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## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

*Wednesday, November 16, 2005.*

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

#### *Petition.*

Mr. Tolman presented a petition (subject to Joint Rule 12) of Steven A. Tolman and Bruce E. Tarr for legislation to develop a uniform billing system for hospitals,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *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 designating a certain section of route fifty-six in the town of Rutland in memory of Atilio and Ugo Alinovi (Senate, No. 1882, changed).

#### *Committee Discharged.*

Ms. Fargo, for the committee on Public Health, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1241) of Robert S. Creedon, Jr. for legislation to provide access to forensic and scientific analysis,— and recommending that the same be referred to the committee on the Judiciary.

**Under Senate Rule 36, the report was considered forthwith and accepted.  
Sent to the House for concurrence.**

#### *Papers from the House.*

A petition (accompanied by bill, House, No. 4506) of Patrick J. Blanchette and others (with the approval of the mayor and city council) for legislation to increase the salary of the mayor of the city of Lawrence,— **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

The Speaker announced the appointment of Representative St. Fleur of Boston as the Co-Chairperson, Representative Wolf of Cambridge as the designee of the Chairman of the House committee on Ways and Means, Representative LeDuc of Marlborough as the designee of the House Chair of the committee on Education and Representative Paulsen of Belmont as the designee of the House Chair of the committee on Education of the special commission established (under Section 2 of Chapter 45 of the Acts of 2005) to make an investigation and study of methods to better coordinate, expand, finance, and improve accessible, affordable, quality out-of-school time programming for school age children in all settings.

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

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

The following prayer was offered by Father Bernard McLaughlin of St. Gerard's Parish in Canton:

As we approach the national celebration of Thanksgiving: There are things we should keep in mind.

I awoke this morning and I am alive and I am grateful.

My family and friends love me and care for me and I am grateful.

I am free and I am an American and I am grateful.

I am the master of my life and I am grateful.

I am who I am because of others and I am grateful.

I am able to help others and I am grateful.

I pray that soon that there will be no more wars to fight and I will be grateful and I pray that there will be peace and prosperity for all and I will be grateful. Amen.

*Distinguished Guests.*

There being no objection, the President handed the gavel to Mr. Antonioni for the purpose of an introduction. Mr. Antonioni then introduced Enrico Domingo and his parents Leonardo and Mariella Domingo, from Palermo, Italy. The Domingo family signed the guest book and withdrew from the Chamber.

There being no objection, the President handed the gavel to Mr. Tolman for the purpose of an introduction. Mr. Tolman then introduced Hanna Silverfine, a sixth grade student from the Community Service Project.

There being no objection, the President handed the gavel to Mr. Berry for the purpose of an introduction. Mr. Berry then introduced Kim Driscoll, the Salem Mayor-Elect. Ms. Driscoll briefly addressed the Chamber, signed the guest book and withdrew from the Chamber.

There being no objection, the President handed the gavel to Mr. Moore for the purpose of an introduction. Mr. Moore then introduced Armenag Antranigian, a senior at Nipmuc Regional High School who is visiting the State House today as part of his senior project.

*Resolutions.*

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

Resolutions (filed by Ms. Resor) "honoring the New England Center for Children on their thirtieth anniversary."

*Motion to Reconsider — Unanimous Consent.*

On motion of Mr. Lees, the Senate reconsidered the vote by which, at the previous session, it had passed to be engrossed and had adopted the Ways and Means amended, as amendment (see Senate, No. 2276) to the House Bill promoting access to health care (House, No. 4479).

Pending the recurring question on adoption of the Ways and Means amendment, as amended, Ms. Murray moved that the bill be amended by inserting after section 1 the following 3 sections:

"SECTION 1A. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2006, the sums set forth in section 2 are hereby appropriated from the Health Care Access and Investments Trust Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2005. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of these items. Funds appropriated in this section shall not revert and shall be available for expenditure until June 30, 2006.

SECTION 2.

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.**

*Office of the Secretary.*

4000-0352 ..... 3,000,000

*Massachusetts Rehabilitation Commission.*

4120-6000 ..... 1,500,000

*Department of Public Health.*

4510-0600 .....500,000

4513-1026 .....1,000,000

4513-1112 .....1,000,000

4513-1114 .....1,250,000

4513-1115 .....500,000

4513-1121 .....300,000

4530-9000.....1,500,000

4570-1500 .....5,500,000

4590-0300 .....6,000,000

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for alterations of purposes for current appropriations and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the Health Care Access and Investments Trust Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2006. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of these items. Funds appropriated in this section shall not revert and shall be available for expenditure until June 30, 2006.

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

*Reserves.*

1599-0041

For the special commission studying end of life care services established in section 480 of chapter 159 of the acts of 2000 50,000

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.**

*Office of the Secretary.*

4000-0140

For the operation of the Betsy Lehman center for patient safety and medical error reduction established in section 16E of chapter 6A of the General Laws 500,000

4000-0301

For the costs of MassHealth provider and member audit and utilization review activities including, but not limited to, eligibility verification, disability evaluations, provider finance and clinical audits and other initiatives intended to enhance program integrity; provided, that \$150,000 shall be expended for the operation of the Medicaid fraud control unit within the office of the attorney general; and provided further, that \$150,000 shall be expended for MassHealth auditing, within the office of the state auditor 1,500,000

*Department of Public Health.*

4513-1111

For an osteoporosis education and prevention program; provided, that the program shall include, but not be limited to: (1) development or identification of educational materials to promote public awareness of the cause of osteoporosis, options for prevention and the value of early detection and possible treatments, including their benefits and risks, to be made available to consumers, particularly targeted to high risk groups; (2) development or identification of professional education programs for health care providers; (3) development and maintenance of a list of current providers of specialized services for the prevention and treatment of osteoporosis; and (4) a program for awareness, prevention and treatment of hip fractures 175,000

4513-1116

For a renal disease program; provided, that not less than \$250,000 shall be expended for renal disease programs administered by the National Kidney Foundation of Massachusetts, Rhode Island, Vermont and New Hampshire, including organ donor awareness, nutritional supplements and early intervention services for those affected with renal disease and those at risk of renal disease 250,000

4515-1113

For a bladder cancer screening, education and treatment program; provided, that no funds shall be expended in the AA object class for any personnel-related costs 500,000

4515-1114

For an ovarian cancer screening, education and treatment program; provided, that no funds shall be expended in the AA object class for any personnel-related costs 500,000

4516-0264

For a diabetes screening and outreach program to raise public awareness and provide outreach and education for high risk individuals, including, but not limited to, targeted populations of adolescents and the elderly 500,000

4570-1501

For the funding of a pilot cooperative agreement with Seven Hills Foundation and UMASS Memorial Health Center for the development of a residential intermediate care facility to serve the needs of Massachusetts veterans, including members of the Massachusetts National Guard, Armed Forces of the United States or Reserves who served during Operation Iraqi Freedom, Operation Enduring Freedom and Combined Forces Command - Afghanistan, with traumatic head injuries received on active duty; provided, that every effort shall be made to secure resources and financial support from the United States Veterans Administration or other federal agencies and from third party sources including, but not limited to, Medicaid; and provided further, that the Institute of Commonwealth Medicine at the University of Massachusetts Medical School shall receive funding from this appropriation to evaluate the success of the pilot project 1,500,000

4570-1502

For the purposes of implementing a proactive statewide infection prevention and control program; provided, that notwithstanding any general or special law to the contrary, the department of public health shall, through its division of health care quality, develop a proactive statewide infection prevention and control group in licensed health care facilities following protocols of the Centers for Disease Control for the purposes of implementation and adherence to infection control practices that are the keys to preventing the transmission of infectious diseases, including respiratory diseases spread by droplet or airborne routes; provided further, that recommended infection control practices shall include, but not be limited to, hand hygiene; standard precautions and transmission-based precautions, including contact, droplet and airborne, and respiratory hygiene; and provided further, that the infection prevention and control program shall include mandatory education in the recommended infection control practices for licensed health care personnel and employees of licensed health care facilities and penalties for individual and institutional noncompliance with Centers for Disease Control protocols 1,000,000

4590-1503

For the pediatric palliative care program established in section 24K of chapter 111 of the General Laws 950,000

#### **EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT.**

##### *Department of Labor.*

7002-0900

For the cost of health insurance premium subsidies paid to employees of small businesses participating in the insurance reimbursement program pursuant to section 9C of chapter 118E of the General Laws; provided, that said program shall be administered by the director of labor, in collaboration with the executive office of health and human services; provided further, that all federal reimbursements received for expenditures from this item pursuant to the provisions of Title XIX and Title XXI of the federal Social Security Act shall be credited to the Children's and Seniors' Health Care Assistance Fund; and provided further, that expenditures made for the purposes of this item shall not exceed the amount appropriated in this item 10,000,000

7002-0901

For the cost of health insurance subsidies paid to employers participating in the insurance reimbursement program under section 9C of chapter 118E of the General Laws; provided, that the director of labor, in collaboration with the executive office of health and human services, shall administer the program and shall directly market the program to small business and private human service providers that deliver human and social services under contract with departments within the executive office of health and human services and the executive office of elder affairs for the purpose of mitigating health insurance costs to the employers and their employees; provided further, that the director of labor, in collaboration with the executive office, shall report quarterly to the house and senate committees on ways and means and the executive office of administration and finance, monthly expenditure

data for the program, including the total number of employers participating in the program, the percentage of the employers who purchased health insurance for employees prior to participating in the program and the total monthly expenditures delineated by payments to small employers and self-employed persons for individual, 2-person family and family subsidies; provided further, that the executive office of health and human services shall seek federal reimbursement for the payments to employers; and provided further that all federal reimbursements received for expenditures from this item under Title XIX and Title XXI of the federal Social Security Act shall be credited to the Children's and Seniors' Health Care Assistance Fund 10,000,000

*Division of Insurance.*

7006-0201

For the funding of the consumer health care costs information board, pursuant to chapter 28B of the General Laws 2,000,000

7006-0202

For the purposes of funding an economic study of health care mandates in Massachusetts; provided, that said study shall analyze the cost impact of any and all health care mandates to the health care system and individual premiums; provided further, that said study shall analyze the cost impact and economic effect of implementing an individual mandate in Massachusetts 100,000";

By inserting after section 5 the following section:—

“SECTION 5½. Chapter 29 of the General Laws is hereby amended by inserting after section 2NNN the following section:—

Section 2000. There shall be established and set up on the books of the commonwealth a Health Care Access and Investments Trust Fund which shall be administered by the secretary of health and human services with the counsel, input and recommendations of the MassHealth payment policy advisory board. The purpose of the fund shall be to maintain a world-class health care system by making targeted investments to certain participating Medicaid providers and to accomplish the following:

- 1) invest in hospitals, community health centers, clinics licensed under section 51 of Chapter 111 and physicians who participate in the MassHealth program;
- 2) encourage MassHealth providers to increase enrollment in the MassHealth program and lower the number of uninsured patients in the commonwealth;
- 3) provide incentives to MassHealth providers to deliver care and encourage the use of low-cost settings;
- 4) encourage hospitals to implement safe staffing models, reduce medical errors and invest in technologically-advanced capital equipment; and
- 5) address the practice of cost-shifting to providers and consumers.

(b) All amounts from the fund shall be subject to appropriation. All interest earned on the amounts in the fund shall be deposited or retained in the fund. The secretary shall seek federal financial participation for any expenditures of these funds, provided. All federal reimbursements received for expenditures from the fund shall be credited to the General Fund.”; in section 8, by adding the following paragraphs:—

“Section 24L. (a) There is hereby established the pediatric palliative care program. The program shall be administered by the department, subject to appropriation, pursuant to this section and regulations promulgated hereunder. The program shall assist eligible children with life-limiting illnesses and their families or guardians with services designed to achieve an improved quality of life and to meet the physical, emotional and spiritual needs experienced during the course of illness, death and bereavement. A child 19 years of age shall be eligible for the program if he meets the requirements established by the department, which shall include: (i) a diagnosis of a life-limiting illness, including but not limited to, cancer, AIDS, congenital anomalies or other advanced illness; provided however, no requirement regarding life expectancy shall be imposed; and (ii) a requirement that an eligible child's family not be covered by a third-party payer for the services provided by the program.

(b) Services provided by the program shall be determined by the department and shall include, but not be limited to, consultations for pain and symptom management, case management and assessment, social services, counseling, bereavement services, volunteer support services and respite services provided by professional or volunteer staff under professional supervision. Services shall be provided by hospice programs licensed under section 57D that meet such other criteria as the department may establish by regulation, including demonstrated expertise in pediatric palliative care. The department may, by regulation, establish limits on services provided by the program. The program shall not give rise to enforceable legal rights in any party or an enforceable entitlement to the services described in this section and nothing shall be construed as giving rise to any such enforceable legal rights or enforceable entitlement.”;

By inserting after section 35 the following 2 sections:—

“SECTION 35A. Section 2 of chapter 45 of the acts of 2005 is hereby amended by striking out items 4000-0890 and 4000-0891.

SECTION 35B. Item 4510-0600 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ; provided further, that \$140,000 shall be made available for an interdepartmental service agreement between the department of public health and the University of Massachusetts at Lowell to support research activities which investigate the association between ethnic diversity and childhood asthma incidence; and provided further, that not more than \$360,000 shall be expended by the department for outreach and education grant programs including, but not limited to, programs servicing underserved populations.”; and

By inserting after section 57 the following 7 sections:—

“SECTION 57A. Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act the comptroller shall transfer \$162,575,000 from the Commonwealth Stabilization Fund, established pursuant to section 2H of chapter 29 of the General Laws, to the Health Care Access and Investments Trust Fund established in section 2000 of said chapter 29.

SECTION 57B. Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer the unexpended balances from items 4000-0890 and 4000-0891 of section 2 of chapter 45 of the acts of 2005 to items 7002-0900 and 7002-0901, respectively.

SECTION 57C. Notwithstanding any general or special law to the contrary, the comptroller shall transfer \$5,000,000 effective December 31, 2005, from the Health Care Access and Investments Trust Fund to the Massachusetts Technology Park Corporation established in section 3 of chapter 40J of the General Laws, to support the initial implementation of its computerized physician order entry system initiative and other activities designed to save lives, reduce health care costs and increase economic competitiveness for the citizens to the commonwealth.

SECTION 57D. Section 2000 of chapter 29 of the General Laws shall expire on October 30, 2009 and any unexpended amounts in the Health Care Access and Investments Trust Fund shall be credited to the General Fund.

SECTION 57E. Notwithstanding any general or special law to the contrary, the executive office of health and human services shall seek federal approval, effective immediately, to eliminate enrollment caps for the programs authorized in section 9C of chapter 118E of the General Laws.

SECTION 57F. Notwithstanding any special or general law to the contrary, in fiscal year 2006, \$90,000,000 shall be made available from the Health Care Access and Investment Trust Fund to pay for an increase in Medicaid rates paid to hospitals and community health centers. An additional \$16,000,000 shall be made available for an increase in rates for physicians. All rate increases shall be in accordance with provisions of the fund.

SECTION 57G. Notwithstanding any special or general law to the contrary, in fiscal year 2007, \$90,000,000 shall be made available from the Health Care Access and Investment Trust Fund to pay for an increase in Medicaid rates paid to hospitals and community health centers. An additional \$16,000,000 shall be made available for an increase in rates for physicians. All rate increases shall be in accordance with provisions of the fund.”

The amendment was **adopted**.

The Ways and Means amendment, as amended, was then again considered, and it was again adopted.

**The bill, as amended, was then again passed to be engrossed, in concurrence, with the amendments [For text of Senate amendments, see Senate, No. 2282, printed as amended.]**

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

*Report of a Committee.*

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 2208), a Bill authorizing the town of Palmer to grant 2 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2281) [Local approval received on Senate, No. 2208];

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

**Sent to the House for concurrence.**

*Committee of Conference Report.*

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill providing incentives to the motion picture industry (House, No. 4252, amended) (*amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2187*), recommending that the House recede from its NON-concurrence with the Senate in its amendment and concur therein *with a*

*further amendment* striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4455; and that the Senate concur therein,— came from the House, and was read.

**Senate Rule 36 was suspended, on motion of Mr. Timilty, and the report was considered forthwith and, after remarks, was accepted, in concurrence.**

*Report of a Committee.*

By Mr. Augustus, for the committee on Election Laws, on the petition (accompanied by bill, Senate, No. 2234), a Bill strengthening voting rights and voter confidence in the Commonwealth's elections (Senate, No. 2277).

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

**Sent to the House for concurrence.**

*Motion to Reconsider — Unanimous Consent.*

On motion of Mr. Lees, the Senate reconsidered the vote by which, at the previous session, it had passed to be engrossed and had adopted the Ways and Means amendment, as amended (see Senate, No. 2279) to the House Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects. (House, No. 4443).

Pending the recurring question on adoption of the Ways and Means amendment, as amended, Ms. Murray moved that the bill be amended by inserting after section 7, the following section:—

“SECTION 7A. Section 2 of chapter 6 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 1, the figure ‘\$120,000’ and inserting in place thereof the following figure:— ‘\$124,920’; and by inserting after section 158A the following section:—

SECTION 158B. Section 7A shall take effect as of July 1, 2005.”

The amendment was **adopted**.

The Ways and Means amendment, as amended, was then again considered, and it was again adopted.

**The bill, as amended, was then again passed to be engrossed, in concurrence, with the amendments [For text of Senate amendments, see Senate, No. 2291, printed as amended.]**

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

*Paper from the House.*

A Bill relative to direct wine shipments (House, No. 4498, printed as amended,— on Senate, Nos. 163 and 209 and House, Nos. 3360, 3386, 3399, 3401 and 3407),— was read.

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

Pending the question ordering the bill to a third reading, Messrs. O’Leary and Hedlund moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document number 2284.

Pending the question on adoption of the amendment, Mr. Moore moved that the amendment (O’Leary-Hedlund) be amended by adding the following two sections:—

“Section 1. The first paragraph of section 12 of chapter 138, as appearing in the 2002 Official Edition, is hereby amended, in line 16, by striking the period after the word ‘hereunder’ and adding the following:— ; and provided further that the limitations relative to service and consumption in a restaurant or hotel only in the dining room or dining rooms and such other public rooms or areas deemed reasonable and proper by the local licensing authorities shall not be deemed to preclude said restaurant or hotel from permitting a patron from retaining and taking off premises only so much as may remain of any bottled wine purchased by said patron in conjunction with a meal and not totally consumed by the patron during such meal. Provided, however, that the bottle shall be re-sealed in accordance with regulations promulgated by the Alcoholic Beverages Control Commission.

Section 2. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, a bottle re-sealed in accordance with the regulations promulgated by the Alcoholic Beverages Control Commission shall not be considered an ‘open container’ of alcoholic beverages for the purposes of chapter 90, section 24I or any other law.”

After debate, the further amendment was **adopted**.

Mr. Berry in the Chair, the question on adoption of the pending amendment (O’Leary-Hedlund) was determined by a call of the yeas and the nays, at twenty minutes before three o’clock P.M., on motion of Mr. O’Leary, as follows, to wit (yeas 13 — nays 25) [**Yeas and Nays No. 215**]:

### YEAS.

|                      |                       |
|----------------------|-----------------------|
| Antonioni, Robert A. | O’Leary, Robert A.    |
| Brewer, Stephen M.   | Resor, Pamela         |
| Brown, Scott P.      | Rosenberg, Stanley C. |
| Creem, Cynthia Stone | Spilka, Karen E.      |
| Fargo, Susan C.      | Tucker, Susan C.      |
| Hedlund, Robert L.   | Wilkerson, Dianne —   |
| Jehlen, Patricia D.  | <b>13.</b>            |

### NAYS.

|                          |                            |
|--------------------------|----------------------------|
| Augustus, Edward M., Jr. | Montigny, Mark C.          |
| Baddour, Steven A.       | Moore, Richard T.          |
| Berry, Frederick E.      | Morrissey, Michael W.      |
| Buoniconti, Stephen J.   | Murray, Therese            |
| Chandler, Harriette L.   | Nuciforo, Andrea F., Jr.   |
| Creedon, Robert S., Jr.  | Pacheco, Marc R.           |
| Hart, John A., Jr.       | Panagiotakos, Steven C.    |
| Havern, Robert A.        | Tarr, Bruce E.             |
| Joyce, Brian A.          | Timilty, James E.          |
| Knapik, Michael R.       | Tisei, Richard R.          |
| Lees, Brian P.           | Tolman, Steven A.          |
| McGee, Thomas M.         | Walsh, Marian — <b>25.</b> |
| Menard, Joan M.          |                            |

### ABSENT OR NOT VOTING.

Barrios, Jarrett T. — **1.**

The yeas and nays having been completed at sixteen minutes before three o’clock P.M., the pending amendment was *rejected*.

Mr. Morrissey moved that the bill be amended, in section 6, in subsection (b) of proposed section 19A by inserting after the words “under section 30” in this subsection the following words:— “; provided, however, that nothing contained herein shall abrogate the rights of section 18 licenses under section 25E.”

The amendment was **adopted**.

Mr. Morrissey moved that the bill be amended in section 6, in subclause (ii) of clause (2) of subsection (b) of proposed section 19F by adding the following words:— “; provided, that all direct deliveries from a winery to a section 15 licensee shall not exceed 10 cases of wine monthly”.

The amendment was **adopted**.

Mr. Morrissey moved that the bill be amended, in section 6, in subsection (a) of proposed section 19F by striking out the figure “50,000” and inserting in place thereof the following figure:—“25,000”; and in said section 6, in subsection (b) of proposed section 19F, by striking out the figure “50,000” and inserting in place thereof the following figure:— “25,000”.

The amendment was **adopted**.

Mr. Morrissey moved that the bill be amended in section 5, in subsection (h) of proposed section 19F, in the second sentence, by striking out the word “, transports”; and in said section 5, in said subsection (h), by inserting after the words “chapter 93A” the following words:— “; provided, however, that a common carrier acting in the ordinary course of business shall be exempt from this subsection”; and in section 9, by adding the following sentence:— “Notwithstanding the foregoing, a delivery company may use an electronic device to receive the signature of a person accepting delivery of a parcel under this section and to certify that the person has displayed a valid identification as so required.”

The amendment was **adopted**.

Mr. Antonioni moved that the bill be amended in section 6, in proposed section 19F, in subsection (g), by striking out clause (i) and inserting in place thereof the following language:—



“(i) for first violation, by a fine of \$100;”.

The amendment was **adopted**.

Mr. Antonioni moved that the bill be amended in section 6, in proposed section 19F, in subsection (g), by striking out clause (iii) and inserting in place thereof the following clause:—

“(iii) for a third violation, by a suspension of the winery’s direct shipment license for not more than 2 years, by a fine of \$5,000, or both; and”.

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 amendments.**

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

#### *Report of a Committee.*

By Ms. Murray, for the committee and Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of West Springfield (Senate, No. 2180, amended),— ought to pass, with an amendment in section 1, by striking out the words “notwithstanding section 40F and section 40F½”, in lines 2 and 3, and inserting in place thereof the following words: “notwithstanding sections 40F, 40F½ and 40H”; in said section 1, by striking out the word “for”, in line 7, and inserting in place thereof the following words: “to enhance, connect and expand the”; in said section 1, by adding the following sentence:— “The exact boundaries of the parcel shall be determined by the commissioner after completion of a survey”; in section 2, by inserting after the words “execution of any”, in line 2, the following words:— “discontinuance of public way and release deed or”; in said section 2, by inserting after the words “submit the”, in line 3, the following words:— “discontinuance of public way and release deed or”; in said section 2, by inserting after the words “receipt of any”, in line 6, the following words:— “discontinuance of public way and release deed or”; in said section 2, by inserting after the words “submit the”, in line 7, the following words:— “discontinuance of public way and release deed or”; and in said section 2; by striking out, in lines 9 and 10, the words “joint committee on state administration”, and inserting in place thereof the following words:— “joint committee on bonding, capital expenditures and state assets”.

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

**The bill (Senate, No. 2180, amended) 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.*

The Senate Bill relative to disability retirement benefits for veterans (Senate, No. 2035, amended),— came from the House passed to be engrossed, in concurrence *with an amendment* striking out section 2.

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

#### *Report of a Committee.*

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

The Senate Bill relative to the reporting of fires in schools (Senate, No. 1381).

There being no objection, the rules were suspended, on motion of Ms. Resor, and the bill was read a second time, ordered to a third reading 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 before three o’clock P.M., on motion of Mr. Lees, as follows to wit (yeas 37 — nays 0) [**Yeas and Nays No. 216**]:

#### **YEAS.**

|                          |                       |
|--------------------------|-----------------------|
| Antonioni, Robert A.     | Montigny, Mark C.     |
| Augustus, Edward M., Jr. | Moore, Richard T.     |
| Baddour, Steven A.       | Morrissey, Michael W. |

|                         |                          |
|-------------------------|--------------------------|
| Berry, Frederick E.     | Murray, Therese          |
| Brewer, Stephen M.      | Nuciforo, Andrea F., Jr. |
| Brown, Scott P.         | O’Leary, Robert A.       |
| Chandler, Harriette L.  | Pacheco, Marc R.         |
| Creedon, Robert S., Jr. | Panagiotakos, Steven C.  |
| Creem, Cynthia Stone    | Resor, Pamela            |
| Fargo, Susan C.         | Rosenberg, Stanley C.    |
| 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>37.</b>               |
| Menard, Joan M.         |                          |

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

|                     |                        |
|---------------------|------------------------|
| Barrios, Jarrett T. | Buoniconti, Stephen J. |
|                     | <b>— 2.</b>            |

**The yeas and nays having been completed at three o’clock P.M., the bill was passed to be engrossed. Sent to the House for concurrence.**

Papers from the House.

A petition (accompanied by bill, House, No. 4507) of Lewis G. Evangelidis and Robert A. Antonioni that the Division of Capital Asset Management and Maintenance be authorized to convey certain land in the town of Sterling to the Sterling Greenery,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Bonding, Capital Expenditures and State Assets.**

*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 President and laid before the Governor for his approbation, to wit:

Exempting the position of chief of police in the town of Salisbury from the civil service law (see House, No. 4257); and

Authorizing the town of Middleborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4426).

*Engrossed Bill — Amended.*

The engrossed Bill authorizing the refund of automobile sales tax to Helen Bergman of the town of Wilmington (see House, No. 2313) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was laid before the Senate.

Pending the question on passing the bill to be enacted, on motion of Mr. Tarr, Senate Rule 49 was suspended.

The same Senator moved that the engrossed bill be amended by adding the following section:—

“SECTION 2. Notwithstanding any general or special law to the contrary, the inspector general is appointed as trustee to receive proceeds of a rebate relative to sewer constructions, and disburse them to certain citizens and entities located in the city of Gloucester, not to exceed the amount of \$350,000. Quarterly reports shall be filed with the house and senate committees on ways

and means until such funds have been disbursed in full.”

**The amendment was adopted.**

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

*Distinguished Guest.*

There being no objection, the President handed the gavel to Ms. Murray who recognized Lois Johnson, a staff member from the committee on Ways and Means who is leaving her position to pursue another career. Lois was accompanied by her husband Jeff and their son Nathan. Lois briefly addressed the Senate and withdrew from the Chamber.

*Recess.*

At six minutes past three o'clock P.M., at the request of Mr. Lees, for the purpose of a minority caucus, the President declared a recess; and, at a quarter past four o'clock P.M., the Senate reassembled, the President in the Chair.

#### PAPERS FROM THE HOUSE.

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

An engrossed Bill authorizing the town of Winchendon to use a portion of a certain parcel of public park land for library purposes (see Senate, No. 2151, 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 past four o'clock P.M., as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 217**]:

#### YEAS.

|                          |                          |
|--------------------------|--------------------------|
| Antonioni, Robert A.     | Montigny, Mark C.        |
| Augustus, Edward M., Jr. | Moore, Richard T.        |
| Baddour, Steven A.       | Morrissey, Michael W.    |
| Brewer, Stephen M.       | Murray, Therese          |
| Brown, Scott P.          | Nuciforo, Andrea F., Jr. |
| Buoniconti, Stephen J.   | O'Leary, Robert A.       |
| Chandler, Harriette L.   | Pacheco, Marc R.         |
| Creedon, Robert S., Jr.  | Panagiotakos, Steven C.  |
| Creem, Cynthia Stone     | Resor, Pamela            |
| Fargo, Susan C.          | Rosenberg, Stanley C.    |
| 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>37.</b>               |
| Menard, Joan M.          |                          |

#### NAYS — 0.

#### ABSENT OR NOT VOTING.

|                     |                                |
|---------------------|--------------------------------|
| Barrios, Jarrett T. | Berry, Frederick E.— <b>2.</b> |
|---------------------|--------------------------------|

The yeas and nays having been completed at twenty-two 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 Spencer to lease certain property (see House, No. 3230, 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-three minutes past four o'clock P.M., as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 218**]:

**YEAS.**

|                          |                          |
|--------------------------|--------------------------|
| Antonioni, Robert A.     | Montigny, Mark C.        |
| Augustus, Edward M., Jr. | Moore, Richard T.        |
| Baddour, Steven A.       | Morrissey, Michael W.    |
| Brewer, Stephen M.       | Murray, Therese          |
| Brown, Scott P.          | Nuciforo, Andrea F., Jr. |
| Buoniconti, Stephen J.   | O'Leary, Robert A.       |
| Chandler, Harriette L.   | Pacheco, Marc R.         |
| Creedon, Robert S., Jr.  | Panagiotakos, Steven C.  |
| Creem, Cynthia Stone     | Resor, Pamela            |
| Fargo, Susan C.          | Rosenberg, Stanley C.    |
| 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>37.</b>               |
| Menard, Joan M.          |                          |

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

|                     |                                |
|---------------------|--------------------------------|
| Barrios, Jarrett T. | Berry, Frederick E.— <b>2.</b> |
|---------------------|--------------------------------|

**Mr. Havern in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), the yeas and nays having been completed at twenty-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 city of Brockton to convey certain park land (see House, No. 4470) (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-seven minutes past four o'clock P.M., as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 219**]:

**YEAS.**

|                          |                       |
|--------------------------|-----------------------|
| Antonioni, Robert A.     | Montigny, Mark C.     |
| Augustus, Edward M., Jr. | Moore, Richard T.     |
| Baddour, Steven A.       | Morrissey, Michael W. |

|                         |                          |
|-------------------------|--------------------------|
| Brewer, Stephen M.      | Murray, Therese          |
| Brown, Scott P.         | Nuciforo, Andrea F., Jr. |
| Buoniconti, Stephen J.  | O’Leary, Robert A.       |
| Chandler, Harriette L.  | Pacheco, Marc R.         |
| Creedon, Robert S., Jr. | Panagiotakos, Steven C.  |
| Creem, Cynthia Stone    | Resor, Pamela            |
| Fargo, Susan C.         | Rosenberg, Stanley C.    |
| 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>37.</b>               |
| Menard, Joan M.         |                          |

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

|                     |                                |
|---------------------|--------------------------------|
| Barrios, Jarrett T. | Berry, Frederick E.— <b>2.</b> |
|---------------------|--------------------------------|

**The yeas and nays having been completed at twenty-nine 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.**

*Communication.*

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE  
STATE HOUSE, BOSTON 02133-1063

*November 16, 2005.*

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

Dear Mr. Clerk:

I write to communicate that personal business took me away from the Chamber during formal session on November 15, 2005. I was not present during roll call number 214, on the engrossment of House 4443 “Making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects.”

If I had been present I would have voted “YES” on the matter. Thank you.

Sincerely,  
Dianne Wilkerson,  
*State Senator,*  
*2nd Suffolk District.*

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

Papers from the House.

*Committee of Conference.*

The House Bill promoting access to health care (House, No. 4479),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2282; and striking out the title and inserting in place thereof the following title: “An Act providing for health access, affordability and accountability”), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Walrath of Stow, Mariano of Quincy and Hargraves of Groton had been appointed the committee on the part of the House.

**On motion of Ms. Murray, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and that Senators Moore, Murray and Lees were appointed on the part of the Senate.**

**The bill was returned to the House endorsed accordingly.**

*Engrossed Bill.*

An engrossed Bill relative to disability retirement benefits for veterans (see Senate, No. 2035, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at twenty-seven minutes before five o'clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (yeas 37 — nays 0) **[Yeas and Nays No. 220]**:

**YEAS.**

|                          |                          |
|--------------------------|--------------------------|
| Antonioni, Robert A.     | Montigny, Mark C.        |
| Augustus, Edward M., Jr. | Moore, Richard T.        |
| Berry, Frederick E.      | Morrissey, Michael W.    |
| Brewer, Stephen M.       | Murray, Therese          |
| Brown, Scott P.          | Nuciforo, Andrea F., Jr. |
| Buoniconti, Stephen J.   | O’Leary, Robert A.       |
| Chandler, Harriette L.   | Pacheco, Marc R.         |
| Creedon, Robert S., Jr.  | Panagiotakos, Steven C.  |
| Creem, Cynthia Stone     | Resor, Pamela            |
| Fargo, Susan C.          | Rosenberg, Stanley C.    |
| 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 —      |
| Menard, Joan M.          | <b>37.</b>               |

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Baddour, Steven A. Barrios, Jarrett T. — **2.**

**The yeas and nays having been completed at twenty-three minutes before five o'clock P.M., the bill was passed to be enacted and it was signed by the Acting President (Mr. Havern) and laid before the Governor for his approbation.**

Papers from the House.

A petition (accompanied by bill, House, No. 0000) of Steven A. Tolman for legislation relative to controlled-release oxycodone;

A petition (accompanied by bill, House, No. 0000) for legislation relative to controlled-release hydromorphone; and

A petition (accompanied by bill, House, No. 0000) of Steven A. Tolman, Kerry Murphy Healey, Lieutenant-Governor, Thomas M. McGee and Brian P. Wallace for legislation relative to substance abuse and mandatory opioid overdose reporting,— came from the House with the endorsement that the House had NON-concurred in the reference to the committee on the Mental Health and Substance Abuse, in each instance, and had severally referred the petitions to the committee on the Judiciary.

**On motion of Mr. Tolman, the Senate insisted on its reference, in each instance, to the committee on Mental Health and Substance Abuse.**

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

A petition (accompanied by bill, House, No. 0000) of Brian P. Wallace for legislation to classify certain medications containing controlled release oxycodone as Class A controlled substances,— came from the House with the endorsement that the House had insisted on its reference to the committee on the Judiciary.

**On motion of Mr. Tolman, the Senate insisted on its reference to the committee on Mental Health and Substance Abuse. Sent to the House for its action.**

*Report of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to the payment of referral fees to unlicensed employees of insurance producers (Senate, No. 2060),— ought to pass.

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

**Sent to the House for concurrence.**

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 authorizing the appointment of retired police officers in the town of Weymouth to serve as special officers (see House, No. 4344) [for message, see House, No. 4454],— 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:

In section 1, by striking out the first sentence and inserting in place thereof the following sentence: “The chief of police in the town of Weymouth, as the appointing authority, may appoint as he deems necessary, retired police officers as special police officers for the purpose of performing police details or performing any police duties arising from those police details or arising during the course of police detail work, whether or not related to the detail work”.

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

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. Lees, and the amendment was considered forthwith and adopted, in concurrence.**

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

*Engrossed Bill.*

An engrossed Bill providing incentives to the motion picture industry (see House, No. 4252, 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.**

A petition (accompanied by bill, House, No. 4508) of Garrett J. Bradley for legislation to regulate the amount of mercury contained in immunization vaccines administered to certain children,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Health.**

*Recess.*

At a quarter before five 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 a seven o'clock P.M., the Senate reassembled, Mr. Havern in the Chair.

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

The President in the Chair, 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 Fairhaven to issue a common victualer beer and wine license (House, No. 4427),— **was read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the town of Fairhaven to grant an additional license for the sale of wines and malt beverages to be drunk on the premises.”**

The Senate Bill relative to smart growth zoning and housing production (Senate, No. 2237),— came from the House passed to be engrossed, in concurrence *with an amendment* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4495, amended as follows:—

In section 2 of chapter 40S, as inserted by this bill, by adding at the end thereof the following:— “The department of education shall add the smart growth school cost reimbursement amounts to each district’s required net school spending, as defined in chapter 70. For purposes of the net school spending calculation, the department shall allocate a municipality’s smart growth school cost reimbursement among the districts to which it belongs in proportion to the number of eligible students from the municipality attending each district.”

In the first sentence of the first paragraph of section 3 of chapter 40S, as inserted by section 1 of the bill, by striking the phrase “associated with the smart growth zoning district” and inserting in place thereof the following:— “of new smart growth development within each smart growth zoning district.”

By striking the second sentence of the second paragraph of section 3 of chapter 40S, as inserted by section 1 of the bill, and inserting in place thereof the following:— “The reporting officer shall transmit the smart growth address list to the superintendent of schools of the municipal school district and to the superintendent of each district or charter school in which local residents were enrolled as of the first day of October.”

In the first sentence of the third paragraph of section 3 of chapter 40S, as inserted by section 1 of the bill, by striking the phrase “smart growth zoning districts”, and inserting in place thereof the following:— new smart growth development within a smart growth zoning district”.

By striking the first sentence of the fourth paragraph of section 3 of chapter 40S, as inserted by section 1 of the bill, and inserting in place thereof the following:— “The reporting officer shall provide the smart growth address list to the municipality’s assessors, who shall be responsible for providing the reporting officer with a compilation of all commercial and residential development comprising new smart growth development in the smart growth zoning district and all vehicles garaged therein.”

In the second sentence of the fourth paragraph of said section 3 of chapter 40S, by striking the words “Said assessors’ list shall contain the addresses” and inserting in place thereof the following:— “Said compilation shall contain the addresses of each parcel”, and in the second sentence of the first paragraph of section 4 of chapter 40S, as inserted by section 1 of this bill, by striking the words “as a result of the smart growth school cost reimbursement”.

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

*Order Adopted.*

Ms. Murray offered the following, to wit:

*Ordered*, That, notwithstanding Joint Rule 12A, the House and Senate shall meet in formal sessions subsequent to the third Wednesday in November in the current year to consider any reports of committees of conference and any subsequent legislative action on any of the following bills: House bill No. 4378, relative to welfare reform; House bill No. 4479, promoting access to Health Care; House bill No. 4429, relative to economic investments to promote job creation, economic stability and competitiveness in the Massachusetts economy; and House bill No. 4443, making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects. Formal sessions to consider any such conference reports or any subsequent legislative action that have been filed shall be called by the President of the Senate and the Speaker of the House of Representatives at a time which shall be no sooner than 48 hours after the committee of conference report on House bill No. 4479 is filed with the Clerk of the House of Representatives; and be it further

*Ordered*, That, notwithstanding Joint Rule 12B, if final legislative action has not been taken on the above-mentioned bills, House bill No. 4473, House bill No. 4491, or Senate bill No. 2242 by the General Court prior to January 4, 2006, said matters shall continue to carry over into the 2nd annual session of the 184th General Court”.



The question on adoption of the order was determined by a call of the yeas and nays, at eleven minutes past seven o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 0) [**Yeas and Nays No. 221**]:

**YEAS.**

|                          |                         |
|--------------------------|-------------------------|
| Antonioni, Robert A.     | Menard, Joan M.         |
| Augustus, Edward M., Jr. | Montigny, Mark C.       |
| Baddour, Steven A.       | Moore, Richard T.       |
| Brewer, Stephen M.       | Morrissey, Michael W.   |
| Brown, Scott P.          | Murray, Therese         |
| Buoniconti, Stephen J.   | O'Leary, Robert A.      |
| Chandler, Harriette L.   | Pacheco, Marc R.        |
| Creedon, Robert S., Jr.  | Panagiotakos, Steven C. |
| Creem, Cynthia Stone     | Resor, Pamela           |
| Fargo, Susan C.          | Rosenberg, Stanley C.   |
| 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 —     |

**36.**

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

|                     |                                     |
|---------------------|-------------------------------------|
| Barrios, Jarrett T. | Nuciforo, Andrea F., Jr.— <b>3.</b> |
|---------------------|-------------------------------------|

Berry, Frederick E.

**The yeas and nays having been completed at fourteen minutes past seven o'clock P.M., the order was adopted.**

Papers from the House.

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

An engrossed Bill authorizing certain conservation land in the town of Falmouth (see House, No. 4133, 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 nineteen minutes past seven o'clock P.M., as follows, to wit (yeas 36 — nays 0) [**Yeas and Nays No. 222**]:

**YEAS.**

|                          |                       |
|--------------------------|-----------------------|
| Antonioni, Robert A.     | Menard, Joan M.       |
| Augustus, Edward M., Jr. | Montigny, Mark C.     |
| Baddour, Steven A.       | Moore, Richard T.     |
| Brewer, Stephen M.       | Morrissey, Michael W. |
| Brown, Scott P.          | Murray, Therese       |

|                         |                         |
|-------------------------|-------------------------|
| Buoniconti, Stephen J.  | O’Leary, Robert A.      |
| Chandler, Harriette L.  | Pacheco, Marc R.        |
| Creedon, Robert S., Jr. | Panagiotakos, Steven C. |
| Creem, Cynthia Stone    | Resor, Pamela           |
| Fargo, Susan C.         | Rosenberg, Stanley C.   |
| 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>              |

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

|                     |                      |
|---------------------|----------------------|
| Barrios, Jarrett T. | Nuciforo, Andrea F., |
|                     | Jr.— 3.              |
| Berry, Frederick E. |                      |

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

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4510) of Bradley H. Jones, Jr. and others for legislation to temporarily suspend the excise tax imposed on the sale of gasoline; and

Petition (accompanied by bill, House, No. 4511) of Bradley H. Jones, Jr. and others for legislation to exempt cities and towns from the tax imposed on the sale of fuel;

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

Petition (accompanied by bill, House, No. 4512) of Bradley H. Jones, Jr. and others for an appropriation of a certain sum of money for the promotion of energy efficiency in the Commonwealth;

**Under suspension of Joint Rule 12, to the committee on Telecommunications, Utilities and Energy.**

A Bill relative to the mortality table for public employees (House, No. 4424,— on Senate, Nos. 1505, 1565, 1611 and 1612 and House, Nos. 161, 446 and 4179),— was read.

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

Pending the question on ordering the bill to a third reading, Mr. McGee moved that the bill be substituted, in part, by a “Bill relative to retirement allowances of married persons” (Senate, No. 1505); and this motion prevailed.

The bill (Senate, No. 1505) was read and, under Senate Rule 27 referred to the committee on Ways and Means.

**Subsequently, the House Bill relative to the mortality table for public employees (House, No. 4424) was ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Mr. Lees moved that the Senate adjourn; and this motion prevailed.

Accordingly, at twenty-six minutes past seven o’clock P.M., the Senate adjourned to meet again on the following day at eleven o’clock A.M.