

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, June 21, 2007.

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

Distinguished Guest.

During consideration of the Orders of the Day, there being no objection, the President introduced Cathleen Moore, the daughter of Senate Counsel Alice Moore. Cathleen Moore is a student at Rivers School.

Petitions.

Mr. Joyce presented a petition (accompanied by bill, Senate, No. 2272) of Brian A. Joyce, Geraldine Creedon, Robert S. Creedon, Jr., David L. Flynn and other members of the General Court (by vote of the town) for legislation to authorize The Board of Selectmen of Easton to lease a certain parcel of land [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Municipalities and Regional Government. Sent to the House for concurrence.**

Ms. Tucker presented a petition (subject to Joint Rule 12) of Susan C. Tucker and Barry R. Finegold for legislation relative to antique barometers,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill relative to making provisions for the management and operation of the Wallace Civic Center and Planetarium in the city of Fitchburg (Senate, No. 2209),— **ought to pass; Referred, under Senate Rule 27, to the committee on Ways and Means.**

By Ms. Creem, for the committee on Revenue, on petition, a Bill regarding compliance with the streamlined sales and use tax agreement, so-called (Senate, No. 1757); **Read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Mr. Moore, for the committee on Health Care Financing, on petition, a Bill requiring adequate discharge planning for nursing home residents (Senate, No. 410) (Estimated cost — less than \$100,000.00); and
By Ms. Creem, for the committee on Revenue, on petition, a Bill relative to municipal real estate tax notices (Senate, No. 1691); **Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 219), a Bill authorizing the town of Sandwich to grant an additional liquor license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2268) [Local approval received on Senate, No. 219];

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 226), a Bill authorizing the town of Ipswich to grant one additional license for the sale of all alcoholic beverages to be drunk on the premises to Ipswich RE Holdings, LLC for the establishment located at 30 South Main St., Ipswich, Massachusetts (Senate, No. 2269) [Local approval received on Senate, No. 226];

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 229), a Bill authorizing the town of Rehoboth to grant a license for the sale of alcoholic beverages not to be drunk on the premises (Senate, No. 2270) [Local approval received on Senate, No. 229]; and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2240), a Bill authorizing the town of Ashburnham to grant an additional license for the sale of alcoholic beverages to be drunk off the premises (Senate, No. 2271) [Local approval received on Senate, No. 2240];

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

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4092) of Paul J. Donato and others (with the approval of the mayor and city council) that the city of Medford be authorized to increase the number of licenses for the sale of wines and malt beverages to be drunk on the premises;

Petition (accompanied by bill, House, No. 4093) of Alice Hanlon Peisch and Susan C. Fargo (by vote of the town) that the town of Weston be authorized to grant a license for sale of wines not to be drunk on the premises;

Petition (accompanied by bill, House, No. 4094) of Karyn E. Polito and others (by vote of the town) that the town of Westborough be authorized to grant a license for the sale of wine and malt beverages to be drunk on the premises to Young Nam Lee, d/b/a Westborough Korean Restaurant; and

Petition (accompanied by bill, House, No. 4095) of Eric Turkington (by vote of the town) that the town of Aquinnah be authorized to issue certain licenses for the sale of wine and malt beverages to be drunk on the premises;

Severally to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4096) of Paul J. Donato and others (with the approval of the mayor and city council) relative to the use of certain school building administration funds by the city of Medford;

To the committee on Education.

Petition (accompanied by bill, House, No. 4097) of Stephen Stat Smith (with the approval of the mayor and city council) that candidates for public office in the city of Everett be authorized to appear on only one ballot at elections in said city;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 4098) of Thomas J. Calter and others (by vote of the town) relative to the transfer of parcels of land in the town of Duxbury to the conservation commission and the water department of said town;

Petition (accompanied by bill, House, No. 4099) of James J. O'Day and Harriette L. Chandler (by vote of the town) for legislation to provide administrative oversight of hiring practices in the town of West Boylston;

Petition (accompanied by bill, House, No. 4100) of William Smitty Pignatelli (by vote of the town) that the town of West Stockbridge be authorized to appoint associate members to the conservation commission of said town; and

Petition (accompanied by bill, House, No. 4101) of Karyn E. Polito and others (by vote of the town) that the town of Westborough be authorized to make certain changes in the charter of said town;

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4102) of Robert A. O'Leary and Eric Turkington (by vote of the town) relative to authorizing the town of West Tisbury to provide group health insurance and other insurance plans for employees of said town; and

Petition (accompanied by bill, House, No. 4103) of James E. Vallee and others (with the approval of the town council) for legislation to exempt employees of the department of public works in the city known as the town of Franklin from provisions of the civil service law;

Severally to the committee on Public Service.

Petition (accompanied by bill, House, No. 4104) of Martha M. Walz (with the approval of the mayor and city council) that the city of Boston be authorized to grant a real estate tax exemption for residents of cooperative housing units;

To the committee on Revenue.

Bills

Authorizing the town of Tisbury to incur debt for the purpose of removing overhead utilities and replacing the same with underground facilities (House, No. 1996,— on petition) [Local approval received]; and

Relative to the fines for illegal dumping in the city of Fitchburg (House, No. 3939, amended,— 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 Public Service, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2509) of Barry R. Finegold and others for legislation to expand the definition of "hate crimes" to include assault

and battery upon homeless persons, and recommending that the same be referred to the committee on the Judiciary,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Recess.

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

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

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Augustus) “recognizing Maurice ‘Moe’ Capistran for his thirty years of extraordinary volunteer service to the town of Upton”;
Resolutions (filed by Ms. Chandler) “congratulating the Social Work and Discharge Planning Department at the Massachusetts Eye and Ear Infirmary on the occasion of its one hundredth anniversary”;
Resolutions (filed by Mr. Moore) “on the occasion of the two hundred seventy-fifth anniversary of the incorporation of the town of Dudley”;
Resolutions (filed by Mr. Pacheco) “congratulating Leo Melanson on his retirement”;
Resolutions (filed by Mr. Pacheco) “congratulating Dennis and Jan Morgan on their thirty-third wedding anniversary”;
Resolutions (filed by Mr. Pacheco) “congratulating Diana Shearstone on her retirement from the Taunton Area Chamber of Commerce”; and
Resolutions (filed by Ms. Wilkerson) “commending Elaine F. Munn.”

PAPER FROM THE HOUSE.

Engrossed Bill – Amended.

An engrossed Bill authorizing the transfer of certain land to the city of Boston (see House, No. 53, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— **was laid before the Senate.**

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

Mr. Panagiotakos moved to amend the engrossed bill 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 authorize the transfer of certain land in the city of Boston, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted.

Sent to the House for concurrence in the amendment.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Establishing the Rehoboth agricultural and natural resources preservation council (House, No. 2032); and

Relative to certain land in the town of Provincetown (House, No. 3754);

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

The Senate bills

Authorizing the town of Middleborough to convey town-owned conservation land in exchange for other land to be used as conservation and recreation land (Senate, No. 1188); and

Establishing the Taunton economic development fund (Senate, No. 1192) (its title having been changed by the committee on Bills in the Third Reading);

Were severally read a third time and passed to be engrossed.

Severally sent to the House for concurrence.

The House Bill authorizing the conveyance of certain parcels of park land (House, No. 3753, amended),— **was read a second time and ordered to a third reading. The rules were suspended, on motion of Mr. Pacheco, and the bill was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Timilty moved that the bill be amended by striking out section 2 (as corrected, B.T.R.).

This amendment was adopted.

**The bill was then passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.**

The Senate Bill to prohibit internet hunting (Senate, No. 860),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Creedon 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 2273.

During consideration of the matter, at twenty minutes past one o'clock, P.M., Mr. Tisei doubted the presence of a quorum. The President, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at twenty-nine minutes past one o'clock P.M., a quorum was declared present.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-six minutes before two o'clock P.M., on motion of Mr. Creedon, as follows, to wit (*yeas 34 — nays 0*) [**Yeas and Nays No. 47**]:

YEAS.	
Antonioni, Robert A.	Knapik, Michael R.
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Morrissey, Michael W.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Rosenberg, Stanley C.
Creedon, Robert S., Jr.	Spilka, Karen E.
Creem, Cynthia Stone	Tarr, Bruce E.
Downing, Benjamin B.	Timilty, James E.
Fargo, Susan C.	Tisei, Richard R.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Tucker, Susan C.
Hedlund, Robert L.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 34.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Barrios, Jarrett T.	Moore, Richard T.
Jehlen, Patricia D.	Resor, Pamela — 4.

**The yeas and nays having been completed at twenty-two minutes before two o'clock P.M., the amendment was adopted.
The bill (Senate, No. 860, amended) was then passed to be engrossed.
Sent to the House for concurrence.**

The recommitted Senate Bill relative to pension divestment (Senate, No. 2255),— **was considered, the main question being on passing it to be engrossed, with a Ways and Means amendment pending.**

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

The pending amendment, previously recommended by the committee on Ways and Means (Panagiotakos), striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2217,— was considered.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended by striking all after the enacting clause and inserting in place thereof the following new text:—

“SECTION 1. Chapter 10 of the General Laws, as appearing in the 2004 official edition, is hereby amended by inserting after section 5C the following new section:—

Section 5D. (a) The state treasurer shall not knowingly permit, whenever feasible, the investment of any of the funds of the commonwealth, including but not limited to all pension and annuity funds, in the stock, securities or other obligations of any corporation, which directly, or through a subsidiary, engage in business with, or with any instrumentality of, any state designated by the United States Department of State as a state sponsor of terrorism under the provisions of 22 U.S.C. 2371, 22 U.S.C. 2780, or 50 U.S.C. app 2405(j), or any other applicable federal law, except for those corporations specified in paragraph (b) of this section.

(b) The prohibitions contained in paragraph (a) shall not apply to any corporation that is primarily engaged in supplying goods or services intended to relieve human suffering, a corporation that promotes public health, education, journalistic, religious, or welfare activities, or a United States corporation authorized by the federal government to have businesses operations within the designated countries.

(c) The state treasurer shall make every reasonable effort to sell, redeem, divest or withdraw any investment currently held in violation of the provisions of paragraph (a) of this section within one year from the passage of this act.

(d) The state treasurer shall annually issue a report, not later than January 30 each year, listing all corporations which the Commonwealth has divested funds from, under the provisions of paragraph (c) of this section, during the previous calendar year. The state treasurer shall also list any and all corporations known to the treasurer which directly, or through a subsidiary, engage in business with, or with any instrumentality of, any country designated by the United States Department of State as a state sponsor of terrorism under the provisions of 22 U.S.C. 2371, 22 U.S.C. 278, or 50 U.S.C. app. 2405(j) or any other applicable federal law. The treasurer may utilize all information available to make such determinations.

SECTION 2. Notwithstanding any special or general law to the contrary, no contributory retirement system operating under the terms of section 1 to 28, inclusive, of chapter 32, including those operating under the terms of section 19 of chapter 34B, shall permit the investment of any funds in the stock, securities or other obligations in any corporation listed by the state treasurer under the provisions of paragraph (c) of section 1 of this act. Moreover, within one year of a corporation being listed on said report any aforementioned contributory retirement system shall make every reasonable effort to sell, redeem, divest or withdraw any investment currently held in such a corporation.

SECTION 3. The State Treasurer may continue any existing or and make new investments in any corporation prohibited from investment under the provisions of section 1 of this act; if, by a majority vote of investment advisory council, said council moves to exempt any such designated country. Such exemption must be made prior to April 1 in any given year and shall be applicable until March 31 of the following year.

SECTION 4. Nothing in this act shall alter or diminish existing fiduciary or statutory obligations and other terms, conditions, and limitations on the investment of retirement system assets for the exclusive interest and benefit of participants and beneficiaries of a retirement system.”

At the request of Mr. Tisei and Mr. Brown, the bill was laid over until the next session, under the provisions of Senate Rule 31.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows: The House Bill relative to the use of voting machines in the city of Haverhill (House, No. 4040),— was read a second time and ordered to a third reading.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Thomas A. Connolly, an employee of the Department of Correction (House, No. 4023),— **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, in concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bills — Land Takings for Conservation, Etc.

An engrossed Bill authorizing the town of North Reading to convey and acquire land (see House, No. 1954) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at fourteen minutes before two o'clock P.M., as follows, to wit (*yeas 34 — nays 0*) [**Yeas and Nays No. 48**]:

YEAS.	
Antonioni, Robert A.	Knapik, Michael R.
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Morrissey, Michael W.
Brown, Scott P.	O'Leary, Robert A.
Buoniconiti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Rosenberg, Stanley C.
Creedon, Robert S., Jr.	Spilka, Karen E.
Creem, Cynthia Stone	Tarr, Bruce E.
Downing, Benjamin B.	Timilty, James E.
Fargo, Susan C.	Tisei, Richard R.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Tucker, Susan C.
Hedlund, Robert L.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 34.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Barrios, Jarrett T.	Moore, Richard T.
Jehlen, Patricia D.	Resor, Pamela — 4.

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

An engrossed Bill authorizing the town of North Reading to convey and acquire land (see House, No. 1955) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,—was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined

by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at ten minutes before two o'clock P.M., as follows, to wit (*yeas 34 — nays 0*) [**Yeas and Nays No. 49**]:

YEAS.	
Antonioni, Robert A.	Knapik, Michael R.
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Morrissey, Michael W.
Brown, Scott P.	O'Leary, Robert A.
Buoniconiti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Rosenberg, Stanley C.
Creedon, Robert S., Jr.	Spilka, Karen E.
Creem, Cynthia Stone	Tarr, Bruce E.
Downing, Benjamin B.	Timilty, James E.
Fargo, Susan C.	Tisei, Richard R.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Tucker, Susan C.
Hedlund, Robert L.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 34.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Barrios, Jarrett T.	Moore, Richard T.
Jehlen, Patricia D.	Resor, Pamela — 4.

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

An engrossed Bill authorizing the town of Wellesley to convey a certain parcel of land (see House Bill, printed in House, No. 3748) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eight minutes before two o'clock P.M., as follows, to wit (*yeas 34 — nays 0*) [**Yeas and Nays No. 50**]:

YEAS.	
Antonioni, Robert A.	Knapik, Michael R.

Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Morrissey, Michael W.
Brown, Scott P.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Rosenberg, Stanley C.
Creedon, Robert S., Jr.	Spilka, Karen E.
Creem, Cynthia Stone	Tarr, Bruce E.
Downing, Benjamin B.	Timilty, James E.
Fargo, Susan C.	Tisei, Richard R.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Tucker, Susan C.
Hedlund, Robert L.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 34.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Barrios, Jarrett T.	Moore, Richard T.
Jehlen, Patricia D.	Resor, Pamela — 4.

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

An engrossed Bill authorizing the town of Wellesley to convey a certain parcel of land (see House, No. 3954) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at five minutes before two o’clock P.M., as follows, to wit (*yeas 34 — nays 0*) [**Yeas and Nays No. 51**]:

YEAS.	
Antonioni, Robert A.	Knapik, Michael R.
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.

Brewer, Stephen M.	Morrissey, Michael W.
Brown, Scott P.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Rosenberg, Stanley C.
Creedon, Robert S., Jr.	Spilka, Karen E.
Creem, Cynthia Stone	Tarr, Bruce E.
Downing, Benjamin B.	Timilty, James E.
Fargo, Susan C.	Tisei, Richard R.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Tucker, Susan C.
Hedlund, Robert L.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 34.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Barrios, Jarrett T.	Moore, Richard T.
Jehlen, Patricia D.	Resor, Pamela — 4.

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

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill amending the law providing incentives to the motion picture industry (House, No. 4084, amended),— **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2274.**

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

Pending the question on passing the bill to be engrossed, Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended by substituting the text of Senate document numbered 2275.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at a quarter before three o’clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 5 — nays 29*) [**Yeas and Nays No. 52**]:

YEAS.	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. — 5.
Knapik, Michael R.	
NAYS.	
Antonioni, Robert A.	McGee, Thomas M.

Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	O’Leary, Robert A.
Buoniconiti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Rosenberg, Stanley C.
Creedon, Robert S., Jr.	Spilka, Karen E.
Creem, Cynthia Stone	Timilty, James E.
Downing, Benjamin B.	Tolman, Steven A.
Fargo, Susan C.	Tucker, Susan C.
Hart, John A., Jr.	Walsh, Marian
Havern, Robert A.	Wilkerson, Dianne — 29.
Joyce, Brian A.	
ABSENT OR NOT VOTING.	
Barrios, Jarrett T.	Moore, Richard T.
Jehlen, Patricia D.	Resor, Pamela — 4.

The yeas and nays having been completed, at nine minutes before three o’clock P.M., the amendment was rejected. Mr. Tisei moved that this vote be reconsidered; and, after debate, the motion to reconsider was negatived.

Mr. Antonioni and Ms. Wilkerson moved to amend the bill by inserting after section 1, the following section:—

“SECTION 1A. Section 6 of Chapter 62 of the General Laws is hereby amended by inserting after the word ‘viewing’, in line 413, the following words:— and that solicit bids in accordance with section 3 of chapter 93F. Compliance with said section 3 of said chapter 93F shall be administered by the Attorney General.”; and by inserting after section 6 the following section:—

“SECTION 6A. Section 38T of chapter 63 of the General Laws, inserted by section 2 of chapter 158 of the acts of 2005, is hereby amended by inserting after the word ‘viewing’, in line 26, the following words:— and that solicit bids in accordance with section 3 of chapter 93F, compliance with said section 3 of said chapter 93F shall be administered by the attorney general.”

After debate, the amendment was *rejected*.

After further debate, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-one minutes past three o’clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 31 — nays 3*) [**Yeas and Nays No. 53**]:

YEAS.

Augustus, Edward M., Jr.
Baddour, Steven A.
Berry, Frederick E.
Brewer, Stephen M.
Brown, Scott P.
Buoniconiti, Stephen J.
Candaras, Gale D.

McGee, Thomas M.
Menard, Joan M.
Montigny, Mark C.
Morrissey, Michael W.
O’Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.

Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Downing, Benjamin B.
Fargo, Susan C.
Hart, John A., Jr.
Havern, Robert A.
Joyce, Brian A.
Knapik, Michael R.

Rosenberg, Stanley C.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — **31.**

NAYS.

Antonioni, Robert A.
Hedlund, Robert L.

Tisei, Richard R. — **3.**

ABSENT OR NOT VOTING.

Barrios, Jarrett T.
Jehlen, Patricia D.

Moore, Richard T.
Resor, Pamela — **4.**

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

PAPER FROM THE HOUSE.

A Bill making certain appropriations for fiscal year 2008 before final action on the General Appropriation Bill (printed in House, No. 4091,— being a message from His Excellency the Governor),— **was read.**

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, in concurrence.

Petition.

On motion of Mr. Montigny, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Rosenberg, (accompanied by bill) of Stanley C. Rosenberg and John W. Scibak for legislation to establish a sick leave bank for Daniel Curran, an employee of the Department of Correction,— **and the same was referred to the committee on Public Service.
Sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4111) of Byron Rushing and others that the Department of Public Health be directed to establish a program providing for the protection and safety of victims of violence,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Health.**

Emergency Preamble Adopted.

An engrossed Bill authorizing the transfer of certain land to the city of Boston (see House, No. 53, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 10 to 0.
The bill was signed by the President and sent to the House for enactment.**

Engrossed Bill.

An engrossed Bill making certain appropriations for fiscal year 2008 before final action on the General Appropriation Bill (see House Bill, printed in House, No. 4091) (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 President and laid before the Governor for his approbation.

Engrossed Bill — Land Taking for Conservation Etc.

Mr. Rosenberg in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), an engrossed Bill authorizing the transfer of certain land to the city of Boston (see House, No. 53, 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; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-six minutes past four o'clock P.M., as follows, to wit (*yeas 33 — nays 0*) [**Yeas and Nays No. 54**]:

YEAS.

Antonioni, Robert A.
Augustus, Edward M., Jr.
Baddour, Steven A.
Berry, Frederick E.
Brewer, Stephen M.
Brown, Scott P.
Candaras, Gale D.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Menard, Joan M.
Montigny, Mark C.
Morrissey, Michael W.
O'Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rosenberg, Stanley C.
Spilka, Karen E.

Creem, Cynthia Stone
Downing, Benjamin B.
Fargo, Susan C.
Hart, John A., Jr.
Havern, Robert A.
Hedlund, Robert L.
Joyce, Brian A.
Knapik, Michael R.
McGee, Thomas M.
Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — **33.**

NAYS — 0.ABSENT OR NOT VOTING.

Barrois, Jarrett T.
Buoniconti, Stephen J.
Jehlen, Patricia D.

Moore, Richard T.
Resor, Pamela — **5.**

The yeas and nays having been completed at twenty nine minutes before 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. Rosenberg) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tisei,—

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 calendar.

Moment of Silence.

At the request of the Chair (Mr. Rosenberg), the members, guests and employees stood in a moment of silence and reflection to the memory of the nine South Carolina firefighters who died battling a warehouse fire in Charleston on June 19, 2007.

*Adjournment in Memory of the Nine South Carolina Firefighters
Who Died Battling a Warehouse Fire in Charleston on June 19, 2007.*

The Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer, presented a request that when the Senate adjourns today, it do so in memory of the nine South Carolina firefighters who died battling a warehouse fire in Charleston on June 19, 2007.

The fallen firefighters ranged in age from 27 to 56, and had 131 years of experience between them. Those who died were: James "Earl" Drayton, 56, with 32 years; Michael French, 27, on the job only 18 months; 30-year veteran Capt. Bill Hutchinson, 48, who worked off-duty at a barber shop; Brad Baity, 37, a part-time house painter; Capt. Louis Mulkey, 34, a high school football and basketball coach; Capt. Mike Benke, 49; Mark Kelsey, 40; Brandon Thomson, 37; and Melvin Champaign, 46, who joined

the department just three years ago.

We join with South Carolina and the rest of the nation in mourning the deaths of these nine firefighters who perished battling a blaze that raged through a furniture store and warehouse.

This tragedy strikes the hearts of all of us here in the Commonwealth of Massachusetts as it reminds us of our own fallen heroes from Worcester who lost their lives in the line of duty on the night of December 3, 1999 putting out a raging fire in an abandoned warehouse. Six firefighters died in that blaze.

Our hearts and prayers are with the families of the brave Charleston firefighters who lost their lives, and also with their many friends and colleagues.

The Chair asks members to join in a moment of silence in memory of the nine firefighters from Charleston.

Accordingly, as a mark of respect to the memory of the nine South Carolina firefighters who died battling a warehouse fire in Charleston, at twenty-five minutes before five o'clock P.M., on motion of Mr. Brewer, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.