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.

Tuesday, July 15, 2008.

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

Communication.

A communication from the Honorable Robert A Antonioni, in compliance with Massachusetts General Laws Chapter 268A,— was placed on file.

Petitions.

Mr. Antonioni presented a petition (subject to Joint Rule 12) of Robert A. Antonioni for legislation relative to non-public school deferred compensation,— and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

The Senate petition, previously presented by Mr. Tisei, (subject to Joint Rule 9) of Richard R. Tisei, Thomas M. McGee and Katherine M. Clark for legislation relative to the Melrose Police Relief Corporation,— was transmitted, under the provisions of Section 7 of Chapter 3 of the General Laws, to the Secretary of State.

Recess.

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

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

PAPER FROM THE HOUSE.
Emergency Preamble Adopted.

An engrossed Bill relative to the benefits of certain court employees (see House, No. 4857), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 7 to 0.**
The bill was signed by the President and sent to the House for enactment.

Orders of the Day.

The Orders of the Day were considered, as follows:
There being no objection, several matters were considered out of order of the Orders of the Day, as follows:—
The Senate Bill concerning marriage laws (Senate, No. 800),— **was read a third time and, after remarks, was passed to be**

engrossed.
Sent to the House for concurrence.

The Senate Bill relative to children's mental health (Senate, No. 2804),— **was read a third time.**
Pending the question on passing the bill to be engrossed, Ms. Spilka moved that the bill be amended in section 1, in proposed section 16S, by striking out the last sentence and inserting in place thereof the following sentence:—
"The secretary shall establish guidelines for the department of children and families, the department of youth services, the department of public health, the department of mental retardation and the office of Medicaid, and, in consultation with commissioner of early education and care and the commissioner of elementary and secondary education, shall establish guidelines for those respective departments for the delivery of behavioral health services to children, including children subject to proceedings under sections 39E to 39J, inclusive, of chapter 119, pursuant to which the commissioner of mental health shall be consulted in the design and implementation of the commonwealth's behavioral health services for children."
After remarks, the amendment was **adopted.**

Ms. Spilka moved that the bill be amended in section 18 by striking out, in line 359, the words "and billing codes".
The amendment was **adopted.**

Ms. Spilka moved that the bill be amended in subsection (d) of section 19 by adding the following clause:—
"(vi) policies and protocols for a truancy prevention program certification by the department which may include mechanisms to provide technical assistance to school districts and to encourage each school district to adopt and implement a truancy prevention program which meets the certification criteria.".
After remarks, the amendment was **adopted.**

Messrs. Buoniconti and Moore moved that the bill be amended in section 15, by striking out the words "enrollment card", in line 305, and inserting in place thereof the following words:— "new enrollment cards issued in the normal course of business,".
After remarks, the amendment was **adopted.**

After further remarks, the question on passing the bill to be engrossed was determined. by a call of the yeas and nays, at sixteen minutes past three o'clock P.M., on motion of Mr. Tolman, as follows, to wit *(yeas 36 — nays 0)* **[Yeas and Nays No. 271]:**

YEAS.	
Antonioni, Robert A.	Brewer, Stephen M.
Augustus, Edward M., Jr.	Buoniconti, Stephen J.
Baddour, Steven A.	Montigny, Mark C.
Brown, Scott P.	Moore, Richard T.
Candaras, Gale D.	Morrissey, Michael W.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Petruccelli, Anthony
Downing, Benjamin B.	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Galluccio, Anthony D.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.

Knapik, Michael R.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — **36.**
NAYS — 0.	
ABSENT OR NOT VOTING.	
Berry, Frederick E.	Pacheco, Marc R.— **3.**
Marzilli, Jim	

The yeas and nays having been completed at twenty minutes past three o'clock P.M., the bill (Senate, No. 2804, amended) was passed to be engrossed.
Sent to the House for concurrence.

Bills
Relative to property tax exemptions for registered affordable accessory apartments in the town of Harvard used as affordable housing (Senate, No. 2233); and
Conveying land from the town of Plainfield to the Plainfield Congregational Church (House, No. 4474);
Were severally read a second time and ordered to a third reading.

The House Bill authorizing the city of Cambridge to abate certain fiscal year 2003 real property taxes (House, No. 4081),— **was read a second time and ordered to a third reading. There being no objection, the rules were suspended, on motion of Mr. Morrissey, and the bill was read a third time and passed to be engrossed, in concurrence.**

The Senate bills
Relative to housing rights for victims of domestic violence, rape, sexual assault and stalking (Senate, No. 2574); and
Authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town Holden (Senate, No. 2794);
Were severally read a third time and passed to be engrossed.
Severally sent to the House for concurrence.

The House Bill authorizing the Division of Capital Asset Management and Maintenance to transfer control of a certain parcel of land in the town of Lexington (House, No. 4202) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill establishing a sick leave bank for Sharon Easter, an employee of the Department of Correction (House, No. 4209, amended),— **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.

The House Bill authorizing the town of Bellingham to establish certain revolving funds (House, No. 4173),—was read a second time.
Pending the question on ordering the bill to a third reading, Mr. Moore moved that the bill be amended in section 1, by inserting after the first sentence the following 3 sentences:— "Monies in the Nextel Revolving Fund may be spent without further appropriation by the town administrator. Monies in the Bank of America Lease Revolving Fund May be spent without further appropriation by the town common trustees committee. Monies in the Historical Commission Revolving Fund may be spent without further appropriation by the historical commission."
The amendment was **adopted.**
The bill, as amended, was then ordered to a third reading. There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a third time and passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.

The House Bill further protecting children (House, No. 4811, amended),— **was read a third time.**
Pending the question on ordering the bill to a third reading, Messrs. Brown, Tisei, Knapik, Hedlund, Tarr and Timilty moved that the bill be amended in section 1, by striking in paragraph (b) in subsection 23A, the text in its entirety and inserting in place thereof the following:—
"(b) there exists more than a 7 year age difference between the defendant and the victim where the victim is 14 to 16; or"; and
In said subsection, by striking in paragraph (a) the word "12" and replacing it with the following:— "14".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twelve minutes past four o'clock P.M., on motion of Mr. Brown, as follows, to wit *(yeas 8 — nays 27)* **[Yeas and Nays No. 272]:**

YEAS.	
Brown, Scott P.	Knapik, Michael R.
Hedlund, Robert L.	Montigny, Mark C.
Morrissey, Michael W.	Timilty, James E.
Tarr, Bruce E.	Tisei, Richard R. **— 8.**
NAYS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Moore, Richard T.
Brewer, Stephen M.	O'Leary, Robert A.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Candaras, Gale D.	Petruccelli, Anthony
Chandler, Harriette L.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Tolman, Steven A.
Galluccio, Anthony D.	Tucker, Susan C.
Hart, John A., Jr.	Walsh, Marian
Jehlen, Patricia D.	Wilkerson, Dianne **— 27.**
Joyce, Brian A.	
PAIRED.	
YEA. NAY.	
Marc R. Pacheco	Robert S. Creedon, Jr. (present) **— 2.**
ABSENT OR NOT VOTING.	
Berry, Frederick E.	Marzilli, Jim **— 2.**

The yeas and nays having been completed at seventeen minutes past four o'clock P.M., the amendment was rejected.

Messrs. Brown, Tisei, Knapik, Hedlund, Tarr and Timilty moved that the bill be amended by inserting the following new section:—

"SECTION 5. Paragraph (b) of Section 29A of Chapter 272 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following:— and whoever, either with knowledge that a person is a child under fourteen years of

age or while in possession of such facts that he should have reason to know that such person is a child under fourteen years of age, and hires, coerces, solicits or entices, employs, procures, uses, causes, encourages, or knowingly permits such child to participate or engage in any act that depicts, describes, or represents sexual conduct for the purpose of representation or reproduction in any visual material, or to engage in any live performance involving sexual conduct, shall be punished by imprisonment in the state prison for a term of not less than fifteen years. The provisions of Section 87 of Chapter 276 relating to the power of the court to place certain offenders on probation shall not apply to any person charged with a violation of this section.".
After remarks, the amendment was *rejected.*

Messrs. Brown, Tisei, Knapik, Hedlund, Tarr and Timilty moved that the bill be amended by inserting the following new section:—
"SECTION 5. Section 178G of Chapter 6 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the words 'has been determined by the sentencing court to be a sexually violent predator,' the following words:— or has been convicted of the rape of a child pursuant to Section 22A of Chapter 265.".
After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty minutes past four o'clock P.M., on motion of Mr. Brown, as follows, to wit *(yeas 7 — nays 28)* **[Yeas and Nays No. 273]:**

YEAS.	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Knapik, Michael R.	Tisei, Richard R. **—7.**
Montigny, Mark C.	
NAYS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Buoniconti, Stephen J.	O'Leary, Robert A.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Petruccelli, Anthony
Creem, Cynthia Stone	Resor, Pamela
Downing, Benjamin B.	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Galluccio, Anthony D.	Tolman, Steven A.
Hart, John A., Jr.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne **— 28.**
PAIRED.	
YEA. NAY.	

Marc R. Pacheco	Robert S. Creedon, Jr. (present) — **2.**
ABSENT OR NOT VOTING.	
Berry, Frederick E.	Marzilli, Jim — **2.**

The yeas and nays having been completed at twenty-three minutes past four o'clock P.M., the amendment was rejected.

Ms. Creem moved that the bill be amended by striking sections 3 and 4.
The amendment was *rejected.*

Ms. Creem moved that the bill be amended in section 3, in lines 13 and 14, by striking the words "are relevant and material to an ongoing criminal investigation" and inserting in place thereof the following:— "are being or may be used for an unlawful purpose".
After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-one minutes before five o'clock P.M., on motion of Ms. Creem, as follows, to wit *(yeas 7— nays 29)* **[Yeas and Nays No. 274]:**

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Creem, Cynthia Stone	Walsh, Marian
Hedlund, Robert L.	Wilkerson, Dianne — **7.**
Jehlen, Patricia D.	
NAYS.	
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Candaras, Gale D.	Petruccelli, Anthony
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Galluccio, Anthony D.	Timilty, James E.
Hart, John A., Jr.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C. — **29.**
Menard, Joan M.	

ABSENT OR NOT VOTING.	
Berry, Frederick E.	Pacheco, Marc R. — **3.**
Marzilli, Jim	

The yeas and nays having been completed at eighteen minutes before five o'clock P.M., the amendment was rejected.

Ms. Creem moved that the bill be amended in section 1, by striking lines 83 through 98; and in section 2, by striking the words in lines 85 through 100 and lines 150 through 165.
The amendment was *rejected.*

Messrs. Tarr, Tisei, Knapik, Hedlund, Brown and Timilty moved that the bill be amended in the first paragraph of section 22A by inserting after the words "for any term of years" the following words:— "but not less than 10 years. The sentence imposed on such person shall not be reduced to less than 10 years, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, work release, or furlough or receive any deduction from his sentence for good conduct until he shall have served 10 years of such sentence.".
After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at a quarter past five o'clock P.M., on motion of Mr. Tarr, as follows, to wi*t (yeas 9 — nays 26)* **[Yeas and Nays No. 275]:**

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Creem, Cynthia Stone	Walsh, Marian
Hedlund, Robert L.	Wilkerson, Dianne — **7.**
Jehlen, Patricia D.	
NAYS.	
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Candaras, Gale D.	Petruccelli, Anthony
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Galluccio, Anthony D.	Timilty, James E.
Hart, John A., Jr.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.

Knapik, Michael R.	Tucker, Susan C. — **29.**
Menard, Joan M.	
ABSENT OR NOT VOTING.	
Berry, Frederick E.	Pacheco, Marc R. — **3.**
Marzilli, Jim	

The yeas and nays having been completed at twenty-two minutes past five o'clock P.M., the amendment was rejected.

Messrs. Knapik, Tarr and Timilty moved that the bill be amended by adding the following:—

"SECTION 1. Section 8A of chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 23 to 24, 'has been convicted of the crime of rape, unnatural act, sodomy, or' and inserting in place thereof the following words:— is a sex offender, as defined in section 178C of chapter 6, or who had been convicted of.

SECTION 2. Section 8A½ of said chapter 90, as so appearing, is hereby amended by striking out, in lines 20 to 21, 'has been convicted of the crime of rape, unnatural act, sodomy, or ' and inserting in place thereof the following words:— is a sex offender, as defined in section 178C of chapter 6, or who had been convicted of.

SECTION 3. Chapter 265 of the General Laws is hereby amended by adding the following section:—
Section 45. A sex offender, as defined by section 178C of chapter 6, who engages in ice cream truck vending, as defined in section 25 of chapter 270, shall be punished by up to 2½ years in the house of correction or by a fine of $1,000 or by both such fine and imprisonment. A police officer or officer authorized to serve criminal process may arrest without a warrant any person who he has probable cause to believe has violated this section.

SECTION 4. Chapter 270 of the General Laws is hereby amended by adding the following section:—
Section 25. (a) For the purposes of this section, the following words shall have the following meanings:—
'Ice cream', any frozen dairy or water-based food product.
'Ice cream truck', any motor vehicle used for selling, displaying or offering to sell ice cream or any other frozen dairy or frozen water-based food product.
'Ice cream truck vending', the selling, displaying or offering to sell ice cream, water-based food product or any other prepackaged food product from an ice cream truck.
'Permitting authority', the chief of police or the board or officer having control of the police in a city or town or person authorized by them.
(b) No person shall engage in ice cream truck vending unless issued a valid permit to do so by the permitting authority within the municipality wherein the permit applicant lives or intends to operate such ice cream truck. Such permit shall be conspicuously displayed and clearly visible on the windshield of such truck. Whoever violates this section shall be assessed a fine of $500. Each day that such person is in operation in violation of this section may be considered a separate violation.

SECTION 5. The department of public safety shall adopt regulations relative to the annual permitting of ice cream truck vendors. Such regulations shall include, but not be limited to:
(1) a requirement that all applications for such permit or applications for a renewal of such a permit include a current photo of the applicant and the applicant's fingerprints;
(2) adoption of a uniform permit application and permit form, to be used by all municipalities;
(3) requiring that all permitting authorities, as defined by section 25 of chapter 270, conduct an investigation into the criminal history of a permit applicant to determine eligibility for a permit;
(4) restricting any permitting authority, as defined by section 25 of chapter 270, from issuing an ice cream truck vending permit to any sex offender, as defined by section 178C of chapter 6 of the General Laws; and
(5) establishing an appeal process for any persons denied such permit.

SECTION 6. The department of pubic safety shall adopt the regulations required under section 3 not later than 90 days from the effective date of this act.

SECTION 7. Section.2 shall take effect 180 days from the effective date of this act.".
After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-eight minutes before six o'clock P.M., on motion of Mr. Knapik, as follows, to wit *(yeas 14 — nays 21)* **[Yeas and Nays No. 276]:**

YEAS.	
Antonioni, Robert A.	O'Leary, Robert A.
Brown, Scott P.	Spilka, Karen E.
Candaras, Gale D.	Tarr, Bruce E.
Creem, Cynthia Stone	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tucker, Susan C.
Morrissey, Michael W.	Walsh, Marian — **14.**
NAYS.	
Augustus, Edward M., Jr.	Brewer, Stephen M.
Baddour, Steven A.	Buoniconti, Stephen J.
Chandler, Harriette L.	Montigny, Mark C.
Downing, Benjamin B.	Moore, Richard T.
Fargo, Susan C.	Panagiotakos, Steven C.
Galluccio, Anthony D.	Petruccelli, Anthony
Hart, John A., Jr.	Resor, Pamela
Jehlen, Patricia D.	Rosenberg, Stanley C.
Joyce, Brian A.	Tolman, Steven A.
McGee, Thomas M.	Wilkerson, Dianne — **21.**
Menard, Joan M.	
PAIRED.	
YEA. NAY.	
Marc R. Pacheco	Robert S. Creedon, Jr. (present) — **2.**
ABSENT OR NOT VOTING.	
Berry, Frederick E.	Marzilli, Jim — **2.**

The yeas and nays having been completed at twenty-four minutes before six o'clock P.M., the amendment was rejected.

Ms. Creem moved that the bill be amended in section 1, by striking in lines 43 to 46, the following words:— " ; or (c) at the time of commission of said indecent assault and battery, the defendant occupied the position of a mandated reporter as that term is defined in Section 51A of Chapter 119".
The amendment was *rejected.*

Ms. Creem moved that the bill be amended in section 1, by inserting in line 46, after the words “Section 51A of Chapter 119” the following words:— “and the assault and battery was committed upon a victim with whom the defendant had such a mandated reporter relationship,”; and in section 2, by adding in line 119 after the words “Chapter 119 of the General Laws” the following words :— “and the intercourse was committed upon a victim with whom the defendant had such a mandated reporter relationship,”.
After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at seventeen minutes before six o’clock P.M., on motion of Ms. Creem, as follows, to wit *(yeas 13 — nays 22)* **[Yeas and Nays No. 277]:**

YEAS.	
Antonioni, Robert A.	Morrissey, Michael W.
Candaras, Gale D.	O’Leary, Robert A.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Tucker, Susan C.
Hedlund, Robert L.	Walsh, Marian
Jehlen, Patricia D.	Wilkerson, Dianne — **13.**
McGee, Thomas M.	
NAYS.	
Augustus, Edward M., Jr.	Buoniconti, Stephen J.
Baddour, Steven A.	Chandler, Harriette L.
Brewer, Stephen M.	Downing, Benjamin B.
Brown, Scott P.	Galluccio, Anthony D.
Hart, John A., Jr.	Petruccelli, Anthony
Joyce, Brian A.	Rosenberg, Stanley C.
Knapik, Michael R.	Spilka, Karen E.
Menard, Joan M.	Tarr, Bruce E.
Montigny, Mark C.	Timilty, James E.
Moore, Richard T.	Tisei, Richard R.
Panagiotakos, Steven C.	Tolman, Steven A. — **22.**
PAIRED.	
YEA. NAY.	
Marc R. Pacheco	Robert S. Creedon, Jr. (present) — **2.**
ABSENT OR NOT VOTING.	
Berry, Frederick E.	Marzilli, Jim — **2.**

The yeas and nays having been completed at thirteen minutes before six o’clock P.M., the amendment was rejected.

Ms. Creem moved that the bill be amended by adding the following sections:—
“SECTION_. Section 32H of chapter 94C, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line

13, the word ‘parole,’; and by inserting at the end of said section the following paragraph:— Notwithstanding any general or special law to the contrary, a person convicted of violating any provisions of sections 32, 32A, 32B, 32E, 32F, and 32J of chapter 94C of the General Laws, who is serving a sentence where two-thirds of the maximum term of imprisonment imposed is less than the mandatory minimum sentence required under that section shall be eligible for parole after serving two-thirds of the maximum term of imprisonment imposed.
SECTION_. Notwithstanding the provisions of sections 32, 32A, 32B, 32E, 32F, and 32J of chapter 94C of the General Laws, or any other general or special law to the contrary, persons serving mandatory minimum sentences for violations of the above referenced sections as of September 1, 2008 shall be eligible for parole after serving two-thirds of their maximum sentence.”
The amendment was *rejected.*
The bill was then ordered to a third reading and read a third time, pursuant to the special order previously adopted.

After remarks, the question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays at three minutes past six o’clock P.M., on motion of Mr. Baddour, as follows, to wit *(yeas 35 — nays 1)* **[Yeas and Nays No. 278]:**

YEAS.	
Antonioni, Robert A.	Buoniconti, Stephen J.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Brown, Scott P.	Morrissey, Michael W.
Brewer, Stephen M.	O’Leary, Robert A.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Petruccelli, Anthony
Creedon, Robert S., Jr.	Resor, Pamela
Downing, Benjamin B.	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Galluccio, Anthony D.	Tarr, Bruce E.
Hart, John A., Jr.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — **35.**
Menard, Joan M.	
NAYS.	
Creem, Cynthia Stone **—1.**	
ABSENT OR NOT VOTING.	
Berry, Frederick E.	Pacheco, Marc R.— **3.**
Marzilli, Jim	

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

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 House Bill relative to the leasing of certain property in the city of Waltham (House, No. 4636),— **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill authorizing the city of Quincy to convey certain land (Senate, No. 2724),— **was read a third time and passed to be engrossed.**
Sent to the House for concurrence.

Report of Committees.

By Mr. Downing, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Robert A. Antonioni, Jennifer L. Flanagan, Robert L. Rice and Stephen L. DiNatale for legislation to designate the Fitchburg District Courthouse as the Gelinas Courthouse.
Senate Rule 36 was suspended, on motion of Mr. Downing, 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.
Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:
Relative to health inspectors of the city of Somerville (see Senate, No. 2168, amended);
Establishing a sudden infant death syndrome advisory council (see House, No. 1678); and
Designating a certain traffic rotary in the city of Everett as the Edward G. Connolly memorial rotary (see House, No. 3634).

An engrossed Bill relative to the benefits of certain court employees (see House, No. 4857, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the President and again laid before the Governor for his approbation.

Emergency Preamble Adopted.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to transfer control of a certain parcel of land in the town of Lexington (see House, No. 4202), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 6 to 0.**
The bill was signed by the President and sent to the House for enactment.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to patient safety (House, No. 4783),— **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2805.**
There being no objection, the rules were suspended, on motion of Mr. Panagiotakos, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.
The bill, as amended, was then ordered to a third reading.

Orders Adopted.

Mr. Moore offered the following order to wit:
Ordered, That all amendments to the House Bill relative to patient safety (House, No. 4783), shall be to the Senate document numbered 2805, and shall be filed electronically in the office of the Clerk of the Senate by 4:00 p.m. on Wednesday, July 16. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.
Under the rules, referred to the committee on Ethics and Rules. Subsequently, Mr. Downing, for the said committee, reported, recommending that the order ought to be adopted.
The rules were suspended, on motion of Mr. Moore, and the order was considered forthwith and adopted.
Sent to the House for concurrence.

Mr. Moore offered the following order to wit:
Ordered, That a special committee of the Senate be appointed to represent the Senate at the annual meeting of the National Conference of State Legislatures (NCSL) in New Orleans, Louisiana from July 22-26, 2008, and that the Senator from Worcester and Norfolk, Mr. Moore, a member of the Executive Committee of the NCSL, be appointed to said committee.
Under the rules, referred to the committee on Ethics and Rules. Subsequently, Mr. Downing, for the said committee, reported, recommending that the order ought to be adopted.
The rules were suspended, on motion of Mr. Moore, and the order was considered forthwith and adopted.
Sent to the House for concurrence.

On motion of Mr. Moore,—

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 Mr. Panagiotakos, at twelve minutes past six o'clock P.M., the Senate adjourned to meet on the following day at eleven o'clock A.M