to the town of Barnstable to secure a parcel of land referred to as Freezer Point in Barnstable harbor; provided further, that \$150,000 shall be expended to the town of Dennis to enhance the Sesuit creek and watershed ecosystem from Cape Cod bay to Scargo lake; provided further, that \$250,000 shall be expended for the dredging of the Aberjona river in the town of Winchester.”

The question on passing section 79, 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 past ten o'clock P.M., as follows, to wit (*yeas 34 — nays 4*) [**Yeas and Nays No. 646**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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.
<b>NAYS.</b>	
Brown, Scott P.	Knapik, Michael R.

Hedlund, Robert L.	Lees, Brian P. — <b>4.</b>
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

Ms. Menard in the Chair, the yeas and nays having been completed at seven minutes past ten o'clock P.M., section 79 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 82 (Executive Office of Environmental Affairs) was considered as follows:

“SECTION 82. Said item 2030-1000 of said section 2 of said chapter 45 is hereby further amended by striking out the words “that the department shall” and inserting in place thereof the following words:— not less than \$50,000 shall be expended to.”

The question on passing section 82, 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 eight minutes past ten o'clock P.M., as follows, to wit (*yeas 38 nays 0*) [**Yeas and Nays No. 647**]:

<b>YEAS.</b>	
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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	

Rosenberg, Stanley C. —1.	
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The yeas and nays having been completed at ten minutes past ten o'clock P.M., section 82 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

*Emergency Preambles Adopted.*

Mr. Nuciforo in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), the engrossed Bill authorizing the Division of Capital Asset Management to release a portion of an easement in the city of Somerville (see House, No. 4902), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 5 to 1.

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

An engrossed Bill authorizing the disposition of easements or other interests in land in the town of Uxbridge (see Senate, No. 53, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 8 to 1.

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

*Message from the Governor — Disapproval and Reductions in Supplemental Appropriations Bill.*

Mr. Havern in the Chair, 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 83 (Department of Environmental Protection Earmark) was considered as follows:

“SECTION 83. Item 2200-0100 of said section 2 of said chapter 45 is hereby amended by inserting after the words ‘Lake Webster’ the following words:— provided further, that not less than \$250,000 shall be expended to the town of Hopedale for a comprehensive study, including a management plan, for the restoration and maintenance of Hopedale Pond along the Mill River;”

The President in the Chair, the question on passing section 83, 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 twelve minutes past ten o'clock P.M., as follows, to wit (*yeas 34 — nays 4*) [**Yeas and Nays No. 648**]:

YEAS.	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.

Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>34.</b>
<b>NAYS.</b>	
Brown, Scott P.	Knapik, Michael R.
Hedlund, Robert L.	Lees, Brian P. — <b>4.</b>
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at a quarter past ten o'clock P.M., section 83 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 86 (Department of Fish and Game Earmark) was considered as follows:

“SECTION 86. Said item 2310-0200 of said section 2 of said chapter 45 is hereby further amended by adding the following words:— provided further, that \$50,000 shall be expended for the town of Hollnad to address invasive weeds and sediment;”

The question on passing section 86, 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 ten o'clock P.M., as follows, to wit (*yeas 33 — nays 5*) [**Yeas and Nays No. 649**]:

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

Creedon, Robert S., Jr.	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 — <b>33.</b>
Menard, Joan M.	
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E. — <b>5.</b>
Knapik, Michael R.	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at seventeen minutes past ten o'clock P.M., section 86 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 90 (Executive Office of Health and Human Services — Earmark) was considered as follows:

“SECTION 90. Item 4000-0112 of said section 2 of said chapter 45 is hereby amended by inserting after the words “Southwick Recreation Center, Inc.” the following words:— ; provided further, that not less than \$250,000 shall be expended to fund a historic preservation of the Levi Standish House in order to support a greater YWCA presence in Southeastern Massachusetts; provided further, that \$150,000 shall be expended for construction costs at the Abilities Unlimited’s Kamp for Kids program in the city of Westfield.”

The question on passing section 90, 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 eighteen minutes past ten o'clock P.M., as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 650**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.

Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>37.</b>
McGee, Thomas M.	
<b>NAYS.</b>	
Hedlund, Robert L. — <b>1.</b> <b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at twenty minutes past ten o'clock P.M., section 90, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2310-0200 (Division of Fisheries and Wildlife — Earmark) was considered as follows:  
“2310-0200 50,000”.

The question on passing item 2310-0200, contained in section 2, in concurrence, the reductions of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-one minutes past ten o'clock P.M., as follows, to wit (yeas 33 — nays 5) [Yeas and Nays No. 651]:

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

Creedon, Robert S., Jr.	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 — <b>33.</b>
Menard, Joan M.	
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E. — <b>5.</b>
Knapik, Michael R.	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at twenty-three minutes past ten o'clock P.M., item 2310-0200 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 7061-9404 (Department of Education — Dennison Memorial Community Center) was considered as follows: "7061-9404 52,858".

The question on passing item 7061-9404, 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-four minutes past ten o'clock P.M., as follows, to wit (*yeas 32 — nays 6*) [**Yeas and Nays No. 652**]:

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

Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>32.</b>
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — <b>6.</b>
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at twenty-five minutes past ten o'clock P.M., item 7061-9404, 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.

Section 114 (Department of Education — Earmark) was considered as follows:

“SECTION 114. Item 7061-9404 of said section 2 of said chapter 45 is hereby amended by inserting after the words ‘Barnstable, and Springfield;’ the following words:— provided further, that \$52,858 shall be expended for the Dennison Memorial Community Center in the city of New Bedford.”

The question on passing section 114, 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-seven minutes past ten o'clock P.M., as follows, to wit (*yeas 32 — nays 6*) [**Yeas and Nays No. 653**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Buoniconiti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.

Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>32.</b>
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — <b>6.</b>
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at twenty-nine minutes past ten o'clock P.M., section 114, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8000-0051 (Worcester Public Safety Complex) was considered as follows:  
 “8000-0051 For the city of Worcester for the Worcester public safety complex 2,000,000”.

The question on passing item 8000-0051, contained in section 2E, 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 a half past ten o'clock P.M., as follows, to wit (*yeas 33 — nays 5*) [**Yeas and Nays No. 654**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>33.</b>
Menard, Joan M.	
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E. — <b>5.</b>
Knapik, Michael R.	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at twenty-eight minutes before eleven o'clock P.M., item 8000-0051, contained in section 2E, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

*Engrossed Bills — Land Takings for Conservation, Etc.*

An engrossed Bill authorizing transfer of land to the town of Ayer to enhance public access to the Nashua River Rail Trail (see Senate, No. 2694) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-seven minutes before eleven o'clock P.M., as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No 655**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>37.</b>
McGee, Thomas M.	
<b>NAY.</b>	
Lees, Brian P. — <b>1.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at twenty-five minutes before eleven o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Havern).

An engrossed Bill authorizing the Division of Capital Asset Management to release a portion of an easement in the city of Somerville (see House, No. 4902) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-four minutes before eleven o'clock P.M., as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No 656**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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.	
<b>NAY.</b>	
Lees, Brian P. — 1.	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. —1.	

The yeas and nays having been completed at twenty-two minutes before eleven o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Havern).

*Engrossed Bill.*

An engrossed Bill designating basketball as the state sport (see House Bill, printed as Senate, No. 1831) (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).

*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 120 (Military Division — Earmark) was considered as follows:

“SECTION 120. Item 8700-0001 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; and provided further, that \$460,802 shall be expended for reimbursements to the city of Malden for the costs associated with soil contamination found throughout property once owned and conveyed by the commonwealth to the city of Malden.”

The question on passing section 120, 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 before eleven o'clock P.M., as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 657**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.

Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>37.</b>
McGee, Thomas M.	
<b>NAYS.</b>	
Hedlund, Robert L. — <b>1.</b> <b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at eighteen minutes before eleven o'clock P.M., section 120, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8700-0001 (Military Division) was considered as follows:  
"8700-0001 460,802".

The question on passing item 8700-0001, contained in section 2, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at seventeen minutes before eleven o'clock P.M., as follows, to wit (*yeas 36 — nays 2*) [**Yeas and Nays No. 658**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela

Creedon, Robert S., Jr.	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 — <b>36.</b>
<b>NAYS.</b>	
Hedlund, Robert L.	Knapik, Michael R. — <b>2.</b>
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at sixteen minutes before eleven o'clock P.M., item 8700-0001, 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 2330-0100 (Division of Marine Fisheries) was considered as follows:  
"2330-0100 340,000".

The question on passing item 2330-0100, contained in section 2, in concurrence, the reduction, of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at a quarter before eleven o'clock P.M., as follows, to wit (*yeas 36 — nays 2*) [**Yeas and Nays No. 659**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>36.</b>
<b>NAYS.</b>	
Knapik, Michael R.	Lees, Brian P. — <b>2.</b>
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at thirteen minutes before eleven o'clock P.M., item 2330-0100 contained in section 2, stands, in concurrence, notwithstanding the reduction, of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

*Recess.*

There being no objection, at eleven minutes before eleven 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 six minutes past eleven o'clock P.M., the Senate reassembled, Mr. Havern in the Chair.

#### **PAPERS FROM THE HOUSE.**

*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 14 (State Geologist) was considered as follows:

“SECTION 14. Chapter 21A of the General Laws is hereby amended by inserting after section 7, as so appearing, the following section:—

Section 7B. The chancellor of the University of Massachusetts Amherst in consultation with the secretary of the executive office of environmental affairs and department of geosciences shall appoint a professional geologist to be state geologist. The state geologist shall perform research on the land, mineral, and water resources of the state; coordinate and facilitate research and communication among various agencies, researchers and stakeholders; collect, compile, analyze and ‘preserve data pertaining to the geologic environment; disseminate the findings of such research to the public through maps, reports, and other publications; and, direct the Massachusetts geological survey. The state geologist shall advise all other branches of state and local government, concerning the geologic character of the state and its implications for both economic and scientific needs in conjunction with all existing and future environmental factors relating to the geology of the state. The state geologist shall maintain liaison with federal and other state geological surveys, and academic institutions. The state geologist shall have a term limit of 5 years at which time the appointment can be reviewed, revoked or renewed.”

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 seven minutes past eleven o'clock P.M., as follows, to wit (*yeas 31 — nays 4*) [**Yeas and Nays No. 660**]:

<b>YEAS.</b>
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Antonioni, Robert A.	Moore, Richard T.
Augustus, Edward M., Jr.	Murray, Therese
Baddour, Steven A.	Nuciforo, Andrea F., Jr.
Barrios, Jarrett T.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>31.</b>
Montigny, Mark C.	
<b>NAYS.</b>	
Brown, Scott P.	Knapik, Michael R.
Hedlund, Robert L.	Lees, Brian P. — <b>4.</b>
<b>ABSENT OR NOT VOTING.</b>	
Berry, Frederick E.	Panagiotakos, Steven C.
Buoniconti, Stephen J.	Rosenberg, Stanley C.— <b>4.</b>

The yeas and nays having been completed at twelve minutes past eleven 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.

Item 2511-2000 (Department of Agriculture Resources — Agriculture Innovation Center) was considered as follows: “2511-2000 For the Agricultural Innovation Center; provided that the Agricultural Innovation Center shall be established in consultation with the Center for Agriculture at the University of Massachusetts Amherst; provided further, that the Agricultural Innovation Center shall provide a broad range of technical and business development services to the commonwealth’s agricultural producers that may add value to the producers products and services; provided further, that the Agricultural Innovation Center shall develop an outreach program to identify and foster new, innovative ideas and approaches to adding value to the commonwealth’s agricultural economy; provided further, that the Agricultural Innovation Center shall solicit requests from the commonwealth’s agricultural industry for funding and technical assistance in training, marketing, distribution, applied research, agri-tourism, aquaculture, forestry, processing, fiber and agricultural resource management; provided further, that \$200,000 shall be expended for a public/private program of matching funds between the food science department of the University of Massachusetts Amherst and private food industry businesses with the purpose of establishing the research, scientific and regulatory frameworks to expand the creation and production of high value, high growth and high profitability functional foods and to stimulate growth and profitability in the food producing industries in Massachusetts, and provided,

further, that the food industry must provide at least a 100 per cent match 3,200,000”.

The question on passing item 2511-2000, contained in section 2A, 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 eleven o'clock P.M., as follows, to wit (*yeas 34 — nays 3*) [**Yeas and Nays No. 661**]:

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

The yeas and nays having been completed at sixteen minutes past eleven o'clock P.M., item 2511-2000, contained in section 2A, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

A Bill authorizing child care providers to negotiate jointly with the Department of Early Education and Care and the Executive Office of Health and Human Services (House, No. 5257,— on Senate, No. 115 and House, No. 3861),— **was read.**  
**There being no objection, the rules were suspended, on motion of Mr. Berry, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

*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.

Item 2800-0200 (Department of Conservation and Recreation — Commonwealth Zoological Society on Buttonwood Zoo) was considered as follows:

“2800-0200 2,750,000”.

[The Governor reduced this item by \$2,500,000.]

The question on passing item 2800-0200, 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 seventeen minutes past eleven o'clock P.M., as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 662**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	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 — <b>37.</b>
McGee, Thomas M.	
<b>NAY.</b>	
Brown, Scott P. — <b>1.</b>	
<b>ABSENT OR NOT VOTING.</b>	

Rosenberg, Stanley C. —1.	
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The President in the Chair, the yeas and nays having been completed at twenty minutes past eleven o'clock P.M., item 2800-0200, 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 7035-0123 (Department of Education — Junior Achievement Organizations) was considered as follows:  
 “7035-0123 For grants to be administered by the department of education to provide grants to junior achievement organizations; provided, that the grants shall be for programs and services that expand the participation and involvement in educational opportunities and activities for youths 500,000”.

The question on passing item 7035-0123, contained in section 2A, 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-one minutes past eleven o'clock P.M., as follows, to wit (*yeas 37 — nays 1*) [**Yeas and Nays No. 663**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>37.</b>
McGee, Thomas M.	
<b>NAY.</b>	
Hedlund, Robert L. — <b>1.</b>	

<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. —1.	

Mr. Havern in the Chair, the yeas and nays having been completed at twenty-three minutes past eleven o'clock P.M., item 7035-0123, contained in section 2A, stands in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7100-0550 (UMass Biomedical Institute for Discovery) was considered as follows:  
“7100-0550

For the University of Massachusetts biomedical institute for discovery to be established at the Worcester campus to support research and innovations; provided the institute shall (i) perform and support basic research relevant to biotechnology and life sciences, (ii) enhance the development of technology in this sector, (iii) provide technical assistance and collaborative research infrastructure in support of small institutions and current or prospective companies involved in this sector, (iv) involve or employ higher education and secondary education students and faculty in research and in the center's operations, (v) facilitate faculty externships and student internships in this industrial sector, and (vi) foster a collaboration with an enterprise committed to the incubation of new and young companies; provided further, that the institute shall support a center for intelligent high throughput biology and may expend up to \$2,500,000 for equipping, establishing and operating 6 shared resource core facilities utilizing high throughput techniques to speed the development of new hypotheses; to create and make available to scientists at small institutions and companies the tools of genomic medicine; and to create the resources to facilitate the development and study of the interactions of chemical compounds, gene products, cells and organisms and the networks formed by these interactions; provided further, that not less than \$1,500,000 of these funds shall be used to acquire equipment providing access to state-of-the-art productivity enhancing tools such as robotics of plate and liquid handling, transfection/infection, washing, incubation, plate assay/reading and informatics, including, but not limited to, gene silencing, proteomics and protein fractionation, microarray, sequencing and synthesis chemical biology screening and bioinformatics; provided further, that the institute shall establish a center for stem cell biology and regenerative medicine in further support of the public institutional review board operating pursuant to chapter 111L of the General Laws; provided further, that all intellectual property generated by research within the center shall be identified on the Center's internet site and offered on a first negotiation basis to Massachusetts companies expressing interest; provided further, the center shall create a stem cell biology core to serve as a resource/registry for all established and newly established stem cell lines, provide the expertise to grow and characterize the stem cell lines and make them readily available at cost to the academic and industrial scientific community in the commonwealth, and serve as a catalog and data warehouse storing all new data which becomes available from studies conducted on the stem cell lines; and provided further, that \$1,000,000 may be expended for the operations of the stem cell biology core 2,500,000” .

The question on passing item 7100-0550, contained in section 2A, 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-three minutes past eleven o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 664**]:

<b>YEAS.</b>	
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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at twenty-six minutes past eleven o'clock P.M., item 7100-0550, contained in section 2A, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

*Emergency Preambles Adopted.*

An engrossed Bill authorizing the conveyance of certain parcels of land in the Commonwealth (see House, No. 4905, 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 Acting President (Mr. Havern) and sent to the House for enactment.**

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Saugus (see House, No. 5254), 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 11 to 1. The bill was signed by the Acting President (Mr. Havern) and sent to the House for enactment.**

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

An engrossed Bill authorizing the disposition of easements or other interests in land in the town of Uxbridge (see Senate, No. 53, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-nine minutes after eleven o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 665**]:

<b>YEAS.</b>	
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.	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
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 — <b>38.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. —1.	

The yeas and nays having been completed at twenty-nine minutes before twelve o’clock midnight, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor on Tuesday, August 1, for his approbation.

*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.

Item 2800-0108 (Department of Conservation and Recreation — Park and Beach System) was considered as follows:  
“2800-0108

For maintenance of the commonwealth’s park and beach system, including improvements to public access; provided, that \$50,000 shall be expended for Apponagansett bay in the town of Dartmouth; provided further, that \$150,000 shall be expended for the towns of Brewster and Harwich to address a phosphorus imbalance in Long pond; provided farther, that \$100,000 shall be expended for the design and construction of a boardwalk along Salisbury beach; provided further, that \$300,000 shall be expended for improvements to Ambrose park in the city of Revere; provided further, that \$100,000 shall be expended for repairs to a boat ramp at Pamet river in the town of Truro; provided further, that \$350,000 shall be expended for the Kernwood marina in

the city of Salem; provided further, that \$50,000 shall be expended for a feasibility study to extend the Ashuwillticook bike trail from its ending point at the Pittsfield-Lanesborough line for an additional 2 miles into the city of Pittsfield; provided further, that \$100,000 shall be expended to the town of Medway for storm damage; provided further, that \$250,000 shall be expended to the town of Grafton for costs associated with the Lake Ripple dredging project; provided further, that \$100,000 shall be expended for the restoration of Merrymount park in the city of Quincy; provided further, that \$30,000 shall be expended for the restoration and conservation of Furnace pond in the town of Pembroke; provided further, that \$300,000 shall be expended for improvements to Frederick's park in the city of Revere; provided further, that \$250,000 shall be expended to the town of Wakefield for the cleanup of Lake Quannapowitt, including its shoreline, bank, buffer zone, and land in the vicinity thereof; provided further, that \$150,000 shall be expended for the Jordan pond Project in the town of Shrewsbury; provided further, that \$10,000 shall be expended for the Lake Singletary Watershed Association; provided, further, that \$100,000 shall be expended to the town of Holliston for costs and expenses relative to storm and flood damage, a water emergency situation, and other extraordinary or emergency items as determined by the Holliston board of selectmen; and provided further, that \$200,000 shall be expended to rehabilitate the Choate park dam in Medway; provided further, that \$125,000 shall be expended for the cleanup and maintenance of the Fellsmere pond in the city of Malden; provided further, that \$65,000 shall be expended for the cleanup of the Oak Grove culvert in the city of Malden; provided further, that \$100,000 shall be expended for improvements in maintenance costs for the Fells reservation area in the cities of Medford, Melrose and Stoneham; provided further, that not less than \$500,000 shall be made available for the construction of a bath house at Constitution beach in the East Boston section of the city of Boston; provided further, that \$20,000 shall be expended for improvements to Warren Manning park in the town of Billerica; provided further, that not less than \$75,000 shall be expended for construction of handicap accessible raised public access walkway along the Great brook in the town of Southwick; provided further, that not less than \$75,000 be expended for design of a handicap accessible public access trail at Pynchon point in the city known as the town of Agawam; provided further, that \$100,000 shall be expended for improvements to the Vietnam Veterans park in the town of Billerica; provided further, that \$40,000 shall be expended to rehabilitate Flavey beach reservation in West Roxbury; provided further, that not less than \$85,000 shall be expended for reconstruction of a boat launching ramp at Magansett harbor in North Falmouth; provided further, that \$100,000 shall be expended for the dredging of Nashawannuck pond in Easthampton; provided further, that \$75,000 be expended for design and construction of Pakachoag meadows in Auburn; provided further that \$250,000 be expended for the athletic fields in the town of Saugus, including a track located on Dow street in the town of Saugus; provided further, that \$25,000 shall be expended for the Indian Lake Watershed Association; provided further, that \$150,000 be expended for sidewalk construction and improvement on the Lynn Fells parkway in the town of Saugus between the Main street intersection and the Saugus/Melrose line; provided further, that \$100,000 shall be expended for improvements to the William A. Meaney playground in Dorchester; provided further, that \$75,000 be expended for the design of traffic signals at the intersection of Route 44 and Plymouth Mobile Estates; provided further, that \$30,000 shall be expended for improvements to Tercentennial park in the town of Framingham; provided further, that \$35,000 shall be expended for emergency repairs to the Oak Grove playground in Millis; provided further, that \$800,000 shall be expended to the town of Holliston towards acquisition and other improvement costs in connection with the rail trail from the town of Sherborn through a portion of the town of Holliston; provided further, that \$100,000 be expended for the improvement of Saxton J. Foss park in the city of Somerville; provided further, that \$250,000 be expended for a traffic light at a pedestrian crosswalk at Hawthorne street extension in Cambridge; provided further, that \$250,000 be expended to enhance the park land and construct the boat ramp at the land on Route 110 Methuen as the "Beas site"; provided further, that \$90,000 shall be expended for park renovations in Stone park in the town of Ashland; provided further, that no less than \$45,000 shall be expended for safety repairs to the dam and herring ladder located on the Mattapoissett river at route 6; provided further, that \$100,000 shall be expended for the maintenance programs and supplies for Squantum Point park; provided further, that not less than \$20,000 shall be expended for costs associated with playground improvements at Purgatory Chasm state reservation; provided further, that \$100,000 shall be expended for Pine Tree brook in the town of Milton for the purpose of implementing Phase V of a project for clearing and dredging; provided further, that \$1,200,000 shall be expended for the renovation of the Manning pool in the city of Brockton; provided further, that not less than \$3,000,000 shall be expended for capital improvements and maintenance costs for Revere beach in the city of Revere of which not less than \$80,000 shall be made available for the purpose of installing archways as part of this project; provided, that \$150,000 shall be expended for costs associated with the design and construction of the Charles river skatepark in the city of Cambridge; provided further, that not less than \$30,000 shall be expended for the operation of Berkshire Grown, the buy local campaign of Berkshire county; and provided further, that not less than \$200,000 shall be expended as a 3-to-1 matching grant for phase II or Parker's river marine and community park in the town of Yarmouth 10,950,000".

The question on passing item 2800-0108, contained in section 2E, in concurrence, the reductions 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-eight minutes before twelve o'clock midnight, as follows, to wit (*yeas 36 — nays 2*) [**Yeas and Nays No. 666**]:

<b>YEAS.</b>	
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.	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
Fargo, Susan C.	Spilka, Karen 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 — <b>36.</b>
<b>NAYS.</b>	
Lees, Brian P.	Tarr, Bruce E. — <b>2.</b>
<b>ABSENT OR NOT VOTING.</b>	

Rosenberg, Stanley C.	
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The yeas and nays having been completed at twenty-six minutes before twelve o'clock midnight, item 2800-0108, contained in section 2E, stands, in concurrence, notwithstanding the reductions and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 6005-0030 (Transportation Improvement Projects) was considered as follows:

"6005-0030

To provide for transportation improvements, to include road, pedestrian and infrastructure projects; provided, that \$336,000 shall be expended for the Bolivar street project in the town of Canton; provided further, that \$40,000 shall be expended for flood control on Forest road in Millis; provided further, that \$25,000 shall be expended for the Woburn Nelco roadway construction; provided further, that \$350,000 shall be expended for the reconstruction and repaving of route 133 in Boxford from the Georgetown/Boxford town line to West Boxford center; provided further, that \$200,000 shall be expended for the installation of a stop light and related road construction at the Winter street and route 53 intersection in the town of Duxbury; provided further, that \$500,000 shall be expended for the route 97 intersection project in the town of Wenham; provided further, that \$200,000 shall be expended for traffic signals and roadway improvements at the intersection of Bolton street and Rockdale avenue located in the south end of New Bedford; provided further, that \$125,000 shall be expended for the replacement of a culvert on Bridge street in the town of Dennis; provided further, that \$45,000 shall be expended for improvements to the sidewalk on North Main street in Sherborn to meet the standards of the Americans with Disabilities Act; provided further, that \$200,000 shall be expended for the construction of a new highway barn and salt shed in the town of Medway; provided further, that \$100,000 shall be expended for the Old Center/Common project in North Andover; provided further, that \$100,000 shall be expended for design and construction of sidewalks on Green street in the town of Lynnfield; provided further, that \$100,000 for platform repairs in the town of Stoughton; provided further, that \$800,000 shall be expended for the Chicopee riverwalk and bikeway project; provided further, that \$100,000 shall be expended for the rehabilitation of the Fisher street bridge in the town of North Attleboro; provided further, that \$30,000 shall be expended for a feasibility study conducted by the towns of Wakefield and Lynnfield for recreational pathways abutting Reedy meadow; provided further, that \$200,000 shall be expended to restore and expand 213 Oak street in the town of Medway; provided further, that \$125,000 shall be expended for emergency road repairs as the result of heavy rains in the town of Bernardston; provided further, that \$325,000 shall be expended for sidewalks on Franklin street in the town of Reading; provided further, that \$100,000 shall be expended for the redesign and engineering of the intersection of Chestnut street and route 1 in the town of North Attleboro; provided further, that \$900,000 shall be expended for the fourth phase of the East street renovation project in the town of Ludlow; provided further, that \$200,000 shall be expended for road improvements on Achnusnet avenue and Braley road in the city of New Bedford; provided further, that \$50,000 shall be provided to the city of Northampton for a study and preparation of plans to correct drainage problems in the Federal street and Bernache street areas of that city; provided further, that \$250,000 shall be expended for improvements to traffic flow in Billerica center; provided further, that \$20,000 shall be expended for the construction of a salt shed in the town of Brookfield; provided further, that \$2,400,000 shall be expended for improvements on Chestnut street in the town of Needham; provided further, that \$50,000 shall be expended for road improvements to route 101 in the town of Templeton; provided further, that \$80,000 be allocated for the construction of a crosswalk along the border of the town of Lexington and the city of Waltham; provided further, that not less than \$50,000 shall be expended for the Gateway to the Manor project in the town of Dedham; provided further, that \$70,000 shall be expended for emergency road and infrastructure repairs as the result of the heavy rains of July 18, 2005 in the town of Whately; provided further, that not less than \$50,000 shall be expended to the town of Bellingham for restoration and preservation of historic buildings; provided further, that not less than \$300,000 shall be expended for the installation of a traffic signal to allow for U-turns on route 1 in the town of Westwood; provided further, that \$40,000 shall be expended to the town of Littleton for signalization lighting at the Littleton high school entrance located on King street in the town of Littleton as part of the Route 2A/Route 110 Traffic Improvements, Littleton High School Turn Lane project as shown on a plan prepared for the Massachusetts highway department by the Berkshire Design Group, Inc. dated May 10, 2004; provided further, that \$795,000 shall be expended for the renovation of the Rockland street bridge in the town of Wellesley; provided further, that not less than \$25,000 shall be expended for said department to conduct a feasibility study on erecting sound barriers along Route 193 in Somerville; provided further, that \$100,000 shall be appropriated for emergency repairs to bridges, culverts, and waterways caused by floodwaters in the town of Mendon; provided further, that \$50,000 shall be expended to the town of Littleton for right of way acquisitions on 2 parcels located at 62-64 King street in the town of Littleton as part of the Route 2A/Route 110 Traffic Improvements, Littleton High School Turn Lane project as shown on a plan prepared for the Massachusetts highway department by the Berkshire Design Group, Inc. dated May 10, 2004; provided further, that \$100,000 shall be appropriated for emergency repairs to bridges, culverts, and waterways caused by floodwaters in the town of Hopedale; provided further, that \$400,000 shall be appropriated for emergency repairs to bridges, culverts, and waterways caused by floodwaters in the town of Milford; provided further, that not less than \$100,000 be expended for improvements to the Memorial bridge rotary in West Springfield; provided further, that \$585,000 shall be expended for improvements to the sidewalks on North Main street in the town of Andover; provided further, that not less than \$200,000 shall be expended for design and development of Quinebaug valley rail trail; provided further, that \$250,000 shall be expended for roadway and infrastructure improvements on Essex street from Danvers road to the Lynn line in Swampscott; provided further, that \$90,000 shall be expended for sidewalk construction in the town of Ashland; and provided

further, that \$100,000 shall be expended for the repaving of Paradise road in Swampscott; provided further, that \$50,000 shall be expended for a feasibility study of the Blackstone valley regional salt shed in the town of Sutton; provided further, that \$155,000 shall be expended for the Granite avenue and the Neponset river bike path traffic signal; provided further, that \$125,000 shall be expended for roadway, culvert and waterway repairs in the town of Leyden; provided further, that \$100,000 shall be expended for the design and construction of full traffic signalization in the vicinity of the Holbrook public safety complex at the intersection of King street and South Franklin street in the town of Holbrook; provided further, that \$50,000 shall be expended for the installation of new and improved lighting for the safety of MBTA riders at the JFK/ UMASS and Fields Corner Red Line stations; provided further, that no less than \$300,000 shall be expended for sidewalks on Elm street in the town of East Bridgewater, from North Central to Belmont street, and on Belmont street from Elm to Summer street, and on Spring street from Bedford to Winter street; provided further, that not less than \$1,000,000 shall be expended for improvements along the Blue Hills parkway, including but not limited to infrastructure and road improvements, signalization, sidewalks, lighting, safety and aesthetic improvements, in the town of Milton; provided further, that \$16,000 shall be expended to improve, upgrade and repair traffic signals at the intersection of route 16 and Hopedale street in Hopedale; provided farther, that the bicycle program within the executive office of transportation, in collaboration with the official sponsor of the event, state, regional and local agencies and cities and towns, shall accept the established bicycle route of the Pan Mass Challenge and shall designate and mark the bicycle route by means of signs bearing the official logo of the event; provided further, that \$15,000 shall be expended for the purchase, post fabrication and installation of Pan Mass signs along the Pan Mass route from Sturbridge to Bourne; provided further, that \$50,000 shall be expended on the planning, design and construction of sidewalks on route 22 in the town of Wenham; provided farther, that \$50,000 shall be expended for the South Main street improvement project in the town of Middleton; provided further, that \$118,334 shall be expended for the emergency reconstruction of state highway route 68 in the town of Royalston; provided further, that \$13,000 shall be expended for funds to reimburse the town of Royalston for expenditures regarding the breach of a beaver dam that caused the collapse of Route 68; provided further, that \$250,000 shall be expended for the design and construction of a south-bound ramp for route 495 in the towns of Mansfield and Norton; provided further, that not less than \$150,000 shall be expended for a study on improvements to the Crescent street parking garage in the city of Waltham; provided further, that \$10,000 shall be expended for design of a recreation trail along route 2 in the town of Harvard; provided further, that \$40,000 shall be expended for signal lights at the Assabet river rail trail crossing of Route 85 (at the corner of Glasson Street) in the town of Hudson; provided however, \$225,000 shall be expended for pedestrian safety and roadway improvements for the purpose of reducing excessive vehicular speed along the Dell avenue corridor in the city of Melrose 13,473,334”.

The question on passing item 6005-0030, contained in section 2E, in concurrence, the reductions 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 twelve o'clock midnight, as follows, to wit (*yeas 32 — nays 6*) [**Yeas and Nays No. 667**]:

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

Creedon, Robert S., Jr.	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>32.</b>
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — <b>6.</b>
<b>ABSENT OR NOT VOTING.</b>	
Rosenberg, Stanley C. — <b>1.</b>	

The yeas and nays having been completed at twenty-four minutes before twelve o'clock midnight, item 6005-0030, contained in section 2E, stands, in concurrence, notwithstanding the reductions and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

*Emergency Preambles Adopted.*

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Barnstable (see Senate, No. 2420), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 5 to 0.

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

An engrossed Bill relative to allowing the town of Winchester to draw water from Spot Pond (see House, No. 5246, 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 2 to 0.**

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

An engrossed Bill relative to aiding public housing authorities (see House, No. 5243, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 5 to 0.**

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

An engrossed Bill relative to calculating employee retirement benefits (see House, No. 5245, 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 3 to 0.**

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

An engrossed Bill relative to funding community health centers (see House, No. 5244, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 5 to 0.**

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

An engrossed Bill relative to gate shows (see House, No. 4493, 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 4 to 0.**

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

*Engrossed Bill.*

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Washington (see Senate, No. 58, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Governor on Tuesday, August 1, for his approbation.

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

An engrossed Bill authorizing an easement or lease of land by the conservation commission of the town of Falmouth (see Senate, No. 2319, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at sixteen minutes before twelve o'clock midnight, as follows, to wit (yeas 37 — nays 0) **[Yeas and Nays No. 668]:**

<b>YEAS.</b>	
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.	Murray, Therese
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>37.</b>
Lees, Brian P.	
<b>NAYS —0.</b>	

<b>ABSENT OR NOT VOTING.</b>	
Nuciforo, Andrea F., Jr.	Rosenberg, Stanley C. —2.

The yeas and nays having been completed at thirteen minutes before twelve o'clock midnight, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Murray) (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 on Tuesday, August 1, for his approbation.

*Report of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to the economic development of the commonwealth (House, No. 5253, amended),— ought to pass, with an amendment, inserting after section 1 the following section:—

“SECTION 1A. Section 9 of chapter 28A of the General Laws is hereby amended by striking out the definition of ‘Placement agency’ and inserting in place thereof the following definition:—  
‘Placement agency’, a department, agency, or institution of the commonwealth, or any political subdivision thereof, that provides custodial care and social services to children and that receives, by agreement with a parent or guardian, by contract with a state agency or as a result of referral by a court of competent jurisdiction, any child under 18 years of age, for placement in family foster care or a group care facility, or for adoption;” and with a further amendment, by inserting after section 2 the following section:—

“SECTION 2A. The third section of subsection (a) of section 95 of chapter 139 of the acts of 2006 is hereby amended by inserting, after the words ‘in awarding the grants’ the following words:— ; provided, however, that \$3,500,000 shall be allocated to a community health center which provides 24-hour emergency services, a Program of All-Inclusive Care for the Elderly, known as PACE program, and a 340B pharmacy program to support essential community services and underserved communities.”.

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

**The bill, 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.**

**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 relative to welfare reform (see House, No. 5212) [for message, see House, No. 5249],— came from the House with endorsement that the House divided the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading) and with the further endorsement that the House had adopted section 7 as follows:

In section 7, by striking out the first sentence in subsection (c) and inserting in place thereof the following sentence: “A recipient or an applicant who has received transitional aid to families with dependent children within the last 4 calendar months shall be eligible to have \$30 and one-half of the remaining gross earned income, after work-related expense but before dependent care deductions, disregarded, subject to the provisions of 106 CMR 204.285, for the entire period that the recipient is eligible for assistance”; with the further endorsement that the House had rejected the amendment in section 8, by striking out section 2F and inserting in place thereof the following section:

“Section 2F. Recipients meeting the following eligibility criteria shall be exempt from the provisions of sections 2G, 2H and subsections (c) and (d) of section 3 until such time as their eligibility status has been determined by the department to have changed and they no longer conform to the criteria that define the following exempt categories of assistance:—

(a) recipients with a child of record under the age of 1 year or any child other than the child of record who is under the age of 3 months, except that section 7(f) shall apply;

(b) caretakers of children in their care; provided, however, that the department shall provide assistance for only the children; or

(c) parents who receive supplemental security income and have children in their care; provided, however, that the department shall provide assistance for only the children.”; with the further endorsement that the House had rejected the amendment in section 8, adding to section 2G the following subsection:—

“(f) The department shall promulgate regulations to implement a life-time limit on the receipt of benefits for all recipients that is comparable to that of federal law. A recipient who has received state or federal benefits prior to the effective date of this chapter shall have the receipt of such benefits counted against the life-time limit; provided that no more than 24 months of benefits shall be counted.”; with the further endorsement that the House had adopted the amendment in section 8, striking out section 2H and inserting in place thereof the following section:

“Section 2H. The department shall administer a program, to be known as the full engagement program, for families who are not exempt under section 2F. The full engagement program shall require that the head of household in each such family or both

parents in a two-parent family meet the terms of their employment development plan developed by the department as described in section 3 within 60 days of the receipt of assistance by the family. The department shall promulgate regulations establishing exceptions for good cause for not meeting the employment development plan. The exceptions shall include, but need not be limited to, domestic violence, medical reasons, and emergency circumstances. At the discretion of the commissioner, recipients subject to the full engagement requirement who fail to meet the requirements shall be subject to sanction up to and including the termination of all assistance for their family”; with the further endorsement that the House had rejected the amendment striking out section 11 and inserting in place thereof the following section:

“SECTION 11. Section 3 of chapter 118 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the third, fourth and fifth paragraphs and inserting in place thereof the following 2 subsections:—

(c) Subject to appropriation, the department shall develop for each recipient an employment development plan designed to enable the recipient to attain economic self-sufficiency. The plan shall be prepared by the case manager with the involvement of the recipient. The plan shall include an assessment of the current employability of the recipient and development of a strategy for the recipient to attain economic self-sufficiency. Hourly requirements for the plan of each recipient may differ based on standards, established by the department through regulation, designed to achieve the required federal work participation rate for the commonwealth. Each employment development plan can be made up of one or more components, subject to availability and program slots, including work, the full employment program, job search, specified education and training, community service and barrier removal as defined by the department. Component choices will also be designed to achieve the required federal work participation rate of the commonwealth, provided that department-approved vocational education and training programs may count for the participation requirement for up to 12 months. A teen parent shall be required to meet the standards for teen parents set forth in federal law. A parent providing care for a disabled family member living in the home shall be subject to the provisions of this chapter in accordance with the provisions of federal law. The department shall determine program availability levels for each of the program components after considering the appropriations for said components, for assistance, and for day care services related to the program. Volunteers shall be given first priority for participation in all such program availability level for the program component. The department shall consider the availability of transportation in developing said employment development plans.

(d) It shall be the responsibility of the recipient to fulfill the obligations of the employment development plan, contingent upon the provision of needed services or supports as indicated in the plan. Recipients who fail to adhere to the obligations set forth in their employment development plan and experience a reduction of family income due to a reduction or termination of benefits which, in turn, places their children at risk, shall be required to meet with their caseworker for reassessment. Recipients not qualifying as exempt under the provision of section 2F and whose child of record is under the age at which full-time school attendance is mandatory may, without penalty, choose not to participate in the full engagement program established by section 3 if they need child care services and the office of child care services or its successor agency determines that there will not be sufficient funding or space to provide child care services to the recipient’s child while the recipient is participating in said full engagement program.”; with the further endorsement that the House had rejected the amendment in section 12, by striking out sections 3F and 3I; with the further endorsement that the House had rejected the amendment in striking out section 19; with the further endorsement that the House had rejected the amendment striking out section 20; and with the further endorsement that the House had adopted the amendment striking out section 21.

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. Baddour, and the Governor’s amendment (as approved by the House Committee on Bills in the Third Reading and divided by the House) was considered forthwith.

The question on concurring in the House action was determined by a call of the yeas and nays, at five minutes before twelve o’clock midnight, on motion of Mr. Lees, as follows, to wit (*yeas 27 — nays 10*) [**Yeas and Nays No. 669**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Moore, Richard T.
Augustus, Edward M., Jr.	Murray, Therese
Barrios, Jarrett T.	O’Leary, Robert A.
Berry, Frederick E.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.

Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Travaglini, Robert E.
Joyce, Brian A.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — <b>27.</b>
Montigny, Mark C.	
<b>NAYS.</b>	
Baddour, Steven A.	Knapik, Michael R.
Brewer, Stephen M.	Lees, Brian P.
Brown, Scott P.	Morrissey, Michael W.
Buoniconti, Stephen J.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. — <b>10.</b>
<b>ABSENT OR NOT VOTING.</b>	
Nuciforo, Andrea F., Jr.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at three minutes before twelve o'clock midnight, the Senate concurred in the House actions.

Engrossed Bills — Land Takings for Conservation, Etc.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Saugus (see House, No. 5254) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at two minutes before twelve o'clock midnight, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 670**]:

<b>YEAS.</b>	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Murray, Therese
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

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 — <b>36.</b>
<b>NAYS —0.</b>	
<b>ANSWERED “PRESENT.”</b>	
Barrios, Jarrett T. — 1.	
<b>ABSENT OR NOT VOTING.</b>	
Nuciforo, Andrea F., Jr.	Rosenberg, Stanley C. —2.

The yeas and nays having been completed at one minute before twelve o'clock midnight, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor on Tuesday, August 1, for his approbation.

An engrossed Bill authorizing the conveyance of certain parcels of land in the Commonwealth (see House, No. 4905, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at one minute before twelve o'clock midnight, as follows, to wit (*yeas 37 — nays 0*)  
**[Yeas and Nays No 671]:**

<b>YEAS.</b>	
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.	Murray, Therese
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	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 — <b>37.</b>
Lees, Brian P.	
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Nuciforo, Andrea F., Jr.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at twelve o'clock midnight, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor on Tuesday, August 1, for his approbation.

*Order Adopted.*

On motion of Mr. Berry,—

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

*Adjournment.*

At three minutes past twelve o'clock midnight, the President banged the gavel and stated that under the provisions of Senate Rule 38A½ the Senate cannot continue in session beyond the hour of midnight and that the Senate stands adjourned to meet again on Thursday next at eleven o'clock A.M., without a calendar.