

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.

Thursday, May 18, 2006.

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

The Senator from Plymouth and Norfolk, Mr. Hedlund, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the Chair (Mr. Havern) introduced members of the United Kingdom Parliament visiting Boston, David Chun, Edward Leigh, Annette Brooke, Richard Bacon, Sarah McCarthy-Fry, Austin Mitchell and Nick Wright. The group signed the guest book and withdrew from the Chamber.

Communication.

Mr. Rosenberg in the Chair, a communication from the Board of Trustees of the Health Care Security Trust (under the provisions of Section 4(h) of Chapter 29D of the General Laws) submitting its proposed operating budget for fiscal year 2007 (Senate, No. 2553) (received Tuesday, May 16, 2006),— was referred to the committee on Health Care Financing.

Sent to the House for concurrence.

Petitions.

Mr. Brewer presented a petition (accompanied by bill, Senate, No. 2551) of Stephen M. Brewer and Todd M. Smola (by vote of the town) for legislation to authorize the town of Palmer to grant 4 additional licenses for the sale of all alcoholic beverages to be drunk on the premises [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.**

Sent to the House for concurrence.

Petitions were presented and referred, as follows:

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer for legislation to increase the survivor benefits payable to the surviving spouse of Wesley Boutelle; and

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey for legislation to further regulate the appointment of a health care agent;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Ms. Murray, for the committee on Ways and Means, that the House Bill making appropriations for the fiscal year 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest,

sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4901),— **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 3**

[Estimated cost:	
[Direct Appropriation:	\$24,068,230,124.00]
[Retained Revenue Authorization:	\$1,365,961,882.00]
[Total	\$25,434,192,006.00]

(having been filed in the office of the Clerk of the Senate on Wednesday, May 17, 2006, at thirteen minutes before five o'clock, P.M.);

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

Subsequently, Mr. Buoniconti, for the said committee on Ethics and Rules, reported that the matter be placed in the Orders of the Day for Wednesday, May 24, 2006, pursuant to an order previously adopted by the Senate.

By Mr. Moore, for the committee on Health Care Financing, on Senate, Nos. 134, 137, 374, 382, 399, 400, 406, 1148, 1149, 1218 and 1244, an 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. 2552);

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Moore, for the committee on Health Care Financing, that the Senate Bill to prevent shaken baby syndrome in Massachusetts (Senate, No. 2363),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2532) [Estimated cost: \$710,000.00];**

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

By Mr. Moore, for the committee on Health Care Financing, that the Senate Bill relative to dementia special care units in long-term care facilities (Senate, No. 420),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2533).**

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

By Mr. Moore, for the committee on Health Care Financing, that the Senate bills

Relative to codifying the hepatitis C program (Senate, No. 1257);

Relative to the statewide head injury program (Senate, No. 1297);

Relative to medical peer review committees (Senate, No. 2418);

Relating to the bargainability of health insurance for part-time municipal employees (printed as House, No. 458).

Severally ought to pass.

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

Mr. Moore, for the committee on Health Care Financing, that the Senate Bill to create a nursing home advisory council (Senate, No. 1282),— **ought NOT to pass;**

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

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on petition, a Bill providing for a partial release of certain land in Easthampton from the operation of an agricultural preservation restriction (Senate, No. 2492, changed in section 1, by inserting after the date "9/27/200" in line 27, the number "0" and in section 2, by inserting after the word "complaint," in line 30, the words "including without limitations, that current APR owner shall release any and all claims arising out of or related to the facts alleged by or against current APR owner in case number HSCV2002-00177,");

By Ms. Spilka, for the committee on Children and Families, on petition (accompanied by bill, Senate, No. 959), a Bill further regulating access to birth certificates (Senate, No. 2542);

By Mr. Nuciforo, for the committee on Financial Services, on petition, a Bill protecting consumers from unsolicited loans (Senate, No. 559);

By the same Senator, for the same committee, on petition, a Bill facilitating low interest financing for Massachusetts charitable institutions (Senate, No. 589);

By the same Senator, for the same committee, on Senate, No. 612 and House, No. 3035, a Bill to prohibit carriers from retroactively terminating a consumer's health insurance coverage (Senate, No. 612);

By the same Senator, for the same committee, on petition, a Bill to require financial institutions to pay late fees when it fails to conduct an electronic transfer (Senate, No. 618);

By the same Senator, for the same committee, on petition, a Bill relative to public funds (Senate, No. 622);

By the same Senator, for the same committee, on petition, a Bill relative to personal injury protection (Senate, No. 626);

By the same Senator, for the same committee, on petition, a Bill further regulating the cashing of checks (Senate, No. 643);

By the same Senator, for the same committee, on petition, a Bill reducing automobile insurance rates (Senate, No. 2332);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 614), a Bill relative to lending limits (Senate, No. 2540);

By the same Senator, for the same committee, on petition, a Bill requiring the payment of interest on life insurance policies (printed as House, No. 1568);

By the same Senator, for the same committee, on petition, a Bill relative to payment of medical expenses for persons injured in automobile accidents (printed as House, No. 2993);

By the same Senator, for the same committee, on petition, a Bill providing for linguistically appropriate mental health services (printed as House, No. 3900); and

By Mr. Creedon, for the committee on the Judiciary, on petition, a Bill establishing a sick leave bank for Shelley Nunes, an employee of the Barnstable District Court (Senate, No. 2538);

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

By Mr. Nuciforo, for the committee on Financial Services, on petition, a Bill prohibiting the acceptance by a bank of foreign documents as a means of identification (Senate, No. 2197);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 623), a Bill relative to banks and banking (Senate, No. 2541); and

By the same Senator, for the same committee, on petition, a Bill relative to independent licensed insurance producers (printed as House, No. 4260);

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

Committee Discharged.

Mr. Nuciforo, for the committee on Financial Services, reported, asking to be discharged from further consideration Of the petition (accompanied by bill, Senate, No. 557) of Robert A. Antonioni for legislation to equalize the quarterly payments of corporate excise taxes; and

Of the petition (accompanied by bill, Senate, No. 657) of Marian Walsh for legislation relative to the taxation of financial institutions;

And recommending that the same severally be referred to the committee on Revenue.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4942) of Jeffrey Sánchez (with the approval of the mayor and city council) relative to bilingual ballots in the city of Boston,— **was referred, in concurrence, to the committee on Election Laws.**

A Bill providing for a partial release of certain land in the town of Hatfield from the operation of an agricultural preservation restriction (House, No. 4472,— on House, No. 4353),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Relative to betterment assessments in the town of Marion (House, No. 4201, amended,— on petition) [Local approval received]; Relative to the charter of the town of Westborough (House, No. 4392,— on petition) [Local approval received];

Validating certain orders passed by the Barnstable town council (House, No. 4627,— on petition) [Local approval received]; and

Authorizing the town of Needham to construct and maintain a common sewer through land acquired for conservation purposes (House, No. 4767,— on House, No. 4601) [Local approval received on House, No. 4601];

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

A report of the committee on Health Care Financing, asking to be discharged from further consideration of the House Bill regarding choice of long-term care setting (House, No. 2898), and recommending that the same be referred to the House committee on Ways and Means,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence, insomuch as relates to the discharge of the joint committee.**

Resolutions.

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

Resolutions (filed by Mr. Creedon) “on the two hundredth anniversary of the First Baptist Church of Hanover”;

Resolutions (filed by Mr. Joyce) “congratulating Dr. Katherine C. Letourneau for her many years of service to the public school system”;

Resolutions (filed by Mr. Morrissey) “congratulating the Charles A. Bernazzani School on its fiftieth anniversary”;

Resolutions (filed by Ms. Resor) “congratulating Dick Yurkus on his retirement as a Marlborough City Councilor”;

Resolutions (filed by Messrs. Tarr, Baddour, Berry, Panagiotakos and Tisei) “commemorating the Pontian Greek Genocide of 1919 to 1922.”

PAPERS FROM THE HOUSE.
Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for John Lavoie, an employee of the Department of Correction (see House, No. 4566, changed), 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. Rosenberg) and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Jean Simonelli, an employee of the Department of Revenue (see House, No. 4784), 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. Rosenberg) and sent to the House for enactment.

An engrossed Bill extending eligibility for health insurance for school employees (see House, No. 4654, 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. Rosenberg) and sent to the House for enactment.

Order — Amended.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith, as follows:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government shall be granted until Monday, July 31, 2006, within which to report on Senate, Nos. 2415, 2445 and 2446.

Pending the question on adoption of the order, Mr. Timilty presented an amendment striking out the words “Monday, July 31,” and inserting in place thereof the words “Wednesday, June 14,”.

The amendment was adopted.

The order, as amended, was then adopted.

Sent to the House for concurrence in the amendment.

Recess.

There being no objection, at eight minutes past one o'clock P.M., the Chair (Mr. Rosenberg) declared a recess; and at twenty-three minutes past one o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill authorizing the town of Burlington to accept certain streets (House, No. 4486, amended),— **was read a second time and ordered to a third reading.**

The Senate Bill releasing certain land in Amherst from the operation of an agricultural preservation restriction (Senate, No. 2359),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House Bill relative to the Bourne Water District (House, No. 4459),— **was read a second time and ordered to a third reading. The rules were suspended, on motion, of Ms. Murray, and the bill was read a third time and passed to be engrossed, in concurrence, its title having been charged by the committee on Bills in the Third Reading to read as follows: “An Act authorizing a stabilization fund for Bourne Water District”.**

The House Bill designating a bridge in the city of Amesbury as the First Lieutenant Derek S. Hines Memorial Bridge (House, No. 4803),— **was read a second time and ordered to a third reading.**

The Senate Bill further regulating intermunicipal agreements (Senate, No. 1174),— **was considered, the main question being on passing it to be engrossed.**

The pending amendment, previously moved by Ms. Fargo and Ms. Creem, striking out all after the enacting clause and inserting in place thereof the following text:—

“SECTION 1. Chapter 40 of the General Laws, is hereby amended by inserting after section 4A the following section:

Section 4A½. In a town that accepts this section, approval of an agreement authorized under section 4A may be by vote of the board of selectmen, subject to any conditions imposed by section 4A or any other sections of this chapter or by the town in its acceptance of this section. A town may revoke its acceptance of this section at any time, but this revocation shall not affect any

agreement approved under this section before the town revoked its acceptance.”,— was considered; and, after debate, the amendment was rejected.

**The bill was then passed to be engrossed.
Sent to the House for concurrence.**

The House Bill designating a certain bridge in the town of Weymouth as the Weymouth veterans memorial bridge (House, No. 1693, changed),— **was considered, the main question being on ordering it to a third reading.**

The pending motion, previously moved by Mr. Hedlund, to lay the matter on the table,— was considered; and it was negatived.

The bill was then ordered to a third reading.

The House Bill relative to HIV and Hepatitis C prevention (House, No. 4176, amended),— **was considered, the main question being on ordering it to a third reading.**

The pending amendment, previously recommended by the committee on Ways and Means, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2512,— was considered.

There being no objection, Mr. Lees moved that an amendment be taken out of order; and this motion prevailed.

Ms. Menard and Ms. Murray then moved that the recommended Ways and Means new text be amended in section 3, in subsection (d) of proposed section 27A, by adding the following sentence:— “Included in the recommendations for legislative action shall be punishments and fines associated with inappropriate, unsafe or unlawful disposal of the hypodermic needles and lancets.”; and by striking out section 12.

After remarks, the amendment was adopted.

Pending the question on adoption of the Ways and Means new text, as amended, pending the amendment, previously moved by Ms. Menard, and not considered, and pending the main question on ordering the bill to a third reading, Mr. Lees moved that the matter be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows, to wit:—

Matter Taken Out of the Orders of the Day.

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

The House Bill relative to recall elections in the town of Framingham (House, No. 4694),— **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 recall elections in the town of Framingham”.**

Reports of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill requiring a state zoning guide for social service agencies and municipalities (Senate, No. 2477),— ought to pass, with an amendment adding the following section:— “SECTION 6. The secretary shall publish the guide on the executive office’s web page in a conspicuous place available to the public to download.”.

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

The bill (Senate, No. 2477, amended) was then ordered to a third reading, read a third time and, after remarks, passed to be engrossed.

Sent to the House for concurrence.

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to the environmental trust (House, No. 1283),— ought to pass.

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

PAPER FROM THE HOUSE.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the town of Ayer to convey certain land (see House, No. 4203) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article

XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at two minutes before three o'clock P.M. as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 256**]:

YEAS.	
Antonioni, Robert A.	Lees, Brian P.
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Brown, Scott P.	Murray, Therese
Buoniconti, Stephen J.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Walsh, Marian
Tolman, Steven A.	Wilkerson, Dianne — 39.
Tucker, Susan C.	
NAYS — 0.	

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

Orders of the Day.

The Orders of the Day were further considered, as follows:

The President in the Chair, the House Bill further regulating the use of seat belts (House, No. 229, amended),— **was considered, the main question being on passing it to be engrossed.**

The pending amendment, previously moved by Ms. Wilkerson and Mr. Nuciforo, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2539,— **was considered.**

Ms. Wilkerson and Messrs. Nuciforo, Timilty and McGee moved that the pending amendment be amended by striking out the text and inserting in place thereof the text of Senate document numbered 2547.

After debate, the question on adoption of the further amendment was determined by a call of the yeas and nays, at twenty-six minutes past two o'clock P.M., on motion of Mr. Nuciforo, as follows, to wit (yeas 16 — nays 23) [**Yeas and Nays No. 255**]:

YEAS.

Augustus, Edward M., Jr.	Lees, Brian P.
Baddour, Steven A.	McGee, Thomas M.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	Panagiotakos, Steven C.
Brown, Scott P.	Tarr, Bruce E.
Buoniconti, Stephen J.	Timilty, James E.
Creedon, Robert S., Jr.	Wilkerson, Dianne — 16.
NAYS.	
Antonioni, Robert A.	Moore, Richard T.
Chandler, Harriette L.	Murray, Therese
Creem, Cynthia Stone	O’Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Spilka, Karen E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian — 23.
Montigny, Mark C.	

Mr. Havern in the Chair, the yeas and nays having been completed at twenty-nine minutes before three o’clock P.M., the further amendment was rejected.

The pending amendment (Wilkerson-Nuciforo) was then considered; and it was rejected.

Mr. Nuciforo, Ms. Wilkerson and Mr. Barrios then moved to amend the bill in section 1, by striking out the first and second sentences and inserting in place thereof the following 4 sentences:— “Any person who operates a motor vehicle without a safety belt, and any person 16 years of age or over who rides as a passenger in a motor vehicle without wearing a safety belt in violation of this section, shall be subject to a fine of \$100. Any operator of a motor vehicle shall be subject to an additional fine of \$100 for each person under the age of 16 and not younger than 12 who is a passenger in the motor vehicle and not wearing a safety belt. The registrar shall suspend for 45 days the license or right to operate for any operator who violates this section and who has been authorized by law to operate a motor vehicle for less than 3 years. The registrar shall not suspend the license or right to operate of any passenger who violates this section, under any circumstances.”; and by inserting after said section 1 the following section:— “SECTION 1A. Section 34 of said chapter 90, as so appearing, is hereby amended by inserting, after the word “Fund.”, in line 92, the following paragraph:—

Notwithstanding the first paragraph, \$75 from each fine collected pursuant to section 13A of chapter 90 shall be paid by the registrar into the educational and outreach program to promote safety belt usage administered by the state police. Such monies shall be spent consistent with and proportionately to the level of incidence of non-belted accidents amongst each of the demographic populations affected. Notwithstanding the first paragraph, \$25 from each fine collected pursuant to said section 13A of said chapter 90 shall be paid by the registrar into the Head Injury Treatment Services Trust Fund, established in section 59 of chapter 10.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eight minutes past three o’clock P.M., on motion of Ms. Wilkerson, as follows, to wit (yeas 15 — nays 24) [**Yeas and Nays No. 257**]:

YEAS.	
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Berry, Frederick E.	Panagiotakos, Steven C.
Brewer, Stephen M.	Tarr, Bruce E.
Buoniconti, Stephen J.	Timilty, James E.
Creedon, Robert S., Jr.	Wilkerson, Dianne — 15.
Fargo, Susan C.	
NAYS.	
Antonioni, Robert A.	Montigny, Mark C.
Brown, Scott P.	Moore, Richard T.
Chandler, Harriette L.	Murray, Therese
Creem, Cynthia Stone	O’Leary, Robert A.
Hart, John A., Jr.	Pacheco, Marc R.
Havern, Robert A.	Resor, Pamela
Hedlund, Robert L.	Rosenberg, Stanley C.
Jehlen, Patricia D.	Spilka, Karen E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian — 24.

The yeas and nays having been completed at eleven minutes past three o’clock P.M., the amendment was rejected. After further debate, the question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays at nineteen minutes past three o’clock P.M., on motion of Mr. Baddour, as follows, to wit (yeas 24 — nays 15) [Yeas and Nays No. 259]:

YEAS.	
Antonioni, Robert A.	Moore, Richard T.
Berry, Frederick E.	Murray, Therese
Chandler, Harriette L.	O’Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Jehlen, Patricia D.	Rosenberg, Stanley C.

Joyce, Brian A.	Spilka, Karen E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Menard, Joan M.	Tucker, Susan C.
Montigny, Mark C.	Walsh, Marian — 24.
NAYS.	
Augustus, Edward M., Jr.	Hedlund, Robert L.
Baddour, Steven A.	McGee, Thomas M.
Barrios, Jarrett T.	Morrissey, Michael W.
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	Tarr, Bruce E.
Buoniconti, Stephen J.	Timilty, James E.
Creedon, Robert S., Jr.	Wilkerson, Dianne — 15.
Fargo, Susan C.	

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

The House petition (accompanied by bill, House, No. 4500) of Brian S. Dempsey and others relative to authorizing the Division of Capital Asset Management and Maintenance to convey certain land known as Outer Brewster Island,— **was considered, the main question being on concurring in the reference to the joint committee on Telecommunications, Utilities and Energy.** The pending motion, previously moved by Mr. Hedlund, to lay the matter on the table,— **was considered; and, after remarks, the matter was laid on the table.**

PAPERS FROM THE HOUSE.

Engrossed Bills.

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

Designating the South Boston Court House as the Chief Justice Joseph F. Feeney Courthouse (see House, No. 3445);
Establishing a sick leave bank for John Lavoie, an employee of the Department of Correction (see House, No. 4566, changed);
Modifying the powers of the transportation board of the town of Brookline (see House, No. 4632); and
Establishing a sick leave bank for Jean Simonelli, an employee of the Department of Revenue (see House, No. 4784).

An engrossed Bill extending eligibility for health insurance for school employees (see House, No. 4654, 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.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at a quarter past three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 258**]:

YEAS.	
Antonioni, Robert A.	Lees, Brian P.
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.

Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Brown, Scott P.	Murray, Therese
Buoniconti, Stephen J.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Walsh, Marian
Tolman, Steven A.	Wilkerson, Dianne — 39.
Tucker, Susan C.	
NAYS — 0.	

The yeas and nays having been completed at eighteen minutes past three 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.

Orders — Amended.

The following House Orders (approved by the committees on Rules of the two branches, acting concurrently) were considered forthwith, as follows:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Consumer Protection and Professional Licensure shall be granted until Thursday, June 15, 2006, within which to report on Senate, Nos. 181, 182, 185, 189, 191, 193, 195, 196, 198, 204, 207, 211, 213, 215, 217, 218, 227, 231, 244, 247, 248, 249, 254, 1185 and 1837 and House, Nos. 1440, 1442, 1447, 2856, 2932, 2933, 2936, 3345, 3364, 3365, 3378, 3383, 3385, 3388, 3393, 3403, 3404, 3405, 3411, 3680, 3681, 3689, 3690, 3692, 3693, 3694, 3702, 3703, 3705, 3741, 3744, 3956, 3958, 3963, 3964, 4070, 4315, 4347, 4432, 4444, 4445, 4497, 4525 and 4693.

Pending the question on adoption of the order, Mr. Morrissey presented an amendment striking out the words "June 15," and inserting in place thereof the words "May 25".

The amendment was adopted.

The order, as amended, was then adopted.

Sent to the House for concurrence in the amendment.

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government shall be granted until Wednesday, May 17, 2006, within which to report on Senate, Nos. 1161, 1169, 1171, 1181 and 2322 and House, Nos. 3574 and 3603.

Pending the question on adoption of the order, Mr. Timilty presented an amendment striking out the words "May 17," and inserting in place thereof the words "May 24".

The amendment was adopted.

The order, as amended, was then adopted.

Sent to the House for concurrence in the amendment.

Orders.

The following House Orders (approved by the committees on Rules of the two branches, acting concurrently) were severally considered forthwith and adopted in concurrence, as follows:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Children and Families shall be granted until Thursday, June 8, 2006, within which to report on House, Nos. 2858, 2870 and 3864.

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Financial Services shall be granted until Thursday, June 15, 2006, within which to report on House, Nos. 1542 and 4128.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4970) of Brian Knuuttila and others that the State Board of Retirement be authorized to grant certain creditable service to Kelly Kearns Aveni for the purpose of determining her superannuation retirement allowances;

Under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 4971) of Robert Sansone that the Department of Highways be directed to designate Route 28 as "Glory Road" in celebration of racial harmony, diversity and tolerance;

Under suspension of Joint Rule 12, to the committee on Transportation.

Report of Committees.

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael R. Knapik and Donald F. Humason, Jr. for legislation to authorize Gary W. Tirrell to receive additional creditable service from the Massachusetts teachers' retirement system.

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

Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Berry,—

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

*Adjournment in Memory of Amanda DeCoteau, Hillary Shedd, Gregory Monack
and the Massachusetts Children Who Have Tragically Lost Their Lives in Car Accidents.*

The Senator from Norfolk, Bristol and Plymouth, Mr. Joyce, and the Senator from Bristol and Plymouth, Mr. Montigny, requested that when the Senate adjourns today, it do so as a mark of respect to the memory of Amanda DeCoteau, Hillary Shedd, Gregory Monack and all the other Massachusetts children who have lost their lives tragically in car accidents.

Accordingly, as a mark of respect to the memory of all the victims of car accidents in Massachusetts, at twenty-six minutes past three o'clock P.M. on motion of Mr. Montigny, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.