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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, July 19, 2006.

Met according to adjournment at one o'clock P.M. (Mr. Havern in the Chair).

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Nuciforo for the purpose of an introduction. Mr. Nuciforo introduced members of the National Conference of Legislators, Frank Wald of North Dakota, James L. Seward of New York and Robert R. Damron of Kentucky.

Communication.

A communication was received from the Honorable Robert E. Travaglini, President of the Senate announcing his appointment (pursuant to Section 112 of Chapter 58 of the Acts of 2006) of Senator Richard T. Moore as the Senate designee to "any terms and conditions negotiated with the Federal Centers of Medicare and Medicaid Services".

The communication was placed on file.

Report.

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Plymouth County Correctional Facility (received Thursday, July 13, 2006),— **was read and sent to the House for its information.**

Reports of Committees.

By Mr. Timilty, for the committee on Municipalities and Regional Government, on petition, a Bill relative to the issuance of certain temporant loans in anticipation of bonds in the town of Arlington (Senate, No. 2579, changed in section 1 by striking out the word "purposed", in line 8, and inserting in place thereof the word "purposes") [Local approval received];

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

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

The Senate Bill relative to increasing consumer access to licensed marriage and family therapists (Senate, No. 136); and
The House bills

Relative to the disposal of dredged material in Buzzards Bay (House, No. 4884); and

Further regulating eligibility for the police civil service examination (House, No. 5041).

Committee Discharged.

Mr. Buoniconti, for the committee on Ethics and Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Public Service to make an investigation and study of certain current Senate documents relative to public service (Senate, No. 2498), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate No. 2166) of Andrea F. Nuciforo, Jr., Susan C. Tucker, Edward M. Augustus, Jr., Cleon H. Turner and other members of the General Court relative to the prohibition of investment of certain funds in companies doing business in Sudan,— **and recommending that the same be recommitted to the committee on Public Service.**
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. 5074) of Anne M. Paulsen and Steven A. Tolman (by vote of the town) that the town of Belmont be authorized to place on the ballot a question relative to the granting of licenses for the sale of all alcoholic beverages not to be drunk on the premises;

Petition (accompanied by bill, House, No. 5075) of Anne M. Paulsen and Steven A. Tolman (by vote of the town) for legislation to authorize the town of Belmont to place a certain question on the ballot relative to the sale of wines and malt beverages not to be drunk on the premises; and

Petition (accompanied by bill, House, No. 5076) of Anne M. Paulsen and Steven A. Tolman (by vote of the town) that the town of Belmont be authorized to establish a post-employment benefits trust fund for former employees of said town;

Severally to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 5078) of Susan Williams Gifford (by vote of the town) for legislation to authorize the town of Carver to appoint alternate voting members to the conservation commission of said town;

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4865) of Edward M. Augustus, Jr., and others (with the approval of the mayor and city council) relative to the certification of Christina M. Orzyck as a police officer in the city of Worcester;
To the committee on Public Service.

Bills

Relative to retirement benefits for Stuart Freedman (House, No. 4518,— on petition); and

Authorizing the conveyance of a certain parcel of land in the town of Winthrop (House, No. 4905,— on House, No. 4789).

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

Bills

Relative to the use of the name of financial institutions (House, No. 5195,— on House, No. 3007); and

Relative to state chartered banks (House, No. 5198,— on House, No. 3075);

Were severally read and, under Senate Rule 26, referred to the committee on Senate Ethics and Rules.

Bills

Exempting Scott Lemay from the maximum age requirement for firefighters in the city of Methuen (House, No. 4118,— on petition) [Local approval received];

Exempting Sean W. Richards from the maximum age requirement for appointment as police officer in the city of Methuen (House, No. 4758,— on petition) [Local approval received];

Authorizing the town of Southbridge to grant additional liquor licenses (House, No. 5004,— on House, No. 4497) [Local approval received];

Authorizing the town of Medfield to lease a certain parcel of land for the construction of a sports and recreation center (House, No. 5196,— on House, No. 4254) [Local approval received on House, No. 4254];

Relative to illegal dumping in the city of Chelsea (House, No. 5197,— on House, No. 3184) [Local approval received on House, No. 3184];

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

Recess.

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

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

The Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer, offered the following prayer:

Eternal God, the sound of the gavel marks the beginning of an important and busy session of the General Court, but it also calls for a halt in which all pause in silence. This is Thy moment, God's brief time in which we offer to Thee our thanks, our praise and honor, and invoke Thy blessing on the work about to be undertaken. We ask to be cleansed of low desire and filled with high

resolve. The people have placed confidence and trust in these senators, and the senators trust in Thee. Bless us all, in the name of the Father and the Son and the Holy Spirit. Amen.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Brown) “congratulating Thomas C. Grassia.

Papers from the House.

Emergency Preamble Adopted.

An engrossed Bill establishing state trademarks (see House, No. 3500), 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 1.

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

Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning, with recommendation of amendment, the engrossed Bill relative to mercury management (see House, No. 5112), which on Thursday, July 6, 2006, had been laid before the Governor for his approbation [for message, see House No. 5185],— **came from the House with the endorsement that the House had rejected the amendment recommended by His Excellency the Governor in the form approved by the House committee on Bills in the Third Reading; and had adopted the amendment offered by Mr. Smizik.**

The message (House, No. 5185) was read, and under the provisions of Article LVI of the amendments to the Constitution, the bill was before the Senate for amendment and re-enactment.

On motion of Ms. Murray, the Senate rejected the amendment recommended by the Governor and approved the amendment adopted by the House, as corrected (Senate BTR), as follows:

In Section 4, (as engrossed) by striking out the definition of “Mercury-added product” and inserting in place thereof the following definition:

“‘Mercury-added product’, a product to which the manufacturer intentionally introduces mercury, including, but not limited to, electric lamps, thermostats, automotive devices, electric switches, medical or scientific instruments, electric relays or other electrical devices, but not including products made with coal ash or other products that are incorporated into equipment used to manufacture semiconductor devices, elemental mercury in pre-capsulated form that is sold, distributed or provided to a dental practitioner for use in compliance with the department’s regulations concerning amalgam wastewater and recycling for dental facilities, or mercury-added formulated products.” ; in Section 7, by striking out in subsection 6J, paragraphs (2) and (3) of subdivision (d) and inserting in place thereof the following paragraph:

“(2) Every manufacturer, either individually or as a group, shall annually certify in writing that they are implementing the plan in accordance with this section and provide to the department the total number of mercury-added lamps sold in the commonwealth in that calendar year. The statewide mercury-added lamp recycling rates shall be 30 per cent by December 31, 2008, 40 per cent by December 31, 2009, 50 per cent by December 31, 2010, 70 per cent by December 31, 2011, and 70 per cent each year thereafter. The department shall adopt regulations to implement these rates. For the purposes of this section, the statewide mercury-added lamp recycling rate shall be based upon the total number of mercury added-lamps in the commonwealth available for recycling, as determined by the department. Every manufacturer, either individually or as a group, shall annually submit a report that identifies progress towards these recycling rates. The department shall conduct audits, at least annually, to determine if manufacturers are complying with this section.”; by striking out subdivision (e) and inserting in place thereof the following subdivision:

“(e) Failure to achieve any of the recycling rates established by or pursuant to paragraph (2) of subsection (d) shall obligate the manufacturers of mercury-added lamps as a group to make available not more than \$1,000,000, per year of non-compliance, to the department for grants to municipalities or regional authorities to facilitate meeting recycling rates. The department shall establish, by December 31, 2007, a process for determining the mercury-added lamp recycling rate and the aggregate and individual funding commitments based on information that includes, but is not limited to, the actual recycling rate compared with the target recycling rate, each manufacturer’s lamp market share in the commonwealth and specific manufacturer program effectiveness. The department shall deposit the funds received from manufacturers into an expendable trust, in accordance with section 6 of chapter 6A and any applicable regulations, for the purpose of grants to municipalities and regional authorities and shall administer the grant program to municipalities and regional authorities. Manufacturers’ individual contributions shall not exceed their respective market shares of lamps sold in the commonwealth.”; and by striking out subdivision (i) and inserting in

place thereof the following subdivision:

“(i) This section shall not apply to refurbished medical equipment or products where the only mercury contained in the product comes from a removable mercury-added button cell battery or a mercury-added lamp.”

Sent to the House for re-enactment.

Message from the Governor — Disapproval and Reductions in Economic Stimulus Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in 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), which on Friday, June 16, 2006, had been laid before the Governor for his approbation,— **came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.**

The message (House, No. 5101) was read; and the Senate proceeded to reconsider several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.

Section 35 (Manufacturing Workforce Training Tax Increment Financing Plan) was considered as follows:

“SECTION 35. Chapter 40 of the General Laws is hereby amended by inserting after section 60 the following section:

Section 60A. (a) Notwithstanding any general or special law to the contrary, a city or town, by vote of its town meeting, town council or city council, with the approval of the mayor where required by law, on its own behalf or in conjunction with 1 or more cities or towns and pursuant to regulations issued by the director of workforce development and in consultation with the department of economic development, may adopt and implement a manufacturing workforce training tax increment financing plan, referred to as a MWT-TIF plan in this section, intended to encourage increased commercial growth of manufacturing facilities that have been located in such city or town for not less than 2 years. Any such MWT-TIF plan shall:

(i) designate 1 or more areas of such city or town as a manufacturing workforce training tax increment financing zone, referred to as a MWT-TIF zone in section, subject to the approval of the department of workforce development under regulations adopted by said department consistent with this section. Any MWT-TIF plan adopted by more than 1 city or town shall be contiguous areas of such cities or towns;

(ii) describe in detail all training, retraining and workforce repositioning contemplated for such MWT-TIF zone as of the date of adoption of the MWT-TIF plan that shall be eligible for the MWT-TIF;

(iii) authorize tax increment exemptions from property taxes, in accordance with clause Fifty-first of section 5 of chapter 59, for a specified term not to exceed 20 years, for any parcel of real property which is located in the MWT-TIF zone and for which an agreement has been executed with the owner thereof in accordance with paragraph (iv). The MWT-TIF plan shall specify the level of exemptions expressed as an exemption percentage, not to exceed 100 per cent, to be used in calculating the exemption under said clause Fifty-first of said section 5 of said chapter 59. Such exemptions shall be calculated for each parcel as provided in said clause Fifty-first of said section 5 of said chapter 59 using an adjustment factor for each fiscal year of the specified term equal to the product of the inflation factors for each fiscal year since the parcel first became eligible for such exemption pursuant to this paragraph. The inflation factor for each fiscal year shall be a ratio:

(a) the numerator of which shall be the total assessed value of all parcels of all commercial and industrial real estate that is assessed at full and fair cash value for the current fiscal year minus the new growth adjustment for the current fiscal year attributable to the commercial and industrial real estate as determined by the commissioner of revenue under paragraph (f) of section 21C of said chapter 59; and

(b) the denominator of which shall be the total assessed value for the preceding fiscal year of all the parcels included in the numerator, except that such ratio shall not be less than 1;

(iv) include executed agreements between such city or town and each eligible owner of a parcel of real property which is located in a MWT-TIF zone. Each such agreement shall include the following: (1) all material representations of the parties which served as a basis for the descriptions contained in the MWT-TIF plan in accordance with paragraph (ii) and which served as a basis for the granting of a MWT-TIF exemption; (2) any terms considered appropriate by the city or town relative to compliance with the MWT-TIF agreement including, but not limited to, that which shall constitute a default by the property owner and the remedies that shall be instituted between the parties for any such defaults, including an early termination of the agreement; (3) provisions requiring that 75 per cent of the eligible workforce shall receive training that is designed to retain employment in such city or town; (4) a detailed recitation of all other benefits and responsibilities inuring to and assumed by the parties to such agreement; and (5) a provision that such agreement shall be binding upon subsequent owners of such parcel of real property;

(v) delegate to 1 board, agency or officer of the city or town the authority to execute agreements in accordance with clause (iv); and

(vi) be certified as an approved MWT-TIF plan by the economic assistance coordinating council established by section 3B of chapter 23A pursuant to regulations adopted by said council if the council finds, based on the information submitted in support of the MWT-TIF plan by the city or town and such additional investigation as the council shall make, and incorporate in its minutes, that the plan is consistent with the requirements of this section and shall further the public purpose of retaining or encouraging increased industrial and commercial manufacturing activity in the commonwealth. A city or town may at any time revoke its designation of a TIF zone and, as a consequence of such revocation, shall immediately cease the execution of any additional agreements pursuant to paragraph (iv). The board, agency or officer of the city or town authorized pursuant to paragraph (v) to

execute agreements shall forward to the board of assessors a copy of each such agreement, together with a list of the parcels included therein. An executed and approved MWT-TIF shall be recorded in the registry of deeds or the registry district of the land court for the county wherein such land lies.”

After debate, the question on passing section 35, in concurrence, the disapproval 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 ten minutes before two o’clock P.M., as follows, to wit (*yeas 33 — nays 4*) [**Yeas and Nays No. 338**]:

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
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 33.
Menard, Joan M.	
NAYS.	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tisei, Richard R. — 4.
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at seven minutes before two o’clock P.M., section 35 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 53 (Defines Building Contractors) was considered as follows:

“SECTION 53. Section 1 of chapter 62C of the General Laws, as so appearing, is hereby amended by striking out the definition of “Commissioner” and inserting in place thereof the following definition:—

“Building contractor”, any general contractor, subcontractor or repairman who is engaged in the business of constructing or improving real property.”

After remarks, the question on passing section 53, in concurrence, the disapproval 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 before two o'clock P.M., as follows, to wit (*yeas 36 — nays 1*) [**Yeas and Nays No. 339**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 36.
NAY.	
Lees, Brian P. — 1.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at four minutes before two o'clock P.M., section 53 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 83 (Massachusetts Manufacturing Extension Partnership) was considered as follows:

“SECTION 83. Said section 2 of said chapter 45 is hereby further amended by striking out item 7003-0605 and inserting in place thereof the following:—

7003-0605

For the operation and maintenance of the Massachusetts Manufacturing Extension Partnership for the purpose of maintaining and promoting manufacturing as an integral part of the Massachusetts economy and for programs designed to assist small and mid-sized manufacturing companies; provided, that not less than \$306,666 shall be made available for the operation and maintenance of the Innovation Program at the Massachusetts Manufacturing Extension Partnership; provided further, that not less than \$250,000 shall be made available for the Supply Chain Initiative at the Massachusetts Manufacturing Extension Partnership; and provided further that not less than \$150,000 shall be made available for the Regional Employment Board of Hampden County for

a pilot
program for precision machining training 1,556,666”.

The question on passing section 83, in concurrence, 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 three minutes before two o’clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 340**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at one minute before two o’clock P.M., section 83 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 85 (Workforce Development Earmark) was considered as follows:

“SECTION 85. Said item 7003-0702 of said section 2 of said chapter 45 is hereby further amended by adding the following words:— and provided further, that not less than \$200,000 shall be transferred to the Falmouth Economic and Development Corporation for the creation of the Regional Technology Development Center of Cape Cod.”

The question on passing section 85, in concurrence, the disapproval 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 two o'clock P.M., as follows, to wit (*yeas 35 — nays 2*) [**Yeas and Nays No. 341**]:

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
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 35.
Menard, Joan M.	
NAYS.	
Brown, Scott P.	Lees, Brian P. — 2.
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at one minute past two o'clock P.M., section 85 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 109 (MassHealth Drug List) was considered as follows:

“SECTION 109. Notwithstanding any general or special law to the contrary, there shall be a special commission to study what economic incentive would be created by criteria intended to provide enhanced access to the commonwealth's MassHealth preferred drug list for in-state pharmaceutical companies. The special commission shall consider the potential benefit to the commonwealth of offering such enhanced access to in-state affiliates of out-of-state pharmaceutical companies whether or not those affiliates manufacture drugs in the commonwealth. The commission shall examine the current criteria that the office of Medicaid uses to determine access to the preferred drug list and shall determine whether the office has taken any action that unduly restricts access to drugs that are manufactured by in-state pharmaceutical companies. The commission shall recommend policies for the office that will encourage drug companies to locate facilities in Massachusetts and create jobs, which will provide

economic stimulus to the commonwealth. The commission will conduct a cost benefit analysis to determine if there will be a savings or an added cost to the commonwealth by adding drugs to the Mass Health preferred drug list produced by in-state pharmaceutical companies and shall determine if any added cost could be reduced or eliminated by applying a voluntary price neutralization factor from the pharmaceutical company. The net effect shall be measured against the positive economic impact of corporate investments, jobs and tax revenue generated by said companies. The commission shall also examine the legal implications of implementing preferential access for only in-state pharmaceutical companies to the state's preferred drug list.

The special commission shall consist of: the secretary of the executive office of administration and finance or his designee; the secretary of the executive office of health and human services or his designee; the secretary of the executive office of economic development or his designee; the president of the senate or his designee; the speaker of the house of representatives or his designee; and 2 members of the Massachusetts biotechnology council to be appointed by the governor, 1 of whom shall be a representative of a company with no fewer than 300 employees. The special commission shall report to the general court the results of its investigation and study, together with recommendations and drafts of legislation necessary to carry out any recommendations, by filing the report with the clerks of the senate and the house of representatives on or before December 31, 2006."

After remarks, the question on passing section 109, in concurrence, the disapproval 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 three minutes past two o'clock PM., as follows, to wit (*yeas 33 — nays 4*) [**Yeas and Nays No. 342**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	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.	Spilka, Karen E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
Knapik, Michael R.	Wilkerson, Dianne — 33.
McGee, Thomas M.	
NAYS.	
Brown, Scott P.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 4.
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at five minutes past two o'clock P.M., section 109 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 110 (Grants to Defense Manufacturers in Southeastern Massachusetts) was considered as follows:

“SECTION 110. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts Technology Park Corporation, established pursuant to chapter 40J of the General Laws, shall establish a program for the purposes of awarding grants to qualified manufacturers for the purpose of promoting defense industry-related technology development in southeastern Massachusetts. The corporation shall award such grants to qualified manufacturers for the purpose of assisting with the expansion or upgrading of existing manufacturing facilities located in southeastern Massachusetts to promote the development of new technologies and economic activity in the region. The corporation, in consultation with the southeastern regional planning and economic development district, established pursuant to section 9 of chapter 40B of the General Laws, shall develop rules for the administration of the grant program which shall set forth the terms, procedures, standards and conditions which the corporation shall employ to award the grants. The rules shall define qualified manufacturers as manufacturers who manufacture microdisplays for defense and related industries and who employ at least 100 employees in southeastern Massachusetts. The corporation shall submit an annual report no later than December 31st to the house and senate committees on ways and means and to the joint committee on economic development and emerging technologies detailing the operations of the grant program and the amount of jobs created or preserved by said grant.”

The question on passing section 110, in concurrence, the disapproval 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 two o'clock P.M., as follows, to wit (*yeas 33 — nays 4*) [**Yeas and Nays No. 343**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
Knapik, Michael R.	Wilkerson, Dianne — 33.
McGee, Thomas M.	
NAYS.	
Hedlund, Robert L.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 4.
ABSENT OR NOT VOTING.	

Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.
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The yeas and nays having been completed at seven minutes past two o'clock P.M., section 110 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 122 (Materialman Filing Requirements — Effective Date) was considered as follows:

“SECTION 122. Notwithstanding any general or special law to the contrary, the commissioner of the department of revenue shall promulgate rules or regulations for the administration and enforcement of sections 53, 54 and 55, which shall take effect on July 1, 2007.”

After remarks, the question on passing section 122, in concurrence, the disapproval 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 nine minutes past two o'clock P.M., as follows, to wit (*yeas 36 — nays 1*) [**Yeas and Nays No. 344**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 36.
NAY.	
Lees, Brian P. — 1.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at eleven minutes past two o'clock P.M., section 122 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7003-0702 (Workforce Development Grants) was considered as follows:

“7003-0702500,000”.

The question on passing item 7003-0702, contained in section 2, in concurrence, the reduction 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 twelve minutes past two o'clock P.M., as follows, to wit (*yeas 35 — nays 2*) [**Yeas and Nays No. 345**]:

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
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 35.
Menard, Joan M.	
NAY.	
Brown, Scott P.	Lees, Brian P. — 2.
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at fourteen minutes past two o'clock P.M., item 7003-0702, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7004-0090 (Quincy Center Revitalization Initiative) was considered as follows:

“7004-0090

For a one-time grant to the city of Quincy for use by the city in the financing of the Quincy Center revitalization initiative

5,000,000”.

After remarks, the question on passing item 7004-0090, contained in Section 2A, in concurrence, the disapproval 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 sixteen minutes past two o'clock P.M., as follows, to wit (*yeas 35 — nays 2*) [**Yeas and Nays No. 346**]:

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
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 35.
Menard, Joan M.	
NAY.	
Brown, Scott P.	Lees, Brian P. — 2.
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at eighteen minutes past two o'clock P.M., item 7004-0090, contained in section 2A, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7004-2051 (Worcester City Square Project) was considered as follows:
“7004-2051

For a one time grant to the city of Worcester, on or before December 31, 2006, for use by the city in the financing of the public improvements associated with the CitySquare project; and provided further, that not less than \$1,000,000 shall be expended for repairs and improvements to the Stoughton train station and the surrounding central business district in the town of Stoughton, including but not limited to infrastructure and parking improvements, sidewalks, lighting, safety, and aesthetic improvements, and salaries and/or fees for professional municipal planning work related to said repairs and improvements 26,000,000”.

After remarks, the question on passing item 7004-2051, contained in Section 2A, in concurrence, the reduction and 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 1, Article II, of the Constitution, at twenty minutes past two o'clock P.M., as follows, to wit (*yeas 34 — nays 3*) [**Yeas and Nays No. 347**]:

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
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 34.
NAY.	
Brown, Scott P.	Lees, Brian P. — 3.
Hedlund, Robert L.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at twenty-two minutes past two o'clock P.M., item 7004-2051, contained in section 2A, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7007-9031 (Massachusetts Technology Development Corporation) was considered as follows:
 “7007-9031

For the Massachusetts Technology Development Corporation, established pursuant to section 3 of chapter 40G of the General Laws, in this item called MTDC; provided, that upon receipt of this appropriation, MTDC shall deposit \$2,500,000 in the fund

created pursuant to section 4 of said chapter 40G and shall invest that amount in accordance with said section 2,500,000”.

The question on passing item 7007-9031, contained in section 2A, in concurrence, the disapproval 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 twenty-three minutes past two o’clock P.M., as follows, to wit (*yeas 33 — nays 4*) [**Yeas and Nays No. 348**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
Knapik, Michael R.	Wilkerson, Dianne — 33.
McGee, Thomas M.	
NAYS.	
Hedlund, Robert L.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 4.
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at twenty-four minutes past two o’clock P.M., item 7007-9031, contained in section 2A, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7007-9033 (Southeast Massachusetts Defense Manufacturers) was considered as follows:

“7007-9033

For the Massachusetts Technology Park Corporation for the purposes of a grant program established in section 109 3,000,000”.

After debate, the question on passing item 7007-9033, contained in Section 2A, in concurrence, the disapproval 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 twenty-six minutes past two o’clock P.M., as follows, to wit (*yeas 34 — nays 3*) [**Yeas and Nays No. 349**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 34.
NAY.	
Hedlund, Robert L.	Tarr, Bruce E. — 3.
Lees, Brian P.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at twenty-eight minutes past two o’clock P.M., item 7007-9033, contained in section 2A, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7007-9036 (Westfield Engineering and Infrastructure Improvements) was considered as follows:
“7007-9036

For a one-time grant to the city of Westfield of not less than \$2,100,000 for the purpose of assisting with economic development, engineering and infrastructure improvements; provided, that funds from this one-time grant shall be used in conjunction with the construction of an approximately 1.5 million square foot retail distribution facility to be located in the vicinity of North road and Falcon drive in the city of Westfield; and provided further, that not less than \$1,000,000 shall be expended for economic revitalization in and around the Central avenue business district in the town of Milton, including, but not limited to, infrastructure and road improvements, sidewalks, lighting, safety and aesthetic improvements 3,100,000”.

After remarks, the question on passing item 7007-9036, contained in Section 2A, in concurrence, the reduction and 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 a half past two o'clock P.M., as follows, to wit (*yeas 34 — nays 3*) [**Yeas and Nays No. 350**]:

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
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 34.
NAY.	
Brown, Scott P.	Lees, Brian P. — 3.
Hedlund, Robert L.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at twenty-seven minutes before three o'clock P.M., item 7007-9036, contained in section 2A, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Message from the Governor — Disapproval General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the 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 on Friday, June 30, 2006, had been laid before the Governor for his approbation, — **came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor. The message (House, No. 5150) was read; and the Senate proceeded to reconsider one item, which had been disapproved in accordance with the provisions of the Constitution.**

Item 0320-0003 (Supreme Judicial Court Administration) was considered as follows:

“0320-0003

For the operation of the supreme judicial court, including salaries of the chief justice and the 6 associate justices 7,538,951”.

The question on passing item 0320-0003, contained in Section 2, in concurrence, the reduction 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 twenty-six minutes before three o’clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 351**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at twenty-five minutes before three o’clock P.M., item 0320-0003, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0321-1600 (Massachusetts Legal Assistance Corporation) was considered as follows:

“0321-1600

For the Massachusetts Legal Assistance Corporation to provide legal representation for indigent or otherwise disadvantaged residents of the commonwealth; provided, that notwithstanding section 9 of chapter 221A of the General Laws, \$1,204,604 shall be expended for the disability benefits project, \$544,286 shall be expended for the Medicare Advocacy Project, and \$2,490,993 shall be expended for the Battered Women’s Legal Assistance Project; provided further, that the corporation shall submit a report

to the house and senate committees on ways and means not later than January 30, 2007 that shall include, but not be limited to the following: (a) the number of persons whom the programs funded by the corporation assisted in the prior fiscal year; (b) any proposed expansion of legal services delineated by type of service, target population, and cost; and (c) the total number of indigent or otherwise disadvantaged residents of the commonwealth who received services of the corporation, by type of case and geographic location; and provided further, that the corporation may contract with any organization for the purpose of providing the representation 9,470,424”.

Mr. Havern in the Chair, after debate, the question on passing item 0321-1600, contained in Section 2, in concurrence, the reduction 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 twenty-one minutes before three o'clock P.M., as follows, to wit (*yeas 36 — nays 1*) [**Yeas and Nays No. 352**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 36.
NAY.	
Lees, Brian P. — 1.	
ABSENT OR NOT VOTING.	
Buoniconiti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at eighteen minutes before three o'clock P.M., item 0321-1600, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0330-0300 (Trail Court Administration) was considered as follows:

“0330-0300

For the central administration of the trial court, including costs associated with trial court non-employee services, trial court

dental and vision health plan agreement, jury expenses, trial court law libraries, statewide telecommunications, private and municipal court rental and leases, operation of courthouse facilities, witness fees, printing expenses, equipment maintenance and repairs, court interpreter program, and insurance and chargeback costs; provided, that funds may be expended for the judicial training institute; provided further, that the chief justice for administration and management shall expend funds for the purposes of acquiring, through a lease agreement, suitable space in the town of Belchertown for the district court of eastern Hampshire by April 1, 2007; provided further, that funds from this item or any other item shall not be expended for the cost associated with the district court of eastern Hampshire, unless said division is located in the town of Belchertown as of said date; provided further, notwithstanding any general or special law to the contrary, all criminal and civil business within the eastern Hampshire district court jurisdiction shall be conducted in the town of Belchertown as of said date; provided further, that the chief justice shall submit a report to the house and senate committees on ways and means not later than September 1, 2006 detailing the status of said lease agreement; provided further, that the chief justice for administration and management shall, in consultation with the chief justice of the juvenile court department and the commissioner of the department of capital asset management, submit a report on or before October 1, 2006 assessing the feasibility of expanding the leased space currently utilized by the Dedham Session of the Norfolk County Division of the Juvenile Court Department at 55 Allied Drive in Dedham and renegotiating the existing lease for such premises; provided further, that 50 per cent of all fees payable pursuant to Massachusetts Rules of Criminal Procedure 15(d) and 30(c)(8) shall be paid from this item; provided further, that notwithstanding section 9A of chapter 30, or any general or special law to the contrary, the rights afforded to a veteran, pursuant to said section 9A of said chapter 30, shall also be afforded to any veteran, as so defined, who holds a trial court office or position in the service of the commonwealth not classified under chapter 31, other than an elective office, an appointive office for a fixed term or an office or position under section 7 of chapter 30, and who (1) has held the office or position for not less than 1 year and (2) has 30 years of total creditable service to the commonwealth, as defined in chapter 32; provided further, that not less than \$100,000 shall be expended for the implementation of a changing lives through literature program; provided further, that not less than \$100,000 shall be expended from this item for a contract with Massachusetts General Hospital for a research program on abused children; provided further that not less than \$300,000 shall be expended for the restoration and replacement of the dome and torch of the Bristol county superior court; provided further, that the trial court shall submit a report to the victim and witness assistance board detailing the amount of assessments imposed within each court by a justice or clerk-magistrate during the previous calendar year pursuant to section 8 of chapter 258B of the General Laws; provided further, that the report shall include, but not be limited to, the number of cases in which the assessment was reduced or waived by a judge or clerk-magistrate within the courts; provided further, that the report shall be submitted to the victim and witness assistance board on or before January 14, 2007; and provided further, that not less than \$9,903,211 shall be expended for the rental of county court facilities, in accordance with section 4 of chapter 29A of the General Laws; and provided further, that all county facilities shall be reimbursed at 100 per cent from this item in fiscal year 2007 131,912,460”.

The question on passing item 0330-0300, contained in Section 2, in concurrence, the reduction 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 seventeen minutes before three o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) **[Yeas and Nays No. 353]:**

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.

Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 36.
NAYS — 0.	
ANSWERED “PRESENT”.	
Lees, Brian P. — 1.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at a quarter before three o'clock P.M., item 0330-0300, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0330-0410 (Trail Court Alternate Dispute Resolution) was considered as follows:

“0330-04100

For alternative dispute resolution services for the trial court; provided, that the services shall be made available to the extent possible in connection with child care, protection and custody proceedings in juvenile and probate courts; provided further, that not less than \$50,000 shall be expended for the Housing Services and Mediation Program operated by the Berkshire County Regional Housing Authority in Pittsfield; provided further, that not less than \$29,558 shall be expended for Berkshire Mediation Services Inc.; provided further that not less than \$60,000 shall be expended for North Central Court Services, Inc.; provided further, that not less than \$65,000 shall be expended for the North Shore Community Mediation Program in Salem; provided further, that not less than \$65,000 shall be expended for Metropolitan Mediation Services; provided further, that not less than \$62,811 shall be expended for Mediation Works, Inc; provided further, that not less than \$50,000 shall be expended for Quabbin Mediation in Athol; provided further, that not less than \$50,000 shall be expended for the Mediation and Training Collaborative of Franklin County in Greenfield; provided further, that not less than \$65,000 shall be expended for Framingham Court Mediation Services; provided further, that not less than \$60,000 shall be expended for the Cape Cod Dispute Resolution Center; provided further, that not less than \$65,000 shall be expended for the Community Dispute Settlement Center, Inc., of Cambridge; provided further, that not less than \$50,000 shall be expended for the Greater Brockton Center for Dispute Resolution; provided further, that not less than \$48,031 shall be expended for the Somerville Mediation Program; provided further, that not less than \$65,000 shall be expended for the Middlesex Multi-door Court House Program; and provided further, that not less than \$40,000 shall be expended for the Martha's Vineyard Mediation Program; and provided further, that not less than \$42,737 shall be expended for Dispute Resolution Services, Inc. in the city of Springfield; and provided further, that not less than \$50,000 shall be expended for Community Mediation of Worcester 967,326”.

After remarks, the question on passing item 0330-0410, contained in section 2, in concurrence, the reduction and 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 fourteen minutes before three o'clock P.M., as follows, to wit (*yeas 35 — nays 2*) [**Yeas and Nays No. 354**]:

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
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 35.
Menard, Joan M.	
NAY.	
Hedlund, Robert L.	Lees, Brian P. — 2.
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at twelve minutes before three o'clock P.M., item 0330-0410, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0330-3335 (Judiciary Collective Bargaining Reserve) was considered as follows:
 “0330-3335

For salary adjustments for clerks and assistant clerks and certain trial court employees pursuant to chapter 106 of the acts of 2005; provided, that any expenditures or allocations shall be made in accordance with schedules submitted to the house and senate committees on ways and means 30 days before the expenditures or allocations are made 19,007,323”.

The question on passing item 0330-3335, contained in Section 2, in concurrence, the reduction 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 eleven minutes before three o'clock P.M., as follows, to wit (*yeas 30 — nays 0*) [**Yeas and Nays No. 355**]:

YEAS.	
Antonioni, Robert A.	Knapik, Michael R.
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creem, Cynthia Stone	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Hart, John A., Jr.	Tisei, Richard R.
Havern, Robert A.	Tolman, Steven A.
Hedlund, Robert L.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 30.
NAYS — 0.	
ANSWERED “PRESENT”.	
Creedon, Robert S., Jr.	O’Leary, Robert A.
Lees, Brian P.	Pacheco, Marc R.
Menard, Joan M.	Timilty, James E. — 7.
Montigny, Mark C.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at nine minutes before three o'clock P.M., item 0330-3335, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0333-0700 (Hampden Probate Court) was considered as follows:

“0333-0700

For the Hampden probate court 2,607,285”.

The question on passing item 0333-0700, contained in section 2, in concurrence, the reduction 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 eight minutes before three o'clock P.M., as follows, to wit (*yeas 36 — nays 1*) [**Yeas and Nays No. 356**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	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.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 36.
NAYS — 0.	
ANSWERED "PRESENT".	
Brown, Scott P. — 1.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at seven minutes before three o'clock P.M., item 0333-0700, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0339-1001 (Office of the Commissioner of Probation) was considered as follows:

"0339-1001

For the office of the commissioner of probation; provided, that notwithstanding the any general or special law, rule or regulation to the contrary, the commissioner, subject to appropriation, shall have exclusive authority to appoint, dismiss, assign and discipline probation officers, associate probation officers, probation officers-in-charge, assistant chief probation officers and chief probation officers; provided further, that the associate probation officers shall only perform in-court functions and shall assume the in-court duties of the currently employed probation officers who shall be reassigned within the probation service subject to collective bargaining agreements to perform intensive, community-based supervision of probationers, including the provisions of intensive supervision and community restraint services as described in item 0339-1004; provided further, that no funds shall be expended from this line item to cover the costs of building leases; provided further, that notwithstanding any general or special law, rule or regulation to the contrary, probation officer personnel and probation clerical support staff assigned to the courts shall be provided with suitable office space in their current location in and around the various divisions and departments of the trial court, as the case may be, or in suitable office space as appropriate, with the advice and consent of the commissioner; provided further, that there shall be two regional program managers funded from this item who shall be responsible for the oversight of the management and daily operation of the probation electronic monitoring program; provided further, that the office shall enter into

an interagency service agreement with the department of revenue to verify income data and to utilize the departments wage reporting and bank match system for the purpose of weekly tape-matching, so-called, for the purposes of determining an individual's eligibility for appointment of indigent counsel, as defined in chapter 211D of the General Laws; provided further, that not less than \$100,000 shall be expended for the purpose of funding the position an academy coordinator (1) and custodial staff (1), at the Central Massachusetts Probation Training Academy located in the town of Clinton; provided further, that the office shall submit quarterly reports to the house and senate committees on ways and means detailing the progress of eligibility verification with the department; and provided further, that the report shall include, but not be limited to, the number of individuals to be found misrepresenting assets, revenue generated through collection of indigent client fees, the average indigent client fee that each court division collects per case since the effective date of this act, recommendations on improvements in verifying eligibility for counsel and other pertinent information to ascertain the effectiveness of verification 129,049,842”.

The question on passing item 0339-1001, contained in Section 2, in concurrence, the reduction 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 before three o'clock P.M., as follows, to wit (*yeas 36 — nays 1*) [**Yeas and Nays No. 357**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	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.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 36.
NAYS — 0.	
ANSWERED “PRESENT”.	
Brown, Scott P. — 1.	
ABSENT OR NOT VOTING.	
Buoniconiti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at four minutes before three o'clock P.M., item 0339-1001, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0339-1003 (Community Corrections Administration) was considered as follows:

“0339-1003

For the operation of the trial court office of community corrections, including the costs of personnel; provided, that not less than \$75,000 shall be expended for the position of manager of community service to coordinate community service projects with state government agencies; provided, that no funds shall be expended from this line item to cover the costs of building leases 5,862,043”.

The question on passing item 0339-1003, contained in section 2, in concurrence, the reduction 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 three minutes before three o'clock P.M., as follows, to wit (*yeas 36 — nays 1*) [**Yeas and Nays No. 358**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	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.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 36.
NAYS — 0.	
ANSWERED “PRESENT”.	
Brown, Scott P. — 1.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at two minutes before three o'clock P.M., item 0339-1003, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0339-1004 (Community Corrections Program) was considered as follows:

“0339-1004

For the cost of intensive supervision and community corrections programs; provided, that the programs shall include, but not be limited to, tracking, community service, educational assistance, drug and alcohol testing and treatment, curfew enforcement, home confinement, day reporting, means-tested fines, restitution, and community incapacitation or restraint; provided further, that the number of placements in the programs shall not exceed a daily average goal of 5,000 intensively-supervised probationers; provided further, that funds from this item shall be expended to cover the costs of the programs that are undertaken and administered by court probation offices and county sheriffs' offices; provided further, that said funds shall be expended for the purpose of providing said programs in Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester counties in fiscal year 2007; provided further, that the executive director of the office of community corrections of the trial court shall enter into interagency service agreements and memoranda of understanding with the probation offices and sheriffs' offices for the provision of said programs, including the contracting for detention space for probationers arrested for violating probation and awaiting court action and detention space for probationers who have been ordered by the trial court to be supervised at a higher level of restraint; provided further, that said agreements and memoranda shall be entered into at the direction of the executive director; provided further, that the executive director shall submit a spending and management plan for the programs to the house and senate committees on ways and means not later than January 30, 2007; and provided further, that the plan shall include the projected number of probationers to be served by each program and include a description of the oversight and services provided to the probationer 16,199,621”.

The question on passing item 0339-1004, contained in Section 2, in concurrence, the reduction 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 one minute before three o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 359**]:

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

	37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at three o'clock P.M., item 0339-1004, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0540-2500 (Registry of Deeds Relocation Costs) was considered as follows:

“0540-2500

For moving and relocation costs for the Essex registry of deeds, northern district; Essex registry of deeds, southern district; and Worcester registry of deeds; provided, that the secretary shall submit a report to the house and senate committees on ways and means not later than June 30, 2007 detailing the exact cost of each move provided further, that a report regarding the status of structures and locations of each registry of deeds funded in this section shall be submitted to the house and senate committees on ways and means on or before December 31, 2006; provided further, that the report shall state, for each registry of deeds funded in this section, whether the space occupied by the registry is owned or leased by the commonwealth, the start and end dates of each current lease for the registry, the amount of square footage occupied by each registry and whether there is an immediate or otherwise projected need for the registry to increase the square footage it occupies 4,832,633”.

After debate the question on passing item 0540-2500, contained in Section 2, in concurrence, the reduction 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 four minutes past three o'clock P.M., as follows, to wit (*yeas 34 — nays 3*) [**Yeas and Nays No. 360**]:

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
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.

McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 34.
NAY.	
Brown, Scott P.	Lees, Brian P. — 3.
Hedlund, Robert L.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at six minutes past three o'clock P.M., item 0540-2500, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0840-0100 (Victim and Witness Assistance Board) was considered as follows:
“0840-0100

For the operation of the victim and witness assistance board; provided, that the board shall submit a comprehensive report compiled from the information required of and submitted to the office by the trial court, the registry of motor vehicles and the state treasurer relative to the collection of assessments for the previous calendar year under section 8 of chapter 258B of the General Laws; and provided further, that the report shall be submitted to the house and senate committees on ways and means on or before February 15, 2007 596,776”.

The question on passing item 0840-0100, contained in Section 2, in concurrence, the reduction 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 seven minutes past three o'clock P.M., as follows, to wit (*yeas 34 — nays 2*) [**Yeas and Nays No. 361**]:

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
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian

McGee, Thomas M.	Wilkerson, Dianne — 35.
Menard, Joan M.	
NAY.	
Hedlund, Robert L.	Lees, Brian P. — 2.
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at eight minutes past three o'clock P.M., item 0840-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 1599-0042 (Child Care Salary Reserve) was considered as follows:
“1559-0042

For a reserve to improve the quality of the commonwealth's early education and care system; provided, that payments from this reserve shall be distributed by the department of early education and care to increase reimbursement rates for subsidized early education and care; provided further, that the increases shall be directed to expenditures for salaries, benefits, and stipends for professional development of early education and care workers or programmatic quality improvements; provided further, that not less than \$10,000,000 of the funds appropriated herein shall be used to adjust said rates by an equal percentage for all said providers; provided further, that the remainder of the funds appropriated herein shall be used to adjust said rates so as to reduce disparities between said rates, relative to the relevant private market rates, including such disparities as those between the rates paid for the same type of care from items 3000-3050, 3000-4050 and 4060 and those paid from item 3000-4000, those between the rates paid for services for infants and toddlers and those paid for services for other children, and those between the rates paid for services provided by family child care providers and those paid for services provided by other providers; and provided further, that all said adjustments shall be subject to the approval of the board of early education and care 12,500,000”.

The question on passing item 1599-0042, contained in Section 2, in concurrence, the reduction and 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 twenty-two minutes past three o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 362**]:

YEAS.	
Antonioni, Robert A.	Brown, Scott P.
Augustus, Edward M., Jr.	Chandler, Harriette L.
Baddour, Steven A.	Creedon, Robert S., Jr.
Barrios, Jarrett T.	Creem, Cynthia Stone

Berry, Frederick E.	Fargo, Susan C.
Brewer, Stephen M.	Hart, John A., Jr.
Havern, Robert A.	Nuciforo, Andrea F., Jr.
Hedlund, Robert L.	O'Leary, 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 — 36.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Wilkerson, Dianne — 3.
Berry, Frederick E.	

The yeas and nays having been completed at twenty-four minutes past three o'clock P.M., item 1599-0042, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 1599-6901 (POS Salary Reserve) was considered as follows:
 "1599-6901

For a reserve to adjust the wages, compensation or salary and associated employee-related costs to personnel earning less than \$40,000 in annual compensation who are employed by private human service providers that deliver human and social services under contracts with departments within the executive office of health and human services and the executive office of elder affairs; provided, that home care workers shall be eligible for funding from this appropriation; provided further, that the secretary of administration and finance may allocate the funds appropriated in this item to the departments in order to implement this initiative; provided further, that the executive office of health and human services shall condition the expenditure of the reserve upon assurances that the funds shall be used solely for the purposes of adjustments to wages, compensation or salary; provided further, that not later than February 15, 2007 the executive office shall submit to the house and senate committees on ways and means a report delineating the number of employees, by job title and average salary, receiving the adjustment in fiscal year 2007 and the average percentage adjustment funded by this reserve; provided further, that the report shall also include, for each contract scheduled to receive any allocation from this item in each such department, the total payroll expenditures in each contract for the categories of personnel scheduled to receive the adjustments; provided further, that no funds from this item shall be allocated to special education programs under chapter 71B of the General Laws, contracts for early education and care services or programs for which payment rates are negotiated and paid as class rates as established by the division of health care finance and policy; provided further, that no funds shall be allocated from this item to contracts funded exclusively by federal grants as delineated in section 2D; provided further, that the total fiscal year 2007 cost of salary adjustments and any other associated employee costs authorized thereunder shall not exceed \$28,000,000; provided further, that the executive office shall submit an allocation schedule to the house and senate committees on ways and means not less than 30 days after disbursement of funds; provided further, that the annualized cost of the adjustments in fiscal year 2008 shall not exceed the amount appropriated herein; and provided further, that the raises provided through this item shall be in addition to any already agreed to or collectively bargained for pay increases 28,000,000".

The question on passing item 1599-6901, contained in Section 2, in concurrence, the reduction and 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 twenty-five minutes past three o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 363**]:

YEAS.	
Antonioni, Robert A.	Brown, Scott P.
Augustus, Edward M., Jr.	Chandler, Harriette L.
Baddour, Steven A.	Creedon, Robert S., Jr.
Barrios, Jarrett T.	Creem, Cynthia Stone
Berry, Frederick E.	Fargo, Susan C.
Brewer, Stephen M.	Hart, John A., Jr.
Havern, Robert A.	Nuciforo, Andrea F., Jr.
Hedlund, Robert L.	O'Leary, 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 — 36.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Wilkerson, Dianne — 3.
Berry, Frederick E.	

The yeas and nays having been completed at twenty-seven minutes past three o'clock P.M., item 1599-6901, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 1231-1000 (Department of Revenue Commonwealth Sewer Rate Relief Fund) was considered as follows:
 "1231-1000

For the Commonwealth Sewer Rate Relief Fund established in section 2Z of chapter 29 of the General Laws; provided, that the Massachusetts Water Resources Authority shall submit a report to the house and senate committees on ways means and the secretary of administration and finance no later than October 1, 2006 that shall include, but not be limited to the following; (a) an analysis of the options for reducing operating costs of the authority; (b) the use of contracts with private entities for the operation and maintenance of facilities owned or operated by the authority; and (c) the cost savings and any legislation necessary to

effectuate the proposed recommendations of the report 25,000,000”.

After debate, the question on passing item 1231-1000, in concurrence, the disapproval 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 twenty-eight minutes past three o’clock P.M., as follows, to wit (*yeas 35 — nays 1*) [**Yeas and Nays No. 364**]:

YEAS.	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian — 35.
Menard, Joan M.	
NAY.	
Lees, Brian P. — 1.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Wilkerson, Dianne — 3.
Berry, Frederick E.	

The yeas and nays having been completed at a half past three o’clock P.M., item 1231-1000 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

The President in the Chair, item 3000-5000 (Head Start) was considered as follows:

“3000-5000

For grants to head start programs; provided, that funds from this item may be expended on early head start programs 8,500,000”.

The question on passing item 3000-5000, contained in Section 2, in concurrence, the reduction 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 twenty-nine minutes before four o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 365**]:

YEAS.	
Antonioni, Robert A.	Brown, Scott P.
Augustus, Edward M., Jr.	Chandler, Harriette L.
Baddour, Steven A.	Creedon, Robert S., Jr.
Barrios, Jarrett T.	Creem, Cynthia Stone
Berry, Frederick E.	Fargo, Susan C.
Brewer, Stephen M.	Hart, John A., Jr.
Havern, Robert A.	Nuciforo, Andrea F., Jr.
Hedlund, Robert L.	O'Leary, 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 — 36.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Wilkerson, Dianne — 3.
Berry, Frederick E.	

The yeas and nays having been completed at twenty-seven minutes before four o'clock P.M., item 3000-5000, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 3000-7050 (Mass Family Networks) was considered as follows:
 “3000-7050

For grants to programs which improve the parenting skills of participants in early education and care programs in the commonwealth; provided, that not less than \$5,395,694 shall be expended on the Mass Family Networks program; provided further, that not less than \$3,000,000 shall be expended for grants for the home-based parenting, family literacy, and school readiness program known as the Parent-Child Home Program; provided further, that, of said \$3,000,000, the department shall distribute not less than \$2,250,000 to expand capacity at existing Parent-Child Home Program sites not later than August 15, 2006, in order to allow a full year of service for parents involved in said programs; provided further, that of said \$3,000,000, the department shall distribute not less than \$750,000 to establish replication sites in cities and towns where high concentrations of low income families reside; provided further, that for grants awarded to establish the replication sites, the department shall consider applications from school districts or social service agencies that demonstrate the capacity to replicate the home visiting program to serve area low income families; provided further, that the grants to establish replication sites shall be awarded not

later than October 30, 2006; and provided further, that preference for the grants shall be given to applicants who demonstrate a commitment to maximize federal and local funding for the operation of the replication site 8,395,694”.

The question on passing item 3000-7050, contained in Section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter 1, Section I, Article II, of the Constitution, at twenty-six minutes before four o’clock P.M., as follows, to wit (*yeas 36 — nays 1*) [**Yeas and Nays No. 366**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 36.
NAYS — 0.	
ANSWERED “PRESENT”.	
Lees, Brian P. — 1.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C.

The yeas and nays having been completed at twenty-four minutes before four o'clock P.M., item 3000-7050, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4000-0112 (Matching Grants to Municipalities) was considered as follows:

“4000-0112

For matching grants to boys' and girls' clubs, YMCA and YWCA organizations, nonprofit community centers, and youth development programs; provided, that the secretary of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from the organization; provided further, that not less than \$3,000,000 shall be expended for the Massachusetts Alliance of Boys and Girls Clubs; provided further, that not less than \$80,000 shall be expended for the young parents program of the Newton Community Service Centers; provided further, that not less than \$50,000 be expended for programs and improvements at the Haverhill YWCA; provided further, that not less than \$40,000 shall be expended for the public partnership program between the greater Lynn YMCA and YWCA and the public partnership program between the town of Saugus and the Saugus YMCA and YWCA; provided further, that not less than \$50,000 shall be expended for programs at the Northeast Family YMCA; provided further, that not less than \$100,000 shall be expended for programs at the YWCA of Newburyport; provided further, that not less than \$50,000 shall be expended for the Project Adventure Youth Leadership Program administered by Family Services Incorporated of Lawrence; provided further, that not less than \$50,000 shall be expended for programs at the Girls Incorporated of Holyoke drop-in center; provided further, that not less than \$25,000 shall be expended for programs at the Fishing Academy, Incorporated; provided further, that not less than \$125,000 shall be expended for the Greater Worcester YMCA Youth Programs; provided further, that not less than \$50,000 shall be expended for youth counseling, GED/School-to-Career Program, drug prevention, and at-risk youth services at a regional youth center in Uxbridge; provided further, that not less than \$50,000 shall be expended for programs at the Merrimack Valley YMCA in Methuen; provided further, that not less than \$100,000 shall be expended for the United Teen Equality Center in Lowell; provided further, that not less than \$50,000 shall be expended for youth and family programs at the West Suburban YMCA; provided further, that not less than \$100,000 shall be expended for health and wellness programming at the YWCA of Greater Lawrence; provided further, that not less than \$50,000 shall be expended for the YMCA of Cape Cod; provided further, that not less than \$100,000 shall be expended for the Springfield Day Nursery; provided further, that not less than \$50,000 shall be expended for the Franklin Community Action Corporation for youth services; provided further, that not less than \$3,100 shall be expended for the First “R” Reading Program, so-called, in the city of Gloucester; provided further, that not less than \$100,000 shall be expended for Dot-Well youth services and out of school time activities; provided further, that not less than \$25,000 be expended for the YMCA of Greater Lynn; provided further, that not less than \$100,000 shall be expended for the YWCA Boston for a wellness program for women and girls affected by the disparities in health care in the city of Boston; provided further, that not less than \$150,000 shall be expended for nonprofit Youth Services in Andover; provided further, that not less than \$50,000 shall be expended to the Chelsea YMCA; provided further, that \$100,000 shall be expended for the Nazzaro Recreation Center; provided further, that not less than \$50,000 shall be expended for the Oak Square YMCA that will service teens from ages 13 to 17; provided further, that not less than \$1,000,000 shall be expended for the YMCA of Greater Boston to facilitate projects approved by the board of directors of the YMCA including, but not limited to, projects in the town of Norwood, the West Roxbury area of Boston, East Boston, Woburn, Bedford and in other cities and towns within the greater Boston area; and provided further, that the secretary shall report to the house and senate committees on ways and means on the exact amount distributed in fiscal year 2007 by March 1, 2007 5,698,100”.

The question on passing item 4000-0112, contained in section 2, in concurrence, the reduction and 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 twenty-three minutes before four o'clock P.M., as follows, to wit (yeas 36 — nays 1) [Yeas and Nays No. 367]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese

Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 36.
NAYS — 0.	
ANSWERED “PRESENT”.	
Lees, Brian P. — 1.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at twenty-one minutes before four o’clock P.M., item 4000-0112, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

The Senate Bill relative to the retirement classification of emergency medical services employees in the town of Billerica (Senate, No. 2093),— **came from the House, passed to be engrossed, in concurrence, with an amendment, adding the following sentence: “All additional costs and any increase in liability to the retirement system resulting from this act shall be borne solely by the town of Billerica.”**

The rules were suspended, on motion of Mr. Havern, and the Senate concurred in the House amendment.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Relative to the administration of political action committees organized by not-for-profit corporations, trade unions, trade associations or chambers of commerce (Senate, No. 438, changed);

Making technical corrections to Chapter 232 of the Acts of 1998 (Senate, No. 1150);

Relative to the observance of Veterans Day (Senate, No. 1845);

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);

Relative to the Sherwood Greens Road Improvement and Maintenance District in the town of Becket (House, No. 4811); and

Authorizing the town of Somerset to lease land and grant easements in certain land (House, No. 4842, changed);

Were severally read a second time and ordered to a third reading.

The House Bill authorizing the towns of Fairhaven, Marion, Mattapoisett and Rochester to make certain conveyances of well field and water supply and protection land to the Mattapoisett River Valley Water District (House, No. 4379),— **was read a**

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

The Senate bills

Relative to entry on premises to examine gas and electric meters (Senate, No. 1807); and

Protecting consumers against additional charges from new area codes (Senate, No. 1812);

Were severally read a second time and, after remarks, in each instance, were ordered to a third reading.

The Senate Bill relative to the inspection and certification of air tanks on utility high voltage circuit breakers (Senate, No. 2079),— was read a second time and ordered to a third reading.

The Senate Bill to ban the use of methyl tertiary butyl ether (Senate, No. 2179),— **was read a second time.**

After remarks, the question on ordering it to a third reading was determined by a call of the yeas and nays, at seven minutes before four o'clock P.M., on motion of Mr. Lees, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 368**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at four minutes before four o'clock P.M., the bill was ordered to a third reading.

The Senate Bill relative to the sale unweaned birds (Senate, No. 2195),— **was read a second time and was amended, on motion of Mr. Morrissey, by substituting a new draft entitled “An Act regulating the sale of unweaned birds” (Senate, No. 2651).**

The bill (Senate, No. 2651) was then ordered to a third reading.

The Senate Bill creating the official shellfish of the Commonwealth (Senate, No. 2454),— **was read a second time. After remarks, pending the question on ordering the bill to a third reading, Mr. Lees moved that the bill 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.**

The House Bill establishing the state pharmacy council. (House, No. 2722),— **was read a second time.**

Mr. Moore moved that the bill be amended in section 1, in line 9, by inserting after the word, “so-called” the following words:— “; who shall be a representative of a chain pharmacy that operates 10 or more retail drug stores within the commonwealth”; and in line 17, by inserting after the words, “Plans, so-called”, the following words:— “; a member from the Massachusetts Association of Chain Drug Stores; a member from Fallon Community Health Plan; a member from the Pharmaceutical Research and Manufacturers of America; a member from Massachusetts Health Care for All; and a member from the Massachusetts College of Pharmacy and Health Sciences”.

Pending the question on adoption of the amendment, and pending the train question on ordering the bill to a third reading, on motion of Mr. Montigny, the further consideration thereof was postponed until Monday, July 31, 2006.

The Senate Bill relative to parking for handicapped individuals and disabled veterans (Senate, No. 1172),— was read a third time.

Mr. Brewer for the committee on Bills in the Third Reading, reported, recommending that the bill be amended, as follows, and that when so amended, be correctly drawn:— substituting a new draft entitled “An Act further regulating parking for handicapped persons” (Senate, No. 2647),

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-four minutes past four o’clock, on motion of Mr. Lees, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 369**]:

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

	37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at twenty-seven minutes past four o'clock P.M., the new draft was substituted. The bill (Senate, No. 2647) was then passed to be engrossed.
Sent to the House for concurrence.

The Senate Bill relative to the statewide head injury program (Senate, No. 1297),— **was read a third time and, after remarks, was passed to be engrossed.**
Sent to the House for concurrence.

The Senate Bill establishing a grant program for parent advisory councils (Senate, No. 291) (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.

There being no objection, during consideration of the Orders of the Day, the following matter was considered as follows:

PAPER FROM THE HOUSE.

Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to a certain retired employee of the Commonwealth (see House, No. 5063, amended) [for message, see House, No. 5122],— **came from the House with amendment in the form 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.

Orders of the Day.

The Orders of the Day were further considered, as follows:
The Senate Bill protecting disabled persons from financial exploitation (Senate, No. 394, amended),— **was 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 twenty-seven minutes before five o'clock P.M., on motion of Mr. Lees, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 370**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	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.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 36.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Brown, Scott P.	Rosenberg, Stanley C. — 3.
Buoniconiti, Stephen J.	

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

The Senate Bill requiring a financial institution to pay late fees when it fails to conduct an electronic transfer (Senate, No. 618) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time.**

Pending the question on passing the bill to be engrossed, on motion of Mr. Morrissey, the further consideration thereof was postponed until the next session.

The Senate Bill requiring public sale of certain unneeded state materials and supplies (Senate, No. 1736, amended) (its title having been changed by the committee on Bills in the Third Reading),— **was 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 twenty-one minutes before five o'clock P.M., on motion of Mr. Brewer, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 371**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.

Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at eighteen minutes before five o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill further regulating certain farm commodities as agriculture (Senate, No. 2375) (its title having been changed by the committee on Bills in the Third Reading),— **was 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 a quarter before five o'clock P.M., on motion of Mr. Brewer, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 372**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	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.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian

McGee, Thomas M.	Wilkerson, Dianne — 36.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Brown, Scott P.	Rosenberg, Stanley C. — 3.
Buoniconti, Stephen J.	

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

The Senate Bill relative to dementia special care units in long-term care facilities (Senate, No. 2533),— **was read a third time.** Pending the question on passing the bill to be engrossed, Mr. Pacheco moved that the bill be amended by substituting a new draft entitled "An Act relative to dementia special care until in long-term care facilities" (Senate, No. 2652).

This amendment was adopted.

Pending the question on passing the bill (Senate, No. 2652) to be engrossed, Mr. Moore moved that the bill be laid on the table; and under the provisions the further consideration thereof was postponed until the next session.

The Senate Bill promoting school nutrition (Senate, No. 2373),— **was considered; and the question being on passing it to be engrossed.**

On motion of Mr. Lees, the further consideration thereof was postponed until Wednesday, July 26, 2006.

The Senate Bill relative to oceans (Senate, No. 2308),— **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, substituting a new draft with the same title (Senate, No. 2575),— **was further considered.**

Messrs. O'Leary and Tarr moved that the new draft be further amended by substituting a new draft with the same title (Senate, No. 2653).

After remarks, the further amendment (O'Leary-Tarr) was adopted.

The Ways and Means amendment (Senate, No. 2575), as amended (Senate, No. 2653);— **was then considered; and it was adopted.**

The bill (Senate, No. 2653) was then ordered to a third reading. There being no objection, the rules were suspended, on motion of Mr. O'Leary, and the bill was read a third time and passed to be engrossed.

Sent to the House for concurrence.

The House Bill relative to kayak safety (House, No. 4949),— **was considered; the main question being on passing it to be engrossed, in concurrence.**

As previously moved by Mr. Nuciforo, the matter was laid on the table.

The message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in 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), which on Friday, June 16, 2006, had been laid before the Governor for his approbation,— **came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.**

The message (House, No. 5101) was read; and the Senate proceeded to reconsider section 111, which had been disapproved in accordance with the provisions of the Constitution.

Section 111 (Port Area Designation) was considered as follows:

"SECTION 111. Notwithstanding any general or special law, rule or regulation to the contrary, a certain parcel of land located on the northerly side of Medford street in the Charlestown section of the city of Boston is hereby eliminated as a Designated Port Area under 301 C.M.R. 25 and 310 C.M.R. 9 and any other applicable provision of the code of Massachusetts regulations. Said parcel is located at 267-281 Medford street in the Charlestown section of the city of Boston, assessor's parcel number 02-02750-000, contains approximately 30,470 square feet of land and is registered under certificate of title number 109069 in the Suffolk county registry of deeds.

Notwithstanding chapter 91 of the General Laws or any other general or special law, rule or regulation to the contrary, no waterways license pursuant to said chapter 91 shall be required for the construction, reconstruction, renovation, use or re-use of any building or structure, which is or may be: (a) constructed on present or former private tidelands filled under the authority of chapter 105 of the acts of 1852, chapter 481 of the acts of 1855 and chapter 334 of the acts of 1893; (b) located more than 500 feet from the current high water mark of the Mystic River; and (c) located on the parcel at 267-281 Medford street in the

Charlestown section of the city of Boston.”

The pending motion, previously moved by Mr. Lees, to lay the matter on the table was considered; and it was negatived. The question on passing section 111, in concurrence, the disapproval 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 after five o’clock P.M., as follows, to wit (*yeas 33 — nays 4*) [**Yeas and Nays No. 373**]:

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
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tisei, Richard R.
Hedlund, Robert L.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 33.
Menard, Joan M.	
NAYS.	
Brown, Scott P.	Lees, Brian P.
Knapik, Michael R.	Resor, Pamela — 4.
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at nine minutes past five o’clock P.M., section 111 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows: The House Bill authorizing the city of Revere to use certain dedicated park land for school purposes (House, No. 4546),— **was read a third time and passed to be engrossed, in, concurrence.**

The House Bill regulating the appointment of apprentice linemen (House, No. 4669) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and, after remarks, was passed to be engrossed, in concurrence.**

Reports of Committees.

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

The Senate Bill notifying Department of Education of school setting child abuse reports (Senate, No. 365, changed).

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

Ms. Tucker moved that the bill be amended in section 3, by inserting after the words “licensed”, in line 3, the following word:— “approved”.

The amendment was **adopted.**

The bill was then read a third time, ordered to a third reading and read a third time, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act requiring notice to the Departments of Education and of Early Education and Care of child abuse reports”.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at sixteen minutes past five o’clock P.M., on motion of Ms. Tucker, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 374**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at nineteen minutes past five o'clock P.M., the bill (Senate, No. 365, changed and amended) was passed to be engrossed.

Sent to the House for concurrence.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill providing for expanded access to vocational education (Senate, No. 320),— **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.

Sent to the House for concurrence.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to retirement benefits for John G. Flores (Senate, No. 2426),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Tolman, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows; "An Act allowing increased retirement benefits for John G. Flores".

Sent to the House for concurrence.

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 Edward M. Augustus, Jr., Vincent A. Pedone, Robert P. Spellane, John P. Fresolo and other members of the General Court for legislation to reestablish a regional office of the Massachusetts Commission Against Discrimination in the city of Worcester.

Senate Rule 36 was suspended, on motion of Mr. Augustus, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight.

Sent to the House for concurrence.

Papers from the House.

The Senate Bill relative to the sale of land in Quincy by the Massachusetts Water Resources Authority (Senate, No. 2190, amended),— came from the House passed to be engrossed, in concurrence with amendments striking out section 1 and adding the following section (as corrected, Senate B.T.R.):

“SECTION 3. Chapter 62 of the acts of 2005 is hereby amended by striking out section 2 and inserting in place thereof the following 2 sections:—

Section 3. Notwithstanding any general or special law to the contrary, the provision of water services by the Massachusetts Water Resources Authority to the town of Reading shall commence as soon as practicable after the effective date of this act.

Section 2. Section 71 of said chapter 372 shall not apply to the provisions of water services to the town of Reading.”.

The rules were suspended, on motion of Mr. Morrissey, and the Senate concurred in the House amendment striking out Section 1 and NON-concurred in the House amendment adding a Section 3.

Sent to the House for its action.

The Senate Bill amending the toxics use reduction act (Senate, No. 2250, amended),— came from the House passed to be engrossed, in concurrence with an amendment striking out section 43.

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

Engrossed Bill.

An engrossed Bill relative to mercury management (see House, No. 5112, 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 re-enacted was determined by a call of the yeas and nays, at twenty-nine minutes before six o'clock P.M., on motion of Ms. Resor, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 375**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.

Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 37.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at twenty-seven minutes before six o’clock P.M., the bill was passed to be re-enacted and it was signed by the President and again laid before the Governor for his approbation.

Emergency Preamble Adopted.

An engrossed Bill relative to a certain retired employee of the Commonwealth (see House, No. 5063, 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 8 to 0.**
The bill was signed by the President and sent to the House for enactment.

Engrossed Bills.

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

Relative to the retirement classification of emergency medical services employees in the town of Billerica (see Senate, No. 2093, amended);

Establishing state trademarks (see House, No. 3500);

Authorizing the Martha’s Vineyard Regional High School District to lease certain land (see House, No. 4574, amended);

Abolishing the library district in the towns of Mendon and Upton (see House, No. 4681); and

Authorizing the appointment of certain police officers in the town of Milford (see House, No. 4715).

An engrossed Bill authorizing certain housing in the town of Westborough (see printed in House, No. 4609) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted, two-thirds of the members present having voted in the affirmative, and it was signed by the President and laid before the Governor for his approbation.

Engrossed Bill — Amended.

An engrossed Bill relative to judges and registers of probate (see House, No. 4251, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— **came before the Senate for its final passage.**

On motion of Mr. Havern, Senate Rule 49 was suspended.

Ms. Creem moved that the engrossed bill be amended in section 3, in proposed section 29 of chapter 217 of the General Laws, by striking out, in the first sentence, the words “may revoke such designation at his pleasure” and inserting in place thereof the following words:— “with the approval of the chief justice remove a deputy assistant register.”;

In said section 3, in proposed section 29A of said chapter 217, by striking out, in the first sentence, the words “may revoke such designation at his pleasure” and inserting in place thereof the following words:— “with the approval of the chief justice remove a deputy assistant register.”;

In said section 3, in proposed section 29B of said chapter 217, by striking out, in the first sentence, the words “may revoke such designation at his pleasure” and inserting in place thereof the following words:— “with the approval of the chief justice remove a deputy assistant register.”;

In said section 3, in proposed section 29C of said chapter 217, by striking out, in the first sentence, the words “may revoke such designation at his pleasure” and inserting in place thereof the following words:— “with the approval of the chief justice remove a deputy assistant register.”;

In said section 3, in proposed section 29D of said chapter 217, by striking out, in the first sentence, the words “may revoke such designation at his pleasure” and inserting in place thereof the following words:— “with the approval of the chief justice remove a deputy assistant register.”;

In said section 3, in proposed section 29E of said chapter 217, by striking out, in the first sentence, the words “may revoke such designation at his pleasure” and inserting in place thereof the following words:— “with the approval of the chief justice remove a deputy assistant register.”;

In said section 3, in proposed section 29F of said chapter 217, by striking out, in the first sentence, the words “may revoke such designation at his pleasure” and inserting in place thereof the following words:— “with the approval of the chief justice remove a deputy assistant register.”;

In said section 3, in proposed section 29G of said chapter 217, by striking out, in the first sentence, the words “may revoke such designation at his pleasure” and inserting in place thereof the following words:— “with the approval of the chief justice remove a deputy assistant register.”;

In said section 3, in proposed section 29H of said chapter 217, by striking out, in the first sentence, the words “may revoke such designation at his pleasure” and inserting in place thereof the following words:— “with the approval of the chief justice remove a deputy assistant register.”;

In said section 3, in proposed section 29I of said chapter 217, by striking out, in the first sentence, the words “may revoke such designation at his pleasure” and inserting in place thereof the following words:— “with the approval of the chief justice remove a deputy assistant register.”;

In said section 3, in proposed section 29J of said chapter 217, by striking out, in the first sentence, the words “may revoke such designation at his pleasure” and inserting in place thereof the following words:— “with the approval of the chief justice remove a deputy assistant register.”;

In said section 3, in proposed section 29K of said chapter 217, by striking out, in the first sentence, the words “may revoke such designation at his pleasure” and inserting in place thereof the following words:— “with the approval of the chief justice remove a deputy assistant register.”;

In said section 3, in proposed section 29L of said chapter 217, by striking out, in the first sentence, the words “may revoke such designation at his pleasure” and inserting in place thereof the following words:— “with the approval of the chief justice remove a deputy assistant register”; and

By adding the following section:—

“SECTION 6. The procedures for removing a deputy assistant register in sections 29 to 29L, inclusive, of chapter 217 of the General Laws, inserted by section 3, shall apply to persons holding that designation on the effective date of this act.”

The amendment was adopted.

Sent to the House for its action.

Order.

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

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Community Development and Small Business shall be granted until Monday, July 31, 2006, within which to report on Senate, No. 2586.

Engrossed Bill.

An engrossed Bill relative to a certain retired employee of the Commonwealth (see House, No. 5063, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the President and again laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Creedon,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session.