

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

## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

Wednesday, July 20, 2005.

Met at thirteen minutes past one o'clock P.M.

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

#### *Distinguished Guests.*

There being no objection, the President handed the gavel to Mr. McGee for the purpose of an introduction. Mr. McGee introduced the members of the Lynn Police Student Academy seated in the gallery. The students are part of a six week volunteer program with a focus on law and law enforcement. They were accompanied by Officers Robert Ferrari, Larry Wentzell, Ann Magner and Anna Torro.

There being no objection, the President handed the gavel to Mr. O'Leary for the purpose of an introduction. Mr. O'Leary introduced, seated in the rear of the Chamber, Mashpee Cub Scout Troop 36. The scouts were joined by their leaders Mashpee Fire Chief George Baker, Richard Riley, Kevin Doucet and David Kooharian.

There being no objection, the President handed the gavel to Ms. Spilka for the purpose of an introduction. Ms. Spilka introduced, seated in the rear of the Chamber, her sister Susie Spilka.

#### *Petitions.*

Petitions were presented and referred as follows:

By Mr. Baddour, a petition (accompanied by bill, Senate, No. 2163) of Steven A. Baddour and Arthur J. Broadhurst (with approval of the mayor and city council) for legislation relative to the preliminary election in the city of Methuen in the year 2005 [Local approval received];

**Under Senate Rule 20, to the committee on Election Laws.**

By Mr. Augustus, a petition (accompanied by bill, Senate, No. 2162) of Edward M. Augustus, Jr. and Paul K. Frost (by vote of the town) for legislation to authorize the town of Auburn to convey a certain parcel of land [Local approval received];

**Under Senate Rule 20, to the committee on Municipalities and Regional Government.**

**Severally sent to the House for concurrence.**

#### *Reports of Committees.*

By Mr. Moore, for the committee on Health Care Financing, that the Senate Bill relative to determination of need for hospital beds (Senate, No. 2141),— ought to pass;

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

By Mr. Moore, for the committee on Health Care Financing, on petition (accompanied by bill, Senate, No. 692), an Order relative to authorizing the joint committee on Health Care Finance to make an investigation and study of a certain Senate document relative to certain health care items (Senate, No. 2159);

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

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill relative to the forest products trust fund (Senate, No. 475, changed in Section 1 by striking out the word “may”, in line 25, and inserting in place thereof the word “shall”);

By Mr. Buoniconti, for the committee on Public Service, on petition, a Bill relative to survivor allowance (Senate, No. 1464); and

By the same Senator, for the same committee, on petition, a Bill further regulating salaries of public employees serving in the Armed Forces of the United States (Senate, No. 2062);

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

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 2020), a Bill authorizing the city of Pittsfield to grant five additional licenses for the sale of all alcoholic beverages and an additional four special liquor licenses for the sale of wine and malt beverages to be drunk on the premises (Senate, No. 2160) [Local approval received on Senate, No. 2020];

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2067), a Bill authorizing the town of Oxford to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2161) [Local approval received on Senate, No. 2067];

By Mr. Buoniconti, for the committee on Public Service, on petition, a Bill authorizing the appointment of special police officers in the city of Somerville (Senate, No. 2047) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill exempting the position of police chief in the town of Winchendon from the civil service law (Senate, No. 2083) [Local approval received];

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

Ms. Menard, 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 bills

Relative to municipal appropriations (Senate, No. 1202); and

Relative to the redetermination of municipal sewer assessments (Senate, No. 1203).

#### PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows;

Petition (accompanied by bill, House, No. 4268) of Theodore C. Speliotis (by vote of the town) that the town of Topsfield be authorized to grant an additional license for the sale of alcoholic beverages not to be drunk on the premises;

**To the committee on Consumer Protection and Professional Licensure.**

Petition (accompanied by bill, House, No. 4269) of J. James Marzilli, Jr. and others (by vote of the town) relative to the appointment of members to the finance committee of the town of Arlington;

Petition (accompanied by bill, House, No. 4270) of J. James Marzilli, Jr. and others (by vote of the town) for legislation to authorize the town of Arlington to establish a special account for the Symes conservation and improvement project; and

Petition (accompanied by bill, House, No. 4271) of Harriett L. Stanley and Bruce E. Tarr (by vote of the town) that the town of West Newbury be authorized to establish a department of public works;

**Severally to the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 4272) of J. James Marzilli, Jr. and others (by vote of the town) that the town of Arlington be authorized to establish an additional post employment benefits trust fund; and

Petition (accompanied by bill, House, No. 4273) of J. James Marzilli, Jr. and others (by vote of the town) for legislation to remove secretarial positions of the school department of the town of Arlington from provisions of the civil service law;

**Severally to the committee on Public Service.**

Bills

Authorizing the conveyance of certain land in the town of Tewksbury to Robert W. Lafreniere (House, No. 1421,— on petition);

Authorizing Capital Asset Management and Maintenance to convey certain land to the town of Hingham (House, No. 1430,— on petition);

Establishing a sick leave bank for Earle Bercier, an employee of the Department of Correction (House, No. 4056,— on petition);

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Marlborough (House, No. 4162,— on House, No. 1431);

Relative to federal reimbursement services for children with Autism (House, No. 4177,— on House, No. 1122, in part); and

Relative to financing the production of affordable housing (House, No. 4277,— on House, No. 1720);

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

Bills

Amending an act relative to the water commissioners of the town of Spencer (House, No. 3229,— on petition) [Local approval received]; and

Authorizing the town of Spencer to lease certain property (House, No. 3230,— on petition) [Local approval received];

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

A report of the committee on Health Care Financing, asking to be discharged from further consideration of the House Bill relative to responsible welfare reform (House, No. 4245), and recommending that the same be referred to the House committee on Ways and Means,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence, insomuch as relates to the discharge of the joint committee.**

*Report of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to financing the production of affordable housing (House, No. 4277) [Estimated cost: Bond Authorization — \$200,000,000.],— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Panagiotakos, and, after remarks, the bill was read a second time, ordered to a third reading and read a third time.

The question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays, at seventeen minutes past one o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 0) **[Yeas and Nays No. 104]:**

**YEAS.**

Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	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.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.

Lees, Brian P. Tucker, Susan C.  
McGee, Thomas M. Walsh, Marian  
Menard, Joan M. Wilkerson, Dianne —  
**36.**

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Antonioni, Robert A. Berry, Frederick E. —  
**2.**

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

*Resolutions.*

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

Resolutions (filed by Mr. Baddour) “congratulating John F. Burns, Jr. on his extraordinary efforts to raise awareness of the plight of the spinal cord injured and to promote stem cell research throughout the country.”

*Matters Taken Out of the Orders of the Day.*

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

The Senate Bill to clarify the authority of conservation commissions to impose consultant fees (Senate, No. 1167),— **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

The Senate Bill relative to the effective enforcement of municipal ordinances and by-laws (Senate, No. 1168),— **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

The Senate Bill protecting police officers while making a lawful arrest (Senate, No. 1336, changed),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Brewer moved that the bill be amended in section 1, in subsection (b) of the proposed section 32C of chapter 268 of the General Laws, by striking out the words “person of, or immediate presence of, a police officer” and inserting in place thereof the following words:— “actual or constructive possession of a police officer.”; and in said section 1, in subsection (c) of the proposed section 32C of chapter 268 of the General Laws, by striking out the words “person of, immediate presence of, a police officer” and inserting in place thereof the following words:— “actual or constructive possession of a police officer”.

This amendment was **adopted.**

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-seven minutes past one o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 0) [**Yeas and Nays No. 105**]:

**YEAS.**

Augustus, Edward M., Jr. Montigny, Mark C.  
Baddour, Steven A. Moore, Richard T.  
Barrios, Jarrett T. Morrissey, Michael W.  
Brewer, Stephen M. Murray, Therese  
Brown, Scott P. Nuciforo, Andrea F., Jr.  
Buoniconti, Stephen J. 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.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne —

**36.**

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Antonioni, Robert A.	Berry, Frederick E. —
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**2.**

**The yeas and nays having been completed at a half past one o'clock P.M., the bill (Senate, No. 1336, changed and amended) was passed to be engrossed.  
Sent to the House for concurrence.**

The Senate Bill to provide a sewer easement in the town of Andover (Senate, No. 2088, amended),— was read a second time.

Pending the question on ordering the bill to a third reading, Ms. Tucker moved that the bill be amended in section 1, in clause (2), by inserting after the words "Yvon Cormier Construction Corp." the following words:— " , but the town of Andover shall require Yvon Cormier Construction Corp. to restore the parcel to the condition it was in before the sewer installation."; and in said section 1, by inserting after the words "sewer line to the town of Andover" the following words:— " , and the town shall maintain the sewer line."

**The amendment was adopted.**

**The bill (Senate, No. 2088, amended) was then 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 providing a temporary sewer easement in the town of Andover". Sent to the House for concurrence.**

*Reports of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill authorizing the development of a regional education, training and skills alliance center in the city of Taunton (Senate, No. 61),— ought to pass.

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

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill creating the military family relief fund (Senate, No. 2009, changed),— ought to pass, with an amendment, in section 2 (as printed and changed) by striking out, in the first sentence, the words "have been called to active duty in the global war on terrorism and those who provided direct relief for others who were called up to duty in the global war on terrorism" and inserting in place thereof the following words:— "were called to active duty after September 11, 2001", and in section 3 (as printed and changed), by striking out, in the second sentence, the words "have been called to active duty in the global war on terrorism and those who provided direct relief for others who were called up to duty in the global war on terrorism" and inserting in place thereof the following words:— "were called to active duty after September 11, 2001".

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

The bill (Senate, No. 2009, amended) was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-four minutes before two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 37 — nays 0) **[Yeas and Nays No. 106]:**

**YEAS.**

Augustus, Edward M., Jr.	Montigny, Mark C.
Antonioni, Robert A.	Moore, Richard T.

Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Menard, Joan M.	<b>37.</b>

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
**1.**

**The yeas and nays having been completed at eighteen minutes before two o’clock P.M., the bill 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 further regulating salaries of public employees serving in the Armed Forces of the United States (Senate, No. 2062),— ought to pass, with amendments, striking out section 2 and inserting in place thereof the following section:

“SECTION 2. Said chapter 137 is hereby amended by striking out section 21 and inserting in place thereof the following section:—

Section 21. Section 1 shall expire on September 11, 2008. Sections 2 and 3 shall expire on September 11, 2005.”; and by inserting before the enacting clause the following emergency preamble:—

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to regulate further the salaries of public employees serving in the armed forces of the United States, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The rules were suspended, on motion of Ms. Menard, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2062, amended) was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at sixteen minutes before two o’clock P.M., on motion of Ms. Menard, as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 107**]:

**YEAS.**

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

Barrios, Jarrett T.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
	<b>37.</b>
Menard, Joan M.	

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
**1.**

**Mr. Rosenberg in the Chair, the yeas and nays having been completed at nine minutes before two o’clock P.M., the bill was passed to be engrossed.  
Sent to the House for concurrence.**

*Recess.*

There being no objection, under the provisions of Senate Rule 13B, for the purpose of a minority party caucus, at seven minutes before two o’clock P.M., the Chair (Mr. Rosenberg) declared a recess; and at five minutes past three o’clock P.M., the Senate reassembled, the President in the Chair.

*Reports of Committees.*

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to county roads (Senate, No. 2085),— ought to pass.

**There being no objection, the rules were suspended, on motion of Ms. Murray, and the bill was read a second time and, after remarks, was ordered to a third reading, read a third time and passed to be engrossed.  
Sent to the House for concurrence.**

By Mr. Buoniconti, for the committee on Public Service, on petition, a Bill relative to civil service positions in the fire department in the city of Northampton (Senate, No. 2069) [Local approval received].

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

Pending the question on ordering it to a third reading, Mr. Rosenberg moved that the bill be amended in section 1, in subsection (a), by inserting after the first sentence the following sentence:— “All firefighter positions in the city of Northampton covered by this act shall be exempt from chapter 31 of the General Laws.”.

**The amendment was adopted.**

**The bill, (Senate, No. 2069, amended) was then 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 exempting certain positions in the fire department in the city of Northampton from the civil service law”.  
Sent to the House for concurrence.**

By Mr. Buoniconti, for the committee on Public Service, on petition, a Bill relative to civil service positions in police department in the city of Northampton (Senate, No. 2074) [Local approval received].

There being no objection, the rules were suspended, on motion of Mr. Buoniconti, and the bill was read a second time, pending the question on ordering it to a third reading, Mr. Rosenberg moved that the bill be amended in section 1, by inserting after the first sentence the following sentence:— “The position of patrol officer in the city of Northampton, and the positions in the police department of the city of Northampton specified in subsection (b) of section 1 of chapter 4 of the acts of 2004, shall be exempt from chapter 31 of the General Laws.”.

**The amendment was adopted.**

**The bill (Senate, No. 2074, amended) was then 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 exempting certain positions in the police department in the city of Northampton from the civil service law”.**

**Sent to the House for concurrence.**

#### PAPER FROM THE HOUSE.

A Bill establishing a voting precinct in the city of Peabody (House, No. 3415,— on petition) [Local approval received],— was read.

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

#### *Matter Taken Out of the Orders of the Day.*

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

The Senate Bill authorizing the sale of certain conservation land in the town of Tewksbury (Senate, No. 1210),— was read a second time.

Pending the main question on ordering it to a third reading, Ms. Tucker moved that the bill be amended in section 1, in the first sentence, by inserting after the word “square feet” the following words:— “to be used for residential purposes”.

**The amendment was adopted.**

**The bill (Senate, No. 1210, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

#### *Reports of Committees.*

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Andrea F. Nuciforo, Jr., Michael R. Knapik, Joan M. Menard and Robert M. Koczera for legislation relative to out of state price authorization for chapter 766 students.

**Senate Rule 36 was suspended, on motion of Ms. Menard, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education.**

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Pamela P. Resor, Cory Atkins and James B. Eldridge for legislation to clarify the scope of existing statutory protection of Commonwealth and municipal property against adverse possession claims.

**Senate Rule 36 was suspended, on motion of Ms. Menard, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.**

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stephen M. Brewer for legislation relative to the survivor benefits of Arline M. Grammo.

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

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Karen E. Spilka for legislation relative to certain creditable service.

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

**Severally sent to the House for concurrence.**

#### *Matter Taken Out of the Orders of the Day.*

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

The engrossed Bill making appropriations for the fiscal year 2006 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. 4200).

Item 7003-0702 (Workforce Development One-time Grants):

“7003-0702

For grants to be administered by the department of workforce development; provided, that not less than \$900,000 shall be expended on the Massachusetts Service Alliance; provided further, that not less than \$500,000 shall be expended for a high school science teacher training program in biotechnology by Commonwealth Corporation; provided further, that not less than \$450,000 shall be expended for education, career development and employment service programs operated by the Urban League of Massachusetts; provided further, that not less than \$400,000 shall be expended on the Commonwealth Corporation; provided further, that not less than \$350,000 shall be provided to the town of Blackstone for the Lake Hiawatha area; provided further, that not less than \$300,000 shall be expended for the Jewish Memorial Hospital for the purposes of employee skills training and development; provided further, that not less than \$300,000 shall be expended to provide employment, training and job placement by Year Up of Boston; provided further, that not less than \$300,000 shall be expended for a hospital skill training program operated by the Commonwealth Corporation; provided further that not less than \$250,000 shall be expended to fund need based workforce development related to continuing education grants administered by the Access Program of Boston, an affiliate program of the Boston Plan for Excellence; provided further, that not less than \$250,000 shall be expended for a gang intervention prevention program called the Senator Charles E. Shannon Jr. At-Risk Youth Project, operated by the Center for Teen Empowerment Inc., for the community of Somerville; provided further, that not less than \$250,000 shall be expended on the Acre Urban Revitalization project in the city of Lowell; provided further; that not less than \$250,000 shall be expended for the Center for Women & Enterprise; provided further, that not less than \$250,000 shall be expended on the Jackson-Appleton-Middlesex plan in the city of Lowell; provided further, that not less than \$250,000 shall be expended to support the Technology Initiative of the Metro South/West Regional Employment Board for the development of the Technology Centers of Excellence serving the region’s youth and business but the grant shall require a 200 per cent match from the private sector; provided father, that not less than \$200,000 shall be expended on the welfare-to-work employment mentoring program to be operated by the Jewish Vocational Service and the Women’s Union in the city of Boston; provided further, that not less than \$200,000 shall be expended for Centro Latino de Chelsea to provide workforce training, educational services and other transitional services in the city of Chelsea; provided further, that not less than \$200,000 shall be expended to the Western Massachusetts Enterprise Fund; provided further, that not less than \$200,000 shall be expended on the Southeastern Economic Development Corporation’s microenterprise programs as a supplemental match to conduct an entrepreneurial training and technical assistance program for support of emerging high-growth microenterprises that are owned by or employ income-eligible residents; provided further, that not less than \$200,000 shall be expended for the Massachusetts Career Development Institute, In (MCDI) in Springfield; provided further, that not less than \$195,000 shall be expended for 3 full-time equivalent rapid response labor specialists at the Massachusetts AFL-CIO; provided further, that not less than \$150,000 shall be expended for a Farm Workers’ Council serving low income people and the Hispanic population in western Massachusetts; provided further, that not less than \$139,500 shall be expended for Just-a-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed or displaced workers, or persons receiving benefits from transitional aid to families with dependent children; provided further, that not less than \$135,000 shall be expended for incumbent worker coordinators at the Massachusetts AFL-CIO; provided further, that not less than \$127,000 shall be expended for the employee involvement and ownership program; provided further, that not less than \$105,000 shall be made available to the E-Team Machinist Program in the city of Lynn; provided further, that not less than \$100,000 shall be provided to the Workforce Investment Association of Ma, Inc. for the purpose of assisting administrators, career center directors, and fiscal agents; provided further, that \$100,000 shall be expended for the Boston Health Care and Research Training Institute; provided further, that not more than \$100,000 shall be expended for both the Reunion Center in the town of Easthampton and the Easthampton Youth Entrepreneurship Project; provided further, that not less than \$100,000 shall be expended for the Hispanic Chamber of Commerce in the city of Holyoke; provided further, that not less than \$100,000 shall be expended for the MetroWest/495 Corridor Partnership, as successor to the I-495 Technology Initiative; provided further, that not less than \$100,000 shall be expended for the Springfield Technical Assistance Program to be operated by the Affiliated Chambers of Commerce of Springfield; provided further, that not less than \$100,000 shall be expended for Centro Las Americas to provide workforce training, educational services and other transitional services in the city of Worcester; provided further, that not less than \$95,000 shall be expended for the Mature Workers Program of the Cape and Islands Workforce Investment Board; provided further, that not less than \$75,000 shall be expended for the Martin Luther King, Jr. Business Empowerment Center in the city of Worcester; provided that \$75,000 shall be expended as a planning grant for the Springfield Health Careers Partnership Program, UMASS/Amherst School of Public Health and Health Sciences; provided further, that not less than \$65,000 shall be expended for economic and workforce development opportunities in the downtown and waterfront districts in the city of Lynn; provided further, that not less than \$50,000 shall be expended for the Allston-Brighton vocational adjustment center for the continued operation of a job training and placement center; provided further, that not less than \$40,000 shall be expended to enhance the economic vitality of the Santilli circle area in Everett; and provided further, that not less than \$7,500 shall be provided for the Bonnie Brae Camp in the city of Gardner

.....\$7,959,000

Workforce Training Fund .....100.0% ”.

The pending motion, previously moved by Mr. Lees, to lay the matter on the table,— was withdrawn, on further motion of Mr. Lees.

The question on passing Item 7003-0702, 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-eight minutes past three o'clock P.M., as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 108**]:

**YEAS.**

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

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
**1.**

**The yeas and nays having been completed at twenty-seven minutes before four o'clock P.M., Item 7003-0702, 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.**

*Report of a Committee.*

Ms. Menard, 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 providing further public information and strengthening petition anti-fraud safeguards for initiative and referendum questions (Senate, No. 2158).

**There being no objection, the rules were suspended, on motion of Ms. Menard, and the bill was read a second time and ordered to a third reading.**

PAPERS FROM THE HOUSE.

*Message from the Governor — Disapprovals and Reductions in General Appropriation 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 2006 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. 4200), which on Thursday, June 23, 2005, 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. 4230) was read; and the Senate proceeded to reconsider several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 1108-5200 (Group Insurance Commission Benefits Group Insurance Premium — State Share) was considered as follows:

“1108-5200

For the commonwealth’s share of the group insurance premium and plan costs incurred in fiscal year 2006; provided, that the secretary of administration and finance shall charge the division of unemployment assistance and other departments, authorities, agencies and divisions, which have federal or other funds allocated to them for this purpose, for that portion of insurance premiums and plan costs as the secretary determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided further, that prior year costs incurred by self insured plans shall be funded from this item; provided further, that the group insurance commission shall report quarterly to the house and senate committees on ways and means the amounts expended from this item for prior year costs; provided further, that the group insurance commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state appropriation; provided further, that the secretary of administration and finance may charge all agencies for the commonwealth’s share of the health insurance costs incurred on behalf of any employees of those agencies who are on leave of absence for a period of more than 1 year; provided further, that the amounts received in payment for the charges shall be credited to the General Fund; provided further, that notwithstanding section 26 of chapter 29 of the General Laws, the commission may negotiate, purchase and execute contracts before July 1 of each year for policies of group insurance as authorized by chapter 32A, of the General Laws; provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of chapter 32A and for the purposes of section 14 of chapter 32A, the commonwealth’s share of the group insurance premium for state employees who have retired before July 1, 1994 shall be 90 per cent and the commonwealth’s share of the group insurance premium for state employees who have retired on or after July 1, 1994 shall be 85 per cent; provided further, that the commonwealth’s share of the group insurance premium for active employees upon retirement shall be 85 per cent; provided further, that notwithstanding section 8 of chapter 32A of the General Laws, the commonwealth’s share of the premiums for active state employees and their dependents whose salary, as determined by the commission in consultation with the human resources division and the office of the state comptroller, is between \$0 and \$34,999, shall be 85 per cent of the premiums and rates; provided further, that the commonwealth’s share of the premiums for active state employees and their dependents whose salary, as determined by the commission in consultation with the human resources division and the office of the state comptroller, is \$35,000 or more shall be 80 per cent of the premiums and rates; provided further, that the preceding provisions pursuant to employee contributions shall expire December 31, 2005 at which time the commonwealth’s share of the premiums for active state employees and their dependents shall be 85 per cent; provided further, that the commonwealth’s share of such premiums for active state employees and their dependents who are hired after June 30, 2003 shall be 75 per cent of such premiums and rates; provided further, that the preceding provision pursuant to employee contributions shall expire December 31, 2005 at which time the commonwealth’s share of the premiums for active state employees hired after June 30, 2003 and their dependents shall be 80 per cent; and provided further, that the commission shall notify the house and senate committees on ways and means by March 1 of each year of the cost of the commonwealth’s projected share of group insurance premiums for the next fiscal year ..... \$949,010,107”.

After debate, the question on passing Item 1108-5200, 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 seventeen minutes before four o'clock P.M., as follows, to wit (yeas 37 — nays 0) [Yeas and Nays No. 109]:

**YEAS.**

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

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
**1.**

**Ms. Walsh in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), the yeas and nays having been completed at fourteen minutes before four o'clock P.M., Item 1108-5200, 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 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 finding 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, 2006, 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 such adjustment in fiscal year 2006 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 child 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 2006 cost of salary adjustments and any other associated employee costs authorized thereunder shall not exceed \$20,000,000; provided further, that \$14,000,000 shall be expended in fiscal year 2006 to adjust the wages, compensation or salary and associated employee-related costs to personnel earning less than \$25,000 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 further, that \$6,000,000 shall be expended in fiscal year 2006 to adjust the wages, compensation or salary and associated employee-related costs to personnel earning more than \$25,001 and 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 further, that the annualized cost of the adjustments in fiscal year 2007 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 ..... \$20,000,000”.

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 thirteen minutes before four o'clock P.M., as follows, to wit (yeas 37 — nays 0) **[Yeas and Nays No. 110]**:

**YEAS.**

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

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —

**1.**

**The yeas and nays having been completed at ten minutes before four 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 2030-1000 (Environmental Law Enforcement) was considered as follows:

“2030-1000

For the operation of the office of environmental law enforcement; provided, that officers shall provide monitoring pursuant to the National Shellfish Sanitation Program; provided further, that the department shall maintain and operate the boat registration and titling offices in Hyannis and Fall River; and provided further, that funds from this item shall not be expended for the purposes of item 2030-1004; and provided further, that \$100,000 shall be expended for the cost of patrols performed by environmental law enforcement officers within properties controlled by the division of state parks and recreation ..... \$10,013,746”.

The question on passing Item 2030-1000, contained in Section 2, in concurrence, the objection, 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 before four o'clock P.M., as follows, to wit (yeas 31 — nays 6) [**Yeas and Nays No. 111**]:

**YEAS.**

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

**31.**

**NAYS.**

- Brown, Scott P.
- Hedlund, Robert L.
- Knapik, Michael R.
- Lees, Brian P.
- Tarr, Bruce E.
- Tisei, Richard R.—

**6.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —

**1.**

**The yeas and nays having been completed at seven minutes before four o'clock P.M., Item 2030-1000, contained in Section 2, stands, in concurrence, notwithstanding the objection of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

Item 3000-5000 (Head Start) was considered as follows:

“3000-5000

For grants to head start programs; provided, that, notwithstanding the provisions of any general or special law to the contrary, programs and services eligible for funding through this item shall receive such funding only after application to, and approval by, the department of early education and care established pursuant to chapter 15D of the General Laws ..... \$7,500,000”.

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 six minutes before four o’clock P.M., as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 112**]:

**YEAS.**

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

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

- Berry, Frederick E. —
- 1.

**The yeas and nays having been completed at four 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 3000-7060 (Parent Child Home Program) was considered as follows:

“3000-7060

For grants for home-based parenting and family literacy program known as the Parent-Child Home Program; provided, that notwithstanding the provisions of any general or special law to the contrary, programs and services eligible for funding through this item shall receive such funding only after application to, and approval by, the department of early education and care established pursuant to chapter 15D of the General Laws; provided further, that the department of education shall distribute the funds to expand capacity at existing Parent-Child Home Program sites and 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 department shall, to the maximum extent feasible, coordinate services provided through this item with services provided through items 3000-7000, 3000-7050 and 3000-7070, in order to ensure that parents receiving services through this item are aware of all opportunities available to them and their children through the department; and provided further, that the 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 ..... \$2,000,000”.

The question on passing Item 3000-7060, contained in Section 2, in concurrence, the reduction and objection 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 1, Article II, of the Constitution, at three minutes before four o’clock P.M., as follows, to wit (yeas 37 — nays 0) **[Yeas and Nays No. 113]**:

**YEAS.**

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

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
**1.**

**The yeas and nays having been completed at one minute before four o’clock P.M., Item 3000-7060, contained in Section 2, stands, in concurrence, notwithstanding the reduction and objection of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

Item 4000-0990 (Children’s Medical Security Plan) was considered as follows:

“4000-0990

For the children’s medical security plan to provide primary and preventive health services for uninsured children from birth through age 18; provided, that the executive office shall prescreen enrollees and applicants for medicaid eligibility; provided further, that no applicant shall be enrolled in the program until the applicant has been denied eligibility for the MassHealth program; provided further, that the MassHealth benefit request shall be used as a joint application to determine the eligibility for both MassHealth and the children’s medical security plan; provided further, that the executive office shall maximize federal

reimbursements for state expenditures made on behalf of the children; provided further, that any projection of deficiency in this item shall be reported to the house and senate committees on ways and means not less than 90 days before the projected exhaustion of funding; provided further, that the executive office shall expend all necessary funds from this item to ensure the provision of the maximum benefit levels for this program, as authorized by section 10F of chapter 118E of the General Laws; provided further, that the maximum benefit levels for this program shall be made available only to those children who have been determined by the executive office to be ineligible for MassHealth benefits; provided further, that notwithstanding subsection (d) of section 10F of chapter 118E of the General Laws, or any general or special law to the contrary, premiums for this program shall be collected according to the following eligibility categories: (1) enrollees in households earning less than 200 per cent of the federal poverty level shall not be responsible for contributing to program premium costs; (2) enrollees in households earning between 200 per cent and 300 per cent of the federal poverty level, inclusive, shall contribute not less than 20 per cent and not more than 30 per cent of the monthly premium cost according to a sliding scale established by the executive office; provided, that additional contributions shall not be required for any enrollee after the third enrollee in such a household; (3) enrollees in households earning between 301 per cent and 400 per cent of the federal poverty level, inclusive, shall contribute not less than 85 per cent and not more than 90 per cent of the monthly premium cost according to a sliding scale established by the executive office; provided, that additional contributions shall not be required for any enrollee after the first enrollee in such a household; and (4) enrollees in households earning more than 400 per cent of the federal poverty level shall pay not more than the full premium cost of the program; provided further, that the secretary of shall certify quarterly in writing to the house and senate committees on ways and means that premiums established pursuant to the fourth paragraph of section 10F of chapter 118E have been paid by all enrollees for whom premiums are applicable; and provided further, that funds may be expended from this item for health care services provided to these persons in prior fiscal years ..... \$21,078,379

General Fund .....76.62%  
 Children’s and Seniors’ Health Care Assistance Fund .....23.38%”.

The question on passing Item 4000-0990, contained in Section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter 1, Section I, Article II, of the Constitution, at four o’clock P.M., as follows, to wit (yeas 35 — nays 2) [**Yeas and Nays No. 114**]:

**YEAS.**

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

Havern, Robert A.           Tisei, Richard R.  
Hedlund, Robert L.        Tolman, Steven A.  
Joyce, Brian A.            Tucker, Susan C.  
McGee, Thomas M.        Walsh, Marian  
Menard, Joan M.            Wilkerson, Dianne —  
                                  **35.**  
Montigny, Mark C.

**NAYS.**

Knapik, Michael R.        Lees, Brian P. — 2.

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
**1.**

**The yeas and nays having been completed at three minutes past four o'clock P.M., Item 4000-0990, contained in Section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

Item 4000-1405 (MassHealth — Essential Plan) was considered as follows:

“4000-1405

For the operation of a program of preventive and primary care for chronically unemployed persons who are not receiving unemployment insurance benefits and who are not eligible for medical assistance but who are determined by the executive office of health and human services to be long-term unemployed; provided, that such persons shall meet the eligibility requirements established under the MassHealth program as established in section 9A of chapter 118E of the General Laws; provided further, that the income of such persons shall not exceed 100 per cent of the federal poverty level; provided further, that said eligibility requirements shall not exclude from eligibility persons who are employed intermittently or on a non-regular basis; provided further, that the provision of care to such persons under this program may, taking into account capacity, continuity of care, and geographic considerations, be restricted to certain providers; provided further, that funds may be expended from this item for health care services provided to recipients in prior fiscal years; provided further, that the secretary of health and human services is hereby authorized to limit or close enrollment if necessary in order to ensure that expenditures from this item do not exceed the amount appropriated herein; provided further, the executive office of health and human services shall seek federal approval by October 1, 2005 in order to enroll the maximum number of possible enrollees allowable within this appropriation in this program during fiscal year 2006; provided further, that no funds may be expended from this item prior to October 1, 2005; provided further, that notwithstanding subsection (3) of section 16D of chapter 118E of the General Laws or any other general or special law to the contrary, a person who is not a citizen of the United States but who is either a qualified alien within the meaning of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 or is otherwise permanently residing in the United States under color of law shall be eligible to receive benefits under this item if such individual meets the categorical and financial eligibility requirements pursuant to this item; provided further, that such individual is either age 65 or older or age 19 to 64 and disabled; provided further, that any such individual shall not be subject to sponsor income deeming or related restrictions; and provided further, that funds from this item for health care services for said noncitizens may be expended as of the effective date of this act ..... \$132,154,120”.

The question on passing Item 4000-1450, contained in Section 2, in concurrence, the reduction and objection 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 four o'clock P.M., as follows, to wit (yeas 33 — nays 4) **[Yeas and Nays No. 115]**:

**YEAS.**

Augustus, Edward M.,     Morrissey, Michael W.  
Jr.  
Antonioni, Robert A.     Murray, Therese  
Baddour, Steven A.       Nuciforo, Andrea F., Jr.  
Barrios, Jarrett T.        O'Leary, Robert A.

Brewer, Stephen M. Pacheco, Marc R.  
Buoniconti, Stephen J. Panagiotakos, Steven C.  
Chandler, Harriette L. Resor, Pamela  
Creedon, Robert S., Jr. Rosenberg, Stanley C.  
Creem, Cynthia Stone Spilka, Karen E.  
Fargo, Susan C. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E.  
Havern, Robert A. Tisei, Richard R.  
Hedlund, Robert L. Tolman, Steven A.  
Joyce, Brian A. Tucker, Susan C.  
McGee, Thomas M. Walsh, Marian  
Menard, Joan M. Wilkerson, Dianne —  
33.  
Moore, Richard T.

**NAYS.**

Brown, Scott P. Knapik, Michael R.  
Hedlund, Robert L. Lees, Brian P. — 4.

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
1.

**The yeas and nays having been completed at seven minutes past four o'clock P.M., Item 4000-1405, contained in Section 2, stands, in concurrence, notwithstanding the reduction and objection of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

Item 4100-0060 (Division of Health Care Finance and Policy Administration) was considered as follows:

“4100-0060

For the operation of the division and the administration of the uncompensated care pool established pursuant to chapter 118G of the General Laws; provided, that notwithstanding any general or special law to the contrary, the assessment to acute hospitals authorized pursuant to section 5 of said chapter 118G for the estimated expenses of the division shall include in fiscal year 2006, the estimated expenses, including indirect costs, of the division and shall be equal to the amount appropriated in this item less amounts projected to be collected in fiscal year 2006 from: (1) filing fees; (2) fees and charges generated by the division's publication or dissemination of reports and information; and (3) federal financial participation received as reimbursement for the division's administrative costs; provided further, that the assessed amount shall not be less than 65 per cent of the division's expenses as specified in this item; provided further, that the division shall promulgate regulations requiring all hospitals receiving payments from the uncompensated care pool to report to the division the following utilization information: the number of inpatient admissions and outpatient visits by age category, income category, diagnostic category and average charge per admission; provided further, that the division shall submit quarterly to the house and senate committees on ways and means a summary report compiling said data; provided further, that the division, in consultation with the executive office of health and human services, shall not promulgate any increase in medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act or any successor federal statute to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that the division shall meet the reporting requirements of section 25 of chapter 203 of the acts of 1996; provided further, that funds may be expended for the purposes of a survey and study of the uninsured and underinsured in the commonwealth, including the health insurance needs of the residents of the commonwealth; provided further, that said study shall examine the overall impact of programs administered by the executive office of health and human services on the uninsured, the underinsured, and the role of employers in assisting their employees in affording health insurance pursuant to section 23 of chapter 118G of the General Laws; provided further, that for hospital fiscal year 2006, the private sector liability of purchasers and third party payers to the Uncompensated Care Trust fund established pursuant to section 18 of chapter 118G of the General Laws shall be \$320,000,000; provided further, that the division shall publish annual reports on the financial condition of hospitals and other health care providers through the Health Benchmarks project website, in collaboration with the executive office of health and human services, the office of the attorney general, and the University of Massachusetts; provided further, that the division shall submit to the house and senate committees on ways and means not later than December 6, 2005 a report detailing utilization of the uncompensated care pool; provided further, that the report shall include: (1) the number of persons in the commonwealth whose medical expenses were billed to the pool in fiscal year 2005; (2) the total dollar amount billed to the

pool in fiscal year 2005; (3) the demographics of the population using the pool, and; (4) the types of services paid for out of the pool funds in fiscal year 2005; provided further, that the division shall include in the report an analysis on hospitals' responsiveness to enrolling eligible individuals into the MassHealth program upon the date of service rather than charging said individuals to the uncompensated care pool; provided further, that the division shall include in the report possible disincentives the state could provide to hospitals to discourage such behavior; provided further, that notwithstanding any general or special law or rule or regulation to the contrary, the division shall not allow any exceptions to the usual and customary charge defining nile as defined in 114.3 CMR 31.02, for the purposes of drug cost reimbursement to eligible pharmacy providers for publicly aided and industrial accident patients; provided further, that the division is hereby authorized to change the pricing standard used by said division when determining the rate of payment to pharmacy providers for prescribed drugs for publicly-aided or industrial accident patients if such a change would financially benefit the commonwealth; provided further, that notwithstanding any general or special law to the contrary said division shall maintain the rate paid for the dispensing fees to retail pharmacies for prescribed drugs to publicly aided or industrial accident patients at \$3 in fiscal year 2006; provided further, that notwithstanding any general or special law to the contrary, the division of health care finance and policy, in conjunction with the executive office of elder affairs and the executive office of health and human services shall, by August 1, 2005, for all non-acute chronic and rehabilitation hospitals, adopt and implement, for the rate year effective October 1, 2005, a Medicaid rate reimbursement methodology, that utilizes a hospital base year of either 2002 or 2003; provided further, that in calculating the Medicaid rate of reimbursement for such hospitals, such reimbursement shall exclude any costs associated with any beds licensed by the department of mental health; provided further, that the division shall transfer its existing contract with Hampshire Community Action Commission for the demonstration project Hampshire Health Access to Hampshire HealthConnect, a program of Cooley Dickinson Hospital, effective May 1, 2005; and provided further, that said division shall not use any funds appropriated from the Health Care Quality Improvement Trust Fund for operating costs, including rent and utilities ..... \$12,530,216".

The question on passing Item 4100-0060, contained in Section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eight minutes past four o'clock as follows, to wit (yeas 37 — nays 0) **[Yeas and Nays No. 116]**:

**YEAS.**

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

Menard, Joan M.

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —

**1.**

**The yeas and nays having been completed at ten minutes past four o'clock P.M., Item 4100-0060, contained in Section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

Item 1410-0400 (Veterans' Benefits) was considered as follows:

“1410-0400

For reimbursing cities and towns for money paid for veterans' benefits and for payments to certain veterans under section 6 of chapter 115 of the General Laws; provided, that notwithstanding any general or special law to the contrary, 100 per cent of the amounts of veterans' benefits paid by cities and towns to residents of a soldiers' home shall be paid by the commonwealth to the several cities and towns; provided further, that pursuant to section 9 of said chapter 115, the department shall reimburse cities and towns for the cost of United States flags placed on the graves of veterans on Memorial Day; provided further, that notwithstanding any general or special law to the contrary, the secretary of veteran services may continue a training program for veterans' agents and directors of veterans' services in cities and towns; provided further, that the purpose of the training program shall be to maximize federal assistance available for veterans and to assure that the agents and directors receive uniform instruction on providing veterans and dependents with advice relative to procurement of state, federal and local benefits to which they are entitled, including employment, education, health care, retirement and other veterans' benefits; provided further, that the subject matter of the training program shall include benefits available under said chapter 115 and alternative resources, including those which are partially or wholly subsidized by the federal government, such as Medicaid, Supplemental Security Income and Social Security Disability benefits, as well as federal pension and compensation entitlements; provided further, that the secretary shall promulgate regulations for the training program; provided further, that upon successful participation by the veterans' agents or directors of veterans' services in the training program, the costs of the training program incurred by the several cities and towns shall be reimbursed by the commonwealth on or before November 10 following the fiscal year in which the costs were paid; provided further, that any person applying for veterans' benefits to pay for services available under chapter 118E of the General Laws, shall also apply for medical assistance under said chapter 118E to minimize cost of the commonwealth and its municipalities; provided further, that veterans' agents shall complete applications authorized by the executive office under said chapter 118E for any veteran, widow and dependent applying for medical assistance under said chapter 115; provided further, that the veterans' agent shall file the application for the veteran or dependent for assistance under said chapter 118E; provided further, that the executive office shall act on all said chapter 118E applications and advise the applicant and the veterans' agent of the applicant's eligibility for said chapter 118E healthcare; provided further, that the veterans' agent shall advise the applicant of the right to assistance for medical benefits under said chapter 115 pending approval of the application for assistance under said chapter 118E by the executive office provided further, that the secretary may supplement healthcare pursuant to said chapter 118E with healthcare coverage under said chapter 115 if he determines that supplemental coverage is necessary to afford the veteran or dependent sufficient relief and support; provided further, that payments to or on behalf of a veteran or dependent pursuant to said chapter 115 shall not be considered income for the purposes of determining eligibility under said chapter 118E; and provided further, that benefits awarded pursuant to section 6B of said chapter 115 shall be considered countable income ..... \$13,805,284”.

The question on passing Item 1410-0400, contained in Section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eleven minutes past four o'clock P.M., as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 117**]:

**YEAS.**

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

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
**1.**

**The yeas and nays having been completed at thirteen minutes past four o'clock P.M., Item 1410-0400, contained in Section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

Item 4403-2001 (Lift Transportation Program) was considered as follows:

"4403-2001

For the Lift Transportation Program operated by the Traveler's Aid Society of Boston ..... \$150,000".

The question on passing Item 4403-2001, contained in Section 2, 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 quarter past four o'clock P.M., as follows, to wit (yeas 32 — nays 5) [**Yeas and Nays No. 118**]:

**YEAS.**

Augustus, Edward M.,  
Jr.    Moore, Richard T.  
Antonioni, Robert A.    Morrissey, Michael W.  
Baddour, Steven A.    Murray, Therese  
Barrios, Jarrett T.    Nuciforo, Andrea F., Jr.

Brewer, Stephen M.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne —

**32.**

**NAYS.**

Brown, Scott P.	Knapik, Michael R.
Hedlund, Robert L.	Lees, Brian P. —
Tarr, Bruce E.	

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
**1.**

**The yeas and nays having been completed at eighteen minutes past four o’clock P.M., Item 4403-2001, contained in Section 2, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

Item 4510-0720 (Certified Nurses Aide Training Scholarships) was considered as follows:

“4510-0720

For a scholarship program for certified nurses’ aide and direct care worker training; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that the department shall establish appropriate guidelines and application criteria for the administration of the program; provided further, that the scholarships shall cover the full cost of tuition to an approved certified nurses’ aide or long-term care direct worker training program, including approved programs providing for cross-training; provided further, that funds may also be available to provide adult basic education and English as a second language training for applicants otherwise meeting criteria for the scholarships. as well as pilot training programs using enhanced curricula designed to support increased retention; provided further, that the department shall, in consultation with the nursing home industry, consumer groups, the department of labor and workforce development, the Commonwealth Corporation, training providers and other appropriate state and local agencies, conduct outreach regarding the availability of such scholarships; provided further, that the department shall consult with the scholarship program advisory council and the extended care career ladder initiative to review and recommend new training requirements for certified nurses’ aides, home health aides and home care workers to improve the quality of the direct care workforce and the quality of care provided in all long-term care settings by developing skill standards, supporting the transition from training to work, improving retention, promoting portability, recognizing career advancement curricula and addressing language and education barriers; and provided further, that costs for outreach activities shall not exceed 5 per cent of the amount appropriated in this item and administrative costs of the program shall not exceed 5 per cent of the amount appropriated in this item ..... \$250,000”.

The question on passing item 4510-0720, contained in Section 2, 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 11, of the Constitution, at nineteen minutes past four o’clock P.M., as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 119**]:

**YEAS.**

Augustus, Edward M., Jr.	Montigny, Mark C.
Antonioni, Robert A.	Moore, Richard T.

Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Menard, Joan M.	<b>37.</b>

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
**1.**

**The yeas and nays having been completed at twenty-two minutes past four o'clock P.M., Item 4510-0720, contained in Section 2, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

*Emergency Preamble Adopted.*

An engrossed Bill providing for a certain exemption from the sales tax (see House, No. 4220, 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 question on adopting the emergency preamble was determined by a call of the yeas and nays, at twenty-four minutes past four o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 1) [**Yeas and Nays No. 120**]:

**YEAS.**

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

Joyce, Brian A.                      Tisei, Richard R.  
Knapik, Michael R.                Tolman, Steven A.  
Lees, Brian P.                      Tucker, Susan C.  
McGee, Thomas M.                Walsh, Marian  
Menard, Joan M.                    Wilkerson, Dianne —

**36.**

**NAYS.**

Hedlund, Robert L. —

**1.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —

**1.**

**The yeas and nays having been completed at twenty-six minutes past four o'clock P.M., the emergency preamble was adopted.**

**The bill was signed by the Acting President (Ms. Walsh) and sent to the House for enactment.**

A petition (accompanied by bill, House, No. 4285) of Lida E. Harkins relative to certain persons dually eligible for Medicare and Medicaid programs,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Health Care Financing.**

*Message from the Governor — Disapprovals and Reductions in General Appropriation 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 2006 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, 4200), which on Thursday, June 23, 2005, 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. 4230) was read; and the Senate proceeded to reconsider several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 4513-1020 (Early Intervention Services) was considered as follows:

“4513-1020

For the early intervention program; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that the department shall report quarterly to the house and senate committees on ways and means the total number of units of service purchased and the total expenditures for the units of service paid by the department, the executive office of health and human services, and by third party payers for early intervention services for the following services categories: home visit, center-based individual, child-focused group, parent-focused group, screening, and assessment; provided further, that the department shall make all reasonable efforts to secure third party and Medicaid reimbursements for the services funded in this item; provided further, that funds from this item shall be expended for a reserve to provide respite services to families of children enrolled in early intervention programs who have complex care requirements, multiple disabilities and extensive medical and health needs; provided further, that priority shall be given to low and moderate income families; provided further, that the department shall submit to the house and senate committees on ways and means a report on the number of families served by the program and the amount of funds appropriated in this item granted to qualified families not later than February 1, 2006; provided further, that no claim for reimbursement made on behalf of an uninsured person shall be paid from this item until the program receives notice of a denial of eligibility for the MassHealth program from the executive office of health and human services; provided further, that not less than \$1,000,000 shall be expended for the provision of cost reimbursement funding to certified Early Intervention Programs; and provided further, that nothing stated in this item shall give rise to or shall be construed as giving rise to enforceable legal rights to any such services or an enforceable entitlement to the early intervention services funded in this item ..... \$30,840,024”.

The question on passing Item 4513-1020, 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-eight minutes past four o'clock P.M., as follows, to wit (yeas 36 — nays 1) [**Yeas and Nays No. 121**]:

**YEAS.**

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

**36.**

**NAYS.**

Lees, Brian P. — **1.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
**1.**

**The yeas and nays having been completed at twenty-eight minutes before five o'clock P.M., Item 4513-1020, 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 4590-0250 (Gay and Lesbian Commission) was considered as follows:

“4590-0250

Commission For school health services and school-based health centers in public and non-public schools; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that services shall include, but not be limited to: (1) strengthening the infrastructure of school health services in the areas of personnel and policy development, programming, and interdisciplinary collaboration; (2) developing linkages between school health services programs and community health providers, and (3) incorporating health education programs, including tobacco prevention and cessation activities in school curricula and in the provision of school based health services and (4) incorporating obesity prevention programs, including nutrition and wellness programs in school curricula to address the nutrition and lifestyle habits needed for healthy development; provided further, that not less than \$350,000 shall be expended for the governor's commission on gay and lesbian youth; provided further, that not less than \$12,000,000 shall be expended for school nurses and school based health centers; provided further, that not less than \$200,000 shall be expended for Berkshire Area Health Education Center, Inc. for support and implementation of model community coalitions and community capacity building activities; and provided further, that the services shall meet standards and eligibility guidelines established by the department of public health in consultation with the department of education; and provided further, that \$99,000 shall be expended for the H.E.L.P. program for black male health; provided further, that not less than \$150,000 shall be expended to create the Childhood Obesity-School Nutrition Pilot Project, within the department of public health to initiate or maintain school lunch programs focused on diminishing the epidemic

of childhood obesity; provided further, a public school seeking to institute or maintain a school nutrition program designed to reduce childhood obesity as part of its school lunch program, may apply to the department for a grant, not to exceed \$10,000 per school per year; provided further, that the application shall indicate the various nutritional and educational steps the school plans to follow as part of its plan, as well as a method for measuring results; and provided further, that grant applications and other appropriate criteria shall be determined and reviewed by the department ..... \$14,718,309”.

The question on passing Item 4590-0250, 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-seven minutes before five o'clock P.M., as follows, to wit (yeas 36 — nays 0) [**Yeas and Nays No. 122**]:

**YEAS.**

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

**36.**

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E.	Panagiotakos, Steven C.
	— <b>2.</b>

**The yeas and nays having been completed at twenty-four minutes before five o'clock P.M., item 4590-0250, 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 4590-0914 (Direct Care Staff Recruitment and Retention) was considered as follows:

“4590-0914

For a 3-year pilot program to promote the long term stability of direct care staffing and delivery of high quality care at the 4 public health hospitals by promoting the recruitment, retention and career advancement of direct care staff at said hospitals; provided, that the program may rely upon career path incentives, tuition and fee reimbursement, the purchase of training

materials and contracted in-service training, internships and fellowships, web-based programs, agreements among said hospitals with the Commonwealth's public schools of nursing, and any other efforts that facilitate the pursuit of clinical competencies, higher degrees and advanced licensure, leadership and management skills, and other masteries that stabilize and enhance the delivery of patient care at the hospitals; provided further, that direct care employees of the departments of public health and mental health on the campuses of Lemuel Shattuck hospital, Tewksbury hospital, Western Massachusetts Hospital and the Massachusetts Hospital School shall be eligible for the program established in this section; provided further, that contracts of not less than 2 years' service at any of the hospitals shall be required of any direct care staff person benefiting from tuition reimbursement or other payment toward a degree from an institution of higher education funded by this item; provided further, that the program shall be managed by the hospital bureau of the department and may employ a program coordinator; provided further, that not more than \$180,000 of the amount appropriated in this item may be expended for the salary and expenses of the program coordinator; provided further, that not more than \$60,000 shall be expended for this purpose in any given year; provided further, that no expenditure shall be made from this item for the purpose of supplementing the wages paid to any such direct care staff; provided further, that the program shall file not less than 60 days before the end of the fiscal year a report summarizing objectives, strategies and achievements of the prior year; provided further, that the report shall make recommendations relative to the transferability of said accomplishments for implementation at other state-operated direct care facilities; and provided further, that the funds appropriated in this item shall be made available for expenditure through June 30, 2008 ..... \$1,600,000".

The question on passing Item 4590-0914, 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 five o'clock P.M., as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 123**]:

**YEAS.**

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

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

- Berry, Frederick E. —
- 1.**

**The yeas and nays having been completed at twenty minutes before five o'clock P.M., Item 4590-0914, 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 4800-0038 (Services for Children and Families) was considered as follows:

“4800-0038

For stabilization, unification, reunification, permanency, adoption, guardianship, and foster care services provided by the department of social services; provided, that services funded through this item shall include shelter services, substance abuse treatment, family reunification networks, young parent programs, parent aides, education and counseling services, family preservation services, foster care, adoption and guardianship subsidies, tiered reimbursements used to promote the foster care placement of children with special medical and social needs, assessment of the appropriateness of adoption for children in the care of the department for more than 12 months, protective services provided by partnership agencies, targeted recruitment and retention of foster families, respite care services, post-adoption services, support services for foster, kinship and adoptive families and juvenile firesetter programs; provided further, that any child who would have been eligible for a clothing benefit under regulations in place on January 1, 2005 shall receive a clothing benefit in fiscal year 2006; provided further, that not less than \$7,000,000 shall be expended to ease the transition of certain children from group care into community settings; provided further, that these children shall receive the services necessary for their care and protection during the transition; provided further, that the department shall report to the house and senate committees on ways and means and the joint committee on children and families by March 15, 2006 on the utilization of the transitional funds and the progress of the implementation of the department's reproposed system of care; provided further, that not less than \$2,200,000 shall be expended for the Young Parent Support Program; provided further, that not less than \$500,000 shall be expended on the recruitment and retention of foster parents; provided further, that not later than February 17 of the current fiscal year the department shall provide to the house and senate committees on ways and means a recommendation on whether or not to discontinue any program, including earmarked programs, the cost of which, per unit of service or service outcomes, do not fall within a reasonable standard; provided further, that not less than \$348,850 shall be expended for Latinas y Ninos and Casa Esperanza; provided further, that not less than \$300,000 shall be expended for Summerhill House in Norwood; provided further, that not less than \$298,000 shall be expended for alternative schools for students aged 14 to 16, inclusive, who are placed before the court on child in need of services petitions in region 6; provided further, that not less than \$295,000 shall be expended for Massachusetts Families for Kids; provided further, that not less than \$257,000 shall be expended for a contract for an integrated family services team in region 6; provided further, that not less than \$257,000 shall be expended for the Labourer Center in South Boston; provided further, that not less than \$250,000 shall be expended on a juvenile firesetters program; provided further, that not less than \$200,000 shall be expended for a statewide contract with Northeastern University for a violence prevention and conflict resolution program; provided further, that not less than \$200,000 shall be expended to support the family center component of the Greater Lowell Family Resource Center; provided further, that not less than \$150,000 shall be expended in region 1 for a community-based family unification counseling program to prevent juvenile delinquency; provided further, that not less than \$150,000 shall be expended for a contract with Julie's Family Learning program in the South Boston section of the city of Boston; provided further, that not less than \$140,000 shall be expended for the Comprehensive School Age Parenting Program, Inc. for expansion of a year-round school-based program in Boston high schools and middle schools for pregnant teens, young mothers and fathers and other youth at high-risk for school dropout; provided further, that not less than \$130,000 shall be expended for the Children's Cove Cape and Islands Child Advocacy Center; provided further, that not less than \$104,123 shall be expended on the Teen Parenting program at Framingham High School; provided further, that not less than \$100,000 shall be expended for the operation of the Healthy Families program; provided further, that not less than \$100,000 shall be expended for North End Outreach Network of Springfield; provided further, that not less than \$100,000 shall be expended for Alive with Awareness, Knowledge and Empowerment of Springfield; provided further, that not less than \$100,000 shall be expended for a family re-unification program operated by Aid to Incarcerated Mothers to maintain strong parent-child relationships during a mother's incarceration; provided further, that not less than \$100,000 shall be expended for the South End Community Center of Springfield, Inc.; provided further, that not less than \$60,000 shall be expended by the Framingham office of the department of social services for the Metrowest Campership program operated by the Ashland youth advisory board; provided further, that not less than \$50,000 shall be expended for Multicultural Alzheimer's Services Project in Springfield; provided further, that not less than \$50,000 shall be expended for the purpose of providing case management services for the Amity Transitional Housing program in the city of Lynn; provided further, that not less than \$45,000 shall be expended for a contract with Big Brothers and Sisters of Cape Cod and the Islands; provided further, that not less than \$25,000 shall be expended for Concilio Hispano in Somerville; provided further, that not less than \$20,000 shall be expended for the Haitian Coalition of Somerville; provided further, that not less than \$20,000 shall be expended for the Massachusetts Association of Portuguese Speakers in Cambridge; and provided further, that not less than \$15,000 shall be expended for a contract with child and family services of Cape Cod for the court diversion program  
..... \$272,741,996”.

The question on passing Item 4800-0038, contained in Section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nineteen minutes before five o'clock P.M., as follows, to wit (yeas 33 — nays 4) [**Yeas and Nays No. 124**]:

**YEAS.**

Augustus, Edward M., Jr.	Menard, Joan M.
Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
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.	Timilty, James E.
Hedlund, Robert L.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —

**33.**

**NAYS.**

Brown, Scott P.	Lees, Brian P. — 4.
Tarr, Bruce E.	Tisei, Richard R.

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
**1.**

**The yeas and nays having been completed at sixteen minutes before five o'clock P.M., Item 4800-0038, contained in Section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

Item 5920-5000 (Turning 22 Residential and Day Care Services) was considered as follows:

“5920-5000

For services to clients of the department who turn 22 years of age during state fiscal year 2006; provided, that the amount appropriated herein shall not annualize to more than \$13,600,000 in fiscal year 2007; provided further, that the department shall report to the house and senate committees on ways and means not later than January 2, 2006, on the use of any funds encumbered or expended from this item including, but not limited to, the number of clients served in each region and the types of services purchased in each region ..... \$6,467,670”.

The question on passing Item 5920-5000, contained in Section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section 1, Article II, of the Constitution, at a quarter before five o'clock P.M., as follows, to wit (yeas 31 — nays 6) [**Yeas and Nays No. 125**]:

**YEAS.**

Augustus, Edward M., Jr.	Moore, Richard T.
Antonioni, Robert A.	Morrissey, Michael W.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne —
Montigny, Mark C.	<b>31.</b>

**NAYS.**

Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.— <b>6.</b>

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
**1.**

**The yeas and nays having been completed at thirteen minutes before five o’clock P.M., Item 5920-5000, contained in Section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

Item 7003-0604 (Long Term Career Ladder) was considered as follows:

“7003-0604

For the career ladder grant program in long-term care established pursuant to section 410 of chapter 159 of the acts of 2000; provided, that grants shall be available for certified nurses’ aides, home health aides, homemakers and other entry level workers in long-term care; provided further, that the grants may include training for English for speakers of other languages and other language and adult basic education programs to improve quality of care and improve direct care worker access to and participation in career ladder training; provided further, that the length of such grants shall not exceed a period of 3 years; provided further, that the Commonwealth Corporation shall submit quarterly reports to the house and senate committees on ways and means on said grant program including, but not limited to, the number of grants awarded, the amount of each grant, a description of the career ladder programs, changes in care-giving and workplace practices that have occurred and their impact on quality of care and worker retention and the certificates, degrees or professional status attained by each participating employee; provided further, that the administrative and program management costs for the implementation of the grant program shall not exceed 4 per cent of the amount appropriated in this item; and provided further, that each grant may include funding for technical assistance and evaluation .....\$1,500,000”.

The question on passing Item 7003-0604, contained in Section 2, 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 11, of the Constitution at twelve minutes before five o’clock P.M., as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 126**]:

**YEAS.**

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

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
**1.**

**The yeas and nays having been completed at nine minutes before five o'clock P.M., Item 7003-0604, contained in Section 2, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

Item 7004-9024 (Massachusetts Rectal Voucher Program) was considered as follows:

“7004-9024

For a program of rental assistance for low-income families and elderly persons through mobile and project-based vouchers; provided, that rental assistance shall only be paid under a program to be known as the Massachusetts rental voucher program; provided further, that the income of the households shall not exceed 200 per cent of the federal level; provided further, that the department may award mobile vouchers to eligible households currently occupying project-based units, that shall expire due to the nonrenewal of project-based rental assistance contracts; provided further, that the department, as a condition of continued, eligibility for vouchers and voucher payments, may require disclosure of social security numbers by participants and members of participants' households in the Massachusetts rental voucher program for use in verification of income with other agencies, departments and executive offices; provided further, that any household in which a participant or member of a participant's household shall fail to provide a social security number for use in verifying the household's income and eligibility shall no longer be eligible for a voucher or to receive benefits from the voucher program; provided further that the vouchers shall be in varying dollar amounts and shall be set by the department based on considerations, including, but not limited to, family size, composition, income level and geographic location; provided further, that notwithstanding any general or special law to the contrary, the monthly dollar amount of each voucher shall be the department-approved total monthly rent of the unit less the monthly amount paid for rent by the household; provided further, that notwithstanding any general or special law to the contrary, the use of rent surveys shall not be required in determining the amounts of the mobile vouchers or the project-based units; provided further, that any household which is proven to have caused intentional damage to its rental unit in an amount exceeding 2 months rent during any 1-year lease period shall be terminated from the program; provided further, that notwithstanding any general or special law to the contrary, a mobile voucher whose use is or has been discontinued shall be re-assigned within 90 days; provided further, that the department shall pay agencies \$32.50 per voucher per month for the costs of administering the program; provided further, that the costs of administration shall not exceed 6 per cent of the appropriation provided in this item; provided further, that the 6 per cent shall include, but not be limited to, all expenditures which may be made by the department to conduct or otherwise contract

for rental voucher program inspections; provided further, that subsidies shall not be reduced for, the cost of accommodating the cost of the inspections; provided further, that notwithstanding any general or special law to the contrary, each household holding a project-based voucher shall pay at least 30 per cent but not more than 40 per cent of its income as rent, and each household holding a mobile voucher shall pay at least 30 per cent but not more than 40 per cent of its income as rent; provided further, that the department shall establish the amounts of the mobile vouchers and the project-based vouchers, so that the appropriation in this item is not exceeded by payments for rental assistance and administration; provided further, that the department shall not enter into commitments which will cause it to exceed the appropriation set forth herein; provided further, that ceiling rents shall not be enforced by the department; provided further, that the households holding mobile vouchers shall have priority for occupancy of the project-based dwelling units in the event of a vacancy; provided further, that the department may impose certain obligations for each participant in the Massachusetts rental voucher program through a 12-month contract which shall be executed by the participant and the department; provided further, that such obligations may include, but need not be limited to, job training, counseling, household budgeting and education, as defined in regulations promulgated by the department and to the extent such programs are available; provided further, that each participant shall be required to undertake and meet any such contractually established obligation as a condition for continued eligibility in the program; provided further, that for continued eligibility each participant shall execute any such 12-month contract on or before September 1, 2005 if the participant's annual eligibility recertification date occurs between June 30, 2005 and September 1, 2005 and otherwise on or before the annual eligibility recertification date; provided further, that any participant who is over the age of 60 years or who is handicapped may be exempted from any obligations unsuitable under particular circumstances; provided further, that the department shall submit an annual report not later than February 1, 2006 to the secretary of administration and finance and the house and senate committees on ways and means detailing expenditures, the number of outstanding rental vouchers by income level and the number and types of units leased that are funded from this item; provided further, that no funds shall be expended from this item in the AA object class for the compensation of state employees; provided further, that the department may assist housing authorities, at their written request, in the immediate implementation of a homeless prevention program utilizing alternative housing resources available to them for low-income families and the elderly by designating participants in the Massachusetts rental voucher program as at risk of displacement by public action through no fault of their own; provided further, that participating local housing authorities may take all steps necessary to enable them to transfer mobile voucher program participants from the Massachusetts rental voucher program into another housing subsidy program; and provided further, that the department of housing and community development shall strive to avoid a reduction in the value of the Massachusetts rental voucher from its value as of June 30, 2005 ..... \$26,283,345”.

The question on passing Item 7004-9024, 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 eight minutes before five o'clock P.M., as follows, to wit (yeas 33 — nays 4) **[Yeas and Nays No. 127]**:

**YEAS.**

Augustus, Edward M., Jr.	Moore, Richard T.
Antonioni, Robert A.	Morrissey, Michael W.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela

Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tisei, Richard R.
Hedlund, Robert L.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne —
Montigny, Mark C.	<b>31.</b>

**NAYS.**

Brown, Scott P.	Lees, Brian P.
Knapik, Michael R.	Tarr, Bruce E. — <b>4.</b>

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
**1.**

**The yeas and nays having been completed at six minutes before five o'clock P.M., Item 7004-9024, 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 7004-9033 (Chapter 707 Rental Assistance) was considered as follows:

“7004-9033

For rental subsidies to eligible clients of the department of Assistance mental health; provided, that the department shall establish the amounts of those subsidies so that payment thereof and of any other commitments from this item shall not exceed the amount appropriated herein ..... \$2,500,000”.

The question on passing Item 70049033, 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 five minutes before five o'clock P.M., as follows, to wit (yeas 35 — nays 2) **[Yeas and Nays No. 128]:**

**YEAS.**

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

Menard, Joan M. Wilkerson, Dianne —  
35.

Montigny, Mark C.

**NAYS.**

Knapik, Michael R. Lees, Brian P. — 2.

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
1.

**The yeas and nays having been completed at two minutes before five o'clock P.M., Item 7004-9033, 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 7004-9316 (RAFT) was considered as follows:

“7004-9316

For a program to provide assistance for homeless families and families at risk of becoming homeless; provided, that the amount of financial assistance shall not exceed \$3,000 per family; provided further, that funds may be used for security deposits, first and last month's rent and utility payments; provided further, that assistance shall be administered by the department through contracts with the regional non-profit housing agencies; provided further, that no such assistance shall be provided to any family with an income in excess of 50 per cent of the area median income; provided further, that prior to authorizing a residential assistance payment for a family, the non-profit housing agency shall make an assessment of whether the payment, with or without additional housing stabilization support, will enable the family to retain its current housing, obtain new housing, or otherwise avoid homelessness; provided further, that in making such assessment the agency shall apply a presumption that the payment will enable a family to retain its housing, obtain new housing, or otherwise avoid homelessness if the family is paying less than or equal to 50 per cent of its income for that housing; provided further, that a family who is paying more than 50 per cent of its income for its housing shall be provided a fair opportunity to establish that a residential assistance payment will enable it to retain its housing, obtain new housing, or otherwise avoid homelessness; provided further, that residential assistance payments may be made through direct vendor payments according to standards to be established by the department; provided further, that the agencies shall establish a system for referring families approved for residential assistance payments who the agencies determine would benefit from such services to existing community-based programs that provide additional housing stabilization supports, including assistance in obtaining housing subsidies and locating alternative housing that is safe and affordable for those families; and provided further, that the program shall be administered under guidelines established by the department  
..... \$5,000,000”.

The question on passing Item 7004-9316, 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 five o'clock P.M., as follows, to wit (yeas 35 — nays 2) [**Yeas and Nays No. 129**]:

**YEAS.**

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

Havern, Robert A.           Tisei, Richard R.  
Hedlund, Robert L.       Tolman, Steven A.  
Joyce, Brian A.           Tucker, Susan C.  
McGee, Thomas M.       Walsh, Marian  
Menard, Joan M.           Wilkerson, Dianne —  
  **35.**  
Montigny, Mark C.

**NAYS.**

Knapik, Michael R.       Lees, Brian P. — **2.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
**1.**

**The yeas and nays having been completed at two minutes past five o'clock P.M., Item 7004-9316, 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.**

The President in the Chair, Item 7007-0900 (Office of Travel and Tourism) was considered as follows:

“7007-0900

For the operation and administration of the office of travel and tourism and for grants to public and private nonprofit local and regional organizations to be awarded by the Massachusetts office of travel and tourism for tourism promotion; provided, that performance-based standards shall be incorporated in all contracts executed by said office for the procurement of tourism marketing and advertising services; provided further, that the organizations shall be required, as a condition of receiving a grant, to submit a total operating budget which identifies each source and use of operating and capital funds; provided further, that said grants shall not replace or supplant funding otherwise available to said centers from local chambers of commerce, regional tourist councils, and other public or private funding sources; provided further, that said office shall grant not less than \$4,000,000 to the Massachusetts International Marketing Partnership Incorporated, the business entity awarded the contract pursuant to section 60 of chapter 141 of the acts of 2003 for the express purpose of implementing the strategic marketing and promotional program to recover the commonwealth's lost international market share; provided further, that not less than \$1,000,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2006 for the highway information centers operating year round on state highways and federally-assisted highways, and the visitor information centers on Boston Common and the Prudential Center, both in the city of Boston; provided further, that \$450,000 shall be expended for a grant to the Massachusetts Sports and Entertainment Partnership; provided further, that not less than \$350,000 shall be expended to enhance tourism along the South Lawrence River in the City of Lawrence; provided further, that not less than \$300,000 shall be expended for the purpose of a grant to the Greater Boston Convention & Visitors Bureau, Inc. to develop and implement, in cooperation with the Massachusetts Lodging Association, an advertising and direct mail program to promote tourism throughout the commonwealth during the winter season; provided further, that not less than \$300,000 shall be expended for the Mohawk Theatre; provided further, that not less than \$250,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that not less than \$250,000 shall be expended for the Southcoast Development Partnership for the purposes of regional tourism and economic development; provided further, that not less than \$250,000 shall be expended for the Route 9/Lakeway Business District through the Lakeway Overlay District Fund in the Town of Shrewsbury; provided further, that not less than \$250,000 be expended for the Merrimack Valley Chamber of Commerce to establish the Merrimack Valley Chamber Technical Program; provided further; that not less than \$250,000 shall be expended for the Museum of Afro-American History located in the city of Boston; provided further, that not less than \$250,000 shall be expended for the Gloucester Adventure, Inc. for the purpose of the restoration of the NHL Schooner *Adventure*; provided further, that not less than \$200,000 shall be expended for the Bay State Games; provided further, that not less than \$200,000 shall be expended for a grant for From the Top, Inc.; provided further, that \$200,000 shall be made available to the town of Franklin for economic development; provided further, that not less than \$200,000 shall be expended to the town of Holbrook for public safety improvements and activities at the police/fire station; provided further, that not less than \$200,000 shall be expended for the Mahaiwe Theater; provided further, that not less than \$200,000, subject to 100 per cent funding match, shall be made available to the Boston Symphony Orchestra venue at Tanglewood; provided further, that not less than \$200,000 shall be provided for an economic development project at the Elco Dress Factory in New Bedford; provided further, that not less than \$185,000 shall be expended for the International Trade Assistance Center in the city of Fall River; provided further, that not less than \$150,000 shall be expended for City Stage; provided further, that not less than \$150,000 shall be expended for a child safety program in the town of Winthrop; provided further, that not less than \$150,000 shall be expended for a child safety program in the city of Revere; provided further, that not less than \$150,000 shall be expended for the Highland center for the Arts at the Cape Cod National Seashore; provided further, that not less than \$125,000 shall be expended for a historic development project at the Worcester Center for the Performing Arts; provided further, that not less than \$125,000 shall be expended for the New England

Puerto Rican association; provided further, that not less than \$100,000 shall be expended for the Cape Cod Economic Development Council; provided further, that not less than \$100,000 shall be expended for the Freedom Trail Foundation; provided further, that not less than \$100,000 shall be expended for the Old Provincial State House; provided further, that not less than \$100,000 shall be expended for an economic development project on state highway route 110 in the town of Amesbury; provided further, that not less than \$100,000 shall be expended for the Russian Community Association; provided further, that not less than \$100,000 shall be expended for the Western Massachusetts Economic Development Council for tourism and marketing purposes; provided further, that not less than \$100,000 shall be expended for the Merrimack Repertory Theatre; provided further, that not less than \$100,000 shall be expended for the Buzzards Bay Village Association; provided further, that not less than \$75,000 shall be expended for the Cultural Center of Cape Cod; provided further, that not less than \$75,000 shall be expended for the North End Visitor Center in the city of Boston; provided further, that not less than \$75,000 shall be appropriated to the Puerto Rican Cuatro Project, a cultural development project under the Spanish American Union, Inc of Springfield; provided further, that not less than \$75,000 shall be expended for the Waltham Tourist Council; provided further, that not less than \$60,000 shall be expended for Herman Melville's Arrowhead Museum; provided further, that not less than \$60,000 shall be expended to continue the economic development project operated by the Arlington Neighborhood Association in the city of Lawrence; provided further, that not less than \$50,000 shall be provided for the Asa Waters Mansion in the Town of Millbury; provided further, that not less than \$50,000 shall be expended for the Russian Community Association in Springfield; provided further, that not less than \$50,000 shall be expended for the Victory Theater in the city of Holyoke; provided further, that not less than \$50,000 shall be expended for the Plymouth Area Chamber of Commerce; provided further, that not less than \$50,000 shall be expended for a grant to the Salem Partnership for the purposes of hosting a statewide conference on the merits of a creative economy; provided further, that not less than \$50,000 shall be expended for the Caribbean Carnival Association; provided further, that not less than \$50,000 shall be expended for the New Bedford Art Museum; provided further, that not less than \$50,000 shall be expended for the promotion of Boston neighborhoods through the Boston Main Streets program; provided further, that not less than \$50,000 shall be expended for the Riverside Theater Works in the Hyde Park section of the city of Boston; provided further, that not less than \$50,000 shall be expended for the Office of Community Collaborations and Program Development at the New England Conservatory of Music in the city of Boston; provided further, that not less than \$50,000 shall be expended for the Forefather Monument at Pilgrim State Park; provided further, that \$50,000 shall be expended for the Louis D. Brown Peace Institute; provided further, that not less than \$50,000 shall be expended for the Johnny Appleseed Visitors' Center; provided further, not less than \$50,000 shall be expended for the North Quabbin Woods Project; provided further, that not less than \$40,000 shall be expended for the Newburyport Economic Development Department's Jump Start Program; provided further, that not less than \$40,000 shall be expended from this item for the purpose of the operation and the promotion of the Ipswich Shuttle Bus Service; provided further, that not less than \$40,000 shall be expended as a grant for the Pioneer Valley Visitors and Tourist Information Center; provided further, that not less than \$40,000 shall be expended for the Massachusetts 54th Regiment; provided further, that not less than \$30,000 shall be expended by the town of Berkley to continue MITNS, so-called, activities; provided further, that not less than \$30,000 shall be made available for the Historic Woodcock Garrison House and One-Room School House in the town of North Attleboro; provided further, that not less than \$25,000 shall be expended for the Salisbury Chamber of Commerce; provided further, that not less than \$25,000 shall be provided for the Auburn Historical Museum in the town of Auburn; provided further, that not less than \$25,000 shall be expended to operate the Cape Cod Junior Technology Council; provided further, that not less than \$25,000 shall be expended to the Hull Lifesaving Museum for the purpose of planning a maritime trail; provided further that not less than \$25,000 shall be expended for the Sandwich Glass Museum; provided further, that not less than \$25,000 shall be expended for the Natural History Museum in the town of Brewster; provided further, that not less than \$25,000 shall be expended for the Friends of the Quabbin, Inc; provided further, that not less than \$20,000 shall be expended for an economic development project known as the Cleveland Circle Streetscape Plan Early Action Item; provided further, that not less than \$10,000 shall be expended for the Providence and Worcester Railfan Museum in the town of Webster; provided further, that not less than \$10,000 shall be provided for the Clark Cemetery on Prospect street in the town of Auburn; provided further, that expenditures on international and domestic promotion and administration shall be separately accounted for in the Massachusetts management accounting and reporting system; provided further, that the office shall make travel arrangements for all international travel not less than 7 days before departure; provided further, that the office shall dedicate 1 full-time equivalent employee to the advisory commission on travel and tourism; and provided further, that the office shall make every effort to develop tourism in under-visited regions of the commonwealth

..... \$20,418,282

Tourism Fund ..... 100.0%".

The question on passing Item 7007-0900, 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 three minutes past five o'clock P.M., as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 130**]:

**YEAS.**

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

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
**1.**

**The yeas and nays having been completed at five minutes past five o'clock P.M., Item 7007-0900, 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 7061-0111 (Education Reform Funding Reserve Pothole Account) was considered as follows:

“7061-0111

For a reserve to: (1) meet extraordinary increases in the minimum required local For a reserve to: contribution of a municipality as calculated pursuant to section 3; provided, that a municipality seeking funds from this item shall apply for a waiver from the department of revenue pursuant to the provisions of this act; provided, further, that the commissioner shall issue a finding concerning such waiver applications within 30 days of the receipt thereof, after consulting with the commissioner of education regarding the merits of such application; (2) meet extraordinary increases of greater than 20 per cent in a municipality's required contribution to any of the districts to which the municipality belongs as a result of the new regional allocation methodology; provided, that said funds may be used by the municipality to reduce its contribution to said district solely for fiscal year 2006 and said reduction shall not be considered a permanent reduction in required contribution in fiscal year 2007; (3) meet expenses associated with extraordinary increases in enrollment from fiscal year 2002 through fiscal year 2006 calculated on a percentage basis for such municipalities; provided, that preference shall be given to districts with enrollment growth of greater than 10 per cent during said period; provided further, that preference shall be given to districts which received no increases in chapter 70 aid, notwithstanding said enrollment increases; (4) address the effects of reductions in per pupil chapter 70 aid between fiscal year 2004 and fiscal year 2006; provided, that preference in the awarding of such funds shall be given to districts which receive less than 20 per cent of their foundation budgets as chapter 70 aid, and which received reductions in chapter 70 aid between fiscal year 2003 and fiscal year 2004 of greater than 10 per cent; (5) assist regional school districts which, prior to fiscal year 2006, have assessed member towns using the provisions of their regional agreement, and which, in fiscal year 2006, will assess member towns using the required contributions calculated pursuant to chapter 70 of the General Laws and section 3 of this act; (6) assist

towns impacted by stresses in the commercial fishing industry which receive less than 20 per cent of their foundation budget in state aid; (7) assist municipalities with median income below the state average and equalized valuation per capita above the state average; provided, that preference in the awarding of funds shall be given to municipalities with required local contributions greater than 80 per cent of their foundation budgets; (8) assist urban districts with high fixed costs and enrollment declines of greater than 3 per cent in fiscal year 2006 resulting in no increase in chapter 70 aid; (9) assist municipalities negatively impacted by shortfalls in federal impact aid for the education of children in families employed by the federal government on military reservations located within the town's limits; and (10) assist municipalities which pay a separate and additional tax to multiple fire districts within the municipality's borders, and which have required minimum contributions in excess of 80 per cent of the district's foundation budget; provided, that notwithstanding the provisions of any general or special law to the contrary, assistance funded by this item shall only be available on a one time non-recurring basis; provided further, that the department shall make not less than 80 per cent of awards from this item not later than October 15, 2005; and provided further, that no funds distributed from this item to a municipality shall be considered base aid nor used in the calculation of the minimum required local contribution for fiscal year 2007 .....\$6,870,000”.

The question on passing Item 7061-0011, 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 past five o'clock P.M., as follows, to wit (yeas 37 — nays 0) **[Yeas and Nays No. 131]**:

**YEAS.**

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

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

- Berry, Frederick E. —  
**1.**

**The yeas and nays having been completed at nine minutes past five o'clock P.M., Item 7061-0011, 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.**

*Emergency Preamble Adopted.*

An engrossed Bill relative to financing the production of affordable housing (see House, No. 4277), 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 18 to 0.

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

*Message from the Governor — Disapproval and Reductions in General Appropriation 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 2006 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. 4200), which on Thursday, June 23, 2005, 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. 4230) was read; and the Senate proceeded to reconsider several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 7114-0106 (Salem State College Second Degree Nursing) was considered as follows:

“7114-0106

For the second degree nursing program at Salem State College ..... \$915,900”.

After remarks, the question on passing Item 7114-0106, contained in Section 2, 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 fourteen minutes past five o'clock P.M., as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 132**]:

**YEAS.**

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

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
1.

**The yeas and nays having been completed at seventeen minutes past five o'clock P.M., Item 1114-0106, contained in Section 2, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

Item 8000-0110 (Criminal History Systems Board) was considered as follows:

“8000-0110

For the operation of the criminal history systems board; provided, that the board shall fund 1 administrative assistant who shall be employed in the victim services unit of the board for the continued and enhanced operation of the post-conviction victim and witness certification program operated pursuant to chapter 258B and clause (c) of the first paragraph of section 172 of chapter 6 of the General Laws; provided further, that said victim services position shall be in addition to any such positions approved as of February 1, 1998; provided further, that not more than \$75,000 shall be expended for the purpose of enabling local housing authorities access to criminal offense information when qualifying applicants for state-assisted housing; provided further, that the board shall, not later than September 30, 2005, adopt regulations to: a) assure that the distribution of criminal offender record information relates to the individual for whom the request has been made; b) afford practical assistance in corrections to a criminal offender record information report to an individual who submits evidence to the board that any charges in a criminal offender record information report distributed by the board and purportedly relating to that individual, in fact, do not relate to that individual; c) limit the distribution of criminal offender record information to conviction data and data regarding any pending criminal charge, except as otherwise authorized by law; and d) require that any entity other than a criminal justice agency that receives a criminal offender record information report from the board as to an individual and, as a result of that report is inclined to make an adverse decision as to the individual, shall, before making a final decision, afford the individual an opportunity to dispute the accuracy and relevance of the criminal offender record information report; and provided further, that not later than January 1, 2006, the board shall file a report with the house and senate committees on ways and means detailing the steps the board has taken to implement the preceding proviso and the success of those steps in improving the accuracy of the criminal offender record information system ..... \$2,826,982

Highway Fund ..... 50.0%  
General Fund ..... 50.0% ”.

The question on passing Item 8000-0110, contained in Section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eighteen minutes past five o'clock P.M., as follows, to wit (yeas 31 — nays 6) [**Yeas and Nays No. 133**]:

**YEAS.**

- |                          |                          |
|--------------------------|--------------------------|
| Augustus, Edward M., Jr. | Moore, Richard T.        |
| Antonioni, Robert A.     | Morrissey, Michael W.    |
| Baddour, Steven A.       | Murray, Therese          |
| Barrios, Jarrett T.      | Nuciforo, Andrea F., Jr. |
| Brewer, Stephen M.       | O’Leary, Robert A.       |
| Buoniconti, Stephen J.   | Pacheco, Marc R.         |
| Chandler, Harriette L.   | Panagiotakos, Steven C.  |
| Creedon, Robert S., Jr.  | Resor, Pamela            |
| Creem, Cynthia Stone     | Rosenberg, Stanley C.    |
| Fargo, Susan C.          | Spilka, Karen E.         |
| Hart, John A., Jr.       | Timilty, James E.        |
| Havern, Robert A.        | Tolman, Steven A.        |
| Joyce, Brian A.          | Tucker, Susan C.         |
| McGee, Thomas M.         | Walsh, Marian            |

Menard, Joan M.                      Wilkerson, Dianne —  
**31.**

Montigny, Mark C.

**NAYS.**

Brown, Scott P.                      Lees, Brian P.  
Hedlund, Robert L.                  Tarr, Bruce E.  
Knapik, Michael R.                  Tisei, Richard R.— **6.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
**1.**

**The yeas and nays having been completed at twenty-one minutes past five o'clock P.M., Item 8000-0110, contained in Section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

*Engrossed Bill.*

An engrossed Bill providing for a certain exemption from the sales tax (see House, No. 4220, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at twenty-one minutes past five o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 1) [**Yeas and Nays No. 134**]:

**YEAS.**

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

**NAYS.**

Hedlund, Robert L. —  
**1.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
1.

**Mr. Lees in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), the yeas and nays having been completed at twenty-four minutes past five o'clock P.M., the bill was passed to be enacted and it was signed by the Acting President (Mr. Lees) and laid before the Governor for his approbation.**

*Engrossed Bill — State Credit.*

An engrossed Bill relative to financing the production of affordable housing (see House, No. 4277) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, it being a bill that provided for the gift, loan or pledge of the credit of the Commonwealth, in accordance with the provisions of Section I of Article LXII of the Amendments to the constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-five minutes past five o'clock P.M., as follows, to wit (yeas 37 — nays 0) **[Yeas and Nays No. 135]:**

**YEAS.**

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

**37.**

Menard, Joan M.

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
1.

**The yeas and nays having been completed at twenty-nine minutes past five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Lees) and laid before the Governor for his approbation.**

*Engrossed Bill.*

An engrossed Bill relative to car rental transactions in the city of Revere (see House, No. 4180, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. Lees) and laid before the Governor for his approbation.**

*Reports of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to federal reimbursement services for children with Autism (House, No. 4177),— ought to pass.

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

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Zenaida Correia, an employee of the Trial Court (Senate, No. 2071),— ought to pass.

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

*Report of a Committee of Conference.*

The President in the Chair, Ms. Resor, for the committee of conference, to whom were referred the matters of difference between the two branches with reference to the House amendments to the Senate Bill providing timely access to emergency contraception (Senate, No. 2073) (adding at the end thereof the following two sections:—

“SECTION 5. Section 12DD of chapter 112 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by adding the following paragraph:—

Each pharmacist initiating emergency contraception drug therapy management shall report annually to the department of public health the number of times emergency contraception is administered. Whenever any such case is treated in a hospital, clinic or other institution, the administrator, manager, or other person in charge thereof shall report annually such cases to the department of public health. The reports made pursuant to this Section shall not identify any individual patient, shall be confidential and shall not be a public record as defined by section 7 of chapter 4. The department of public health shall promulgate regulations to carry out the provisions of this section. Whoever violates any provision of this section shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars.

SECTION 6. Section 21B of chapter 272 of the General Laws shall apply to the provisions of this act.”) reported, recommending that the Senate recede from non-concurrence and concur therein with the following amendments, by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2165, and that the House concur therein.”

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

After remarks, the question on accepting the committee of conference report was determined by a call of the yeas and nays, at ten minutes before six o'clock P.M., on motion of Ms. Resor, as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 136**]:

**YEAS.**

Augustus, Edward M., Jr.	Montigny, Mark C.
Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.

Lees, Brian P. Walsh, Marian  
McGee, Thomas M. Wilkerson, Dianne —  
Menard, Joan M. 37.

**NAYS — 0.**  
**ABSENT OR NOT VOTING.**

Berry, Frederick E. —  
1.

**The yeas and nays having been completed at six minutes before six o'clock P.M., the report of the committee of conference was accepted.  
Sent to the House for concurrence.**

*Report of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing the interstate compact for adult offender supervision (House, No. 4192, amended),— ought to pass, with an amendment, in section 3, by striking out the proposed section 151D of chapter 127 of the General Laws and inserting in place thereof the following section:—

“SECTION 151D. The chairman of the parole board, or his designee, shall serve as the compact administrator and as the state’s commissioner on the interstate compact commission. The Massachusetts state council shall be appointed by the compact administrator. The state council shall be comprised of 5 members whose term of office shall be for 4 years. The state council shall meet at least twice a year. The state council may advise the compact administrator or his designee on participation in the interstate commissioner activities and administration of the compact. The state council’s membership shall include at least 1 representative from the legislature, judicial and executive branches of government and victims’ groups.”.

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

Mr. Panagiotakos, Ms. Wilkerson, Mr. Creedon, Ms. Menard, Ms. Walsh, Mr. Lees, Ms. Creem and Messrs. Baddour, Pacheco, Montigny, McGee, Hart, Timilty, Joyce, Buoniconti and Tarr moved that the bill be further amended by adding the following section:—

“SECTION 4. Notwithstanding any general or special law to the contrary, compensation under section 12 of chapter 211D of the General Laws for private counsel assigned to criminal and civil cases under subparagraph (b) of section 6 of said chapter 211D shall be set according to the following rates for fiscal year 2006: for homicide cases, \$100 per hour; for superior court nonhomicide cases, including sexually dangerous person cases, \$60 per hour; for district court cases and children in need of services cases, \$50 per hour; for children and family law cases, care and protection cases, sex offender registry cases and mental health cases, \$50 per hour.”

After remarks, the amendment was **adopted**.

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

After further remarks, the question on passing the bill to be engrossed, in concurrence, with the amendments, was determined by a call of the yeas and nays at sixteen minutes past six o'clock P.M., on motion of Mr. O’Leary, as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 137**]:

**YEAS.**

Augustus, Edward M., Jr. Montigny, Mark C.  
Antonioni, Robert A. Moore, Richard T.  
Baddour, Steven A. Morrissey, Michael W.  
Barrios, Jarrett T. Murray, Therese  
Brewer, Stephen M. Nuciforo, Andrea F., Jr.  
Brown, Scott P. O’Leary, Robert A.  
Buoniconti, Stephen J. Pacheco, Marc R.  
Chandler, Harriette L. Panagiotakos, Steven C.

Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —

37.

Menard, Joan M.

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. —

1.

**The yeas and nays having been completed at nineteen minutes past six o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments.**

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

*Order Adopted.*

On motion of Mr. Panagiotakos,—

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

On motion of the same Senator, at twenty-two minutes past six o'clock P.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.