

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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, January 2, 2007.

Met at six minutes past eleven o'clock A.M. (Mr. Hart in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

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

Communication.

A communication from the Department of Public Health relative to a plan of correction submitted pursuant to inspection of Bridgewater State Hospital (received Friday, December 29, 2006),— **was placed on file.**

Reports.

The following reports were severally read and placed on file:

A report of the Department of Telecommunications and Energy (pursuant to Section 3 of Chapter 239 of the Acts of 2002) relative to a long term plan for funding enhanced 911 services (received Wednesday, December 27, 2006);

A report of MassDevelopment (pursuant to Section 21 of Chapter 123 of the Acts of 2006) relative to significant progress MassDevelopment and Massachusetts Cultural Council have made to establish the Massachusetts Cultural Facilities Fund (the "Fund") (received Thursday, December 28, 2006);

A report of the Fall River Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and Section 2KKK of Chapter 29 of the General Laws) submitting its initial plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received Friday, December 29, 2006);

A report of the Office of the Comptroller (pursuant to the provisions of Section 12(c) of Chapter 7A of the General Laws) submitting the Commonwealth's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2006 (FY06) (received Friday, December 29, 2006); and

A report of the Commissioner of Insurance (pursuant to the provisions of Section 114 of Chapter 58 of the Acts of 2006) submitting its Report on the Impact of Merging the Massachusetts Nongroup and Small Group Health Insurance Markets (received Friday, December 29, 2006);

Reports of Committees.

By Ms. Murray, for the committee on Ways and Means, that the Senate bills Reimbursing the town of Southbridge for the cost of purchasing its own armory (Senate, No. 54) (Senators Fargo and Knapik

dissenting);

Relative to the adult foster care program (Senate, No. 414);

To increase the personal care allowance for residents of long term care facilities (Senate, No. 421);

Relative to conservation district supervisors (Senate, No. 477);

Further regulating the sale and advertising of certain produce and turkeys (Senate, No. 478);

Providing improved management of state forests (Senate, No. 481);

Relating to the distribution and sale of household cleaning products containing phosphorus (Senate, No. 537);

To promote reliable and high quality utility service in the Commonwealth (Senate, No. 2295); and

Relative to Plymouth County assistant clerk magistrates (Senate, No. 2629);

Severally ought to pass.

Severally referred, under Senate Rule 26, to the committee on Ethics and Rules.

By Ms. Murray, for the committee on Ways and Means, that the Senate bills

Relative to town water department access within state highway department property in Cohasset (Senate, No. 43),— ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2787);

Relative to the state wildfire team (Senate, No. 1084),— ought to pass, with an amendment, substituting a new draft entitled “An Act regulating service as a member of a state wildfire crew” (Senate, No. 2788);

Requiring tagging of explosive materials (Senate, No. 1355),— ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2789); and

Relative to the improvement of early literacy skills for at risk children (Senate, No. 2430),— ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2790);

Severally referred, under Senate Rule 26, to the committee on Ethics and Rules.

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 age of appointment of district engineering inspectors (Senate, No. 2748).

PAPER FROM THE HOUSE.

A Bill authorizing the commissioner of capital asset management and maintenance to convey certain land in Foxborough (House, No. 5319,— on House, No. 5292),— was read and, under Senate Rule 27, referred to the committee on Ways and Means.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Joyce) “congratulating Peter Robert O’Regan of Stoughton upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Pacheco) “congratulating Cory Jones upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Pacheco) “congratulating Daniel Shine upon his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Mr. Panagiotakos) “congratulating Elmer C. Bartels.”

Engrossed Bills Returned by Lieutenant-Governor, Acting Governor, With Recommendations of Amendment.

The engrossed Bill relative to disabled veterans’ motor vehicle plates (see Senate, No. 2428) (which on Thursday, December 21, 2006, had been laid before the Governor for his approbation), was returned to the Senate Clerk by the Lieutenant-Governor, Acting Governor on Sunday, December 31, 2006, at twenty-one minutes past five o’clock P.M., with a message recommending an amendment.

The message (Senate, No. 2781) was read and the Senate proceeded to reconsider the bill, in accordance with the provisions of Article LVI of the Amendments to the Constitution.

Pending action thereon, the bill was referred to the committee on Bills in the Third Reading, on motion of Ms. Chandler.

The engrossed Bill relative to the Railroad Depot Contamination Remediation and Redevelopment Project of the city of New Bedford (see Senate, No. 2742, amended) (which on Thursday, December 21, 2006, had been laid before the Governor for his approbation), was returned to the Senate Clerk by the Lieutenant-Governor, Acting Governor on Sunday, December 31, 2006, at twenty-one minutes past five o’clock P.M., with a message recommending an amendment.

The message (Senate, No. 2782) was read and the Senate proceeded to reconsider the bill, in accordance with the provisions of Article LVI of the Amendments to the Constitution.

Pending action thereon, the bill was referred to the committee on Bills in the Third Reading, on motion of Mr. Moore.

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the House Bill authorizing the commissioner of capital asset management and maintenance to convey certain land in Foxborough (House, No. 5319),— ought to pass.

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

PAPERS FROM THE HOUSE.

A Bill authorizing the town of Monroe to exempt certain property from taxation (House, No. 5365,— on petition) [Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Ms. Chandler, 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 town of Monroe to exempt certain property from taxation”.

A Bill establishing an office of finance in the town of Spencer (House, No. 5346,— on petition) [Local approval received],— was read.

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

Suspension of Senate Rule 38A.

Mr. Pacheco 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.

Recess.

There being no objection, at twenty-two minutes past eleven o'clock A.M., the Chair (Mr. Hart) declared a recess subject to the call of the Chair; and, at three minutes before twelve o'clock noon, the Senate reassembled, Mr. Hart in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Maureen Bambery, an employee of the Trial Court of the Commonwealth (see House, No. 5370), 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 Acting President (Mr. Hart) and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Michael F. Leavitt, an employee of the Department of Mental Retardation (see House, No. 5375), 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 Acting President (Mr. Hart) and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Annette V. Fielding, an employee of the Department of Social Services (see House, No. 5379), 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 Acting President (Mr. Hart) and sent to the House for enactment.

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 Acting President (Mr. Hart) and laid before the Governor for his approbation, to wit:

Relative to enhanced protection for victims of domestic violence (see House Bill, printed in House, No. 30, amended);

Relative to the issuance of certain alcoholic beverage licenses (see House, No. 3340, changed);
Authorizing the city of New Bedford to regulate motorized bicycles and motorized scooters (see House, No. 4354);
Limiting health insurance benefits for elected officials in the town of North Andover (see House, No. 4864);
Authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the town of Milford (see House, No. 5174, amended);
Authorizing the town of Montague to exempt the Brick House Community Resource Center Inc. from the payment of certain taxes (see House, No. 5285);
Authorizing the city of New Bedford to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5340);
Establishing a sick leave bank for Meridyth L. Reith, an employee of the state fire marshal (see House, No. 5361);
Authorizing the town of Florida to exempt certain property from taxation (see House, No. 5364); and
Authorizing creditable service for Richard Spicer (see House, No. 5380).

Recess.

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

Report of a Committee.

Mr. Buoniconti, for the committee on Ethics and Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Health Care Financing to make an investigation and study of certain current Senate documents relative to health care (Senate, No. 2490), reported, in part, a "Bill to strengthen employer-provided health care in the Commonwealth" (Senate, No. 695).

The bill (Senate, No 695) 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, the same Senator moved that the bill be amended by substituting a new draft entitled "An Act further amending health care access" (Senate, No. 2783).

The amendment was adopted.

The bill (Senate, No. 2783) 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 authorizing the town of North Attleborough to enter into a certain lease (House, No. 5347,— on petition) [Local approval received],— **was read.**

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

A Bill authorizing the city of Gardner to grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5371,— on House, No. 5329) [Local approval received on House, No. 5329],— **was read.**

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

Report of a Committee.

Mr. Brewer, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by the Lieutenant-Governor, Acting Governor, to the engrossed Bill relative to the Railroad Depot Contamination Remediation and Redevelopment Project of the city of New Bedford (see Senate, No. 2742, amended) [for message see Senate, No. 2782],— reported, that the amendment recommended by the Acting Governor be considered in the following form:

By inserting at the end of section 3 the following:

"Before the issue of any bonds or notes under this act, the city shall submit to the executive office of administration and finance a plan showing the amounts of the bonds and notes to be issued, the amount of the railroad depot project authorized by section 2 to be funded with the proceeds of the bonds and notes, the proposed maturity schedule of the bonds and notes, the proposed allocation of, if any, and plan to finance the principal of and interest on the bonds and notes, and any other information requested by the secretary of administration and finance relating to the bonds and notes. No bonds or notes shall be issued under this act until the secretary has approved the plan."

The report was accepted.

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

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

Sent to the House for its action.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill authorizing the commissioner of capital asset management and maintenance to convey certain land in Foxborough (see House, No. 5319), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 3 to 0.**

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

Engrossed Bills.

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

Further regulating the operations and governance of credit unions (see Senate, No. 2288);

Authorizing the town of Monroe to exempt certain property from taxation (see House, No. 5365);

Establishing a sick leave bank for Maureen Bambery, an employee of the Trial Court of the Commonwealth (see House, No. 5370);

Establishing a sick leave bank for Michael F. Leavitt, an employee of the Department of Mental Retardation (see House, No. 5375); and

Establishing a sick leave bank for Annette V. Fielding, an employee of the Department of Social Services (see House, No. 5379).

Recess.

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

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 pertaining to off-duty work details or special details performed by public employees in the city of Somerville (Senate, No. 2771),— 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 increased fees for off-duty work details or special details performed by public employees in the city of Somerville".

Sent to the House for concurrence.

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the House Bill designating the Department of Youth Services facility in the town of Westboro as the Zara Cisco Brough- "Princess White Flower" Facility (House, No. 5138, amended),— **ought to pass.**

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

PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill establishing an office of finance in the town of Spencer (see House, No. 5346) (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. Hart) and laid before the Governor for his approbation.

The Senate Bill relative to rates of pilotage for the port of Boston (Senate, No. 2391, amended),— **came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5324.**

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

The House Bill making appropriations for the fiscal year 2007 to provide funding to support pandemic disease preparation and response in the Commonwealth (House, No. 5349),— **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 2759, as amended.**

There being no objection, the rules were suspended on motion of Mr. Tarr, and the matter was considered forthwith.

**On motion of Mr. Brown the Senate further insisted on its amendment.
The bill was returned to the House endorsed accordingly.**

Recess.

At two o'clock P.M., the Chair (Mr. Hart) declared a recess for the purposes of attending the Joint Session of the Two Houses.

Tuesday, January 2, 2007.

Joint Session of the Two Houses to Consider Specific Amendments to the Constitution.

At sixteen minutes past two o'clock P.M., the two Houses met in

JOINT SESSION

and were called to order by the Honorable Robert E. Travaglini, President of the Senate.

The President then handed the gavel to Mr. Flynn of Bridgewater, Dean of the House, who led the members, guests and employees in the recitation of the pledge of allegiance to the flag.

Moment of Silence.

At the request of the President, the members, guests and employees stood in a moment of silence and reflection for former President Gerald R. Ford, the 38th President of the United States.

The Proposal for an Initiative Amendment to the Constitution relative to the definition of marriage (see House, No. 4617) (introduced into the General Court by the initiative petition of Raymond L. Flynn and others) was read, the question being on agreeing to the amendment.

The Proposal was as follows:

ARTICLE OF AMENDMENT.

When recognizing marriages entered into after the adoption of this amendment by the people, the Commonwealth and its political subdivisions shall define marriage only as the union of one man and one woman.

On the question on agreeing to the proposal, the sense of the Joint Session was taken by a call of the yeas and nays, as required by the Constitution, at seventeen minutes past two o'clock P.M., as follows to wit (*yeas 61 — nays 132*) [**Senate Yeas and Nays No. 682**] [**House Yeas and Nays No. 910**]:

YEAS — (61).

Senators.

Brown, Scott P.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Hedlund, Robert L.	Travaglini, Robert E. — 7.
Moore, Richard T.	

Representatives.

Ayers, Bruce J.
Binienda, John J.
Canavan, Christine E.
Candaras, Gale D.
Carron, Mark J.
Casey, Paul C.
Coppola, Virginia M.
Correia, Robert
Creedon, Geraldine
Curran, Sean
deMacedo, Viriato Manuel

Donato, Paul J.
Evangelidis, Lewis G.
Fagan, James H.
Flynn, David L.
Fresolo, John P.
Frost, Paul K.
Garry, Colleen M.
Gifford, Susan W.
Goguen, Emile J.
Gomes, Shirley
Greene, William G., Jr.
Hargraves, Robert S.
Humason, Donald F., Jr.
Hynes, Frank M.
Kane, Michael F.
Kujawski, Paul
Lantigua, William
Lepper, John A.
Loscocco, Paul J. P.
Miceli, James R.
Murphy, James M.
Nangle, David M.
Nyman, Robert J.
Parente, Marie J.
Perry, Jeffrey Davis
Peterson, George N., Jr.
Petrolati, Thomas M.
Poirier, Elizabeth A.
Polito, Karyn E.
Pope, Susan W.
Rogeness, Mary S.
Ross, Richard J.
Rush, Michael F.
Scaccia, Angelo M.
Smola, Todd M.
Spiliotis, Joyce A.
Timilty, Walter F.
Tobin, A. Stephen
Travis, Philip
Vallee, James E.
Verga, Anthony J.
Wallace, Brian P.
Webster, Daniel K. — 54.

NAYS — (132).

Senators.

Antonioni, Robert A.

McGee, Thomas M.

Augustus, Edward M., Jr.
Baddour, Steven A.
Barrios, Jarrett T.
Berry, Frederick E.
Brewer, Stephen M.
Buoniconti, Stephen J.
Chandler, Harriette L.
Creem, Cynthia Stone
Fargo, Susan C.
Hart, John A., Jr.
Havern, Robert A.
Jehlen, Patricia D.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.

Menard, Joan M.
Montigny, Mark C.
Murray, Therese
O'Leary, Robert A.
Pacheco, Marc R.
Resor, Pamela
Rosenberg, Stanley C.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 32.

Representatives.

Atkins, Cory
Atsalis, Demetrius J.
Balser, Ruth B.
Bradley, Garrett J.
Broadhurst, Arthur J.
Cabral, Antonio F. D.
Callahan, Jennifer M.
Canessa, Stephen R.
Coakley-Rivera, Cheryl A.
Costello, Michael A.
Coughlin, Robert K.
DeLeo, Robert A.
Dempsey, Brian S.
DiMasi, Salvatore F.
Donelan, Christopher J.
Driscoll, Joseph R.
Eldridge, James B.
Fallon, Christopher G.
Falzone, Mark V.
Fennell, Robert F.
Festa, Michael E.
Finegold, Barry R.
Flanagan, Jennifer L.
Forry, Linda Dorcena
Fox, Gloria L.
Galvin, William C.
Gobi, Anne M.
Golden, Thomas A., Jr.
Grant, Mary E.
Guyer, Denis E.

Haddad, Patricia A.
Hall, Geoffrey D.
Harkins, Lida E.
Hill, Bradford
Honan, Kevin G.
Jones, Bradley H., Jr.
Kafka, Louis L.
Kaprielian, Rachel
Kaufman, Jay R.
Keenan, John D.
Kennedy, Thomas P.
Khan, Kay
Kocot, Peter V.
Koczera, Robert M.
Koutoujian, Peter J.
Kulik, Stephen
Leary, James B.
LeDuc, Stephen P.
Linsky, David Paul
L'Italien, Barbara A.
Malia, Elizabeth A.
Mariano, Ronald
Marzilli, J. James, Jr.
Moran, Michael J.
Murphy, Charles A.
Murphy, Kevin J.
Natale, Patrick M.
Naughton, Harold P., Jr.
O'Brien, Thomas J.
O'Flaherty, Eugene L.
Patrick, Matthew C.
Paulsen, Anne M.
Pedone, Vincent A.
Peisch, Alice Hanlon
Petersen, Douglas W.
Petrucelli, Anthony
Provost, Denise
Quinn, John F.
Reinstein, Kathi-Anne
Rice, Robert L., Jr.
Rodrigues, Michael J.
Rogers, John H.
Rushing, Byron
Sánchez, Jeffrey
Sannicandro, Tom
Scibak, John W.

Sciortino, Carl M., Jr.
Smizik, Frank I.
Speliotis, Theodore C.
Spellane, Robert P.
Speranzo, Christopher N.
Stanley, Harriett L.
Stanley, Thomas M.
St. Fleur, Marie P.
Story, Ellen
Straus, William M.
Sullivan, David B.
Swan, Benjamin
Teahan, Kathleen M.
Toomey, Timothy J., Jr.
Torrise, David M.
Turkington, Eric
Turner, Cleon H.
Wagner, Joseph F.
Walrath, Patricia A.
Walsh, Martin J.
Walsh, Steven M.
Walz, Martha M.
Welch, James T.
Wolf, Alice K. — **100.**

ABSENT OR NOT VOTING — (4).

Senators.

Nuciforo, Andrea F., Jr. — **1.**

Representatives.

Bosley, Daniel E.	Pignatelli, William Smitty —
Owens-Hicks, Shirley	3.

The yeas and nays having been completed at twenty-six minutes past two o'clock P.M., the proposal was agreed to, not less than one-fourth of all members elected having voted in the affirmative.

Subsequently a statement of Mr. Bosley of North Adams was spread upon the records of the Joint Session, as follows:
Due to an unexpected meeting in another part of the State House, I missed the vote on the same sex marriage initiative petition during the January 2 Constitutional Convention. Could you please insert a statement in the Journal stating that had I been in the Chamber for the vote, I would have voted in the negative?

Subsequently a statement of Mr. Pignatelli of Lenox was spread upon the records of the Joint Session, as follows:
Due to an unexpected meeting in another part of the State House, I missed the vote on the same sex marriage initiative petition during the January 2 Constitutional Convention. Could you please insert a statement in the Journal stating that had I been in the Chamber for the vote, I would have voted in the negative?

Mr. Rushing of Boston moved to reconsider the vote on agreeing to the amendment.

The same member further moved to recess the joint session for one hour; and this motion was negatived.

Mr. Rushing of Boston then moved that the joint session stand in recess until a half past three o'clock P.M.

The question on recessing the joint session was determined by a call of the yeas and the nays, at twenty-nine minutes past two o'clock P.M., as follows, to wit (*yeas 94 — nays 101*) [**Senate Yeas and Nays No. 683**] [**House Yeas and Nays No. 911**]:

YEAS — (94).

Senators.

Barrios, Jarrett T.	Montigny, Mark C.
Creem, Cynthia Stone	Spilka, Karen E.
Havern, Robert A.	Wilkerson, Dianne — 6.

Representatives.

Atkins, Cory
Atsalis, Demetrius J.
Balser, Ruth B.
Bosley, Daniel E.
Bradley, Garrett J.
Broadhurst, Arthur J.
Cabral, Antonio F. D.
Canessa, Stephen R.
Coakley-Rivera, Cheryl A.
Costello, Michael A.
Coughlin, Robert K.
DeLeo, Robert A.
Dempsey, Brian S.
DiMasi, Salvatore F.
Donelan, Christopher J.
Driscoll, Joseph R.
Eldridge, James B.
Falzone, Mark V.
Fennell, Robert F.
Festa, Michael E.
Finegold, Barry R.
Flanagan, Jennifer L.
Forry, Linda Dorcena
Fox, Gloria L.
Galvin, William C.
Grant, Mary E.
Guyer, Denis E.
Haddad, Patricia A.
Harkins, Lida E.
Honan, Kevin G.
Kafka, Louis L.
Kaprielian, Rachel
Kaufman, Jay R.
Keenan, John D.
Kennedy, Thomas P.
Khan, Kay
Kocot, Peter V.
Koutoujian, Peter J.

Kulik, Stephen
Leary, James B.
LeDuc, Stephen P.
Linsky, David Paul
L'Italien, Barbara A.
Malia, Elizabeth A.
Mariano, Ronald
Marzilli, J. James, Jr.
Moran, Michael J.
Murphy, Charles A.
O'Brien, Thomas J.
Patrick, Matthew C.
Paulsen, Anne M.
Pedone, Vincent A.
Peisch, Alice Hanlon
Petersen, Douglas W.
Petrucelli, Anthony
Provost, Denise
Reinstein, Kathi-Anne
Rice, Robert L., Jr.
Rodrigues, Michael J.
Rogers, John H.
Rushing, Byron
Sánchez, Jeffrey
Sannicandro, Tom
Scibak, John W.
Sciortino, Carl M., Jr.
Smizik, Frank I.
Speliotis, Theodore C.
Spellane, Robert P.
Speranzo, Christopher N.
Stanley, Harriett L.
Stanley, Thomas M.
St. Fleur, Marie P.
Story, Ellen
Straus, William M.
Sullivan, David B.
Swan, Benjamin
Teahan, Kathleen M.
Toomey, Timothy J., Jr.
Torrise, David M.
Turkington, Eric
Turner, Cleon H.
Wagner, Joseph F.
Walrath, Patricia A.
Walsh, Martin J.

Walsh, Steven M.
Walz, Martha M.
Welch, James T.
Wolf, Alice K. — **88.**

NAYS — (101).

Senators.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
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.	Rosenberg, Stanley C.
Fargo, Susan C.	Tarr, Bruce E.
Hart, John A., Jr.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian — 33.
McGee, Thomas M.	

Representatives.

Ayers, Bruce J.
Binienda, John J.
Callahan, Jennifer M.
Canavan, Christine E.
Candaras, Gale D.
Carron, Mark J.
Casey, Paul C.
Coppola, Virginia M.
Correia, Robert
Creedon, Geraldine
Curran, Sean
deMacedo, Viriato Manuel
Donato, Paul J.
Evangelidis, Lewis G.
Fagan, James H.
Fallon, Christopher G.
Flynn, David L.
Fresolo, John P.
Frost, Paul K.
Garry, Colleen M.
Gifford, Susan W.
Gobi, Anne M.

Goguen, Emile J.
Golden, Thomas A., Jr.
Gomes, Shirley
Greene, William G., Jr.
Hall, Geoffrey D.
Hargraves, Robert S.
Hill, Bradford
Humason, Donald F., Jr.
Hynes, Frank M.
Jones, Bradley H., Jr.
Kane, Michael F.
Koczera, Robert M.
Kujawski, Paul
Lantigua, William
Lepper, John A.
Loscocco, Paul J. P.
Miceli, James R.
Murphy, James M.
Murphy, Kevin J.
Nangle, David M.
Natale, Patrick M.
Naughton, Harold P., Jr.
Nyman, Robert J.
O'Flaherty, Eugene L.
Owens-Hicks, Shirley
Parente, Marie J.
Perry, Jeffrey Davis
Peterson, George N., Jr.
Petrolati, Thomas M.
Poirier, Elizabeth A.
Polito, Karyn E.
Pope, Susan W.
Quinn, John F.
Rogeness, Mary S.
Ross, Richard J.
Rush, Michael F.
Scaccia, Angelo M.
Smola, Todd M.
Spiliotis, Joyce A.
Timilty, Walter F.
Tobin, A. Stephen
Travis, Philip
Vallee, James E.
Verga, Anthony J.
Wallace, Brian P.
Webster, Daniel K. — 68.

ABSENT OR NOT VOTING — (2).

Senators.

Nuciforo, Andrea F., Jr. — 1.

Representatives.

Pignatelli, William Smitty — 1.

The yeas and nays having been completed at twenty-two minutes before three o'clock P.M., the motion to recess the Joint Session was negatived. However, due to an error in calculation of the tally by the Clerk, the motion was declared to have passed and the Joint Session stood in recess.

At eighteen minutes before four o'clock P.M., the Joint Session reassembled, the President in the Chair.

Mr. Rushing of Boston doubted the presence of a quorum and asked for a call of the yeas and nays to ascertain if a quorum was present. The President, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum at seventeen minutes before four o'clock P.M., as follows to wit (*Answered Present 193*) [**Senate Yeas and Nays No. 684**] [**House Yeas and Nays No. 912**]:

ANSWERED “PRESENT” — (193).

Senators.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	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.	Rosenberg, Stanley C.
Creem, Cynthia Stone	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.	Travaglini, Robert E.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 38.

Representatives.

Atkins, Cory
Atsalis, Demetrius J.
Ayers, Bruce J.
Balser, Ruth B.
Binienda, John J.
Bosley, Daniel E.
Bradley, Garrett J.
Broadhurst, Arthur J.

Cabral, Antonio F. D.
Callahan, Jennifer M.
Canavan, Christine E.
Candaras, Gale D.
Canessa, Stephen R.
Carron, Mark J.
Casey, Paul C.
Coakley-Rivera, Cheryl A.
Coppola, Virginia M.
Correia, Robert
Costello, Michael A.
Coughlin, Robert K.
Creedon, Geraldine
Curran, Sean
DeLeo, Robert A.
deMacedo, Viriato Manuel
Dempsey, Brian S.
DiMasi, Salvatore F.
Donato, Paul J.
Donelan, Christopher J.
Driscoll, Joseph R.
Eldridge, James B.
Evangelidis, Lewis G.
Fagan, James H.
Fallon, Christopher G.
Falzone, Mark V.
Fennell, Robert F.
Festa, Michael E.
Finegold, Barry R.
Flanagan, Jennifer L.
Forry, Linda Dorcena
Fox, Gloria L.
Fresolo, John P.
Frost, Paul K.
Galvin, William C.
Garry, Colleen M.
Gifford, Susan W.
Gobi, Anne M.
Goguen, Emile J.
Golden, Thomas A., Jr.
Gomes, Shirley
Grant, Mary E.
Greene, William G., Jr.
Guyer, Denis E.
Haddad, Patricia A.
Hall, Geoffrey D.

Hargraves, Robert S.
Harkins, Lida E.
Hill, Bradford
Honan, Kevin G.
Humason, Donald F., Jr.
Hynes, Frank M.
Jones, Bradley H., Jr.
Kafka, Louis L.
Kane, Michael F.
Kaprielian, Rachel
Kaufman, Jay R.
Keenan, John D.
Kennedy, Thomas P.
Khan, Kay
Kocot, Peter V.
Koczera, Robert M.
Koutoujian, Peter J.
Kujawski, Paul
Kulik, Stephen
Lantigua, William
Leary, James B.
LeDuc, Stephen P.
Lepper, John A.
Linsky, David Paul
L'Italien, Barbara A.
Loscocco, Paul J. P.
Malia, Elizabeth A.
Mariano, Ronald
Marzilli, J. James, Jr.
Miceli, James R.
Moran, Michael J.
Murphy, Charles A.
Murphy, James M.
Murphy, Kevin J.
Nangle, David M.
Natale, Patrick M.
Naughton, Harold P., Jr.
Nyman, Robert J.
O'Brien, Thomas J.
O'Flaherty, Eugene L.
Owens-Hicks, Shirley
Parente, Marie J.
Patrick, Matthew C.
Paulsen, Anne M.
Pedone, Vincent A.
Peisch, Alice Hanlon

Perry, Jeffrey Davis
Petersen, Douglas W.
Peterson, George N., Jr.
Petrolati, Thomas M.
Petrucelli, Anthony
Poirier, Elizabeth A.
Polito, Karyn E.
Pope, Susan W.
Provost, Denise
Quinn, John F.
Reinstein, Kathi-Anne
Rice, Robert L., Jr.
Rodrigues, Michael J.
Rogeness, Mary S.
Rogers, John H.
Ross, Richard J.
Rush, Michael F.
Rushing, Byron
Sánchez, Jeffrey
Sannicandro, Tom
Scaccia, Angelo M.
Scibak, John W.
Sciortino, Carl M., Jr.
Smizik, Frank I.
Smola, Todd M.
Speliotis, Theodore C.
Spellane, Robert P.
Speranzo, Christopher N.
Spiliotis, Joyce A.
Stanley, Harriett L.
Stanley, Thomas M.
St. Fleur, Marie P.
Story, Ellen
Straus, William M.
Sullivan, David B.
Swan, Benjamin
Teahan, Kathleen M.
Timilty, Walter F.
Tobin, A. Stephen
Toomey, Timothy J., Jr.
Torrise, David M.
Travis, Philip
Turkington, Eric
Turner, Cleon H.
Vallee, James E.
Verga, Anthony J.

Wagner, Joseph F.
Wallace, Brian P.
Walrath, Patricia A.
Walsh, Martin J.
Walsh, Steven M.
Walz, Martha M.
Webster, Daniel K.
Welch, James T.
Wolf, Alice K. — **155.**

NAYS — 0.

ABSENT OR NOT VOTING — (4).

Senators.

Hart, John A., Jr. Nuciforo, Andrea F., Jr. — **2.**

Representatives.

Flynn, David L. Pignatelli, William Smitty —
2.

The yeas and nays having been completed at five minutes before four o'clock P.M., a quorum was declared present. The question on reconsideration was again considered, and after extended debate, the question on the motion to reconsider the vote on agreeing to the amendment was determined by a call of the yeas and the nays, at one minute past four o'clock P.M., as follows, to wit (*yeas 117 — nays 75*) [**Senate Yeas and Nays No. 685**] [**House Yeas and Nays No. 913**]:

YEAS — (117).

Senators.

Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Buoniconti, Stephen J.	Resor, Pamela
Chandler, Harriette L.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Spilka, Karen E.
Fargo, Susan C.	Tisei, Richard R.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
Knapik, Michael R.	Wilkerson, Dianne — 31.
Lees, Brian P.	

Representatives.

Atkins, Cory
Atsalis, Demetrius J.
Balser, Ruth B.
Bosley, Daniel E.
Bradley, Garrett J.
Broadhurst, Arthur J.

Cabral, Antonio F. D.
Callahan, Jennifer M.
Canessa, Stephen R.
Coakley-Rivera, Cheryl A.
Costello, Michael A.
Coughlin, Robert K.
DeLeo, Robert A.
DiMasi, Salvatore F.
Donelan, Christopher J.
Eldridge, James B.
Falzone, Mark V.
Fennell, Robert F.
Festa, Michael E.
Finegold, Barry R.
Flanagan, Jennifer L.
Forry, Linda Dorcena
Fox, Gloria L.
Galvin, William C.
Gobi, Anne M.
Golden, Thomas A., Jr.
Grant, Mary E.
Guyer, Denis E.
Haddad, Patricia A.
Harkins, Lida E.
Honan, Kevin G.
Kafka, Louis L.
Kaprielian, Rachel
Kaufman, Jay R.
Keenan, John D.
Kennedy, Thomas P.
Khan, Kay
Kocot, Peter V.
Koutoujian, Peter J.
Kulik, Stephen
LeDuc, Stephen P.
Linsky, David Paul
L'Italien, Barbara A.
Malia, Elizabeth A.
Mariano, Ronald
Marzilli, J. James, Jr.
Moran, Michael J.
Murphy, Charles A.
Murphy, Kevin J.
O'Brien, Thomas J.
Patrick, Matthew C.
Paulsen, Anne M.

Peisch, Alice Hanlon
 Petersen, Douglas W.
 Petruccelli, Anthony
 Pignatelli, William Smitty
 Provost, Denise
 Quinn, John F.
 Reinstein, Kathi-Anne
 Rice, Robert L., Jr.
 Rogers, John H.
 Rushing, Byron
 Sánchez, Jeffrey
 Sannicandro, Tom
 Sciortino, Carl M., Jr.
 Smizik, Frank I.
 Speliotis, Theodore C.
 Speranzo, Christopher N.
 Stanley, Harriett L.
 Stanley, Thomas M.
 St. Fleur, Marie P.
 Story, Ellen
 Straus, William M.
 Swan, Benjamin
 Teahan, Kathleen M.
 Toomey, Timothy J., Jr.
 Torrisi, David M.
 Turkington, Eric
 Turner, Cleon H.
 Wagner, Joseph F.
 Walrath, Patricia A.
 Walsh, Martin J.
 Walsh, Steven M.
 Walz, Martha M.
 Welch, James T.
 Wolf, Alice K. — 86.

NAYS — (75).

Senators.

Brown, Scott P.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Hedlund, Robert L.	Tarr, Bruce E.
Moore, Richard T.	Timilty, James E. — 8.

Representatives.

Ayers, Bruce J.
 Binienda, John J.
 Canavan, Christine E.
 Candaras, Gale D.
 Carron, Mark J.

Casey, Paul C.
Coppola, Virginia M.
Correia, Robert
Creedon, Geraldine
Curran, Sean
deMacedo, Viriato Manuel
Dempsey, Brian S.
Driscoll, Joseph R.
Evangelidis, Lewis G.
Fagan, James H.
Fallon, Christopher G.
Fresolo, John P.
Frost, Paul K.
Garry, Colleen M.
Gifford, Susan W.
Goguen, Emile J.
Gomes, Shirley
Greene, William G., Jr.
Hall, Geoffrey D.
Hargraves, Robert S.
Hill, Bradford
Humason, Donald F., Jr.
Hynes, Frank M.
Jones, Bradley H., Jr.
Kane, Michael F.
Koczera, Robert M.
Kujawski, Paul
Lantigua, William
Leary, James B.
Lepper, John A.
Loscocco, Paul J. P.
Miceli, James R.
Murphy, James M.
Nangle, David M.
Natale, Patrick M.
Naughton, Harold P., Jr.
Nyman, Robert J.
O'Flaherty, Eugene L.
Owens-Hicks, Shirley
Parente, Marie J.
Pedone, Vincent A.
Perry, Jeffrey Davis
Peterson, George N., Jr.
Poirier, Elizabeth A.
Polito, Karyn E.
Pope, Susan W.

Rodrigues, Michael J.
Rogeness, Mary S.
Ross, Richard J.
Rush, Michael F.
Scaccia, Angelo M.
Scibak, John W.
Smola, Todd M.
Spellane, Robert P.
Spiliotis, Joyce A.
Sullivan, David B.
Timilty, Walter F.
Travis, Philip
Vallee, James E.
Verga, Anthony J.
Wallace, Brian P.
Webster, Daniel K. — **67.**

ABSENT OR NOT VOTING — (5).

Senators.

Nuciforo, Andrea F., Jr. — **1.**

Representatives.

Donato, Paul J.
Flynn, David L.

Petrolati, Thomas M.

The yeas and nays having been completed at ten minutes past four o'clock P.M., the motion to reconsider prevailed.

Pending the recurring question on agreeing to the amendment, at eleven minutes past four o'clock P.M., at the request of Mr. Lees, for the purposes of a minority party caucus, the President declared a recess; and at twenty-six minutes before five o'clock P.M., the Joint Session reassembled, the President in the Chair.

The Proposal for an Initiative Amendment to the Constitution relative to the definition of marriage (see House, No. 4617) (introduced into the General Court by the initiative petition of Raymond L. Flynn and others) was again considered, the recurring question being on agreeing to the amendment.
The Proposal was as follows:

ARTICLE OF AMENDMENT.

When recognizing marriages entered into after the adoption of this amendment by the people, the Commonwealth and its political subdivisions shall define marriage only as the union of one man and one woman.

On the recurring question on agreeing to the proposal, the sense of the Joint Session was taken by a call of the yeas and nays, as required by the Constitution, at twenty-six minutes before five o'clock P.M., as follows to wit (*yeas 62 — nays 134*) [**Senate Yeas and Nays No. 686**] [**House Yeas and Nays No. 914**]:

YEAS — (62).

Senators.

Brown, Scott P.
Creedon, Robert S., Jr.
Hedlund, Robert L.
Moore, Richard T.

Morrissey, Michael W.
Panagiotakos, Steven C.
Travaglini, Robert E. — **7.**

Representatives.

Ayers, Bruce J.

Binienda, John J.
Canavan, Christine E.
Candaras, Gale D.
Carron, Mark J.
Casey, Paul C.
Coppola, Virginia M.
Correia, Robert
Creedon, Geraldine
Curran, Sean
deMacedo, Viriato Manuel
Donato, Paul J.
Evangelidis, Lewis G.
Fagan, James H.
Flynn, David L.
Fresolo, John P.
Frost, Paul K.
Garry, Colleen M.
Gifford, Susan W.
Goguen, Emile J.
Gomes, Shirley
Greene, William G., Jr.
Hargraves, Robert S.
Humason, Donald F., Jr.
Hynes, Frank M.
Kane, Michael F.
Kujawski, Paul
Lantigua, William
Lepper, John A.
Loscocco, Paul J. P.
Miceli, James R.
Murphy, James M.
Nangle, David M.
Nyman, Robert J.
Owens-Hicks, Shirley
Parente, Marie J.
Perry, Jeffrey Davis
Peterson, George N., Jr.
Petrolati, Thomas M.
Poirier, Elizabeth A.
Polito, Karyn E.
Pope, Susan W.
Rogeness, Mary S.
Ross, Richard J.
Rush, Michael F.
Scaccia, Angelo M.
Smola, Todd M.

Spiliotis, Joyce A.
Timilty, Walter F.
Tobin, A. Stephen
Travis, Philip
Vallee, James E.
Verga, Anthony J.
Wallace, Brian P.
Webster, Daniel K. — **55.**

NAYS — (134).

Senators.

Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Buoniconti, Stephen J.	Resor, Pamela
Chandler, Harriette L.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 32.

Representatives.

Atkins, Cory
Atsalis, Demetrius J.
Balser, Ruth B.
Bosley, Daniel E.
Bradley, Garrett J.
Broadhurst, Arthur J.
Cabral, Antonio F. D.
Callahan, Jennifer M.
Canessa, Stephen R.
Coakley-Rivera, Cheryl A.
Costello, Michael A.
Coughlin, Robert K.
DeLeo, Robert A.
Dempsey, Brian S.
DiMasi, Salvatore F.
Donelan, Christopher J.
Driscoll, Joseph R.
Eldridge, James B.
Fallon, Christopher G.

Falzone, Mark V.
Fennell, Robert F.
Festa, Michael E.
Finegold, Barry R.
Flanagan, Jennifer L.
Forry, Linda Dorcena
Fox, Gloria L.
Galvin, William C.
Gobi, Anne M.
Golden, Thomas A., Jr.
Grant, Mary E.
Guyer, Denis E.
Haddad, Patricia A.
Hall, Geoffrey D.
Harkins, Lida E.
Hill, Bradford
Honan, Kevin G.
Jones, Bradley H., Jr.
Kafka, Louis L.
Kaprielian, Rachel
Kaufman, Jay R.
Keenan, John D.
Kennedy, Thomas P.
Khan, Kay
Kocot, Peter V.
Koczera, Robert M.
Koutoujian, Peter J.
Kulik, Stephen
Leary, James B.
LeDuc, Stephen P.
Linsky, David Paul
L'Italien, Barbara A.
Malia, Elizabeth A.
Mariano, Ronald
Marzilli, J. James, Jr.
Moran, Michael J.
Murphy, Charles A.
Murphy, Kevin J.
Natale, Patrick M.
Naughton, Harold P., Jr.
O'Brien, Thomas J.
O'Flaherty, Eugene L.
Patrick, Matthew C.
Paulsen, Anne M.
Pedone, Vincent A.
Peisch, Alice Hanlon

Petersen, Douglas W.
Petrucelli, Anthony
Pignatelli, William Smitty
Provost, Denise
Quinn, John F.
Reinstein, Kathi-Anne
Rice, Robert L., Jr.
Rodrigues, Michael J.
Rogers, John H.
Rushing, Byron
Sánchez, Jeffrey
Sannicandro, Tom
Scibak, John W.
Sciortino, Carl M., Jr.
Smizik, Frank I.
Speliotis, Theodore C.
Spellane, Robert P.
Speranzo, Christopher N.
Stanley, Harriett L.
Stanley, Thomas M.
St. Fleur, Marie P.
Story, Ellen
Straus, William M.
Sullivan, David B.
Swan, Benjamin
Teahan, Kathleen M.
Toomey, Timothy J., Jr.
Torrise, David M.
Turkington, Eric
Turner, Cleon H.
Wagner, Joseph F.
Walrath, Patricia A.
Walsh, Martin J.
Walsh, Steven M.
Walz, Martha M.
Welch, James T.
Wolf, Alice K. — **102.**

ABSENT OR NOT VOTING — (1)

Senator.

Nuciforo, Andrea F., Jr. — **1.**

The yeas and nays having been completed at seventeen minutes before five o'clock P.M., the proposal was agreed to, not less than one-fourth of all members elected having voted in the affirmative.
The Initiative Petition (House, No. 4617) was then laid over until the next General Court.

There being no objection, at sixteen minutes before five o'clock P.M., at the request of Mr. Lees, for the purposes of a minority party caucus, the President declared a recess; and at twenty-three minutes past five o'clock P.M., the Joint Session reassembled, the President in the Chair.

Mr. Tolman moved that calendar item 3, a Proposal for an Initiative Amendment to the Constitution relative to the provision of health insurance (see Senate, No. 4) (introduced into the General Court by the initiative petition of Harold Hestnes and others), having received, in joint session, the affirmative votes of not less than one-fourth of all members elected [see House, No. 4444, amended of 2004], be discharged from the special committee of the joint session consisting of the members of the joint committee on Health Care Financing.

Mr. Lees in the Chair, after debate, the question on the motion to discharge was taken by a call of the yeas and nays, at seventeen minutes before six o'clock P.M., as follows to wit (*yeas 92 — nays 101*) [**Senate Yeas and Nays No. 687**] [**House Yeas and Nays No. 915**]:

YEAS — (92).

Senators.

Augustus, Edward M., Jr.	Morrissey, Michael W.
Barrios, Jarrett T.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Resor, Pamela
Hedlund, Robert L.	Tarr, Bruce E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C. — 17.
Montigny, Mark C.	

Representatives.

Atkins, Cory
Balser, Ruth B.
Callahan, Jennifer M.
Casey, Paul C.
Coppola, Virginia M.
Correia, Robert
deMacedo, Viriato Manuel
Driscoll, Joseph R.
Eldridge, James B.
Evangelidis, Lewis G.
Fallon, Christopher G.
Finegold, Barry R.
Forry, Linda Dorcena
Fresolo, John P.
Frost, Paul K.
Gifford, Susan W.
Gobi, Anne M.
Gomes, Shirley
Grant, Mary E.
Guyer, Denis E.
Hargraves, Robert S.
Hill, Bradford
Honan, Kevin G.
Humason, Donald F., Jr.
Hynes, Frank M.
Jones, Bradley H., Jr.
Kafka, Louis L.
Kaufman, Jay R.

Keenan, John D.
Kocot, Peter V.
Leary, James B.
Lepper, John A.
Linsky, David Paul
L'Italien, Barbara A.
Loscocco, Paul J. P.
Marzilli, J. James, Jr.
Moran, Michael J.
Natale, Patrick M.
Naughton, Harold P., Jr.
Owens-Hicks, Shirley
Patrick, Matthew C.
Paulsen, Anne M.
Peisch, Alice Hanlon
Perry, Jeffrey Davis
Petersen, Douglas W.
Peterson, George N., Jr.
Pignatelli, William Smitty
Poirier, Elizabeth A.
Polito, Karyn E.
Pope, Susan W.
Provost, Denise
Quinn, John F.
Rogeness, Mary S.
Ross, Richard J.
Rush, Michael F.
Sannicandro, Tom
Scibak, John W.
Sciortino, Carl M., Jr.
Smizik, Frank I.
Smola, Todd M.
Spellane, Robert P.
Speranzo, Christopher N.
Stanley, Thomas M.
Story, Ellen
Sullivan, David B.
Swan, Benjamin
Teahan, Kathleen M.
Toomey, Timothy J., Jr.
Travis, Philip
Turner, Cleon H.
Vallee, James E.
Wallace, Brian P.
Walz, Martha M.
Webster, Daniel K.

Wolf, Alice K. — 75.

NAYS — (101).

Senators.

Antonioni, Robert A.	Lees, Brian P.
Baddour, Steven A.	Menard, Joan M.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Panagiotakos, Steven C.
Buoniconti, Stephen J.	Rosenberg, Stanley C.
Chandler, Harriette L.	Spilka, Karen E.
Creedon, Robert S., Jr.	Timilty, James E.
Hart, John A., Jr.	Travaglini, Robert E.
Havern, Robert A.	Wilkerson, Dianne — 21.
Knapik, Michael R.	

Representatives.

Atsalis, Demetrius J.
Ayers, Bruce J.
Binienda, John J.
Bosley, Daniel E.
Bradley, Garrett J.
Broadhurst, Arthur J.
Cabral, Antonio F. D.
Canavan, Christine E.
Candaras, Gale D.
Canessa, Stephen R.
Costello, Michael A.
Coughlin, Robert K.
Creedon, Geraldine
Curran, Sean
DeLeo, Robert A.
Dempsey, Brian S.
DiMasi, Salvatore F.
Donato, Paul J.
Donelan, Christopher J.
Fagan, James H.
Falzone, Mark V.
Fennell, Robert F.
Festa, Michael E.
Flanagan, Jennifer L.
Flynn, David L.
Fox, Gloria L.
Galvin, William C.
Garry, Colleen M.
Goguen, Emile J.
Golden, Thomas A., Jr.
Greene, William G., Jr.

Haddad, Patricia A.
Hall, Geoffrey D.
Harkins, Lida E.
Kane, Michael F.
Kaprielian, Rachel
Kennedy, Thomas P.
Khan, Kay
Koczera, Robert M.
Koutoujian, Peter J.
Kujawski, Paul
Kulik, Stephen
Lantigua, William
LeDuc, Stephen P.
Malia, Elizabeth A.
Mariano, Ronald
Miceli, James R.
Murphy, Charles A.
Murphy, James M.
Murphy, Kevin J.
Nangle, David M.
Nyman, Robert J.
O'Brien, Thomas J.
O'Flaherty, Eugene L.
Parente, Marie J.
Pedone, Vincent A.
Petrolati, Thomas M.
Petrucelli, Anthony
Reinstein, Kathi-Anne
Rice, Robert L., Jr.
Rodrigues, Michael J.
Rogers, John H.
Rushing, Byron
Sánchez, Jeffrey
Scaccia, Angelo M.
Spiliotis, Theodore C.
Spiliotis, Joyce A.
Stanley, Harriett L.
St. Fleur, Marie P.
Straus, William M.
Timilty, Walter F.
Tobin, A. Stephen
Torrise, David M.
Turkington, Eric
Verga, Anthony J.
Wagner, Joseph F.
Walrath, Patricia A.

Walsh, Martin J.
Walsh, Steven M.
Welch, James T. — 80.

ABSENT OR NOT VOTING — (4).

Senators.

Nuciforo, Andrea F., Jr. Walsh, Marian — 2.

Representatives.

Carron, Mark J. Coakley-Rivera, Cheryl A. —
2.

The yeas and nays having been completed at eight minutes before six o'clock P.M., the motion to discharge was negatived.

Without action on the matters duly and constitutionally assigned for consideration, on motion of Mr. Moore, at four minutes before six o'clock P.M., the Joint Session was adjourned; and the Senate withdrew from the House Chamber, under the escort of the Sergeant-at-Arms.

At seventeen minutes past four o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

Engrossed Bill Returned with Recommendation of Amendment.

A message from Her Honor the Lieutenant Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill relative to life insurance companies (see House, No. 4973, amended) [for message, see House, No. 5384],— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:—

In subsection 14(G), in clause (3), by striking out the word “a” and inserting in place thereof the word “no”.

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. Hart, and the Acting Governor's amendment was considered forthwith and adopted, in concurrence.

Sent to the House for re-enactment.

The House Bill relative to horse and greyhound racing in the Commonwealth (House, No. 5291, printed as 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 contained in Senate document numbered 2780 with a further amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5385.**

The rules were suspended, on motion of Mr. Brown, and the House amendment was considered forthwith and adopted, 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 House Bill authorizing the town of Westborough to release an easement over land (House, No. 4862),— 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.

Engrossed Bills.

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

Authorizing the town of Rockland to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see Senate, No. 2758);

Authorizing the commissioner of capital asset management and maintenance to convey certain land in Foxborough (see House, No. 5319);

Authorizing the town of North Attleborough to enter into a certain lease (see House, No. 5347); and

Authorizing the city of Gardner to grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5371).

Recess.

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

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill designating the Department of Youth Services facility in the town of Westborough as the Zara Cisco Brough-“Princess White Flower” Facility (see House, No. 5138, 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 Acting President (Mr. Baddour) and sent to the House for enactment.

Engrossed Bill.

An engrossed Bill relative to rates of pilotage for the port of Boston (see Senate, No. 2391, 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 Acting President (Mr. Baddour) and laid before the Governor for his approbation.

A Bill authorizing the town of Franklin to grant an additional license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 5309,— on petition) [Local approval received],— **was read.**

There being no objection, the rules were suspended, on motion of Mr. Brown, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the town of Franklin to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises”.

The Senate Bill further amending the health care access (Senate, No. 2783, amended),— came from the House passed to be engrossed, in concurrence with amendments striking out sections 6 and 7 and inserting in place thereof the following two sections:

“SECTION 6. Chapter 58 of the acts of 2006 is hereby amended by striking out section 142, as appearing in section 66 of said chapter 324, and inserting in place thereof the following section:—

Section 142. Sections 46, 49, 53, 56, 58, 62, 63, 64, 65, 66, 67, 69, 70, 73, 76, 77, 78, 79, 80, 83, 84 and 87 shall take effect on January 1, 2007.

SECTION 7. Said chapter 58 is hereby further amended by striking out section 145, as appearing in section 68 of said chapter 324, and inserting in place thereof the following section:—

Section 145. Sections 12, 22, 23, 32, 33, 35, 41, 42, 44, 48, 50, 52, 55, 59, 60A, 68, 72, 74, 82, 85, 86, 89 and 90 shall take effect on July 1, 2007.”; and by striking out sections 12 and 13 and inserting in place thereof the following 2 sections:—

“SECTION 12. Section 3 and section 5 shall take effect on January 1, 2007.

SECTION 13. Section 2 and section 4 shall take effect on July 1, 2007.”.

The rules were suspended, an motion of Mr. Brown, and the House amendments were considered forthwith and adopted, in concurrence.

Report of a Committee.

Mr. Brewer, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by the Lieutenant-Governor, Acting Governor, to the engrossed Bill relative to disabled veterans’ motor vehicle plates (see Senate, No. 2428) [for message see Senate, No. 2781],— reported, that the amendment recommended by the Acting Governor be considered in the following form:

Striking out all after the enacting clause and inserting in place thereof the following text:—

“Section 2 of chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word ‘Administration,’ in line 131, the following words:— has been determined to have a service-connected disability rating of 60 per cent or greater and.”

The report was accepted.

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

On motion of Mr. Brown, the Senate then adopted the amendment in the form recommended by the committee on Bills in

the Third Reading.
Sent to the House for its action.

Recess.

There being no objection, at seventeen minutes past five o'clock P.M., the Chair (Mr. Baddour) declared a recess subject to the call of the Chair; and, at four minutes past six o'clock P.M., the Senate reassembled, Mr. Lees in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill designating the Department of Youth Services facility in the town of Westboro as the Zara Cisco Brough-
"Princess White Flower" Facility (see House, No. 5138, 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. Lees) and laid before the Governor for his approbation.

The House Bill relative to the Swansea Water District (House, No. 5179, amended),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment adding at the end thereof the following section:—

"SECTION 2. For projects under this act which require wetlands and water quality permits from the department of environmental protection, the department shall consider and may authorize use of pilot wetlands mitigation bank established under section 89 of chapter 291 of the acts of 2004 as a mitigation measure."

On motion of Ms. Menard, the Senate receded from its amendment.

The Senate Bill relative to the conveyance of a certain parcel of land in the town of Grafton (Senate, No. 2779, amended),— came from the House passed to be engrossed, in concurrence with amendments in section 3, in line 8, and also in line 29, by striking out, in both instances, the words "used as a state police museum and learning center".

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

Engrossed Bill Returned with Recommendation of Amendment.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill authorizing the lease of publicly-owned land for agricultural purposes (see House, No. 4658) [for message, see House, No. 5383],— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:—

In subsection (j), in the first sentence, by striking out the word "entity" and inserting in place thereof the word "body".

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. Brown, and the Acting Governor's amendment was considered forthwith and adopted, in concurrence.

Sent to the House for re-enactment.

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 establishing a golf course capital improvement fund in the town of Dennis (House, No. 5087),— was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Engrossed Bill Returned with Recommendation of Amendment.

Ms. Murray in the Chair, a message from Her Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill that the town of Millis be authorized to appoint retired police officers as special police officers (see House, No. 4318) [for message, see House, No. 5382],— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:—

Striking out section 2 and inserting in place thereof the following section:

"SECTION 2. Special police officers appointed under this act shall not be subject to chapter 31 or section 99A of chapter 41 of the General Laws."; by striking out section 7 and inserting in place thereof the following section:

"SECTION 7. Special police officers appointed under this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of said chapter 41 shall be calculated by averaging the amount

earned over the prior 52 weeks as a special police officer working police details, or averaged over such lesser period of time for any officer designated as a special police officer less than 52 weeks prior to the incapacity. In no event shall payment under said section 111F of said chapter 41, exceed, in any calendar year, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under said section 111F of said chapter 41 shall terminate when a special police officer reaches the age of 65. In the event the age limitation applicable to regular police officers serving in a town is increased from 65 years of age, the termination of benefits under said section 111F of said chapter 41, as provided herein to special police officers, shall terminate at such a higher age limit, but in no event shall the benefits extend beyond the age of 70 for any special police officer. Special police officers, appointed under this act shall not be subject to section 85H of said chapter 32, not eligible for any benefits pursuant thereto.”; and in section 8 by striking out the second sentence, as follows: “Special police officers appointed under this act shall not be eligible for unemployment, nor shall the town be liable for unemployment benefits under chapter 151A of the General Laws for any reason, including police detail assignment determinations made by the town or removal of any individual as a special police officer.”

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. Brown, and the Acting Governor’s amendment was considered forthwith and adopted, in concurrence.

Sent to the House for re-enactment.

Mr. Lees in the Chair, the Senate Bill further regulating the rights of an adopted child (Senate, No. 2510, amended),— came from the House passed to be engrossed, in concurrence with amendments in section 1 by striking out the date “September 1, 2006” and inserting in place thereof the date “January 1, 2007”; and by striking out section 2.

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

Recess.

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

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill relative to horse and greyhound racing in the Commonwealth (see House, No. 5291, 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 Acting President (Mr. Tolman) and sent to the House for enactment.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, Senate, No. 2784) of Dianne Wilkerson for legislation relative to the Hynes Convention Center and the Boston Common Parking Garage,— **came from the House with the endorsement that the House had concurred in the suspension of Joint Rule 12 and NON-concurred in the reference to the committee on State Administration and Regulatory Oversight, and had referred the petition to the House committee on Ways and Means.**

On motion of Mr. Brown, the Senate insisted on its reference to the committee on State Administration and Regulatory Oversight.

Sent to the House for its action.

Recess.

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

Committee Changes.

The Chair (Mr. Tolman) announced the resignation of Senator Tarr of Essex and Middlesex as a member of the committee on Bills in the Third Reading and the appointment of Senator Brown of Norfolk, Bristol and Middlesex to fill the vacancy.

Subsequently, the Chair (Mr. Tolman) announced the resignation of Senator Brown of Norfolk, Bristol and Middlesex as a member of said committee and the reappointment of Senator Tarr of Essex and Middlesex thereto.

PAPERS FROM THE HOUSE.

The engrossed Bill relative to horse and greyhound racing in the Commonwealth (House, No. 5291, as amended),— came from the House amended as follows: striking out section 21 and inserting in place thereof the the following section:—
“SECTION 21. This act shall take effect on March 31, 2006.”

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

Emergency Preambles Adopted.

An engrossed Bill further amending the health care access (see Senate, No. 2783, 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 he 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 Acting President (Mr. Tolman) and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Michael Rafferty, an employee of the Department of Correction (see House, No. 5362, 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 Acting President (Mr. Tolman) and sent to the House for enactment.

Engrossed Bill.

An engrossed Bill relative to life insurance companies (see House, No. 4973, 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 Acting President (Mr. Tolman) and again laid before the Governor for his approbation.

Recess.

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

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill relative to horse and greyhound racing in the Commonwealth (see House, No. 5291, 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. Baddour) and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (the first four 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. Baddour) and laid before the Governor for his approbation, to wit:

Further regulating the rights of an adopted child (see Senate, No. 2510, amended);

Further regulating parking for handicapped persons (see Senate, No. 2647);

Relative to the representative form of town meeting in the town of Randolph (see Senate, No. 2724);

Relative to the conveyance of a certain parcel of land in the town of Grafton (see Senate, No. 2779, amended);

Authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the city of Peabody (see House, No. 4247, amended);

Designating Mitochondrial Disease Awareness Week (see House, No. 4358, amended);

Authorizing the town of Westborough to release an easement over land (see House, No. 4862);

Establishing a golf course capital improvement fund in the town of Dennis (see House, No. 5087);

Relative to the Swansea Water District (see House, No. 5179);

Revising referendum town meeting procedures in the town of Burlington (see House, No. 5287, amended); and

Authorizing the town of Franklin to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (see House, No. 5309).

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 re-enacted and were signed by the Acting President (Mr. Baddour) and again laid before the Governor for his approbation, to wit:

Relative to the Railroad Depot Contamination Remediation and Redevelopment Project of the city of New Bedford (see Senate, No. 2742, amended);
Authorizing the appointment of retired police officers as special police officers in the town of Millis (see House, No. 4318, amended); and
Authorizing the lease of publicly-owned land for agricultural purposes (see House, No. 4658, amended).

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill to further regulate the issuance of fire insurance policies (see House, No. 1552) [for message, see House, No. 5270],— came from the House with the endorsement that the House had rejected the amendment recommended by the Governor, and had adopted the following amendment, as follows:

Striking out all after the enacting clause and inserting the following:

“Section 99 of chapter 175 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after clause Twelfth A the following clause:—

Thirteenth, Notwithstanding any other provision of this chapter, a commercial policy issued in compliance with section may exclude coverage for loss by fire or other perils insured against if the fire or other perils insured against were caused directly or indirectly by terrorism.

‘Terrorism’ shall have the meaning as defined in the Terrorism Risk Insurance Act of 2002 (P.L.107-297). If the Terrorism Risk Insurance Act of 2002 (P.L. 107-297) or any extension or reauthorization thereof is not extended or reauthorized or is repealed, then the following definition of ‘Terrorism’ shall apply:—

‘Act of terrorism’ shall mean any act that is certified by the secretary of public safety, in consultation with the United States Secretary of Homeland Security:

- (a) to be an act of terrorism;
- (b) to be a violent act or an act that is dangerous to:
 - (i) human life;
 - (ii) property; or
 - (iii) infrastructure;
- (c) to have resulted in damage within the United States, or outside of the United States in the case of:
 - (i) an air carrier or vessel described in paragraph (5)(B) of the Terrorism Risk Insurance Act of 2002; or
 - (ii) the premises of a United States mission; and
 - (iii) to have been committed by an individual or individuals acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.”

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. Brown.

The Governor’s amendment was then rejected.

The House amendment was considered; and it was adopted, in concurrence.

Sent to the House for re-enactment.

Engrossed Bills.

The following engrossed bills (the first three 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. Baddour) and laid before the Governor for his approbation, to wit:

Relative to the charter of the town of Sandwich (see Senate, No. 2741);

Further regulating the placement of certain children (see Senate, No. 2776);

Further amending health care access (see Senate, No. 2783, amended);

Relative to horse and greyhound racing in the Commonwealth (see House, No. 5291, printed as amended); and

Establishing a sick leave bank for Michael Rafferty, an employee of the Department of Correction (see House, No. 5362, amended).

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 re-enacted and were signed by the Acting President (Mr. Baddour) and again laid before the Governor for his approbation, to wit:

Relative to disabled veterans’ motor vehicle plates (see Senate, No. 2428, amended); and

Relative to the standard fire insurance policy (see House, No. 1552, amended).

An engrossed Bill further specifying residency requirements for regular fire and police officers in the town of Boxborough (see Senate, No. 2705) (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 Acting President (Mr. Baddour) and laid before the Governor for his approbation.

Adjournment in Memory of Former President Gerald R. Ford.

Mr. Lees in the Chair, the Senator from Hampden and Hampshire, Mr. Lees, the Senator from Hampden and Hampshire, Mr. Knapik, the Senator from Middlesex and Essex, Mr. Tisei, the Senator from Essex and Middlesex, Mr. Tarr, the Senator from Plymouth and Norfolk, Mr. Hedlund and the Senator from Norfolk, Bristol and Norfolk, Mr. Brown, presented a request that when the Senate adjourns today, it do so in memory of former President Gerald R. Ford.

President Ford was born in Omaha, Nebraska in 1913; he was a graduate of the University of Michigan and Yale Law School. Subsequent to the attack on Pearl Harbor, Ford enlisted in the Navy, rising to the rank of Lieutenant. He participated in many actions in the Pacific Theater.

In 1948 Ford was elected to Congress from the State of Michigan. He served in the House of Representatives for twenty-four years, the final eight as Minority Leader. In 1973 President Richard Nixon nominated Ford for the then vacant position of Vice-President.

On August 9, 1974 Gerald Ford assumed the office of the Presidency, serving until January of 1977. President Ford is survived by his wife Betty and their four children.

Accordingly, Mr. Baddour in the Chair, as a mark of respect to the memory of former President Gerald R. Ford, at fourteen minutes before ten o'clock P.M. on motion of Mr. Pacheco, the Senate adjourned sine die.

Attest: WILLIAM F. WELCH,
Clerk of the Senate.

[P.S. During the second session of the General Court held in the year 2006, 458 Acts and 2 Resolves became law; 493 Acts received Executive Approval; 8 Acts (Chapters 146, 147, 148, 149, 175, 176, 286 and 335) became law without Executive Approval; and 19 Acts (Chapters 101, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 193, 267, 268, 269, 270, 271, 272 and 295) became law over the objections of His Excellency the Governor.]