

**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, February 15, 2005.*

Met at ten minutes past two o'clock P.M. (Ms. Walsh in the Chair).

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

#### *Resolutions.*

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

Resolutions (filed by Ms. Tucker) “on the occasion of the retirement of Lieutenant Sebastian Bongiorno.”

#### *Recess.*

There being no objection, at eleven minutes past two o'clock P.M., the Chair (Ms. Walsh) declared a recess subject to the call of the Chair; and, at twenty-nine minutes before five o'clock P.M., the Senate reassembled, the President in the Chair.

#### *Petitions.*

On motion of Mr. Brewer, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Ms. Chandler, (accompanied by bill) of Harriette L. Chandler, Vincent A. Pedone, John J. Binienda, James B. Leary and other members of the General Court for legislation relative to the Department of Mental Health inpatient study commission,— **and the same was referred to the committee on Mental Health and Substance Abuse.**  
**Sent to the House for concurrence.**

On motion of Mr. Lees, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Brown, (accompanied by resolve) of Scott P. Brown and Edward G. Connolly, that provision be made for an investigation and study by a special commission (including members of the General Court) relative to distinctive registration plate decals,— **and the same was referred to the committee on Public Safety and Homeland Security.**  
**Sent to the House for concurrence.**

#### PAPERS FROM THE HOUSE.

A Bill making appropriations for the fiscal year 2005 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 2010, amended,— on House, No. 20, in part),— was read.

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

Pending the question on ordering the bill to a third reading, Mr. O’Leary moved that the bill be amended, in section 2A, in item 7004-1000 by, by inserting after the word, “electricity” the following words:— “and other primary or secondary heating sources”; and

In said section 2A, in aid item 7004-1000, by adding the following words:— “; and provided further that the department shall increase any previously established maximum assistance for which a household is eligible, inn, recognition of the state supplement”.

The amendment was **adopted**.

Mr. Havern moved to amend the bill by inserting after section 28 the following section:—

“SECTION 28A. Section 140 of said chapter 352 is hereby repealed.”

The amendment was **adopted**.

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

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-one minutes before five o’clock P.M., on motion of Ms. Murray, as follows, to wit: (yeas 35 — nays 0) [**Yeas and Nays No. 4**]:

#### **YEAS.**

Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
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>35.</b>

#### **NAYS — 0.**

#### **ABSENT OR NOT VOTING.**

Berry, Frederick E.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Shannon, Charles E. —
	<b>4.</b>

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

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

#### *Recess.*

There being no objection, at sixteen minutes before five o’clock P.M., the President declared a recess subject to the call of the Chair; and, at eleven minutes before six o’clock P.M., the Senate reassembled, 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).

PAPERS FROM THE HOUSE.

*Emergency Preamble Adopted; Engrossed Bill Enacted.*

An engrossed Bill making appropriations for the fiscal year 2005 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 2010, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 2 to 0.

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

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

**The Senate then passed the bill to be enacted; and it was signed by the Acting President.**

*Order Adopted.*

On motion of Mr. Hedlund,—

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

On motion of the same Senator, at six minutes before six o'clock P.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.