

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.

Friday, June 30, 2006.

Met at five minutes past twelve o'clock noon.

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

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Tolman for the purpose of an introduction. Mr. Tolman then introduced employees from the Comprehensive Insurance Provider, who were seated in the gallery along with Jim McSweeney, their president.

There being no objection, the President introduced Tom Kirlehan, a twenty-year veteran of the Marine Corps from Cambridge, who was accompanied by his wife Vanessa and his daughter Hope.

Reports.

A report of the committee on Post Audit and Oversight (pursuant to Section 63 of Chapter 3 of the General Laws, as most recently amended by Chapter 557 of the Acts of 1986) submitting a report entitled "Open Standards, Closed Government — ITD's Deliberate Disregard for Public Process" (Senate, No. 2612) (received Thursday, June 29, 2006),— **was placed on file.**

A report of the Department of Telecommunications and Energy (under the provisions of Section 193 of Chapter 164 of the Acts of 1997) submitting its 2005 annual report concerning self-generation (received Thursday, June 29, 2006),— **was placed on file.**

Petition.

Mr. Augustus presented a petition (accompanied by bill, Senate, No. 2613) of Edward M. Augustus, Jr. and George N. Peterson, Jr. (by vote of the town) for legislation relative to the recall by law for the town of Upton [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Election Laws. Sent to the House for concurrence.**

Committees Discharged.

Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Public Safety and Homeland Security to make an investigation and study of a certain current Senate document relative to citation books (Senate, No. 2605),— **and recommending that the same be referred to the Senate committee on Ethics and Rules. Under Senate Rule 36, the report was considered forthwith and accepted.**

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5045) of John D. Keenan (with the approval of the mayor and city council) that the city of Salem be authorized to issue an additional license for the sale of alcoholic beverages to Ristorante Gioia, Inc.; To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 5087) of Cleon H. Turner, Robert A. O’Leary and others (by vote of the town) relative to establishing a golf course capital improvement fund in the town of Dennis;

To the committee on Municipalities and Regional Government.

A Bill relative to hazardous materials mitigation (House, No. 1315, amended,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill authorizing the town of Topsfield to grant an additional license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 4810,— on House, No. 4268) [Local approval received on House, No. 4268],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

PAPERS FROM THE HOUSE.

Engrossed Bill Returned by Governor With His Objections Thereto.

The engrossed Bill further regulating the Cherry Valley and Rochdale Water District (see House, No. 1290, amended), which, on Thursday, June 15, 2006, had been laid before His Excellency the Governor for his approbation,— came from the House the same having been returned by His Excellency the Governor, with his objections thereto in writing [for message, see House, No. 5080], and having passed that branch, notwithstanding said objections.

The message (House, No. 5080) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

The question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, at six minutes past twelve o’clock noon as follows, to wit (yeas 29 — nays 5) [Yeas and Nays No. 298]:

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.
Buoniconti, Stephen J.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian — 29.
Menard, Joan M.	
NAYS.	
Brown, Scott P.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 5.

Lees, Brian P.	
ABSENT OR NOT VOTING.	
Berry, Frederick E.	Rosenberg, Stanley C.
Creedon, Robert S., Jr.	Wilkerson, Dianne — 5.
Hedlund, Robert L.	

The yeas and nays having been completed at twelve minutes past twelve o'clock noon, the bill was passed by the Senate, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Bills Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056) insomuch as relates to Section 41 (see House, No. 5093) [for message, see Attachment C of House, No. 5092],— came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading) and had adopted an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5117; by striking out the emergency preamble and inserting in place thereof the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to compensate forthwith justices, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and by striking out the title and inserting in place thereof the following title: “An Act relative to compensation of justices.”

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.

There being no objection, the rules were suspended, on motion of Ms. Murray.

The Governor’s amendment was then rejected.

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

Sent to the House for re-enactment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056) insomuch as relates to Section 42 (see House, No. 5094) [for message, see Attachment D of House, No. 5092],— **came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading) and had adopted an amendment amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5118; by striking out the emergency preamble and inserting in place thereof the following emergency preamble:**

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to compensate forthwith sheriffs, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and by striking out the title and inserting in place thereof the following title: “An Act relative to compensation of sheriffs.”

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.

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

The Governor’s amendment was then rejected.

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

Sent to the House for re-enactment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056) insomuch as relates to Section 44 (see House, No. 5095) [for message, see Attachment E of House, No. 5092],— **came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading) and had adopted an amendment amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5119; by striking out the emergency preamble and inserting in place thereof the following emergency preamble:**

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to compensate forthwith certain court employees, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and by striking out the title and inserting in place thereof the following title: “An Act relative to compensation of certain court employees.”

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.
There being no objection, the rules were suspended, on motion of Mr. Lees.
The Governor's amendment was then rejected.
The House amendment was then considered; and it was adopted, in concurrence.
Sent to the House for re-enactment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy (see House, No. 5057) insomuch as relates to Section 21 (see House, No. 5103) [for message, see Attachment C of House, No. 5102],— **came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).**
The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.
There being no objection, the rules were suspended, on the motion of Mr. Havern.
The Governor's amendment was then rejected.
The bill was returned to the House to be again enacted.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy (see House, No. 5057) insomuch as relates to Sections 25 through 28 (see House, No. 5104) [for message, see Attachment D of House, No. 5102],— **came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).**
The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.
There being no objection, the rules were suspended, on the motion of Mr. Berry.
The Governor's amendment was then rejected.
The bill was returned to the House to be again enacted.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy (see House, No. 5057) insomuch as relates to Section 31 (see House, No. 5105) [for message, see Attachment E of House, No. 5102],— **came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).**
The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.
There being no objection, the rules were suspended, on the motion of Mr. Tolman.
The Governor's amendment was then rejected.
The bill was returned to the House to be again enacted.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy (see House, No. 5057) insomuch as relates to Section 52 (see House, No. 5106) [for message, see Attachment F of House, No. 5102],— **came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).**
The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.
There being no objection, the rules were suspended, on the motion of Ms. Menard.
The Governor's amendment was then rejected.
The bill was returned to the House to be again enacted.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy (see House, No. 5057) insomuch as relates to Section 59 (see House, No. 5107) [for message, see Attachment G of House, No. 5102],— **came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).**
The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.
There being no objection, the rules were suspended, on the motion of Mr. Havern.
The Governor's amendment was then rejected.
The bill was returned to the House to be again enacted.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the

Massachusetts economy (see House, No. 5057) insomuch as relates to Section 74 (see House, No. 5108) [for message, see Attachment H of House, No. 5102],— **came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).**
The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.
There being no objection, the rules were suspended, on the motion of Mr. Hart.
The Governor's amendment was then rejected.
The bill was returned to the House to be again enacted.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy (see House, No. 5057) insomuch as relates to Section 92 (see House, No. 5109) [for message, see Attachment I of House, No. 5102],— **came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).**
The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.
There being no objection, the rules were suspended, on the motion of Mr. Havern.
The Governor's amendment was then rejected.
The bill was returned to the House to be again enacted.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy (see House, No. 5057) insomuch as relates to Section 95 (see House, No. 5110) [for message, see Attachment J of House, No. 5102],— **came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).**
The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.
There being no objection, the rules were suspended, on the motion of Mr. Tolman.
The Governor's amendment was then rejected.
The bill was returned to the House to be again enacted.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056) insomuch as relates to Section 89 (see House, No. 5096) [for message, see Attachment F of House, No. 5092],— **came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).**
The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.
There being no objection, the rules were suspended, on the motion of Mr. Tisei.
The Governor's amendment was then rejected.
The bill was returned to the House to be again enacted.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056) insomuch as relates to Section 98 (see House, No. 5097) [for message, see Attachment G of House, No. 5092],— **came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).**
The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.
There being no objection, the rules were suspended, on the motion of Mr. Knapik.
The Governor's amendment was then rejected.
The bill was returned to the House to be again enacted.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056) insomuch as relates to Section 116 (see House, No. 5098) [for message, see Attachment H of House, No. 5092],— **came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).**
The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.
There being no objection, the rules were suspended, on the motion of Mr. Morrissey.
The Governor's amendment was then rejected.
The bill was returned to the House to be again enacted.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056) insomuch as relates to Section 133 (see House, No. 5099) [for message, see Attachment I of House, No. 5092],— **came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).**

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

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

The Governor's amendment was then rejected.

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

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056) insomuch as relates to Section 134 (see House, No. 5100) [for message, see Attachment J of House, No. 5092],— **came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).**

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

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

The Governor's amendment was then rejected.

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

A Bill to establish a personal care attendant quality home care work force council (House, No. 4758,— on House, No. 4507, 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, ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-eight minutes past twelve o'clock noon, on motion of Mr. Lees, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 299]:

YEAS.	
Antonioni, Robert A.	Brown, Scott P.
Augustus, Edward M., Jr.	Buoniconti, Stephen J.
Baddour, Steven A.	Chandler, Harriette L.
Barrios, Jarrett T.	Creedon, Robert S., Jr.
Berry, Frederick E.	Creem, Cynthia Stone
Brewer, Stephen M.	Fargo, Susan C.
Hedlund, Robert L.	Hart, John A., Jr.
Jehlen, Patricia D.	Havern, Robert A.
Joyce, Brian A.	Pacheco, Marc R.
Knapik, Michael R.	Panagiotakos, Steven C.
Lees, Brian P.	Resor, Pamela
McGee, Thomas M.	Spilka, Karen E.
Menard, Joan M.	Tarr, Bruce E.
Montigny, Mark C.	Timilty, James E.
Moore, Richard T.	Tisei, Richard R.
Morrissey, Michael W.	Tolman, Steven A.
Murray, Therese	Tucker, Susan C.
Nuciforo, Andrea F.,	Walsh, Marian

Jr.	
O’Leary, Robert A.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at twenty-seven minutes before one o’clock P.M., the bill was passed to be engrossed, in concurrence.

A Bill relative to the minimum wage (House, No. 4781, amended,— on House, No. 3782),— **was read.**

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

Pending the question on ordering the bill to a third reading, Mr. Pacheco moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following text:—

“SECTION 1. Section 1 of chapter 151 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 5, the figure ‘\$6,75’ and inserting in place thereof the following figure:— \$7.50.

SECTION 2. Said section 1 of said chapter 151 is hereby further amended by striking out the figure ‘\$7.50’, inserted by section 1, and inserting in place thereof the following figure:— \$8.00.

SECTION 3. Section 1 shall take effect on October 1, 2006.

SECTION 4. Section 2 shall take effect on October 1, 2007.”

The amendment was adopted.

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

After remarks, the question on passing the bill, as amended, to be engrossed was determined by a call of the yeas and nays, at twenty-three minutes before one o’clock P.M., on motion of Mr. Pacheco, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 300]:

YEAS.	
Antonioni, Robert A.	Brown, Scott P.
Augustus, Edward M., Jr.	Buoniconti, Stephen J.
Baddour, Steven A.	Chandler, Harriette L.
Barrios, Jarrett T.	Creedon, Robert S., Jr.
Berry, Frederick E.	Creem, Cynthia Stone
Brewer, Stephen M.	Fargo, Susan C.
Hedlund, Robert L.	Hart, John A., Jr.
Jehlen, Patricia D.	Havern, Robert A.
Joyce, Brian A.	Pacheco, Marc R.
Knapik, Michael R.	Panagiotakos, Steven C.
Lees, Brian P.	Resor, Pamela
McGee, Thomas M.	Spilka, Karen E.
Menard, Joan M.	Tarr, Bruce E.
Montigny, Mark C.	Timilty, James E.
Moore, Richard T.	Tisei, Richard R.
Morrissey, Michael W.	Tolman, Steven A.
Murray, Therese	Tucker, Susan C.

Nuciforo, Andrea F., Jr.	Walsh, Marian
O'Leary, Robert A.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

**The yeas and nays having been completed at nineteen minutes before one o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.**

Report of a Committee.

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

The House Bill relative to child labor (House, No. 4638) (the committee on Ways and Means having recommended that the bill be amended striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2610).

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

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

Pending the question on passing the bill to be engrossed, Mr. McGee moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2614.

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Matters Taken Out of the Orders of the Day.

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

The Senate Bill establishing the board of registration in midwifery (Senate, No. 1269) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill to promote alternative dispute resolution (Senate, No. 2607),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill relative to the Massachusetts Municipal Wholesale Electric Company (Senate, No. 2608),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property in the town of Tewksbury (Senate, No. 2609),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House Bill relative to the terms of certain bonds to be issued by the Commonwealth (printed in House, No. 4385),— **was read a third time and passed to be engrossed, in concurrence.**

The House 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),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill allowing students with disabilities to participate in graduation ceremonies (House, No. 4710) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

Engrossed Bills.

The following engrossed bills (both 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:
Removing automatic qualification for certain licenses (see Senate, No. 469, amended); and
Authorizing the appointment of Lori Moniz as a reserve police officer for the city of Taunton (see Senate, No. 2486).

Engrossed Bill.

An engrossed Bill relative to the loss of life due to fires caused by cigarettes (see Senate, No. 2403, 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. Brewer) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Clair) and laid before the Governor for his approbation.

Recess.

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

PAPER FROM THE HOUSE.

Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to 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) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2500, reported, in part, a "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. 5000),— **came from the House, and was read.**

The rules were suspended, on motion of Ms. Murray, and the report was considered forthwith.

After remarks, the question on acceptance of the report of the committee of conference was determined by a call of the yeas and nays, at seventeen minutes before four o'clock P.M., on motion of Ms. Murray, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 301]:

YEAS.	
Antonioni, Robert A.	Brown, Scott P.
Augustus, Edward M., Jr.	Buoniconti, Stephen J.
Baddour, Steven A.	Chandler, Harriette L.
Barrios, Jarrett T.	Creedon, Robert S., Jr.
Berry, Frederick E.	Creem, Cynthia Stone
Brewer, Stephen M.	Fargo, Susan C.
Hedlund, Robert L.	Hart, John A., Jr.
Jehlen, Patricia D.	Havern, Robert A.
Joyce, Brian A.	Pacheco, Marc R.
Knapik, Michael R.	Panagiotakos, Steven C.
Lees, Brian P.	Resor, Pamela
McGee, Thomas M.	Spilka, Karen E.
Menard, Joan M.	Tarr, Bruce E.
Montigny, Mark C.	Timilty, James E.

Moore, Richard T.	Tisei, Richard R.
Morrissey, Michael W.	Tolman, Steven A.
Murray, Therese	Tucker, Susan C.
Nuciforo, Andrea F., Jr.	Walsh, Marian
O’Leary, Robert A.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

The yeas and nays having been completed at twelve minutes before four o’clock P.M., the report was accepted, in concurrence.

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill to prevent shaken baby syndrome in Massachusetts (Senate, No. 2363) [the committee on Health Care Financing having recommended that the bill be amended by substituting a new draft with the same title (Senate, No. 2532)],— ought to pass, with an amendment substituting a new draft entitled “An Act providing for the prevention of shaken baby syndrome” (Senate, No. 2615) for the Health Care Financing pending new draft.

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

Pending the question on adopting the new draft as recommended of Health Care Financing (Moore) (Senate, No. 2532), the Senate adopted the further amendment, as recommended by the committee on Ways and Means (Murray) substituting a new draft entitled “An Act providing for the prevention of shaken baby syndrome” (Senate, No. 2615).

The pending amendment (Health Care Financing) (Senate, No. 2532), as amended (Ways and Means) (Senate, No. 2615) was then substituted for Senate, No. 2363.

The bill (Senate, No. 2615) was then ordered to a third reading and read a third time.

After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at eight minutes before four o’clock P.M., on motion of Ms. Tucker, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 302]:

YEAS.	
Antonioni, Robert A.	Brown, Scott P.
Augustus, Edward M., Jr.	Buoniconti, Stephen J.
Baddour, Steven A.	Chandler, Harriette L.
Barrios, Jarrett T.	Creedon, Robert S., Jr.
Berry, Frederick E.	Creem, Cynthia Stone
Brewer, Stephen M.	Fargo, Susan C.
Hedlund, Robert L.	Hart, John A., Jr.
Jehlen, Patricia D.	Havern, Robert A.
Joyce, Brian A.	Pacheco, Marc R.
Knapik, Michael R.	Panagiotakos, Steven C.
Lees, Brian P.	Resor, Pamela
McGee, Thomas M.	Spilka, Karen E.
Menard, Joan M.	Tarr, Bruce E.

Montigny, Mark C.	Timilty, James E.
Moore, Richard T.	Tisei, Richard R.
Morrissey, Michael W.	Tolman, Steven A.
Murray, Therese	Tucker, Susan C.
Nuciforo, Andrea F., Jr.	Walsh, Marian
O’Leary, Robert A.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Rosenberg, Stanley C. — 1.	

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

Papers from the House.

Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill granting school nurses eligibility for professional teacher status (see House, No. 1087) [for message, see House, No. 5061],— **came from the House with endorsement that the House rejected the amendment (as approved by the committee on Bills in the Third Reading).**

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

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

Sent to the House for re-enactment.

Emergency Preamble Adopted.

An engrossed Bill relative to clinical laboratories (see Senate, No. 725, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 6 to 0.**

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

Engrossed Bill.

An engrossed Bill transferring employees of the Berkshire regional planning commission to the state retirement system (see Senate, No. 1570, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Governor for his approbation.

Mr. Lees in the Chair, the House Bill relative to the minimum wage (House, No. 4781),— 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 following:

“SECTION 1. Section 1 of chapter 151 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended striking out, in line 5, the figure ‘\$6.75’ and inserting in place thereof the following figure:— \$7.50.

SECTION 2. Said section 1 of said chapter 151 is hereby further amended by striking out the figure ‘\$7.50’, inserted by section 1, and inserting in place thereof the following figure:— \$8.00.

SECTION 3. Section 1 shall take effect on October 1, 2006.

SECTION 4. Section 2 shall take effect on October 1, 2006.”

On motion of Mr. Brown, the Senate insisted in its amendment, and asked for a committee of conference on the disagreeing votes of the two branches; and Senators Pacheco, Tolman and Hedlund were appointed to the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Subsequently, notice was received from the House that the House had concurred in the appointment of a committee of conference

on the disagreeing votes of the two branches; and that Representatives Rodrigues of Westport, Petrolati of Ludlow and deMacedo of Plymouth were appointed on a part of the House.

Emergency Preambles Adopted.

An engrossed Bill relative to matching grants for various school-to-work programs (see House, No. 5109, 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 (Mr. Lees) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and sent to the House for enactment.

An engrossed Bill establishing certain educational funds (see House, No. 5105, 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. Lees) and sent to the House for enactment.

An engrossed Bill relative to the Medical Assistance Trust Fund (see House, No. 5100, 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 (Mr. Lees) and sent to the House for enactment.

An engrossed Bill relative to certain programs within the Department of Public Health (see House, No. 5097, 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. Lees) and sent to the House for enactment.

An engrossed Bill relative to the terms of certain bonds to be issued by the Commonwealth (see House Bill, printed in House, No. 4385), 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. Lees) and sent to the House for enactment.

An engrossed Bill relative to the Commonwealth Zoological Society (see House, No. 5096, 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. Lees) and sent to the House for enactment.

Engrossed Bills.

An engrossed Bill relative to clinical laboratories (see Senate, No. 725, 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. Lees) and laid before the Governor for his approbation.

The President in the Chair 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 re-enacted and were signed by the President and again laid before the Governor for his approbation, to wit:

Relative to the terms of certain bonds to be issued by the Commonwealth (see House Bill, printed in House, No. 4385);

Relative to the Commonwealth Zoological Society (see House, No. 5096, amended);

Relative to certain programs within the Department of Public Health (see House, No. 5097, amended);

Relative to the Medical Assistance Trust Fund (see House, No. 5100, amended);

Establishing certain educational funds (see House, No. 5105, amended); and

Relative to matching grants for various school-to-work programs (see House, No. 5109, amended).

PAPER FROM THE HOUSE.

Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill relative to mercury management (House, No. 4670) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2470), reported, a bill with the same title

(House, No. 5112),— **came from the House, and was read.**

The rules were suspended, on motion of Mr. Pacheco, and the report was considered forthwith and accepted, in concurrence.

Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal year 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5000), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 8 to 0.**

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

Emergency Preambles Adopted; Engrossed Bills Enacted.

An engrossed Bill to establish a personal care attendant quality home care work force council (see House, No. 4758, 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 7 to 0.**

The bill was signed by the 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 President and laid before the Governor for his approbation.

An engrossed Bill increasing the salaries of the justices of the Supreme Judicial Court (see House, No. 5093, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 5 to 0.**

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

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

The Senate then passed the bill to be re-enacted; and it was signed by the President and again laid before the Governor for his approbation.

An engrossed Bill relative to compensation of sheriffs (see House, No. 5094, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 5 to 0.**

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

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

The Senate then passed the bill to be re-enacted; and it was signed by the President and again laid before the Governor for his approbation.

An engrossed Bill relative to compensation of certain court employees (see House, No. 5095, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 8 to 0.**

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

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

The Senate then passed the bill to be re-enacted; and it was signed by the President and again laid before the Governor for his approbation.

An engrossed Bill relative to certain programs within the Executive Office of Public Safety (see House, No. 5098, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 6 to 0.**

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

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

The Senate then passed the bill to be re-enacted; and it was signed by the President and again laid before the Governor for his approbation.

An engrossed Bill relative to the Transitional Escrow Fund (see House, No. 5099, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— **was laid before the Senate; 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 10 to 0.**

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

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

The Senate then passed the bill to be re-enacted; and it was signed by the President and again laid before the Governor for his approbation.

An engrossed Bill authorizing the transfer of funds for environmental clean-up purposes (see House, No. 5110), 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 9 to 0.**

The bill was signed by the 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 President and laid before the Governor for his approbation.

An engrossed Bill establishing the Massachusetts Cultural Facilities Fund (see House, No. 5103, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— **was laid before the Senate; 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 10 to 0.**

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

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

The Senate then passed the bill to be re-enacted; and it was signed by the President and again laid before the Governor for his approbation.

An engrossed Bill relative to the generation of electricity (see House, No. 5104, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— **was laid before the Senate; 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 10 to 0.**

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

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

The Senate then passed the bill to be re-enacted; and it was signed by the President and again laid before the Governor for his approbation.

An engrossed Bill establishing a medical device tax credit (see House, No. 5106, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— **was laid before the Senate; 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 9 to 0.**

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

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

The Senate then passed the bill to be re-enacted; and it was signed by the President and again laid before the Governor for his approbation.

An engrossed Bill defining a medical device company (see House, No. 5107, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— **was laid before the Senate; 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 9 to 0.**

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

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

The Senate then passed the bill to be re-enacted; and it was signed by the President and again laid before the Governor for his approbation.

An engrossed Bill relative to wireless communication (see House, No. 5108, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— **was laid before the Senate; 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 9 to 1.**

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

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

The Senate then passed the bill to be re-enacted; and it was signed by the President and again laid before the Governor for his approbation.

A Bill providing for direct billing of certain pathology tests (House, No. 4812,— on House, No. 2635),— **was read.**

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

A Bill authorizing the town of Dedham-Westwood water district to join the Norfolk County retirement system (House, No. 4976,— on petition),— **was read.**

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

Engrossed Bill — State Loan.

An engrossed Bill making appropriations for the fiscal year 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5000) (which 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 borrowing of money, in accordance with the provisions of Section 3 of Article LXII 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 seven minutes past six o'clock P.M., as follows, to wit (yeas 37 — nays 0) [Yeas and Nays No. 303]:

YEAS.	
Antonioni, Robert A.	Buoniconti, Stephen J.
Augustus, Edward M., Jr.	Chandler, Harriette L.
Baddour, Steven A.	Creedon, Robert S., Jr.
Berry, Frederick E.	Creem, Cynthia Stone
Brewer, Stephen M.	Fargo, Susan C.
Brown, Scott P.	Hart, John A., Jr.
Hedlund, Robert L.	Havern, Robert A.
Jehlen, Patricia D.	Pacheco, Marc R.
Joyce, Brian A.	Panagiotakos, Steven C.
Knapik, Michael R.	Resor, Pamela
Lees, Brian P.	Spilka, Karen E.
McGee, Thomas M.	Tarr, Bruce E.
Menard, Joan M.	Timilty, James E.
Montigny, Mark C.	Tisei, Richard R.
Moore, Richard T.	Tolman, Steven A.
Morrissey, Michael W.	Tucker, Susan C.
Murray, Therese	Walsh, Marian
Nuciforo, Andrea F.,	Wilkerson, Dianne —

Jr.	37.
O’Leary, Robert A.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Barrios, Jarrett T.	Rosenberg, Stanley C. —2.

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

Order Adopted.

On motion of Mr. Havern,—

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.

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