

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

## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

*Thursday, September 29, 2005.*

Met at seven minutes past one o'clock P.M. (Mr. Tolman in the Chair).

#### *Communication.*

A communication from the Department of Public Health relative to a plan of correction submitted pursuant to inspection of the Western Massachusetts Correctional Alcohol Center (received Wednesday, September 28, 2005),— **was read and sent to the House for its information.**

#### *Petitions.*

Petitions were presented and referred, as follows:

By Ms. Fargo, a petition (subject to Joint Rule 12) of Susan C. Fargo, David Paul Linsky, Lida E. Harkins, Michael R. Knapik and other members of the General Court for legislation relative to the replacement of bulletproof vests for police officers; and

By Mr. Joyce, a petition (subject to Joint Rule 12) of Brian A. Joyce for legislation to further regulate the prevention of homelessness;

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

#### *Reports of a Committee.*

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 210), a Bill relative to the on-premises consumption of wine (Senate, No. 2213);

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

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill relative to automatic amusement devices (Senate, No. 1350);

By the same Senator, for the same committee, on Senate, No. 205 and House, No. 3412, a Bill relative to the licensure of massage therapists in Massachusetts (Senate, No. 2212);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 222), a Bill regulating gift cards, gift certificates and electronic wage cards (Senate, No. 2214); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 250), a Bill relative to elevator license examinations (Senate, No. 2216);

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

PAPERS FROM THE HOUSE.

Messages were referred, in concurrence, as follows:

Message from His Excellency the Governor recommending legislation relative to the terms of certain bonds to be issued by the Commonwealth (House, No. 4385);

**To the committee on Bonding, Capital Expenditures and State Assets.**

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to certain insurance benefits for part time elected officials of the town of Norwell (House, No. 4386);

**To the committee on Public Service.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4372) of Brian Knuuttila and Robert A. Antonioni (with the approval of the mayor and city council) that the city of Gardner be authorized to grant an additional license for the sale of alcoholic beverages to the Moon Hill Brewing Company, Inc., d/b/a Gardner Ale House;

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

Petition (accompanied by bill, House, No. 4373) of George N. Peterson, Jr., and Edward M. Augustus, Jr. (by vote of the town) for legislation to restrict certain employees of the town of Upton from serving as a member of the board of selectmen of said town; and

Petition (accompanied by bill, House, No. 4387) of William C. Galvin and Brian A. Joyce (by vote of the town) for legislation to further regulate the method of recalling elected officials in the town of Canton;

Petition (accompanied by bill, House, No. 4388) of Thomas P. Kennedy and others (with the approval of the mayor and city council) that candidates for public office in the city of Brockton be authorized to include the word “veteran” on ballots in said city;

**Severally to the committee on Election Laws.**

Petition (accompanied by bill, House, No. 4377) of Stanley C. Rosenberg and Stephen Kulik for legislation to establish a senior housing corporation for the town of Deerfield;

**Under suspension of Joint Rules 7B and 9, to the committee on Housing.**

Petition (accompanied by bill, House, No. 4382) of Mark J. Carron and Richard T. Moore (by vote of the town) relative to the Southbridge town charter;

Petition (accompanied by bill, House, No. 4392) of Karyn E. Polito and others (by vote of the town) relative to the manager of the public works department of the town of Westborough;

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

Petition (accompanied by bill, House, No. 4389) of Susan W. Pope (by vote of the town) that the town of Sudbury be authorized to establish a revolving fund from proceeds from rentals of certain town-owned property; and

Petition (accompanied by bill, House, No. 4390) of Susan W. Pope (by vote of the town) relative to the membership of the historic district commission of the town of Sudbury;

**Severally, under suspension of Joint Rule 7B, to the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 4391) of Susan W. Pope (by vote of the town) that the town of Sudbury be authorized to establish a post employment health insurance liability fund;

**To the committee on Public Service.**

A Bill authorizing the refund of automobile sales tax to Helen Bergman of the town of Wilmington (House, No. 2313,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill establishing a minimum energy-efficiency standard for certain products (House, No. 4299, amended,— on Senate, No. 1821 and House, Nos. 3274 and 3328),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill relative to the charter of the town of Harwich (House, No. 4198,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

## Reports

Of the committee on Economic Development and Emerging Technologies, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 3680) of Paul Kujawski relative to the retail sale of motor fuels;

Of the petition (accompanied by bill, House, No. 3681) of Paul Kujawski for legislation to require the posting of signs warning of the danger of exposure to amplified sound in health clubs;

Of the petition (accompanied by bill, House, No. 3682) of Paul Kujawski for legislation to further regulate health club service contracts;

Of the petition (accompanied by bill, House, No. 3684) of Peter J. Larkin for legislation to prohibit “slotting” allowances in trade practices involving the sale of food or grocery products;

Of the petition (accompanied by bill, House, No. 3687) of William Lantigua relative to the packaging of certain goods;

Of the petition (accompanied by bill, House, No. 3701) of Steven M. Walsh and John W. Scibak for legislation to further insure fair the Commonwealth practices;

Of the petition (accompanied by bill, House, No. 3702) of Bruce J. Ayers for legislation to protect consumers from telemarketing fraud;

Of the petition (accompanied by bill, House, No. 3703) of Kathleen M. Teahan and others relative to prohibiting credit services organizations from using “pin numbers” to verify credit histories of applicants; and

Of the petition (accompanied by bill, House, No. 3705) of James B. Eldridge for legislation to require that unsolicited mail to residents of the Commonwealth include information for such residents to be omitted from future mailings;

And recommending that the same severally be referred to the committee on Consumer Protection and Professional Licensure.

Of the petition (accompanied by bill, Senate, No. 272) of Mark C. Montigny, Steven A. Tolman, Richard R. Tisei, Robert M. Koczera and other members of the General Court for legislation to authorize the funding of capital expenditures for workforce development and adult basic education;

Of the petition (accompanied by bill, House, No. 3751) of Thomas P. Kennedy that places of public accommodation be in compliance with the Americans With Disabilities Act;

Of the petition (accompanied by bill, House, No. 3752) of Byron Rushing and others for legislation to make it unlawful to discriminate on the basis of height and weight;

Of the petition (accompanied by bill, House, No. 3800) of Bradley H. Jones, Jr. and others that employees injured due to willful misconduct not receive any portion of compensation benefits;

Of the petition (accompanied by bill, House, No. 3807) of William Lantigua and others relative to opposing unnecessary language restrictions in the workplace;

Of the petition (accompanied by bill, House, No. 3808) of Stephen P. LeDuc for legislation to establish a high skill training program for spot labor shortage problems in the Commonwealth;

Of the petition (accompanied by bill, House, No. 3809) of Ellen Story relative to bullying in the workplace;

Of the petition (accompanied by bill, House, No. 3810) of Stephen Kulik that the Division of Industrial Accidents be directed to conduct a hearing concerning a claim by Chester Ostrowski;

Of the petition (accompanied by bill, House, No. 3811) of Edward G. Connolly for legislation to regulate the use of federally funded block grants for veterans within the jurisdiction of regional employment boards; and

Of the petition (accompanied by bill, House, No. 3812) of John W. Scibak and Thomas M. McGee relative to posting employment opportunities;

And recommending that the same severally be referred to the committee on Labor and Workforce Development.

Of the petition (accompanied by bill, Senate, No. 274) of Richard T. Moore, Bruce E. Tarr and Edward G. Connolly for legislation relative to the use of off-peak energy;

Of the petition (accompanied by bill, House, No. 1477) of John J. Binienda relative to technology performance standards for electric power generation facilities; and

Of the petition (accompanied by bill, House, No. 3704) of Jennifer M. Callahan relative to telemarketing solicitation;

And recommending that the same severally be referred to the committee on Telecommunications, Utilities and Energy.

Of the committee on Education, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1089) of Robert J. Nyman and others relative to establishing a special commission to study student safety in the Commonwealth,— and recommending that the same be referred to the committee on Public Safety and Homeland Security.

Of the petition (accompanied by bill, House, No. 1120) of Michael E. Festa and others relative to the humane treatment of disabled persons,— and recommending that the same be referred to the committee on Children and Families.

Of the committee on State Administration and Regulatory Oversight, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1773) of Marc R. Pacheco, David Holway, president, SEIU, and Mary Richards, president, MOSES, for legislation to provide a safe workplace for employees of the Commonwealth and its political subdivisions,— and recommending that the same be referred to the committee on Labor and Workforce Development.

**Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

*Recess.*

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

The following prayer was offered by Father Bernard McLaughlin of St. Gerard's Parish in Canton:

God, once again we ask your guidance and your support of those things that we do for the common good. For those who are poor especially, for those who are somehow or another affected by drugs or alcohol, to help us help our brothers and sisters. Help us to help all of those who are in need of us. Help us to accomplish the goals that we have which is of course the common good, the good of everybody. And we ask all of this in God's name.

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

*Resolutions.*

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

Resolutions (filed by Ms. Creem) on the occasion of the retirement of Anthony J. Bibbo”;

Resolutions (filed by Messrs. Moore, Antonioni, Augustus and Berry, Ms. Chandler, Ms. Creem, Messrs. Havern, Joyce, McGee, Nuciforo, O'Leary and Pacheco, Ms. Spilka, Messrs. Tisei and Tolman) “observing Mental Illness Awareness Week, October 2 to 8, 2005”; and

Resolutions (filed by Mr. Pacheco) “honoring Michael A. Raymond.”

PAPER FROM THE HOUSE.

A Bill relative to welfare reform (House, No. 4378, printed as amended,— on House, No. 3866),— was again considered.

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

Pending the question on ordering the bill to a third reading, the same Senator moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2217; 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 enact responsible welfare reform within the time required by federal law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-one minutes before two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 31 — nays 7) [**Yeas and Nays No. 150**]:

### YEAS.

Antonioni, Robert A.	Moore, Richard T.
Augustus, Edward M., Jr.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	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.

Baddour, Steven A.	Lees, Brian P.
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. — 7.
Knapik, Michael R.	

**The yeas and nays having been completed at seventeen minutes before two o'clock P.M., the amendments were adopted. The bill, as amended was then ordered to a third reading, read a third time and was passed to be engrossed, in concurrence, with the amendments. Sent to the House for concurrence in the amendments.**

### *Orders of the Day.*

The Orders of the Day were considered, as follows:

The House Bill authorizing the town of Hingham to convey certain land (House, No. 4267),— **was read a second time and ordered to a third reading.**

The Senate Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester County 4H Center (Senate, No. 35, amended),— **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

The House Bill authorizing Capital Asset Management and Maintenance to convey certain land to the town of Hingham (House, No. 1430),— **was read a third time and passed to be engrossed, in concurrence, with the amendment previously adopted by the Senate. Sent to the House for concurrence in the amendment previously adopted by the Senate.**

The Senate Bill further regulating foster care and adoption (Senate, No. 2147) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at ten minutes before two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 38 — nays 0) **[Yeas and Nays No. 151]:**

### YEAS.

Antonioni, Robert A.	Menard, Joan M.
----------------------	-----------------

Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
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 —

**38.**

### NAYS — 0.

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

The Senate Bill establishing a task force within the Board of Registration in Medicine to study medical spas (Senate, No. 2191),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Moore moved that the bill be amended in section 3, by inserting, in line 2, after the words “regulations to” the following words:— “the joint committee on health care finance.”.

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

**The bill (Senate, No. 2191, amended) was then passed to be engrossed.**

**Sent to the House for concurrence.**

The House Bill prohibiting certain dumping in the city of Worcester (House, No. 1748) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and, after remarks, was passed to be engrossed, in concurrence, with an amendment previously adopted by the Senate.**

**Sent to the House for concurrence in the amendment previously adopted by the Senate.**

The House Bill providing death benefits for survivors of volunteer firefighters and other volunteer public safety personnel (House, No. 4369) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

After remarks, the question on passing it to be engrossed, in concurrence, was determined by a call of the yeas and nays, at twenty-two minutes past two o’clock P.M., on motion of Mr. Brewer, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 152**]:

### YEAS.

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

Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
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.	Travaglini, Robert E.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
	<b>39.</b>
Menard, Joan M.	

**NAYS — 0.**

**The yeas and nays having been completed at twenty-five minutes past two o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment previously adopted by the Senate.  
Sent to the House for concurrence in the amendment previously adopted by the Senate.**

The Senate Bill to promote the development of alternative fuels and the use of alternative fuel vehicles in the Commonwealth (Senate, No. 2211),— was read a third time.

Pending the question on passing the bill to be engrossed, Messrs. Tarr and Baddour moved that the bill be amended by striking out section 2 and inserting in place thereof the following 3 sections:—

“SECTION 1A. To provide for supplementing certain items in the general appropriation acts for fiscal year 2006, the sum set forth in section 2A is hereby appropriated from the General Fund unless specifically designated otherwise in this act or in said appropriation acts, for the several purposes and subject to the conditions specified in this act or in said appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2006. The sum appropriated in said section 2A shall be in addition to any amounts previously appropriated and made available for the purposes of that item.

SECTION 2A.

2030-1001

For the purchase and repair of office of environmental law enforcement motor vehicles; provided, that not less than 20 per cent of new motor vehicle purchases shall be hybrid or alternative fuel vehicles; prior appropriation continued  
.....\$2,500,000.

SECTION 2½. To provide funding for the Energy Independence Grant Fund, for the purpose of encouraging the purchase, lease, aftermarket conversion and use of hybrid and alternative energy vehicles, including heavy, medium and light duty vehicles that utilize either a single fuel or dual fuel, by cities and towns, school districts and regional transit authorities. The sums set forth in section 3 shall be distributed pursuant to a grant program developed and administered by the division of energy resources. The development of the plan shall be conducted in consultation with regional transit authorities established pursuant to chapter 161B of the General Laws. The grant program shall facilitate the development of an alternative fuel infrastructure. The sums set forth in section 3, for the several purposes and subject to the conditions specified in this act, are hereby made available subject to the laws regulating the disbursement of public funds and approval thereof.”

The amendment was **adopted**.

Messrs. Rosenberg, Tarr and Baddour moved that the bill be amended by inserting after section 20 the following section:—

“SECTION 20A. There shall be a special commission to report on the expanded use of biodiesel fuel in the commonwealth. The commission shall consist of 1 member to be appointed by the department of environmental protection; 1 member to be appointed by the department of telecommunications and energy; 1 member to be appointed by the division of energy resources; 2 members to be appointed by the senate president; 1 member to be appointed by the senate minority leader; 2 members to be appointed by the speaker of the house of representatives; 1 member to be appointed by the minority leader of the house of representatives; and

members to be appointed by the governor to provide appropriate consumer, environmental, and industry representation. The commission shall submit a report and recommendations to the secretary of environmental affairs; office of commonwealth development; the joint committee on telecommunications, utilities, and energy; the joint committee on environment, natural resources and agriculture; the joint committee on state administration and regulatory oversight; and the house and senate clerks by June 30, 2006. The commission shall conduct a study of the current impediments in state and federal law and regulation to the certification, licensure and availability for sale in the commonwealth of highly efficient diesel passenger vehicles under the California LEV II standards and potential methods to address such impediments. It shall also examine barriers and opportunities for widespread use of biodiesel and low-sulfur biodiesel fuels for motor vehicles, heating, and other appropriate uses in the commonwealth. From this study the commission shall submit a plan for the expanded use of biodiesel and low-sulfur biodiesel fuels in the commonwealth and proposals for new regulations and laws to expand the use of biodiesel where feasible and appropriate.”

The amendment was **adopted**.

Messrs. O’Leary and Barrios moved that the bill be amended by inserting after section 12 the following 2 sections:—

“SECTION 12A. Section 7A of said chapter 90, as so appearing, is hereby amended by inserting after the fifth paragraph the following paragraph:—

The emissions and maintenance inspection programs provided for in this section shall not apply to a qualified hybrid or alternative fuel vehicle or clean alternative fuel if the vehicle obtains a rating from the United States Environmental Protection Agency of at least 50 miles per gallon during city fuel economy tests unless remote sensing devices indicate the hybrid or alternative fuel vehicle may not meet current emissions standards. The commissioner shall promulgate such regulations as may be required to implement this exemption.

SECTION 12B. Section 142M of chapter 111 of the General Laws, as so appearing, is hereby amended by inserting before the definition of ‘Commissioner’ the following definition:—

‘Clean alternative fuel vehicle’ shall mean natural gas, hydrogen or electricity when used as a motor vehicle fuel or propane when used as a motor vehicle fuel if such a vehicle meets the federal fleet emissions standards under the federal Clean Air Act or any emissions standards adopted by the commissioner of environmental protection as part of the commonwealth’s implementation plan under the Clean Air Act.”

The amendment was **adopted**.

Messrs. Tarr and Baddour and Ms. Creem moved that the bill be amended in section 5, in the definition of “Hybrid vehicle”, by inserting after the word “vehicle” (at the end of the definition) the following words:— “and (iii) and achieves an increase of 10 per cent fuel efficiency as compared to the average vehicle of its class as defined by the Federal Environmental Protection Agency”.

The amendment was **adopted**.

Messrs. Tarr, Baddour, O’Leary, Lees, Tisei, Knapik, Hedlund and Brown moved that the bill be amended by inserting after section 4 the following section:—

“SECTION 4A. Chapter 21A of the General Laws is hereby amended by adding the following section:—

Section 3F. The commissioner shall annually, on or before November 15, publish a list of vehicles sold within the commonwealth which are eligible to receive an exemption from certain percentages of the sales tax and the percentage reduction in the sales tax assessed under section 2 of chapter 64H to which they shall be entitled in the following taxable year.

The commissioner shall establish a list and provide a schedule of sales tax exemptions for vehicles based upon their fuel mileage ratings as determined by the United States Environmental Protection Agency, based on a formula annually updated which reflects: (a) a vehicle’s mileage relative to other vehicles within its passenger seating class; and (b) the percentage of the vehicle that is American-made.

The commissioner shall provide exemptions for the following classes of vehicles: 2 and 4-passenger vehicles, 5-passenger vehicles and vehicles that seat 6 or more passengers.

The commissioner shall design the list so that no vehicle which is less than 60 percent as efficient, for 2 to 4 and 5 passenger vehicles, and 70 percent as efficient, for 6-passenger and more vehicles, as the best vehicle in its respective class receives the sales tax exemption. The commissioner may, after issuing draft determination and holding a public hearing, raise the level below which a vehicle shall not qualify for benefits.

The list shall be made available for public comment not later than November 1 of each year and the commissioner shall determine what shall be included on the final list. The final list shall be distributed to boards of assessors and tax collectors



within each municipality.”  
The amendment was **adopted**.

After remarks, Mr. Rosenberg in the Chair, the question on passing the bill, as amended, to be engrossed was determined by a call of the yeas and nays, at twenty-nine minutes past two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 153**]:

**YEAS.**

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
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 —

**38.**

**NAYS — 0.**

**The yeas and nays having been completed at twenty-seven minutes before three o'clock P.M., the bill (Senate, No 2220, printed as amended) was passed to be engrossed.  
Sent to the House for concurrence.**

The House Bill maximizing federal reimbursement for family planning services (House, No. 4178),— was read a third time.

The question on passing it to be engrossed, in concurrence, was determined by a call of the yeas and nays, at twenty-three minutes before three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 154**]:

**YEAS.**

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
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>38.</b>

**NAYS — 0.**

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

#### PAPERS FROM THE HOUSE.

A Bill increasing penalties for drunk drivers in the Commonwealth (House, No. 4403, printed as amended,— on House, No. 4099),— was read.

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

Pending the question on ordering the bill to a third reading, Messrs. Creedon, Tarr, Baddour, Hedlund, Barrios, Montigny, Morrissey, Brown and Knapik moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2218.

The amendment was **adopted**.

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

Pending the question on passing the bill to be engrossed, Messrs. Lees and Tarr moved that the bill be amended by inserting at the end thereof the following two sections:

“SECTION 15A. Section 24D of chapter 90 of the General Laws is hereby amended by striking out paragraph five in its entirety and inserting in place thereof the following:—

Driver alcohol education programs utilized under the provisions of this section shall be established and administered by the department of public health in consultation with the registrar and the secretary of public safety. The department of public health may adopt rules and regulations to carry out its powers and duties to establish and administer driver alcohol education programs in the Commonwealth. Any person who is qualified for a disposition under this section, and who at the time of disposition is legally domiciled out-of-state, or is a full-time student residing out-of-state, may at the discretion of the court, be assigned to an out-of-state driver alcohol education program. The out-of-state program must be licensed by the appropriate state authority in the jurisdiction where the person is legally domiciled or are a full-time student. If the out-of-state driver alcohol education program contains fewer treatment service hours than is required by the department of public health, additional service treatment hours must be obtained to achieve equivalence with the driver alcohol education program requirement of the Commonwealth.

SECTION 15B. Alcohol or controlled substance abuse treatment, rehabilitation program or alcohol or controlled substance abuse treatment and rehabilitation programs utilized under the provisions of this section shall include any public or private out-patient clinic, hospital, employer or union-sponsored program, self-help group, or any other organization, facility, service or program which the department of public health has accepted as appropriate for the purposes of this section. The department of public health shall prepare and publish annually a list of all such accepted alcohol treatment, rehabilitation programs and alcohol treatment and rehabilitation programs in the Commonwealth, shall make this list available upon request to members of the public, and shall from time to time furnish each court in the commonwealth, the registrar, and the secretary of public safety with a current copy of said list. The list will also include the single state authority contacts for other states that operate driver alcohol education programs.”

The amendment was **adopted**.

After 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 eight minutes past three o'clock P.M., on motion of Mr. Baddour, as follows, to wit (yeas 39 — nays 0)  
**[Yeas and Nays No. 155]:**

## YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
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.	Travaglini, Robert E.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Menard, Joan M.	<b>39.</b>

## NAYS — 0.

**The yeas and nays having been completed at thirteen minutes past three o’clock P.M., the bill was passed to be engrossed, with the amendments [For text of Senate amendments, see Senate, No. 2219, printed as amended]. Sent to the House for concurrence in the amendments.**

### *Committee of Conference.*

The House Bill relative to welfare reform (House, No. 4378, printed as amended),— came from the House with the endorsement that the House had NON-concurred in the Senate amendments striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2217; 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 enact responsible welfare reform within the time required by federal law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”, and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives DeLeo of Revere, Owens-Hicks of Boston and Lepper of Attleboro had been appointed the committee on the part of the House.

**On motion of Ms. Spilka, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Tolman, Spilka and Knapik were appointed on the part of the Senate. The bill was returned to the House endorsed accordingly.**

### *Recess.*

There being no objection, at seventeen minutes past three o’clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at twenty-two minutes past four o’clock P.M., the Senate reassembled, Mr. Havern in the Chair.

## PAPER FROM THE HOUSE.

### *Committee of Conference.*

The House Bill increasing penalties for drunk drivers in the Commonwealth (House, No. 4403, printed as amended),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document 2219, printed as amended, and had asked for a

committee of conference on the disagreeing votes of the two branches; and that Representatives O'Flaherty of Chelsea, Costello of Newburyport and Webster of Hanson had been appointed the committee on the part of the House.

**On motion of Mr. Hedlund, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Creedon, Baddour and Hedlund were appointed on the part of the Senate.**

**The bill was returned to the House endorsed accordingly.**

*Order Adopted.*

On motion of Mr. Hedlund,—

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

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