

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, July 31, 2008.

Met according to adjournment at ten o'clock A.M.

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

Distinguished Guests.

There being no objection, the several guests were recognized, to wit:

The President introduced Governor Deval Patrick. The President informed the members that today was the Governor's 52nd birthday. The Senate welcomed him with applause. The Governor briefly addressed the Senate, thanking everyone for their hard work and dedication to the Commonwealth.

The President handed the gavel to Ms. Tucker for the purpose of an introduction. Ms. Tucker then introduced, seated in the Senate gallery, students from Lawrence High School. The students are participating in the University of Massachusetts at Lowell College Prep Program and are spending the summer improving their academic skills and raising their aspirations. The students were accompanied by the College Prep Director, Dr. Hector Torres.

The President handed the gavel to Mr. Buoniconti for the purpose of an introduction. Mr. Buoniconti then introduced the winner of the 2008 Miss Massachusetts Beauty Pageant, Alicia Zitka. Alicia is a resident of West Springfield, Massachusetts and a graduate of the University of Massachusetts, Amherst. The Senate applauded her accomplishments and wished her luck as she prepares for the Miss America Competition in Las Vegas.

The Chair (Mr. Rosenberg) briefly introduced guests of Mr. Montigny that were visiting the State House. He then introduced Paul and Barb Lehnus of Boise, Idaho and Tom and Martha Horan of Dracut, Massachusetts.

The President handed the gavel to Ms. Spilka and Ms. Candaras for the purpose of an introduction. Ms. Spilka and Ms. Candaras then introduced Reverend Joseph W. Bradley of Springfield, Massachusetts. Reverend Bradley was presented with Senate Resolutions recognizing him for his 38 years of service and on the occasion of his retirement. He is the father of Erin Bradley, the Policy Analyst for Senator Spilka. The Senate welcomed him with applause and he withdrew from the Chamber.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5021) of Alice Hanlon Peisch (by vote of the town) that the town of Weston be authorized to issue a license for the sale of alcoholic beverages to be drunk on the premises to Josiah Smith Tavern and Barn,—**was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.**

Emergency Preamble Adopted.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant a certain easement over lands held for conservation and recreation purposes (see Senate, No. 2511, 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 6 to 0.

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

Engrossed Bills — Land Taking for Conservation, Etc.

An engrossed Bill relative to certain easements held by the Commonwealth of Massachusetts and the Massachusetts Water Resources Authority in the town of Wellesley (see Senate, No. 2219) (which originated in the Senate), 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 one minute past ten o'clock A.M., as follows, to wit (*yeas 21 — nays 0*) [***Yeas and Nays No. 354***]:

YEAS.	
Augustus, Edward M., Jr.	Pacheco, Marc R.
Baddour, Steven A.	Panagiotakos, Steven C.
Brewer, Stephen M.	Petrucelli, Anthony
Brown, Scott P.	Resor, Pamela
Downing, Benjamin B.	Rosenberg, Stanley C.
Jehlen, Patricia D.	Spilka, Karen E.
Knapik, Michael R.	Tarr, Bruce E.
McGee, Thomas M.	Timilty, James E.
Menard, Joan M.	Tisei, Richard R.
Montigny, Mark C.	Walsh, Marian — 21.
Moore, Richard T.	
NAYS — 0.	
PAIRED.	
YEAS. NAYS.	
Gale D. Candaras (present),	Robert S. Creedon, Jr.
Harriette L. Chandler (present),	Brian A. Joyce.
Susan C. Fargo (present),	Robert A. O'Leary.
John A. Hart., Jr. (present),	Susan C. Tucker.
Michael W. Morrissey (present),	Dianne Wilkerson — 10.
ABSENT OR NOT VOTING.	

Antonioni, Robert A.	Galluccio, Anthony D.
Berry, Frederick E.	Hedlund, Robert L.
Buoniconti, Stephen J.	Marzilli, Jim
Creem, Cynthia Stone	Tolman, Steven A. — 8.

The yeas and nays having been completed at eight minutes past ten o'clock A.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 Division of Capital Asset Management and Maintenance to lease certain property to the town of Shirley (see Senate, No. 2510) (which originated in the Senate), 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 nine minutes past ten o'clock A.M., as follows, to wit (yeas 26 — nays 0) [Yeas and Nays No. 355]:

YEAS.	
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Downing, Benjamin B.	Petrucelli, Anthony
Fargo, Susan C.	Resor, Pamela
Hedlund, Robert L.	Rosenberg, Stanley C.
Jehlen, Patricia D.	Spilka, Karen E.
Knapik, Michael R.	Tarr, Bruce E.
McGee, Thomas M.	Tisei, Richard R.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 26.
NAYS — 0.	
PAIRED.	
YEAS. NAYS.	
Gale D. Candaras (present),	Robert S. Creedon, Jr.
Cynthia Stone Creem,	Brian A. Joyce

John A. Hart, Jr. (present),	James E. Timilty (present) — 6.
ABSENT OR NOT VOTING.	
Antonioni, Robert A.	Marzilli, Jim
Berry, Frederick E.	Tolman, Steven A.
Buoniconti, Stephen J.	Tucker, Susan C. — 7.
Galluccio, Anthony D.	

The yeas and nays having been completed at sixteen minutes past ten o'clock A.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 city of Fitchburg to lease certain park land to the Wallace Civic Center and Planetarium (see Senate, No. 2589) (which originated in the Senate), 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 seventeen minutes past ten o'clock A.M., as follows, to wit (yeas 24 — nays 0) [Yeas and Nays No. 356]:

YEAS.	
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Downing, Benjamin B.	Petrucelli, Anthony
Fargo, Susan C.	Resor, Pamela
Hedlund, Robert L.	Rosenberg, Stanley C.
Jehlen, Patricia D.	Spilka, Karen E.
Knapik, Michael R.	Tarr, Bruce E.
McGee, Thomas M.	Tisei, Richard R.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 26.
NAYS — 0.	
PAIRED.	
YEAS. NAYS.	

Gale D. Candaras (present),	Robert S. Creedon, Jr.
Cynthia Stone Creem,	Brian A. Joyce
John A. Hart, Jr. (present),	James E. Timilty (present) — 6.
ABSENT OR NOT VOTING.	
Antonioni, Robert A.	Marzilli, Jim
Berry, Frederick E.	Tolman, Steven A.
Buoniconti, Stephen J.	Tucker, Susan C. — 7.
Galluccio, Anthony D.	

The yeas and nays having been completed at twenty-two minutes past ten o'clock A.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 Middleborough to use a portion of town-owned land for purposes other than water supply protection and storage (see Senate, No. 1189) (which originated in the Senate), 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-three minutes past ten o'clock A.M., as follows, to wit (yeas 27 — nays 0) [Yeas and Nays No. 357]:

YEAS.	
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Downing, Benjamin B.	Petrucelli, Anthony
Fargo, Susan C.	Resor, Pamela
Hedlund, Robert L.	Rosenberg, Stanley C.
Jehlen, Patricia D.	Spilka, Karen E.
Knapik, Michael R.	Tarr, Bruce E.
McGee, Thomas M.	Tisei, Richard R.
Menard, Joan M.	Walsh, Marian

Montigny, Mark C.	Wilkerson, Dianne — 26.
NAYS — 0.	
PAIRED.	
YEAS. NAYS.	
Gale D. Candaras (present),	Robert S. Creedon, Jr.
Cynthia Stone Creem,	Brian A. Joyce
John A. Hart, Jr. (present),	James E. Timilty (present) — 6.
ABSENT OR NOT VOTING.	
Antonioni, Robert A.	Marzilli, Jim
Berry, Frederick E.	Tolman, Steven A.
Buoniconiti, Stephen J.	Tucker, Susan C. — 7.
Galluccio, Anthony D.	

The yeas and nays having been completed at twenty-eight minutes past ten o'clock A.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 Division of Capital Asset Management and Maintenance to grant a sewer easement in certain land in the town of Belchertown (see Senate, No. 2355, amended) (which originated in the Senate), 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-nine minutes past ten o'clock A.M., as follows, to wit (yeas 31 — nays 0) [**Yeas and Nays No. 358**]:*

YEAS.

*Augustus, Edward M., Jr. Moore, Richard T.
Baddour, Steven A. Morrissey, Michael W.
Brewer, Stephen M. O'Leary, Robert A.
Brown, Scott P. Pacheco, Marc R.
Buoniconiti, Stephen J. Panagiotakos, Steven C.
Candaras, Gale D. Petrucci, Anthony
Chandler, Harriette L. Resor, Pamela
Creem, Cynthia Stone Rosenberg, Stanley C.
Downing, Benjamin B. Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Galluccio, Anthony D. Timilty, James E.
Hedlund, Robert L. Tisei, Richard R.
Jehlen, Patricia D. Tucker, Susan C.
Knapik, Michael R. Walsh, Marian
Menard, Joan M. Wilkerson, Dianne — 31.
Montigny, Mark C.*

NAYS — 0.

PAIRED.

YEAS. NAYS.

John A. Hart, Jr. (present), Frederick E. Berry.
Thomas M. McGee (present), Robert S. Creedon, Jr.
Steven A. Tolman (present), Brian A. Joyce — 6.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at twenty-eight minutes before eleven o'clock A.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 relative to the leasing of a certain parcel of land in the town of Gardner (see Senate, No. 2696, amended) (which originated in the Senate), 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-seven minutes before eleven o'clock A.M., as follows, to wit (yeas 32 — nays 0) [Yeas and Nays No. 359]:

YEAS.

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. Pacheco, Marc R.
Candaras, Gale D. Panagiotakos, Steven C.
Chandler, Harriette L. Petrucci, Anthony
Creem, Cynthia Stone Resor, Pamela
Downing, Benjamin B. Rosenberg, Stanley C.
Fargo, Susan C. Spilka, Karen E.
Galluccio, Anthony D. Tarr, Bruce E.
Hedlund, Robert L. Timilty, James E.
Jehlen, Patricia D. Tisei, Richard R.
Knapik, Michael R. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian
Menard, Joan M. Wilkerson, Dianne — 32.

NAYS — 0.

PAIRED.

YEAS. NAYS.

Robert S. Creedon, Jr. (present), Robert A. Antonioni.
John A. Hart, Jr. (present), Frederick E. Berry.
Steven A. Tolman (present), Brian A. Joyce — 6.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at twenty-four minutes before eleven o'clock A.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 relative to a parcel of land in the city of Lowell (see Senate, No. 2726) (which originated in the Senate), 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 two minutes past eleven o'clock A.M., as follows, to wit (yeas 35 — nays 0) [Yeas and Nays No. 360]:

YEAS.

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. Pacheco, Marc R.
Candaras, Gale D. Panagiotakos, Steven C.
Chandler, Harriette L. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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.
Hedlund, Robert L. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 35.
McGee, Thomas M.

NAYS — 0.

PAIRED.

YEAS. NAYS.

Joan M. Menard (present), Frederick E. Berry — 2.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at seven minutes past eleven o'clock A.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 Commissioner of Capital Asset Management and Maintenance to grant easements in the city of Somerville (see House, No. 4781) (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 past eleven o'clock A.M., as follows, to wit (yeas 36 — nays 0) [Yeas and Nays No. 361]:

YEAS.

Antonioni, Robert A. Brewer, Stephen M.
Augustus, Edward M., Jr. Brown, Scott P.
Baddour, Steven A. Buoniconti, Stephen J.
Candaras, Gale D. Morrissey, Michael W.
Chandler, Harriette L. O'Leary, Robert A.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Downing, Benjamin B. Petrucci, Anthony
Fargo, Susan C. Resor, Pamela
Galluccio, Anthony D. Rosenberg, Stanley C.
Hart, John A., Jr. Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
McGee, Thomas M. Tucker, Susan C.
Montigny, Mark C. Walsh, Marian
Moore, Richard T. Wilkerson, Dianne — 36.

NAYS — 0.

PAIRED.

YEAS. NAYS.

Joan M. Menard (present), Frederick E. Berry — 2.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at ten minutes past eleven o'clock A.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.

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to eligibility for cooperative housing corporations (see House, No. 1224) [for message, see House, No. 4445],— came from the House with the endorsement that the House had rejected the amendment recommended by the Governor, and had adopted the following amendment, by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4897.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Tarr.

The Governor's amendment was then rejected.

The House amendment was then considered.

Pending the question on concurring in the House amendment, Mr. Creedon moved to amend the amendment by striking section 4 and inserting in place thereof the following:

"SECTION 4. This law shall not apply to cooperative housing corporations and limited equity cooperative housing corporations organized or existing prior to the effective date of this act."

The amendment was rejected.

The House amendment was again considered and it was adopted, in concurrence (as corrected BTR).

Sent to the House for re-enactment.

The House Bill relative to financing an accelerated structurally-deficient bridge improvement program (House, No. 4972, amended),— came from the House with the endorsement that the House had concurred in the Senate amendment with a further amendment striking out section 6 and inserting in place thereof the following section:

"SECTION 6. Chapter 6A of the General Laws is hereby amended by inserting after section 8B the following new section:

Section 8C. (a) There shall be established a structurally deficient bridge improvement program coordination and oversight council. The council shall consist of a chair appointed by the governor, the secretary of administration and finance, or his designee, the secretary of transportation and public works, the secretary of energy and environmental affairs, the commissioner of the department of highways, the commissioner of conservation and recreation and the commissioner of capital asset management and maintenance.

(b) The council shall coordinate and oversee of the accelerated structurally deficient bridge improvement program including, without limitation:— (i) ensuring regular communication and coordination between the department of highways and the department of conservation and recreation as to their bridge development projects, programs and plans and any regulations or guidelines promulgated pursuant thereto; (ii) establishing and implementing project controls to ensure adequate tracking and reporting of program progress, cost and schedules; (iii) establishing an annual structurally deficient bridge improvement plan which shall include the number and location of bridges which shall be replaced or rehabilitated in the preceding year and the cost estimates of said replacement or rehabilitation provided, however, that the council shall annually submit a report pursuant to this clause (iii) of subsection (b) not later than December 31st to the chairs of the house and senate committees on ways and means, the chairs of joint committee on bonding, capital expenditures and state assets and the chairs of the joint committee on transportation; (iv) directing appropriate agencies to provide technical assistance as necessary to accomplish the objectives of the structurally deficient bridge improvement program; (v) coordinating and resolving any inconsistencies between capital investments made pursuant to the bridge improvement program and capital improvements made pursuant to the commonwealth's capital plan; and (vi) establish criteria for project selection relative to funding from the structurally deficient bridge improvement program.

(c) The council shall annually, not later than December 31st, submit a report of its activities to the chairs and ranking members of the house and senate committees on ways and means, the chairs and ranking members of joint committee on bonding, capital expenditures and state assets and the chairs and ranking members of the joint committee on transportation.

(d) The council shall meet at least quarterly. The secretary of executive office of transportation shall provide personnel necessary to coordinate the activities of the council and to provide administrative support to the council, as requested."

In section 12, by inserting after the word "repairing", in line 282, the following words:— "highways, roadways, boulevards, parkways";

In said section 12, by inserting after the word "of", in line 293, the following words:— highways, roadways, boulevards, and parkways";

In section 16, by striking out in lines 356 and 357, the words "secretary of administration and finance in conjunction with the secretary of transportation" and inserting in place thereof the following word:— "council";

In said section 16, by inserting after the word "other", in line 358, the following words:— "department of highways"

In said section 16, by inserting after the words "opinion of the", in line 369, the following words:— "council with consultation from the";

In said section 16, by striking out, in line 369, the words “and public works”;

In section 17, by striking out, in lines 380 to 382, inclusive, the words “secretary of transportation and public works, the department of highways and the department of conservation and recreation, hereinafter referred to as the agencies, shall perform appropriate oversight and” and inserting in place thereof the following word:— “council”;

In said section 17, by striking out, in line 384, the word “agencies” and inserting in place thereof the following word:— “council”;

In said section 17, by striking out, in lines 386 and 387 the words “secretary of transportation and public works, acting on behalf of the agencies,” and inserting in place thereof the following word:— “council”;

In said section 17, by inserting after the words “subject to a”, in line 393, the following word:— “joint”;

In said section 17, by inserting after the word “by”, in line 394, the following words:— “the joint committee on transportation and”;

In section 19, by striking out, in lines 403 and 404, the words “secretary of transportation and public works” and inserting in place thereof the following word:— “council”; and

In said section 19, by striking out in line 413, the words “secretary of transportation and public works” and inserting in place thereof the following word:— “council”.

The rules were suspended, on motion of Mr. Panagiotakos, and the House further amendment was considered forthwith and adopted, in concurrence (as corrected BTR).

A Bill authorizing the State Secretary to place the office of selectman on the state election ballot in the town of Topsfield (printed in House, No. 4884,— being a message from His Excellency the Governor),— was read.

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

A Bill relative to Charlestown’s designated port area (House, No. 4992,— on House, No. 4861) [Local approval received on House, No. 4861],— was read.

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

The same Senator moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following text:

“Notwithstanding any general or special law, rule or regulation to the contrary, a certain parcel of land located on the northerly side of Medford Street in the Charlestown section of the city of Boston shall not be included within the boundaries of any designated port area. This parcel, located at 465 Medford street in the Charlestown section of Boston, is registered under certificate of title number 111502 in the Suffolk county registry of deeds, and is comprised of 3 parcels described in the certificate and shown on plans 3503-A, 6246-A, and 9147-A, filed with the Suffolk registry district of the land court.”

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Message from the Governor — Disapprovals and Reductions General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4900), which on Thursday, July 3, 2008, had been laid before the Governor for his approbation; came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4956) was read; and the Senate proceeded to reconsider several items which had been disapproved or reduced in accordance with the provisions of the Constitution.

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

“0339-4004 For the cost of intensive supervision and community corrections programs; provided, that the programs shall include, but not be limited to, tracking, community service, educational assistance, drug and alcohol testing and treatment, curfew enforcement, home confinement, day reporting, means-tested fines, restitution, and community incapacitation or restraint; provided further, that the number of placements in the programs shall not exceed a daily average goal of 5,000 intensively-supervised probationers; provided further, that funds from this item shall be expended to cover the costs of the programs that are undertaken and administered by court probation offices and county sheriffs’ offices; provided further, that said funds shall be expended for the purpose of providing such programs in Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester counties in fiscal year 2009; provided further, that the executive director of the office of community corrections of the trial court shall enter into interagency service agreements and memoranda of understanding with the probation offices and sheriffs’ offices for the provision of such programs, including the contracting for detention space for probationers arrested for violating probation and awaiting court action and detention space for probationers who have been ordered by the trial court to be supervised at a higher level of restraint; provided further, that such agreements and memoranda shall be entered into at the direction of the executive director; provided further, that the executive director shall submit a spending and management plan for the programs to the house and senate committees on ways

and means not later than January 30, 2009; and provided further, that the plan shall include the projected number of probationers to be served by each program and include a description of the oversight and services provided to the probationers 19,316,186.”.

[The Governor reduced this item by \$206,045.]

After remarks, the question on passing item 0339-1004, contained in, section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-one minutes past eleven o'clock A.M., as follows, to wit (yeas 31 — nays 4) **[Yeas and Nays No. 362]:**

YEAS.

Augustus, Edward M., Jr. Hedlund, Robert L.
Baddour, Steven A. Jehlen, Patricia D.
Brewer, Stephen M. Joyce, Brian A.
Buoniconti, Stephen J. McGee, Thomas M.
Candaras, Gale D. Montigny, Mark C.
Chandler, Harriette L. Moore, Richard T.
Creedon, Robert S., Jr. Morrissey, Michael W.
Creem, Cynthia Stone O'Leary, Robert A.
Downing, Benjamin B. Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Galluccio, Anthony D. Petrucci, Anthony
Hart, John A., Jr. Resor, Pamela
Rosenberg, Stanley C. Tucker, Susan C.
Spilka, Karen E. Walsh, Marian
Timilty, James E. Wilkerson, Dianne — 31.
Tolman, Steven A.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Knapik, Michael R. Tisei, Richard R. — 4.

PAIRED.

YEAS. NAYS.

Joan M. Menard (present), Frederick E. Berry — 2.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

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

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

“0339-1003 For the operation of the trial court office of community corrections, including the costs of personnel; provided, that no funds shall be expended from this item to cover the costs of building leases 7,776,254.”.

[The Governor reduced this item by \$1,656,417.]

After remarks, the question on passing item 0339-1003, contained in, section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-nine minutes before twelve o'clock noon, as follows, to wit (yeas 29 — nays 5) **[Yeas and Nays No. 363]:**

YEAS.

Augustus, Edward M., Jr. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Buoniconti, Stephen J. O'Leary, Robert A.
Candaras, Gale D. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Petrucci, Anthony
Creem, Cynthia Stone Resor, Pamela
Downing, Benjamin B. Rosenberg, Stanley C.
Fargo, Susan C. Spilka, Karen E.

Galluccio, Anthony D. Timilty, James E.
Hart, John A., Jr. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 29.
Montigny, Mark C.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 5.
Knapik, Michael R.

PAIRED.

YEAS. NAYS.

Joan M. Menard (present), Frederick E. Berry — 2.

ANSWERED “PRESENT”.

Baddour, Steven A. — 1.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

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

Item 7003-1641 (Small Business Association Layoff Aversion Program) was considered as follows:

“7003-1641 For a grant for the Small Business Association of New England for the layoff aversion through management assistance program for consultant and technical assistance to manufacturing companies in Massachusetts to prevent business closure and employee displacement; provided, that the expenditure of the layoff aversion through management program as provided for in this item shall leverage at least \$1 in matching funds for every \$1 granted pursuant to this item; provided further, that the president of the Small Business Association of New England shall file a quarterly report with the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development on the number of employees and manufacturing-based companies that have received financial assistance through this item, a detailed description of the services provided to manufacturing companies in the commonwealth through the layoff aversion through management program, and a detailed account of the expenditures of the layoff aversion program, including administrative costs 200,000.”.

The Governor disapproved this item.

The question on passing item 7003-1641, contained in section 2, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the

Constitution, at twenty-two minutes before twelve o’clock noon, as follows, to wit (yeas 31 — nays 4) **[Yeas and Nays No. 364]:**

YEAS.

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. Pacheco, Marc R.
Candaras, Gale D. Panagiotakos, Steven C.
Chandler, Harriette L. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Rosenberg, Stanley C.
Downing, Benjamin B. Spilka, Karen E.
Fargo, Susan C. Timilty, James E.
Galluccio, Anthony D. Tolman, Steven A.
Hart, John A., Jr. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian
Joyce, Brian A. Wilkerson, Dianne — 31.
McGee, Thomas M.

NAYS.

Hedlund, Robert L. Tarr, Bruce E.

Knapik, Michael R. Tisei, Richard R. — 4.

PAIRED.

YEAS. NAYS.

Joan M. Menard (present), Frederick E. Berry — 2.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at nineteen minutes before twelve o'clock noon, item 7003-1641, contained in section 2, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7007-1200 (Massachusetts Technology Collaborative) was considered as follows:

"7007-1200 For a program to create and maintain a more favorable and responsive environment for the attraction and retention of technology-intensive clusters for the commonwealth; provided, that such clusters may be characterized by technological or market focus, geographic proximity or other shared interests; provided further, that such cluster-support activities shall be deemed to be the exercise of an essential governmental function intended to: (1) foster increased collaboration among cluster organizations; (2) facilitate improved communications between the commonwealth and cluster organizations; (3) identify and respond to challenges and opportunities related to cluster organizations; (4) enhance the competitive position of cluster firms; (5) reduce the costs of doing business in the commonwealth through purchasing cooperatives; and (6) generally improve the perception of the value and benefits of doing business in the commonwealth; provided further, that amounts appropriated in this item shall be expended to the Massachusetts Technology Park Corporation to be held, applied and administered through its Massachusetts Technology Collaborative; provided further, that said corporation shall establish an independent advisory panel to advise said corporation relative to the most effective application of funds appropriated in this item; and provided further, that the executive director shall file a report with the house and senate committees on ways and means detailing the activities undertaken with the funds appropriated herein not later than January 15, 2009 250,000."

[The Governor reduced this item by \$125,000.]

After remarks, the question on passing item 7007-1200, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eighteen minutes before twelve o'clock noon, as follows, to wit (yeas 32 — nays 3) **[Yeas and Nays No. 365]:**

YEAS.

Augustus, Edward M., Jr. McGee, Thomas M.

Baddour, Steven A. Montigny, Mark C.

Brewer, Stephen M. Moore, Richard T.

Brown, Scott P. Morrissey, Michael W.

Buoniconti, Stephen J. O'Leary, Robert A.

Candaras, Gale D. Pacheco, Marc R.

Chandler, Harriette L. Panagiotakos, Steven C.

Creedon, Robert S., Jr. Petrucci, Anthony

Creem, Cynthia Stone Resor, Pamela

Downing, Benjamin B. Rosenberg, Stanley C.

Fargo, Susan C. Spilka, Karen E.

Galluccio, Anthony D. Timilty, James E.

Hart, John A., Jr. Tolman, Steven A.

Jehlen, Patricia D. Tucker, Susan C.

Joyce, Brian A. Walsh, Marian

Knapik, Michael R. Wilkerson, Dianne — 32.

NAYS.

Hedlund, Robert L. Tisei, Richard R. — 3.

Tarr, Bruce E.

PAIRED.

YEAS. NAYS.

Joan M. Menard (present), Frederick E. Berry — 2.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at sixteen minutes before twelve o'clock noon, item 7007-1200, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7061-0011 (Education Reform Funding Reserve — Pothole Account) was, considered as follows:

“7061-0011 For a reserve to: (1) assist regional school districts which, prior to fiscal year 2009, have assessed member towns using the provisions of their regional agreement, and which, in fiscal year 2009, will assess member towns using the required contributions calculated pursuant to section 3; (2) assist towns impacted by stresses in the commercial agricultural, fishing or lobster industry whose required local contribution exceeds 75 per cent of their foundation budget; (3) assist towns negatively impacted by shortfalls in federal impact aid for the education of children in families employed by the federal government on military reservations located within the town's limits; provided, that any grants provided under this item shall be expended by a school committee without further appropriation; provided further, that not less than \$250,000 from this item shall be awarded to a qualifying community that hosts a Veterans Administration Hospital; (4) assist regional school districts in rural areas which meet each of the following: (a) they have fewer than 30 full-time enrollment students per square mile; and (b) they have experienced more than 7 per cent enrollment decline between fiscal year 2003 and fiscal year 2008; provided further, that preference shall be given to those districts that have joined the group insurance commission before July 1, 2008; (5) to assist towns in which in excess of one-third of the total land mass of the town is owned and controlled by the commonwealth and which receive payment in lieu of taxes on less than 25 per cent of said land; (6) assist operating districts in which the chapter 70 aid, so-called, distributed in fiscal year 09 is less than the chapter 70 aid distributed in fiscal year 02; (7) assist towns which host a campus of the University of Massachusetts, but which have a target aid percentage of only 17.5%; provided further, that any grants provided to school districts from this item shall be expended by a school committee without further appropriation; provided further, that the department shall make not less than 80 per cent of the awards from this item not later than October 15, 2008; and provided further, that no funds distributed from this item shall be considered prior year chapter 70 aid nor shall they be used in the calculation of the minimum required local contribution for fiscal year 2010 5,500,000.”.

[The Governor reduced this item by \$250,000 and struck out the following wording: “; provided further, that not less than \$250,000 from this item shall be awarded to a qualifying community that hosts a Veterans Administration Hospital”.]

After remarks, the question on passing item 7061-0011, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at ten minutes before twelve o'clock noon, as follows, to wit (yeas 33 — nays

1) **[Yeas and Nays No. 366]:**

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Augustus, Edward M., Jr. Moore, Richard T.
Baddour, Steven A. Morrissey, Michael W.
Brewer, Stephen M. O'Leary, Robert A.
Brown, Scott P. Pacheco, Marc R.
Buoniconti, Stephen J. Panagiotakos, Steven C.
Candaras, Gale D. Petrucci, 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.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
Knapik, Michael R. Walsh, Marian — 33.
McGee, Thomas M.

NAY.

Hedlund, Robert L. — 1.

PAIRED.

YEAS. NAYS.

Cynthia Stone Creem (present), Frederick E. Berry.
Joan M. Menard (present), Dianne Wilkerson — 4.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at six minutes before twelve o'clock noon, item 7061-0011, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8100-0000 (State Police Administration) was considered as follows:

“8100-0000 For the administration and operation of the department of state police; provided, that the department shall expend funds from this item for the purpose of maximizing federal grants for the operation of a counter-terrorism unit; provided further, that the department shall maintain the division of field services which shall include, but not be limited to, the bureau of metropolitan district operations; provided further, that not fewer than 40 officers may be provided to the department of conservation and recreation for the purpose of patrolling the watershed property of the department of conservation and recreation; provided further, that funds shall be expended from this item for the administration and operation of an automated fingerprint identification system and the motor carrier safety assistance program; provided further, that not fewer than 5 officers shall be provided to the disabled persons protection commission for the purpose of investigating cases of criminal abuse; provided further, that the department shall enter into an interagency agreement with the department of conservation and recreation to provide police coverage on department properties and parkways; provided further, that the creation of a new or the expansion of the existing statewide communications network shall include the office of law enforcement in the executive office of energy and environmental affairs at no cost to, or compensation from, that office; provided further, that not less than \$2,710,146 shall be expended for the payroll costs of the state police directed patrols; provided further, that any community that was selected to receive earmarked funds for directed patrols in fiscal year 2008 shall receive 100 per cent of the amount so earmarked in fiscal year 2009; provided further, that not less than \$1,050,000 shall be expended to curb gang-related activities; provided further, that not less than \$150,000 shall be provided for the State Courts Against Road Rage program; provided further, that any municipality that was eligible to receive earmarked funds for curbing gang-related activities in fiscal year 2008 shall receive the same amount in fiscal year 2009; provided further, that there shall be a study submitted to the house and senate committees on ways and means not later than January 30, 2009, on traffic details worked by the department of state police, including troops A, B, C, D, E, F, and H, over the last 5 years, which shall detail, on a monthly basis: the total number of hours worked on traffic details by state police officers, the total amount paid to state police officers for traffic details, the standard hourly rates for traffic details done by state police officers and the city or town in which traffic details are performed by state police officers; provided further, that not less than \$90,121 shall be expended for the costs associated with a training seminar for fourteen members of the Massachusetts State Police Bomb Squad in collaboration with the Israeli General Security Service and the Israeli National Police; and provided further, that the department may expend funds from this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the office of the chief medical examiner, the municipal police training committee and the criminal history systems

board 256,755,080

Highway Fund 88.2%

General Fund 11.8% ”.

[The Governor reduced this item by \$240,121 and struck out the following wording: “; provided further, that not less than \$150,000 shall be provided for the State Courts Against Road Rage program” and “; provided further, that not less than \$90,121 shall be expended for the costs associated with a training seminar for fourteen members of the Massachusetts State Police Bomb Squad in collaboration with the Israeli General Security Service and the Israeli National Police”.]

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), after remarks, the question on passing item 8100-0000, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at one minute before twelve o'clock noon, as follows, to wit (yeas 31 — nays 3) **[Yeas and Nays No. 367]:**

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Augustus, Edward M., Jr. Moore, Richard T.
Baddour, Steven A. Morrissey, Michael W.
Brewer, Stephen M. O'Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Candaras, Gale D. Panagiotakos, Steven C.
Chandler, Harriette L. Petrucci, 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.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.

Knapik, Michael R. Walsh, Marian — 31.
McGee, Thomas M.

NAYS.

Brown, Scott P. Tisei, Richard R. — 3.
Hedlund, Robert L.

PAIRED.

YEAS. NAYS.

Cynthia Stone Creem (present), Frederick E. Berry.
Joan M. Menard (present), Dianne Wilkerson — 4.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at two minutes past twelve o'clock noon, item 8100-0000, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8324-0000 (Department of Fire Services) was considered as follows:

"8324-0000 For the administration of the department of fire services, including the state fire marshal's office, the Boston Fire Department training academy, the hazardous materials emergency response program and the Massachusetts firefighting academy, including the Massachusetts fire training council certification program, municipal and non-municipal fire training, and expenses of the council and the operations of the Boston Fire Department training academy; provided, that the fire training program shall use the split days option; provided further, that \$1,296,000 shall be provided for the Commonwealth's Hazardous Material Response Teams; provided further, that not less than \$1,200,000 shall be expended for the SAFE program, which shall include information about the fire risks caused by smoking; provided further, that not less than \$100,000 shall be expended for the administration of a statewide program to provide critical incident stress intervention for fire departments in cities, towns and fire districts including, but not limited to, consultant services, training, equipment and supplies; provided further, that \$1,150,000 shall be provided for the Boston, Cambridge and Everett Fire Department Hazardous Material Response Teams; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the administration of the department of fire services, the state fire marshal's office and the Massachusetts firefighting academy shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property in the commonwealth and paid within 30 days after receipt of notice of such assessment from the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the operation of the hazardous materials emergency response program shall be assessed upon insurance companies writing commercial multiple peril, non-liability portion, policies on property in the commonwealth and commercial auto liability policies as referenced in line 5.1 and line 19.4, respectively, in the most recent annual statement on file with the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, funds scheduled in the PP object class, pursuant to section 27 of chapter 29 of the General Laws for this item in fiscal year 2009 shall not be transferred to any other object class in said fiscal year; provided further, that not more than 10 per cent of the amount designated for the arson prevention program shall be expended for the administrative cost of the program; provided further, that the expenses of the board of fire prevention regulations, under section 4 of chapter 22D of the General Laws, shall be paid from this item; provided further, that \$100,000 shall be expended to Norfolk County to maintain and improve services of the Norfolk County Regional Fire & Rescue Dispatch Center; provided further, that not less than \$2,500,000 shall be expended for the firefighting equipment grant program for fire departments of every city, town, fire district and authority of the commonwealth to be administered by the executive office of public safety; provided further, that the expenses of the fire safety commission shall be paid from this item; provided further, that not less than \$1,750,000 shall be provided for the Boston Fire Department training academy; and provided further, that not less than \$28,812 shall be expended for the costs of operating the Hampshire/Franklin juvenile fire setters intervention program 19,398,315."

[The Governor reduced this item by \$3,028,812 and struck out the following wording: "; provided further, that \$1,150,000 shall be provided for the Boston, Cambridge and Everett Fire Department Hazardous Material Response Teams" and "; provided further, that \$100,000 shall be expended to Norfolk County to maintain and improve services of the Norfolk County Regional Fire & Rescue Dispatch Center" and "; provided further, that not less than \$1,750,000 shall be provided for the Boston Fire Department training academy; and provided further, that not less than \$28,812 shall be expended for the costs of operating the Hampshire/Franklin juvenile fire setters intervention program".]

The question on passing item 8324-0000, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at three minutes past twelve o'clock noon, as follows, to wit (yeas 33 — nays 0) **[Yeas and Nays No. 368]:**

YEAS.

Antonioni, Robert A. McGee, Thomas M.
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. Pacheco, Marc R.
Candaras, Gale D. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Petrucci, Anthony
Creem, Cynthia Stone 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.
Hedlund, Robert L. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian — 33.
Knapik, Michael R.

NAYS — 0.

PAIRED.

YEAS. NAYS.

Joan M. Menard (present), Frederick E. Berry — 2.

ABSENT OR NOT VOTING.

Chandler, Harriette L. Resor, Pamela
Marzilli, Jim Wilkerson, Dianne — 4.

The yeas and nays having been completed at seven minutes past twelve o'clock noon, item 8324-0000, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Engrossed Bills Returned by Governor
With His Objections Thereto.

The engrossed Bill authorizing the appointment of certain persons as firefighters in the city of Fall River (see House, No. 4089), which, on Wednesday, February 13, 2008, had been laid before his Excellency the Governor for his approbation,— came from the House, the same having been returned by His Excellency the Governor, with his objections thereto in writing, [for message, see House, No. 4549] and having passed that branch, notwithstanding said objections.

The message (House, No. 4549) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

The question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eight minutes past twelve o'clock noon, as follows, to wit (yeas 27 — nays 6) **[Yeas and Nays No. 369]:**

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Berry, Frederick E. Morrissey, Michael W.
Brewer, Stephen M. O'Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Candaras, Gale D. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Petrucci, Anthony
Downing, Benjamin B. Rosenberg, Stanley C.
Fargo, Susan C. Spilka, Karen E.
Galluccio, Anthony D. Timilty, James E.
Hart, John A., Jr. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C. — 27.
McGee, Thomas M.

NAYS.

Brown, Scott P. Knapik, Michael R.

Hedlund, Robert L. Tarr, Bruce E.
Jehlen, Patricia D. Tisei, Richard R. — 6.

ABSENT OR NOT VOTING.

Chandler, Harriette L. Resor, Pamela
Creem, Cynthia Stone Walsh, Marian
Marzilli, Jim Wilkerson, Dianne — 6.

The yeas and nays having been completed at twelve minutes past twelve o'clock noon, the bill was passed by the Senate, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

The engrossed Bill authorizing a superannuation retirement allowance for Leo Senecal (see House, No. 4139), which, on Wednesday, December 10, 2007, had been laid before His Excellency the Governor for his approbation,— came from the House, the same having been returned by His Excellency the Governor, with his objections thereto in writing, [for message, see House, No. 4439] and having passed that branch, notwithstanding said objections.

The message (House, No. 4439) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

The question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at thirteen minutes past twelve o'clock noon, as follows, to wit (yeas 26 — nays 6) **[Yeas and Nays No. 370]:**

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Buoniconti, Stephen J. O'Leary, Robert A.
Candaras, Gale D. Pacheco, Marc R.
Creedon, Robert S., Jr. Panagiotakos, Steven C.
Downing, Benjamin B. Petruccelli, Anthony
Fargo, Susan C. Rosenberg, Stanley C.
Galluccio, Anthony D. Spilka, Karen E.
Hart, John A., Jr. Tolman, Steven A.
Joyce, Brian A. Walsh, Marian — 26.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R.
Knapik, Michael R. Tucker, Susan C. — 6.

ABSENT OR NOT VOTING.

Chandler, Harriette L. Resor, Pamela
Creem, Cynthia Stone Timilty, James E.
Jehlen, Patricia D. Wilkerson, Dianne — 7.
Marzilli, Jim

The yeas and nays having been completed at seventeen minutes past twelve o'clock noon, the bill was passed by the Senate, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to group marketing plans (House, No. 4948),— ought to pass.

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

The following engrossed bills (both 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 Acting President (Mr. Rosenberg) and laid before the Governor for his approbation, to wit:

Relative to age requirements for certain students (see Senate, No. 286); and
Establishing a special reserve fund in the town of Sunderland (see Senate, No. 2686).

Recess.

There being no objection, at twenty-two minutes past twelve o'clock noon, at the request of Mr. Tisei, for the purpose of a minority caucus, the President declared a recess; and, at two minutes past one o'clock P.M., the Senate reassembled, the President in the Chair.

Communications.

The Clerk read the following communications:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

July 31, 2008.

Mr. William Welch, Clerk
Massachusetts State Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

On Wednesday, July 30, 2008, I was unable to be present for several roll call votes during the Senate formal session. Had I been present, I would have voted in the affirmative for the following items:

- House Bill 4120
- House Bill 4559
- House Bill 5015
- House Bill 5020
- House Bill 5022
- Chapter 182 of the Acts of 2008, veto override, 0339-1001

In addition I would have voted in the negative for the following items:

- Roll Call #316, amendment to House Bill 5022, offered by Sen. Tisei
- Roll Call #317, amendment to House Bill 5022, offered by Sen. Tisei
- Amendment #133.1 to S. 2852, offered by Sen. Tisei
- Amendment #133.2 to S. 2852, offered by Sen. Hedlund
- Amendment #133.3 to S. 2852, offered by Sen. Tarr
- Roll Call #353, amendment to H. Bill 4952, offered by Sen. Tarr

I would appreciate your assistance with the printing of this communication in the Senate journal. Thank you in advance for your consideration of this request.

Very Truly Yours,

ROBERT A. ANTONIONI,
State Senator,
Worcester and Middlesex.

On motion of Mr. Tarr, the above communication was ordered printed in the Journal of the Senate.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

July 31, 2008.

Mr. William Welch, Clerk
Massachusetts State Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

I was unable to vote on one matter that came before the Senate on July 30, 2008. Had I been present, I would have voted in the following manner:

• No, Tarr Amendment. to H. 4952

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for July 30, 2008.
Thank you in advance for your attention to this important matter.

Sincerely,

FREDERICK E. BERRY,
Majority Leader.

On motion of Mr. Panagiotakos, the above communication was ordered printed in the Journal of the Senate.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

July 31, 2008.
Mr. William Welch, Clerk
Massachusetts State Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

This morning I was absent from the Senate Chamber for roll call votes on House Bill 4120, House Bill 4559, and House Bill 5015. Had I been present, I would have voted in the affirmative on each of these bills. I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for July 30, 2008.
Thank you for your attention to this matter.

Sincerely,

ANTHONY D. GALLUCCIO,
State Senator,
Middlesex, Suffolk & Essex.

On motion of Mr. Tarr, the above communication was ordered printed in the Journal of the Senate.

Matter Taken Out of the Orders of the Day — Objection.

The President requested that the following matter be taken out of the Orders of the Day:

The House Bill protecting the public health (House, No. 4346),— but objection was made thereto by Mr. Tisei.

PAPERS FROM THE HOUSE.

A Bill providing for the release of certain land in the town of Deerfield from the operation of an agricultural preservation restriction (House, No. 4779,— on House, No. 4669),— was read.

There being no objection, the rules were suspended, on motion of Mr. Panagiotakos, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act providing for the release of certain land in the town of Deerfield from the operation of an agricultural preservation restriction”.

The Senate Bill providing for the public higher education capital improvement needs of the Commonwealth (Senate, No. 2785, printed as amended),— came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5024.

Senate Rule 36 was suspended, on motion of Mr. Brewer, and the House amendment was considered forthwith.

On further motion of Mr. Panagiotakos, the Senate concurred in the House amendment with a further amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2860.

Sent to the House for concurrence in the further amendment.

Message from the Governor — Disapprovals and Reductions General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4900), which on Thursday, July 2008, had been laid before the Governor for his approbation, came from the House, in part, several items having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4956) was read; and the Senate proceeded to reconsider one item, which had been disapproved in accordance with the provisions of the Constitution.

Item 7061-0222 (Low Class Size Grants) was considered as follows:

“7061-0222 For grants issued by the department of elementary and secondary education on a competitive basis to school departments for targeted intervention for the purpose of establishing low-class size classrooms in grades K-3, starting in FY09 with kindergarten, to assist the schools in improving their performance and to establish the efficacy of such a program in reducing gaps in achievement between at-risk and other children; provided further that the grants shall be used for establishing a class size of 15-17 pupils for kindergartens in the selected schools, planning, professional development, and other activities that enhance the capacity of the schools to develop a successful program; provided further that an evaluation/research component be included by the department to assess the efficacy of reduced class size in the early years in enhancing student achievement; provided further that the department may allocate a reasonable sum for evaluation/research and administration; provided further that the department may set additional criteria in awarding the grants, such as geographic distribution or diversity of size or types of school systems; and provided further, that said grants shall be coordinated by the department with all efforts undertaken through item 7061-9408 400,000.”.

[The Governor disapproved this item.]

After remarks, the question on passing item 7061-0222, contained in section 2, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-six minutes before two o'clock P.M., as follows, to wit (*yeas 31 — nays 5*) [**Yeas and Nays No. 371**]:

YEAS.

Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Berry, Frederick E. Morrissey, Michael W.
Brewer, Stephen M. O'Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Candaras, Gale D. Panagiotakos, Steven C.
Chandler, Harriette L. Petrucci, Anthony
Creem, Cynthia Stone Resor, Pamela
Downing, Benjamin B. Rosenberg, Stanley C.
Fargo, Susan C. Spilka, Karen E.
Galluccio, Anthony D. Timilty, James E.
Hart, John A., Jr. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 31.
Menard, Joan M.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 5.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 3.
Creedon, Robert S., Jr.

The yeas and nays having been completed at nineteen minutes before two o'clock P.M., item 7061-0222, contained in section 2, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7061-9610 (Citizen Schools) was considered as follows:

“7061-9610 For matching grants of \$1,000 per enrolled child to Citizen Schools afterschool learning programs for middle school children across the commonwealth including, but not limited to, those administered in Boston by Citizen Schools, in Lowell by Community Teamwork, Inc., in Malden by the Partnership for Community Schools, in New Bedford by Positive Action Against Chemical Addiction, in Springfield by The Martin Luther King Jr. Community Center and, in Worcester by the Greater Worcester YMCA, upon documentation by Citizen Schools of \$1 in private sector, local or federal funds for every \$1 in state funds, and that all funds go to programs certified by Citizen Schools, Inc.; provided, that up to \$50,000 of the \$550,000 shall be available to Citizen Schools Inc. to support state-wide training and evaluation efforts, and to further establish the efficacy of the Citizen Schools program in promoting school success, high school completion and college and workforce success for low-income, at-risk students across the commonwealth 550,000.”.

[The Governor reduced this item by \$75,000.]

After debate, the question on passing item 7061-9610, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eighteen minutes before two o'clock P.M., as follows, to wit (*yeas 32 — nays 5*) **[Yeas and Nays No. 372]:**

YEAS.

Augustus, Edward M., Jr. Creedon, Robert S., Jr.
Baddour, Steven A. Creem, Cynthia Stone
Berry, Frederick E. Downing, Benjamin B.
Brewer, Stephen M. Fargo, Susan C.
Buoniconti, Stephen J. Galluccio, Anthony D.
Candaras, Gale D. Hart, John A., Jr.
Chandler, Harriette L. Jehlen, Patricia D.
Joyce, Brian A. Petrucci, Anthony
McGee, Thomas M. Resor, Pamela
Menard, Joan M. Rosenberg, Stanley C.
Montigny, Mark C. Spilka, Karen E.
Moore, Richard T. Timilty, James E.
Morrissey, Michael W. Tolman, Steven A.
O'Leary, Robert A. Tucker, Susan C.
Pacheco, Marc R. Walsh, Marian
Panagiotakos, Steven C. Wilkerson, Dianne — 32.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 5.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at sixteen minutes before two o'clock P.M., item 7061-9610, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0321-2100 (Correctional Legal Services Committee) was considered as follows:

"0321-2100 For the Massachusetts correctional legal services committee 985,824."

[The Governor reduced this item by \$145,824.]

After remarks, the question on passing item 0321-2100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at a quarter before two o'clock P.M., as follows, to wit (*yeas 33 — nays 4*) **[Yeas and Nays No. 373]:**

YEAS.

Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Berry, Frederick E. Morrissey, Michael W.
Brewer, Stephen M. O'Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Candaras, Gale D. Panagiotakos, Steven C.
Chandler, Harriette L. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 33.
Menard, Joan M.

NAYS.

Brown, Scott P. Knapik, Michael R.
Hedlund, Robert L. Tisei, Richard R. — 4.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at thirteen minutes before two o'clock P.M., item 0321-2100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Committee of Conference.

The House Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 5016),— 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 numbered 2859, and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Wagner of Chicopee, Flynn of Bridgewater and Poirier of North Attleborough had been appointed the committee on the part of the House.

On motion of Mr. Panagiotakos, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Panagiotakos, Chandler and Tisei were appointed on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Message from the Governor — Disapprovals and Reductions General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4900), which on Thursday, July 3, 2008, had been laid before the Governor for his approbation,— came from the House, in part, several items having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4956) was read; and the Senate proceeded to reconsider one item, which had been disapproved in accordance with the provisions of the Constitution.

Item 0321-2205 (Social Law Library in Suffolk County) was considered as follows:

“0321-2205 For the expenses of the social law library located in Suffolk county 2,229,671”.

[The Governor reduced this item by \$100,000.]

The question on passing item 0321-2205, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eleven minutes before two o'clock P.M., as follows, to wit (*yeas 32 — nays 5*) [**Yeas and Nays No. 374**]:

YEAS.

Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Buoniconti, Stephen J. O'Leary, Robert A.
Candaras, Gale D. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Petrucci, Anthony
Creem, Cynthia Stone Resor, Pamela
Downing, Benjamin B. Rosenberg, Stanley C.
Fargo, Susan C. Spilka, Karen E.
Galluccio, Anthony D. Timilty, James E.
Hart, John A., Jr. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 32.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 5.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at eight minutes before two o'clock P.M., item 0321-2205, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

A Bill providing for a partial release of certain land in Sunderland from the operation of an agricultural preservation restriction (House, No. 5011,— on House, No. 4670),— was read.

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

Matter Taken Out of the Orders of the Day.

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

The House Bill authorizing the sale of certain land by the city of Haverhill in the town of Boxford (House, No. 4890),— was read a third time and passed to be engrossed, in concurrence.

PAPERS FROM THE HOUSE.

The House Bill establishing a sick leave bank for Richard K. Ward II, an employee of the Department of Correction (House, No. 4819, amended),— came from the House with the endorsement that the House had concurred in the Senate amendment adding at the end thereof the following sentence:— “Sick leave bank days may not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court.” with a further amendment striking out the words “trial court” and inserting in place thereof the word “department”.

The rules were suspended, on motion of Mr. Creedon, and the further House amendment was considered forthwith and adopted, in concurrence.

Message from the Governor — Disapprovals and Reductions General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4900), which on Thursday, July 3, 2008, had been laid before the Governor for his approbation, came from the House, in part, several items having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4956) was read; and the Senate proceeded to reconsider several items, which had been disapproved or reduced in accordance with the provisions of the Constitution.

Item 0330-3337 (Trial Court Administrative Allocation Reserve) was considered as follows:

“0330-3337 For additional expenses associated with the operation of the trial court; provided, that any expenditures or allocations shall be made in accordance with schedules submitted to the house and senate committees on ways and means not later than 30 days before the expenditures or allocations are made 21,223,059.”.

[The Governor reduced this item by \$2,768,854.]

After remarks, the question on passing item 0330-3337, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at sixteen minutes past two o'clock P.M., as follows, to wit (*yeas 32 — nays 5*) [**Yeas and Nays No. 375**]:

YEAS.

Augustus, Edward M., Jr. Berry, Frederick E.
Baddour, Steven A. Brewer, Stephen M.
Buoniconti, Stephen J. Moore, Richard T.
Candaras, Gale D. Morrissey, Michael W.
Chandler, Harriette L. O'Leary, Robert A.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Downing, Benjamin B. Petrucci, Anthony
Fargo, Susan C. Resor, Pamela
Galluccio, Anthony D. Rosenberg, Stanley C.
Hart, John A., Jr. Spilka, Karen E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Tolman, Steven A.
McGee, Thomas M. Tucker, Susan C.

Menard, Joan M. Walsh, Marian
Montigny, Mark C. Wilkerson, Dianne — 32.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 5.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at twenty-one minutes past two o'clock P.M., item 0330-3337, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 1231-1000 (DOR Commonwealth Sewer Rate Relief Fund) was considered as follows:

"1231-1000 For the Commonwealth Sewer Rate Relief Fund, established in section 2Z of chapter 29 of the General Laws; provided, that the Massachusetts Water Resources Authority shall submit a report to the house and senate committees on ways means and the secretary of administration and finance no later than October 1, 2008 that shall include, but not be limited to, the following: (a) an analysis of the options for reducing operating costs of the authority; (b) the use of contracts with private entities for the operation and maintenance of facilities owned or operated by the authority; and (c) the cost savings and any legislation necessary to effectuate the proposed recommendations of the report 20,000,000."

[The Governor reduced this item by \$5,000,000.]

After debate, the question on passing item 1231-1000, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-nine minutes past two o'clock P.M., as follows, to wit (*yeas 35 — nays 1*) **[Yeas and Nays No. 376]:**

YEAS.

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. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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.
Hedlund, Robert L. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian
Joyce, Brian A. Wilkerson, Dianne — 35.
Knapik, Michael R.

NAY.

Moore, Richard T. — 1.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Tolman, Steven A. — 3.
Marzilli, Jim

The yeas and nays having been completed at twenty-six minutes before three o'clock P.M., item 1231-1000, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2300-0100 (Commissioner's Office Fisheries and Wildlife) was considered as follows:

"2300-0100 For the office of the commissioner; provided, that the commissioner's office shall assess and receive payments from the division of marine fisheries, the division of fisheries and wildlife, the public access board, the riverways programs, and all

other programs under the control of the department of fish and game; provided further, that the purpose of those assessments shall be to cover appropriate administrative costs of the department, including but not limited to payroll, personnel, legal and budgetary costs; provided further, that the amount and contribution from each division or program shall be determined by the commissioner of fish and game; provided further, that \$50,000 in matching funds shall be provided to the National Marine Life Center, Inc. for animal care; and provided further, that the department shall file a report with the house and senate committees on ways and means not later than October 1, 2008 that details the level of assessments to each department under the control of the office of the commissioner in fiscal years 2007 and 2008 793,896.”.

[The Governor reduced this item by \$46,337.]

The question on passing item 2300-0100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-five minutes before three o'clock P.M., as follows, to wit (*yeas 33 — nays 4*) [**Yeas and Nays No. 377**]:

YEAS.

Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Berry, Frederick E. Morrissey, Michael W.
Brewer, Stephen M. O'Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Candaras, Gale D. Panagiotakos, Steven C.
Chandler, Harriette L. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 33.
Menard, Joan M.

NAYS.

Brown, Scott P. Knapik, Michael R.
Hedlund, Robert L. Tisei, Richard R. — 4.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at twenty-three minutes before three o'clock P.M., item 2300-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8000-0000 (Office of the Secretary of Public Safety) was considered as follows:

“8000-0000 For the office of the secretary, including the administration of the committee on criminal justice and the highway safety bureau to provide matching funds for a federal planning and administration grant pursuant to 23 U.S.C. section 402; provided, that the executive office of public safety, in conjunction with the criminal history systems board, shall perform a study relative to establishing a statewide central register containing all available identifying data of any missing person, which includes any adult suffering from dementia missing from his normal and ordinary place of residence and whose whereabouts cannot be determined by the person responsible for such person's care; provided further, that the department shall submit a report detailing the findings of said study to the house and senate committees on ways and means not later than March 15, 2009; provided further, that not less than \$300,000 shall be expended for the purpose of a targeted control substance interdiction pilot program to be administered by the chiefs of police for the city of Revere and the town of Winthrop; provided further, that not less than \$100,000 shall be provided for the On-Site Academy in Gardner; provided further, that not less than \$100,000 shall be expended for the youth violence and street crimes unit of the Randolph police department; provided further, that \$25,000 shall be expended to the Quabbin Regional School District for the implementation of the Quabbin Emergency Preparedness Plan; and provided further, that \$70,000 shall be expended to the town of Hubbardston to support its emergency shelter 3,124,281.”.

[The Governor reduced this item by \$170,000 and struck out the following wording: “; provided further, that not less than \$100,000 shall be expended for the youth violence and street crimes unit of the Randolph police department” and “; and provided further, that \$70,000 shall be expended to the town of Hubbardston to support its emergency shelter”.]

After remarks, the question on passing item 8000-0000, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by

Chapter I, Section I, Article II, of the Constitution, at eighteen minutes before three o'clock P.M., as follows, to wit (*yeas 31 — nays 5*) [**Yeas and Nays No. 378**]:

YEAS.

Augustus, Edward M., Jr. Joyce, Brian A.
Baddour, Steven A. McGee, Thomas M.
Berry, Frederick E. Menard, Joan M.
Brewer, Stephen M. Montigny, Mark C.
Buoniconti, Stephen J. Moore, Richard T.
Candaras, Gale D. Morrissey, Michael W.
Chandler, Harriette L. O'Leary, Robert A.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Downing, Benjamin B. Petrucci, Anthony
Fargo, Susan C. Resor, Pamela
Galluccio, Anthony D. Rosenberg, Stanley C.
Hart, John A., Jr. Spilka, Karen E.
Timilty, James E. Walsh, Marian
Tolman, Steven A. Wilkerson, Dianne — 31.
Tucker, Susan C.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 5.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 3.
Jehlen, Patricia D.

The yeas and nays having been completed at fourteen minutes before three o'clock P.M., item 8000-0000, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2000-0100 (Executive Office of Energy and Environmental Affairs) was considered as follows:

"2000-0100 For the operation of the office of the secretary of energy and environmental affairs, including the water resources commission, the hazardous waste facility site safety council, the coastal zone management program, environmental impact reviews conducted pursuant to chapter 30 of the General Laws, the mosquito-borne disease vector control chapter program, and a central data processing center for the secretariat; provided, that the secretary of energy and environmental affairs may enter into interagency agreements with any line agency within the secretariat, whereby the line agency may render data processing services to said secretary; provided further, that the comptroller may allocate the costs for such data processing services to the several state and other funds to which items of appropriation of such agencies are charged; provided further, that said secretary shall file a plan with the house and senate committees on ways and means 20 days before entering into any interdepartmental service agreements with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the secretary shall file a plan with the house and senate committees on ways and means and to the joint committee on environment, natural resources and agriculture 90 days prior to the initiation of any proposal or plan that would consolidate any function with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the plan shall include, but not be limited to, the following: (a) an identification of the employees that would be affected by consolidation and the item of appropriation that they are paid from; (b) the savings or efficiencies to be realized; (c) the improvements to the services expected; and (d) the source and amount of funding necessary to accomplish the consolidation; provided further, that the secretary shall provide a 90 day notice prior to the implementation of any memorandum of understanding, interagency service agreements, or other contacts, or agreements that would enable such consolidation of services to take place; provided further, that \$75,000 shall be expended to the University of Massachusetts Lowell's Technical Assistance and Research Center for Housing and Sustainability to develop an outreach partnership with the executive office of energy and environmental affairs based on the Green Building Initiative; provided further, that not less than \$70,000 shall be expended for the Falmouth Kids Global Climate Change Institute; provided further, that \$118,308 shall be expended to the town of Rutland; provided further, that not less than \$150,000 shall be expended for a one to one matching grant to the Cape Cod Bay sanctuary program; provided further, that not less than \$150,000 shall be expended for a coastal water quality and natural resource monitoring program in Buzzards Bay administered by The Coalition for Buzzards Bay; provided further, that not less than \$125,000 shall be expended for the hillside restoration project located in the town of Boylston; and provided further, that not less than \$100,000 shall be expended for 'HORIZONS for Youth' property in Sharon 7,773,765."

[The Governor reduced this item by \$470,000 and struck out the following wording: “; provided further, that not less than \$70,000 shall be expended for the Falmouth Kids Global Climate Change Institute” and “; provided further, that not less than \$150,000 shall be expended for a one to one matching grant to the Cape Cod Bay sanctuary program; provided further, that not less than \$150,000 shall be expended for a coastal water quality and natural resource monitoring program in Buzzards Bay administered by The Coalition for Buzzards Bay” and “; and provided further, that not less than \$100,000 shall be expended for ‘Horizons for Youth’ property in Sharon”.]

Mr. Rosenberg in the Chair, the question on passing item 2000-0100, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eleven minutes before three o’clock P.M., as follows, to wit (*yeas 36 — nays 1*) [**Yeas and Nays No. 379**]:

YEAS.

Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
Knapik, Michael R. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 36.

NAY.

Hedlund, Robert L. — 1.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at eight minutes before three o’clock P.M., item 2000-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2030-1000 (Office of Environmental Law Enforcement) was considered as follows:

“2030-1000 For the operation of the office of environmental law enforcement; provided, that officers shall provide monitoring pursuant to the National Shellfish Sanitation Program; provided further, that the department shall maintain and operate the boat registration and titling offices in Hyannis and Fall River; provided further, that not less than \$150,000 shall be expended for the costs of patrols performed by environmental law enforcement officers within properties controlled by the department of conservation and recreation; and provided further, that funds from this item shall not be expended for the purposes of item 2030-1004 11,570,989.”.

[The Governor reduced this item by \$107,334.]

After remarks, the question on passing item 2030-1000, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at four minutes before three o’clock P.M., as follows, to wit (*yeas 36 — nays 1*) [**Yeas and Nays No. 380**]:

YEAS.

Augustus, Edward M., Jr. McGee, Thomas M.
Baddour, Steven A. Menard, Joan M.
Berry, Frederick E. Montigny, Mark C.
Brewer, Stephen M. Moore, Richard T.
Brown, Scott P. Morrissey, Michael W.
Buoniconti, Stephen J. O’Leary, Robert A.
Candaras, Gale D. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.

Creedon, Robert S., Jr. Petruccelli, Anthony
Creem, Cynthia Stone 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. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 36.

NAY.

Tisei, Richard R. — 1.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at one minute before three o'clock P.M., item 2030-1000, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2200-0100 (Department of Environmental Protection Operations) was considered as follows:

“2200-0100 For the operation of the department of environmental protection, including the environmental strike force, the office of environmental results and strategic planning, the bureau of resource protection, the Senator William X. Wall experimental station, and a contract with the University of Massachusetts for environmental research; provided, that section 3B of chapter 7 of the General Laws shall not apply to fees established pursuant to section 18 of chapter 21A of the General Laws; provided further, that not more than \$200,000 shall be expended for a wastewater management study and environmental impact report for the town of Acushnet, provided further, that \$200,000 shall be expended for the administration and enforcement of the mercury management act; provided further, that \$168,000 shall be expended for sediment control in Lake Webster; provided further, that no less than \$100,000 shall be expended for the town of Marblehead; provided further, that no less than \$67,660 shall be expended for the town of Spencer for a drinking water revolving fund; provided further, that no less than \$50,000 shall be expended for the Buzzards Bay National Estuary Municipal Grant Program; provided further, that not less than \$30,000 be expended for erosion protection at the Center Cemetery in the town of Gill; provided further, that not less than \$15,000 shall be expended for emergency milfoil control of Noyes Pond in the town of Tolland; and provided further, that the department may investigate ways to ease the financial burden on municipalities of compliance with state and federal mandates, whether imposed judicially, statutorily, or through regulation, regarding clean water requirements, including, but not limited to, the extension of time period for compliance and financing 36,272,524.”.

[The Governor reduced this item by \$432,660 and struck out the following wording: “; provided further, that not more than \$200,000 shall be expended for a wastewater management study and environmental impact report for the town of Acushnet” and “; provided further, that no less than \$100,000 shall be expended for the town of Marblehead; provided further, that no less than \$67,660 shall be expended for the town of Spencer for a drinking water revolving fund; provided further, that no less than \$50,000 shall be expended for the Buzzards Bay National Estuary Municipal Grant Program” and “; provided further, that not less than \$15,000 shall be expended for emergency milfoil control of Noyes Pond in the town of Tolland”.]

After remarks, the question on passing item 2200-0100, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at three minutes past three o'clock P.M., as follows, to wit (*yeas 35 — nays 2*)
[Yeas and Nays No. 381]:

YEAS.

Augustus, Edward M., Jr. Creedon, Robert S., Jr.
Baddour, Steven A. Creem, Cynthia Stone
Berry, Frederick E. Downing, Benjamin B.
Brewer, Stephen M. Fargo, Susan C..
Brown, Scott P. Galluccio, Anthony D.
Buoniconti, Stephen J. Hart, John A., Jr.
Candaras, Gale D. Jehlen, Patricia D.
Chandler, Harriette L. Joyce, Brian A.
Knapik, Michael R. Resor, Pamela
McGee, Thomas M. Rosenberg, Stanley C.
Menard, Joan M. Spilka, Karen E.
Montigny, Mark C. Tarr, Bruce E.

Moore, Richard T. Timilty, James E.
Morrissey, Michael W. Tolman, Steven A.
O’Leary, Robert A. Tucker, Susan C.
Pacheco, Marc R. Walsh, Marian
Panagiotakos, Steven C. Wilkerson, Dianne — 35.
Petrucelli, Anthony

NAYS.

Hedlund, Robert L. Tisei, Richard R. — 2.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at six minutes past three o’clock P.M., item 2200-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2260-8870 (Hazardous Waste Cleanup/Office of Incident Response) was considered as follows:

“2260-8870 For the expenses of the hazardous waste cleanup and underground storage tank programs, notwithstanding section 4 of chapter 21J of the General Laws; provided, that not less than \$90,000 shall be provided for the city of Lynn 16,662,923.”.

[The Governor reduced this item by \$90,000 and struck out the following wording: “; provided, that not less than \$90,000 shall be provided for the city of Lynn”.]

After remarks, the question on passing item 2260-8870, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nine minutes past three o’clock P.M., as follows, to wit (*yeas 33 — nays 4*)

[Yeas and Nays No. 382]:

YEAS.

Augustus, Edward M., Jr. Hart, John A., Jr.
Baddour, Steven A. Jehlen, Patricia D.
Berry, Frederick E. Joyce, Brian A.
Brewer, Stephen M. McGee, Thomas M.
Buoniconti, Stephen J. Menard, Joan M.
Candaras, Gale D. Montigny, Mark C.
Chandler, Harriette L. Moore, Richard T.
Creedon, Robert S., Jr. Morrissey, Michael W.
Creem, Cynthia Stone O’Leary, Robert A.
Downing, Benjamin B. Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Galluccio, Anthony D. Petrucelli, Anthony
Resor, Pamela Tolman, Steven A.
Rosenberg, Stanley C. Tucker, Susan C.
Spilka, Karen E. Walsh, Marian
Tarr, Bruce E. Wilkerson, Dianne — 33.
Timilty, James E.

NAYS.

Brown, Scott P. Knapik, Michael R.
Hedlund, Robert L. Tisei, Richard R. — 4.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at twelve minutes past three o’clock P.M., item 2260-8870, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7004-0099 (Department of Housing and Community Development Administration) was considered as follows:

“7004-0099 For the operation of the department of housing and community development; provided, that notwithstanding any general or special law to the contrary, the department may make expenditures for the purposes of the department against federal grants for certain direct and indirect costs under a cost overhead allocation plan approved by the comptroller; provided further, that the comptroller shall maintain an account on the Massachusetts management accounting and reporting system for the

purpose of making these expenditures; provided further, that expenditures made against the account shall not be subject to appropriation and may include the cost of personnel; provided further, that notwithstanding any general or special law, rule, or regulation to the contrary, the department may conduct annual verifications of household income levels based upon state tax returns for the purposes of administering the state and federal housing subsidy programs funded in items 7004-9005, 7004-9024, 7004-9030, 7004-9033, 7004-9316 and items 7004-9009, 7004-9014, 7004-9019, 7004-9020 of section 2D; provided further, that as a condition of eligibility or continued occupancy by an applicant or a tenant, the department may require disclosure of the social security number of an applicant or tenant and members of the applicant's or tenant's household for use in verification of income eligibility; provided further, that the department may deny or terminate participation in subsidy programs for failure by an applicant or a tenant to provide a social security number for use in verification of income eligibility; provided further, that the department may also consult with the department of revenue, the department of transitional assistance or any other state or federal agency which it considers necessary to conduct this income verification; provided further, that notwithstanding any general or special law to the contrary, these state agencies shall consult and cooperate with the department and furnish any information in the possession of the agencies including, but not limited to, tax returns and applications for public assistance or financial aid; provided further, that for the purposes of conducting this income verification, the director of the department may enter into an interdepartmental service agreement with the commissioner of revenue to utilize the department of revenue's wage reporting and bank match system for the purpose of verifying the income and eligibility of participants in federally assisted housing programs and that of members of the participants' households; and provided further, that for the purposes of clarification only, notwithstanding section 12 of chapter 490 of the acts of 1980, the department may authorize neighborhood housing services corporations to retain, re-assign, and reloan funds received in repayment of loans made under the neighborhood housing services rehabilitation program; provided further, that not less than \$25,000 shall be expended for the Beverly Affordable Housing Coalition; provided further, that not less than \$15,000 shall be expended for the Turning Point Day Resource Center for the Homeless in the town of Wareham; provided further, that \$63,440 shall be expended for the Worcester Housing Authority for a resident services employment coordinator; provided further, that \$50,000 shall be expended for the Quinsigamond Village Community Center for the creation of a part-time outreach worker and for administrative costs; provided further, that not less than \$50,000 be expended for the North Shore Housing Trust, Inc.; provided further, that not less than \$100,000 shall be expended for the Pleasant Street Neighborhood Network Center in Worcester; provided that not less than \$50,000 shall be expended for the Worcester YouthCenter, located in the city of Worcester; provided further, that not less than \$50,000 shall be expended for the South Worcester Neighborhood Improvement Corporation to continue to provide vital services to the poorest neighborhoods in the city of Worcester; provided further, that not less than \$25,000 shall be expended for AMEDAL in Lawrence; provided further, that not less than \$115,000 shall be expended for Food for the World Pantry; provided further, that not less than \$100,000 shall be expended for Neighbors in Need of the Merrimack Valley; provided further, that not less than \$25,000 shall be expended for upkeep and maintenance of the Rockland Community Center; provided further, that not less than \$150,000 shall be expended to World is Our Classroom, Inc. serving the towns of Holyoke, Westfield, Chicopee and Greenfield; provided further, that not less than \$35,000 shall be expended to the Holyoke Creative Arts Center; provided further, that not less than \$25,000 shall be expended for the Allston-Brighton Community Development Corporation's continued operation of a grant program to enhance housing quality standards; provided further, that not less than \$75,000 shall be expended for the continued operation of computer technology centers at the Commonwealth Housing Development, the Jackson Mann Community Center and the Power Up Center at Brighton High School; provided further, that \$150,000 shall be expended for ABCD North End/West End elderly program; provided further, that not less than \$75,000 shall be expended for the Methuen-Arlington Neighborhood, Inc; provided further, that no less than \$150,000 shall be expended for 2 computer centers and the work force program operated by the Cambridge housing authority; provided further, that not less than \$50,000 shall be expended for the Clinton Housing Authority for the Water Street Senior Housing Complex, located in the town of Clinton; provided further, that not less than \$100,000 shall be expended for the Indian Orchard Main Street Partnership; provided further, not less than \$100,000 shall be expended for a Homeless Prevention Program for the Homeless Connections Outreach Program in Fall River; provided further, that not less than \$100,000 shall be expended for preliminary economic development designs for downtown Needham; provided further, that not less than \$200,000 shall be expended to the Springfield Neighborhood Housing Services, Inc., so called, in Springfield to develop new housing starts, prevent foreclosures, assist first-time home buyers, and to create jobs in the construction industry; provided further, that not less than \$95,000 shall be expended to the Boston Housing Authority for a program to provide certain tenant services for the West Broadway Task Force in the South Boston section of the city of Boston; provided further, that not less than \$25,000 shall be expended for the Marlborough Community Development Corporation; provided further, that not less than \$25,000 shall be allocated for operational support for the affordable housing program located at 9 Half Moon Street, in the Dorchester section of the city of Boston; provided further, that not less than \$100,000 shall be expended for the Safe Neighborhood Initiative Pilot Program in the Grove Hall area of Roxbury and Dorchester in the city of Boston; provided further, that not less than \$150,000 shall be expended to the town of Braintree as a one-time community action grant for the replacement of the communications console at the police department in the town of Braintree; provided further, that not less than \$20,000 shall be expended to the Town of Braintree as a one-time community action grant for Thayer Public Library; provided further, that not less than \$25,000 shall be expended for operational support for the affordable housing program for formerly homeless individuals at Egleston Crossing in the Dorchester section of the city of Boston; provided further, that not less than \$100,000 shall be expended to the Housing Families, Inc in the city of Malden for providing educational support programming for homeless children through the Children and Family Program; provided further, that not less than \$300,000 shall be expended for the paving and construction of parking facilities in the town of Holbrook; provided further, that not less than \$300,000 shall be expended for a senior center in the city of Quincy; provided further, that not less than \$500,000 shall be

expended for the Jackson-Appleton-Middlesex plan in the city of Lowell; provided further, that not less than \$125,000 shall be expended for the Hungry Hill Development Corporation in the city of Springfield; provided further, that not less than \$75,000 shall be expended for the Greater Gardner Community Development Corporation; provided further, that not less than \$50,000 shall be expended for Kamp for Kids in Westfield; provided further, that not less than \$100,000 shall be expended for Homeowner Options for Massachusetts Elders; provided further, that not less than \$50,000 shall be expended for the Center for Sustainability to assist in its mission; provided further, that not less than \$50,000 shall be expended for a technology program at the Watertown Housing Authority; provided further, that not less than \$75,000 shall be expended for the Lowell Wish Project; and provided further, that not less than \$100,000 shall be expended for a contract with the St. Frances Samaritan House in the city of Taunton 12,244,245.”.

[The Governor reduced this item by \$1,815,000 and struck out the following wording: “; provided further, that not less than \$15,000 shall be expended for the Turning Point Day Resource Center for the Homeless in the town of Wareham” and “; provided further, that \$50,000 shall be expended for the Quinsigamond Village Community Center for the creation of a part-time outreach worker and for administrative costs; provided further, that not less than \$50,000 be expended for the North Shore Housing Trust, Inc.” and “; provided further, that not less than \$25,000 shall be expended for AMEDAL in Lawrence; provided further, that not less than \$115,000 shall be expended for Food for the World Pantry” and “; provided further, that not less than \$150,000 shall be expended to World is Our Classroom, Inc serving the towns of Holyoke, Westfield, Chicopee and Greenfield; provided further, that not less than \$35,000 shall be expended to the Holyoke Creative Arts Center” and “; provided further, that not less than \$75,000 shall be expended for the continued operation of computer technology centers at the Commonwealth Housing Development, the Jackson Mann Community Center and the Power Up Center at Brighton High School; provided further, that \$150,000 shall be expended for ABCD North End/West End elderly program; provided further, that not less than \$75,000 shall be expended for the Methuen-Arlington Neighborhood, Inc; provided further, that no less than \$150,000 shall be expended for 2 computer centers and the work force program operated by the Cambridge housing authority” and “; provided further, that not less than \$100,000 shall be expended for the Indian Orchard Main Street Partnership; provided further, not less than \$100,000 shall be expended for a Homeless Prevention Program for the Homeless Connections Outreach Program in Fall River; provided further, that not less than \$100,000 shall be expended for preliminary economic development designs for downtown Needham; provided further, that not less than \$200,000 shall be expended to the Springfield Neighborhood Housing Services, Inc., so called, in Springfield to develop new housing starts, prevent foreclosures, assist first-time home buyers, and to create jobs in the construction industry” and “; provided further, that not less than \$25,000 shall be expended for the Marlborough Community Development Corporation; provided further, that not less than \$25,000 shall be allocated for operational support for the affordable housing program located at 9 Half Moon Street, in the Dorchester section of the city of Boston” and “; provided further, that not less than \$150,000 shall be expended to the town of Braintree as a one-time community action grant for the replacement of the communications console at the police department in the town of Braintree” and “; provided further, that not less than \$25,000 shall be expended for operational support for the affordable housing program for formerly homeless individuals at Egleston Crossing in the Dorchester section of the city of Boston; provided further, that not less than \$100,000 shall be expended to the Housing Families, Inc in the city of Malden for providing educational support programming for homeless children through the Children and Family Program; provided further, that not less than \$300,000 shall be expended for the paving and construction of parking facilities in the town of Holbrook; provided further, that not less than \$300,000 shall be expended for a senior center in the city of Quincy” and “; provided further, that not less than \$125,000 shall be expended for the Hungry Hill Development Corporation in the city of Springfield; provided further, that not less than \$75,000 shall be expended for the Greater Gardner Community Development Corporation; provided further, that not less than \$50,000 shall be expended for Kamp for Kids in Westfield” and “; and provided further, that not less than \$100,000 shall be expended for a contract with the St. Frances Samaritan House in the city of Taunton” and by adding the following wording: “; provided further, that not less than \$100,000 shall be expended for Food for the World Pantry” and “; provided further, that \$100,000 shall be expended for ABCD North End/West End elderly program” and “; provided further, not less than \$50,000 shall be expended for a Homeless Prevention Program for the Homeless Connections Outreach Program in Fall River” and “; provided further, that not less than \$100,000 shall be expended to the Springfield Neighborhood Housing Services, Inc., so called, in Springfield to develop new housing starts, prevent foreclosures, assist first-time home buyers, and to create jobs in the construction industry” and “; provided further, that not less than \$75,000 shall be expended to the town of Braintree as a onetime community action grant for the replacement of the communications console at the police department in the town of Braintree” and “; provided further, that not less than \$150,000 shall be expended for the paving and construction of parking facilities in the town of Holbrook; provided further, that not less than \$150,000 shall be expended for a senior center in the city of Quincy” and “; provided further, that not less than \$75,000 shall be expended for the Hungry Hill Development Corporation in the city of Springfield; provided further, that not less than \$50,000 shall be expended for the Greater Gardner Community Development Corporation”.]

After remarks, the question on passing item 7004-0099, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at seventeen minutes past three o'clock P.M., as follows, to wit (*yeas 36 — nays 1*) [**Yeas and Nays No. 383**]:

YEAS.

Augustus, Edward M., Jr. Knapik, Michael R.
Baddour, Steven A. McGee, Thomas M.
Berry, Frederick E. Menard, Joan M.

Brewer, Stephen M. Montigny, Mark C.
Brown, Scott P. Moore, Richard T.
Buoniconti, Stephen J. Morrissey, Michael W.
Candaras, Gale D. O'Leary, Robert A.
Chandler, Harriette L. Pacheco, Marc R.
Creedon, Robert S., Jr. Panagiotakos, Steven C.
Creem, Cynthia Stone Petrucci, 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.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Tisei, Richard R.
Tolman, Steven A. Walsh, Marian
Tucker, Susan C. Wilkerson, Dianne — 36.

NAY.

Hedlund, Robert L. — 1.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at nineteen minutes past three o'clock P.M., item 7004-0099, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2800-0100 (Conservation and Recreation Administration) was considered as follows:

"2800-0100 For the operation of the department of conservation and recreation; provided, that said department shall enter into an interagency service agreement with the department of state police to provide police coverage on department of conservation and recreation properties and parkways; provided further, that the department of state police shall reimburse said department of conservation and recreation for costs incurred by said department including, but not limited to, vehicle maintenance and repairs, the operation of department of state police buildings and other related costs; provided further, that notwithstanding any general or special law to the contrary, all offices and positions of the division performing construction activities for the department of conservation and recreation shall be subject to classification under sections 45 to 50, inclusive, of chapter 30 of the General Laws; provided further, that notwithstanding section 3B of chapter 7 of the General Laws, the department shall establish or renegotiate fees, licenses, permits, rents and leases, and to adjust or develop other revenue sources to fund the maintenance, operation, and administration of the department; provided further, that an annual report shall be submitted to the house and senate committees on ways and means regarding fee adjustments not later than February 13, 2009; provided further, that notwithstanding any general or special law or administrative bulletin to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the operational services division; provided further, that no funds shall be expended from this item for personnel overtime costs; provided further, that the department of conservation and recreation shall provide the house and senate committees on ways and means with a 30 day notice before any intersubsidiary transfers or interagency service agreements and the reason for said transfer; provided further, that the amount transferred pursuant to interagency service agreements shall not increase from fiscal year 2008; provided further, that any employee paid from this item as of August 1, 2004, that was included in the report required from said item in chapter 149 of the acts of 2004, and any employees assigned to that item after August 1, 2004, shall not be paid from any other item of appropriation; provided further, that the department of conservation and recreation shall file a report with the house and senate committees on ways and means not later than December 15, 2008, detailing the merger of the former metropolitan district commission with the former department of environmental management into the department of conservation and recreation; provided further, that said report shall detail the efficiencies that have been achieved from said merger; provided further, that said report shall detail the areas of the department where efficiencies have been achieved from the sharing of resources; provided further, that said report shall provide a plan to fully integrate all aspects of the department and said plan shall provide any recommendations that are necessary to improve the department; provided further, that notwithstanding any general or special law to the contrary, the department shall continue to fund a maintenance contract for daily trash removal at Revere beach through proceeds received by the city of Revere and the department pursuant to section 29 of chapter 236 of the acts of 2002 and section 2 of this act; provided further, that not less than \$200,000 shall be expended for the operation of the Bellegarde Boathouse in the city of Lowell; provided further, that not less than \$250,000 shall be expended for the purpose of aquatic management for the Wekepeke Reservoir in the town of Sterling; provided further, that a bench may be erected within Webb Memorial State Park honoring the memory of Brenda Dunker for her life as a selfless volunteer for many worthy causes and for the gardening enthusiasm and skill she graciously displayed in enhancing the beauty and prestige of Webb Memorial State Park and that a suitable marker bearing this designation shall be placed on the memorial bench by the department of conservation and recreation in compliance with the standards of the department; provided further, that not less than \$150,000 shall be expended to the town of Shutesbury for the purpose of aquatic management for Lake Wyola; provided further, that \$100,000 shall be allocated to completing Resource Management Plans for

state parks and urban parks in the commonwealth; provided further, that not less than \$100,000 shall be expended for the DCR Park Rangers mounted unit in the Blue Hills Reservation; provided further, that not less than \$100,000 shall be expended for the Massachusetts Hummocks Park as owned and operated by the department; provided further, that not less than \$60,000 shall be expended for the Martha's Vineyard Commission; and provided further, that not less than \$32,000 shall be expended for Opticom at

the site of the Revere Public Safety Facility 7,389,872.”.

[The Governor reduced this item by \$410,000 and struck out the following wording: “; provided further, that notwithstanding any general or special law or administrative bulletin to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the operational services division” and “; provided further, that not less than \$150,000 shall be expended to the town of Shutesbury for the purpose of aquatic management for Lake Wyola; provided further, that \$100,000 shall be allocated to completing Resource Management Plans for state parks and urban parks in the commonwealth” and “; provided further, that not less than \$100,000 shall be expended for the Massachusetts Hummocks Park as owned and operated by the department; provided further, that not less than \$60,000 shall be expended for the Martha's Vineyard Commission”.]

After remarks, the question on passing item 2800-0100, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty minutes past three o'clock P.M., as follows, to wit (*yeas 34 — nays 3*) **[Yeas and Nays No. 384]:**

YEAS.

Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Buoniconti, Stephen J. O'Leary, Robert A.
Candaras, Gale D. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Petruccelli, Anthony
Creem, Cynthia Stone 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. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 34.

NAYS.

Brown, Scott P. Tisei, Richard R. — 3.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at twenty-two minutes past three o'clock P.M., item 2800-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2800-0101 (Watershed Management Program) was considered as, follows:

“2800-0101 For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the department and the office of water resources in the department of conservation and recreation; provided, that \$500,000 shall be paid to the town of Clinton, under section 8 of chapter 307 of the acts of 1987, to compensate for the use of certain land; provided farther, that the amount of the payment shall be charged to the General Fund and shall not be included in the amount of the annual determination of fiscal year charges to the Massachusetts Water Resources Authority assessed to the authority under the General Laws; provided further, that not less than \$100,000 shall be expended for Pine Tree Brook in the town of Milton; provided further, that not less than \$100,000 shall be expended for a grant to the town of Hopkinton for the North Pond Dam/Lake Maspenock Dam located in the towns of Hopkinton, Milford, and Upton; provided further, that \$50,000 shall be expended for the maintenance of invasive aquatic weeds on the Charles River in Auburndale; provided further, that not less than \$100,000 shall be expended for invasive weed control on the Charles river in Waltham; provided farther, that \$48,000 shall be expended for the flood control activities undertaken by the Thames river valley communities of Massachusetts in conjunction with the state of Connecticut; provided further, that not less than \$35,000 shall be expended for storm water remediation along the Cole River or Lees River by the town of Swansea; provided further, that \$40,000 shall be expended for aquatic nuisance control in Sluice Pond and Flax Pond in the city of Lynn; provided further, that no less than \$30,000 shall be

expended for Eel Pond in the town of Mattapoisett; provided further, that no less than \$25,000 shall be expended for aquatic weed control for Upper Mystic Lake in Winchester; provided further, that no less than \$15,000 shall be expended for aquatic weed control for Winter Pond in Winchester; and provided further, that not less than \$15,000 shall be expended for the Merrimack River Watershed Council 2,060,310.”.

[The Governor reduced this item by \$480,000 and struck out the following wording: “; provided further, that not less than \$100,000 shall be expended for Pine Tree Brook in the town of Milton; provided further, that not less than \$100,000 shall be expended for a grant to the town of Hopkinton for the North Pond Dam/Lake Maspenock Dam located in the towns of Hopkinton, Milford, and Upton; provided further, that \$50,000 shall be expended for the maintenance of invasive aquatic weeds on the Charles River in Auburndale; provided further, that not less than \$100,000 shall be expended for invasive weed control on the Charles river in Waltham” and “; provided further, that not less than \$35,000 shall be expended for storm water remediation along the Cole River or Lees River by the town of Swansea; provided further, that \$40,000 shall be expended for aquatic nuisance control in Sluice Pond and Flax Pond in the city of Lynn; provided further, that no less than \$30,000 shall be expended for Eel Pond in the town of Mattapoisett” and “; and provided further, that not less than \$15,000 shall be expended for the Merrimack River Watershed Council”.]

After debate, the question on passing item 2800-0101, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-three minutes past three o’clock P.M., as follows, to wit (*yeas 34 — nays 3*)

[Yeas and Nays No. 385]:

YEAS.

Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Buoniconti, Stephen J. O’Leary, Robert A.
Candaras, Gale D. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Petruccelli, Anthony
Creem, Cynthia Stone 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. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 34.

NAYS.

Brown, Scott P. Tisei, Richard R. — 3.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at twenty-six minutes past three o’clock P.M., item 2800-0101, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Report of a Committee.

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

The Senate Bill authorizing the transfer of land in Hamilton and Manchester-by-the-Sea (Senate, No. 2811).

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time. Mr. Tarr moved that the bill be amended by substituting a new draft with the same title (Senate, No. 2862).

The amendment was adopted.

The bill (Senate, No. 2862) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

A Bill to limit use of eminent domain in the city of Amesbury (House, No. 4583,— on petition) [Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Mr. Baddour, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act limiting use of eminent domain in the town known as the city of Amesbury".

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to creditable service for teachers (Senate, No. 1541),— ought to pass,

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

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Message from the Governor — Disapproval and Reductions General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4900), which on Thursday, July 3, 2008, had been laid before the Governor for his approbation,— came from the House, in part, several items having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4956) was read; and the Senate proceeded to reconsider several items, which had been disapproved or reduced in accordance with the provisions of the Constitution.

Item 2800-0401 (Stormwater Management Program) was considered as follows:

"2800-0401 For a program to provide stormwater management for all properties and roadways under the care, custody and control of the department of conservation and recreation; provided, that the department shall develop and implement a stormwater management program in compliance with Federal and state stormwater management requirements; provided further, that the department shall inventory all existing stormwater infrastructure, assess its current stormwater practices, analyze long term capital and operational needs, and develop a stormwater management plan to comply with federal and state regulatory requirements; and provided further, that in order to protect public safety and to protect water resources for water supply, recreational and ecosystem uses, the department shall immediately implement interim stormwater management practices including, but not limited to, street sweeping, inspection and cleaning of catch basins, and emergency repairs to roadway drainage 1,094,643.".

[The Governor reduced this item by \$150,000.]

After remarks, the question on passing item 2800-0401, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-eight minutes before four o'clock P.M., as follows, to wit (*yeas 32 — nays 5*) [**Yeas and Nays No. 386**]:

YEAS.

Augustus, Edward M., Jr. Downing, Benjamin B.
Baddour, Steven A. Fargo, Susan C.
Berry, Frederick E. Galluccio, Anthony D.
Brewer, Stephen M. Hart, John A., Jr.
Buoniconti, Stephen J. Jehlen, Patricia D.
Candaras, Gale D. Joyce, Brian A.
Chandler, Harriette L. McGee, Thomas M.
Creedon, Robert S., Jr. Menard, Joan M.
Creem, Cynthia Stone Montigny, Mark C.
Moore, Richard T. Rosenberg, Stanley C.
Morrissey, Michael W. Spilka, Karen E.
O'Leary, Robert A. Timilty, James E.
Pacheco, Marc R. Tolman, Steven A.
Panagiotakos, Steven C. Tucker, Susan C.
Petrucelli, Anthony Walsh, Marian
Resor, Pamela Wilkerson, Dianne — 32.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 5.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at twenty-three minutes before four o'clock P.M., item 2800-0401, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7007-0500 (Biotech Research Institute) was considered as follows:

“7007-0500 For the operation and maintenance of the Massachusetts Biotechnology Research Institute for the purpose of promoting the commercialization of new, academic-based research and development, and raising the scientific awareness of the communities of the commonwealth; provided that no less than \$60,000 shall be expended to the city of Lynn to promote a Biotechnology incubator space within the city's smart growth district 760,000.”.

[The Governor reduced this item by \$60,000 and struck out the following wording: “; provided that no less than \$60,000 shall be expended to the city of Lynn to promote a Biotechnology incubator space within the city's smart growth district”.]

The question on passing item 7007-0500, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-two minutes before four o'clock P.M., as follows, to wit (*yeas 33 — nays 4*) **[Yeas and Nays No. 387]:**

YEAS.

Augustus, Edward M., Jr. Creedon, Robert S., Jr.
Baddour, Steven A. Creem, Cynthia Stone
Berry, Frederick E. Downing, Benjamin B.
Brewer, Stephen M. Fargo, Susan C.
Brown, Scott P. Galluccio, Anthony D.
Buoniconti, Stephen J. Hart, John A., Jr.
Candaras, Gale D. Jehlen, Patricia D.
Chandler, Harriette L. Joyce, Brian A.
McGee, Thomas M. Resor, Pamela
Menard, Joan M. Rosenberg, Stanley C.
Montigny, Mark C. Spilka, Karen E.
Moore, Richard T. Timilty, James E.
Morrissey, Michael W. Tolman, Steven A.
O'Leary, Robert A. Tucker, Susan C.
Pacheco, Marc R. Walsh, Marian
Panagiotakos, Steven C. Wilkerson, Dianne — 33.
Petrucelli, Anthony

NAYS.

Hedlund, Robert L. Tarr, Bruce E.
Knapik, Michael R. Tisei, Richard R. — 4.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at twenty minutes before four o'clock P.M., item 7007-0500, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

The yeas and nays having been completed at twenty minutes before four o'clock P.M., item 7007-0500, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7007-0900 (Massachusetts Office of Travel and Tourism) was considered as follows:

“7007-0900 For the operation and administration of the office of travel and tourism; provided, that performance-based standards shall be incorporated in all contracts executed by said office for the procurement of tourism marketing and advertising services; provided further, that the organizations shall be required, as a condition of receiving a grant, to submit a total operating budget which identifies each source and use of operating and capital funds; provided further, that not less than \$1,250,000 of the amount appropriated herein shall be expended for the operation and administration of the Massachusetts Sports and Entertainment Commission; provided, however, that the Massachusetts Sports and Entertainment Commission shall be the official and lead agency to facilitate and attract major sports events and championships in the commonwealth; provided further, that the Massachusetts Sports and Entertainment Commission shall establish a division within the commission which shall be the official

and lead agency to facilitate motion picture production and development within the commonwealth; provided further, that not less than \$100,000 shall be expended for the Bacon Free Library in Natick; provided further, that \$100,000 shall be expended for the Unity Church in Easton; provided further, that \$100,000 shall be expended for the Freedom Trail Foundation Historic Preservation Trust Development Fund; provided further, that \$150,000 shall be expended for the Old Provincial State House; provided further that no less than \$50,000 be expended for the Peter's Park Art Wall of the Urban Art Institute; provided further that no less than \$50,000 be expended for the Friends of Peter's Park; provided further, that not less than \$100,000 shall be expended for the Kwong Kong Chinese School in Boston; provided further, not less than \$100,000 shall be expended for Chinatown Tourism and Trust in the city of Boston; provided further that not less than \$250,000 shall be expended for Springfield Technical Assistance Program to be operated by the Affiliated Chambers of Commerce of Greater Springfield; provided further, that no less than \$200,000 be expended for the Wilmington Historical Commission; provided further, that \$350,000 shall be expended to the Massachusetts Alliance for Economic Development for the purpose of enhancing economic development related services, including but not limited to implementation of a statewide online site finder to assist business growth; provided further, that \$50,000 be expended by the town of Westhampton to support the renovation of and supplement existing funding for the Westhampton town library; provided further, that not less than \$150,000 shall be expended for a child safety program in the city of Revere; provided further, that not less than \$129,000 shall be expended for the operation of Discover Quincy; provided further, that not less than \$200,000 shall be expended to the Mahaiwe Performing Arts Center in Great Barrington; provided further, that not less than \$200,000 shall be expended to The Boston Symphony Orchestra for the renovation, repairs, design and construction to the grounds at Tanglewood; provided further, that not less than \$17,100 shall be expended for a technology grant for the Hopedale Police Department; provided further, that not less than \$125,000, shall be expended for the Hancock Shaker Village for educational programming and marketing purposes; provided further, that not less than \$50,000 shall be expended for the Russian Community Association in Springfield; provided further, that not less than \$100,000 shall be expended for a small business program in the city of Everett; provided further, that not less than \$100,000 shall be expended for the Merrimack Repertory Theatre; provided further, that not less than \$75,000 shall be expended for the renovation of the Bing Theatre, provided further, that no less than \$100,000 shall be expended for the Italian Cultural Center of Western Massachusetts; provided further, that not less than \$250,000 shall be expended for the North Central Massachusetts Development Corporation; provided further, that not less than \$10,000 shall be expended for the operation of the Payson Park Music Festival in Belmont; provided further, that not less than \$250,000 shall be expended for The Berkshire Museum, in the city of Pittsfield; provided further, that not less than \$75,000 shall be expended for the rehabilitation and restoration of the Samuel Harrison House in the city of Pittsfield; provided further, that not less than \$250,000, subject to a 100 per cent matching fund, shall be expended for the Berkshire Economic Development Corporation; provided further, that not less than \$9,000 shall be expended for operating expenses for the Route 195 Visitor information Center in Wareham; provided further, that not less than \$200,000 shall be expended for the Spirit of Springfield; provided further, that not less than \$50,000 shall be expended for the purposes of the operation of the programs of the Riverside Theatre Works, an organization located in the Hyde Park section of the city of Boston; provided further, that not less than \$125,000 shall be expended for New England Puerto Rican Association; provided further, that not less than \$175,000 shall be expended for the Springfield Business Improvement District (SBID) of Springfield to be used for the installation of a video camera surveillance monitoring system throughout the central business district area of the city of Springfield; provided further, that not less than \$50,000 shall be expended to operate the Cape Cod Junior Technology Council; provided further, that not less than \$300,000 shall be expended for the Sturbridge Heritage and Preservation Partnership; provided further, that not less than \$250,000 shall be expended for the 495/MetroWest Corridor Partnership; provided further, that not less than \$25,000 shall be expended for the town of Halifax's 275th Anniversary Celebration; provided further, that not less than \$1,000,000 shall be expended through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2009 for the highway information centers operating year-round on state highways and federally-assisted highways, and the visitor information centers on Boston Common and the Prudential Center, both in the city of Boston, and the Adams Visitor Center in Adams; provided further, that not less than \$50,000 shall be expended for the operation and administration of the Commonwealth Cup, a series within the Canadian-American Association of Professional Baseball; provided further, that not less than \$200,000 shall be expended for the City Stage of Springfield; provided further, that not less than \$50,000 shall be expended on Brockton's Fuller Craft Museum; provided further, that not less than \$150,000 shall be expended to the town of Wendell for an emergency assistance safety grant; provided further, that not less than \$100,000 shall be expended for Battleship Cove in the city of Fall River to assist the Commonwealth's official World War II and 9/11 memorials' educational and tourism endeavors; provided further, that not less than \$100,000 shall be expended for the Waltham Tourism Council; provided further, that not less than \$40,000 shall be expended for the Newburyport initiative to attract new businesses and industries; provided further, that not less than \$50,000 shall be expended for the economic development project at the Salisbury Chamber of Commerce; provided further, that not less than \$150,000 shall be expended for a child safety program for the town of Wakefield; provided further, that not less than \$50,000 shall be expended to the Merry-Go-Round at Heritage State Park in Holyoke; provided further, that not less than \$65,000 shall be expended for the Designing an Industry initiative at Massachusetts College of Art and Design for cluster research and promotion of the statewide design industry; provided further, that not less than \$50,000 shall be expended for the Springfield Symphony Orchestra; provided further, that \$100,000 shall be expended for the historic Hadley Hall in Hadley; provided further, that \$150,000 shall be expended for the Central Square Theater in Cambridge; provided further, that \$500,000 shall be expended for the Old Provincial State House for stabilization and restoration of the building; provided further, that not less than \$80,000 shall be expended as a grant for the Pioneer Valley Visitors and Tourist Information Center in Greenfield; provided further, that not less than \$200,000 shall be allocated for environmental improvements in downtown Methuen; provided further, that not less than \$50,000 shall be

expended for the START Partnership in Framingham; provided further, that not less than \$75,000 shall be expended for the installation of street lights in the Forest Park area of Springfield; provided further, that not less than \$100,000 shall be expended for the Cape Cod Economic Development Council; provided further, that \$75,000 shall be expended for the Cultural Center of Cape Cod; provided further, that not less than \$100,000 shall be expended for the Cape Cod Maritime Museum located in Hyannis; provided further, that not less than \$50,000 shall be expended for the Enterprise Center at Salem State College for the purpose of furthering economic development on the North Shore; provided further, that \$125,000 shall be expended for the purposes of matching a federally-funded grant entitled, the Essex National Heritage Commission Cooperative Agreement; provided further, that not less than \$50,000 shall be expended for the purposes of furthering the Historic Ports Initiative; provided further, that not less than \$300,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that \$100,000 shall be expended for the Grand Army of the Republic (GAR) Museum in the city of Lynn; provided further, that not less than \$200,000 shall be expended by the local chambers on Cape Cod to include Cape Cod Canal Region, Brewster, Chatham, Dennis, Eastham, Falmouth, Harwich, Hyannis, Mashpee, Orleans and Yarmouth, for the purpose of operating visitor centers; provided further, that not less than \$50,000 shall be made available to the Jacob's Pillow Dance Festival; provided further, that not less than \$2,500,000 shall be expended for a promotional program by the Massachusetts Office of Travel and Tourism to enhance the international tourism market share of the commonwealth, said program to include but not be limited to the countries of Canada, Argentina, Brazil, Great Britain, Ireland, Italy, France, Germany, Japan and Spain; provided further, that not less than \$74,000 shall be expended for the Spectacle of Lights at Heritage Museums and Gardens in Sandwich; provided further, that not less than \$250,000 shall be expended for the SouthCoast Development Partnership for the purposes of regional tourism and economic development; provided further, that not less than \$250,000 shall be expended for the Free Shakespeare Company, a program of The Citi Performing Arts Center, for production support for performances offered for free to the public and for a pilot program to expand performances to Springfield and other cities; provided further, that \$200,000 shall be expended for the operation of the Massachusetts Fisheries Recovery Commission on condition that said commission meet quarterly with written notice to all commission members and that the chairmanship and vice chairmanship of said commission shall be determined by a vote of the commission annually during the first meeting of the fiscal year; provided further, that not less than \$150,000 shall be expended for a child safety program in the town of Winthrop; provided further, that not less than \$250,000 be expended for the Western Massachusetts Economic Development Council for developing, marketing and advertising purposes; provided further, that not less than \$100,000 shall be expended for the historic restoration of the main pier at the Gloucester Maritime Heritage Center in the port of Gloucester; provided further, that not less than \$200,000 shall be expended as grants for the Bay State Games; provided further, that not less than \$300,000 shall be expended to the Basketball Hall of Fame in Springfield; provided further that not less than \$25,000 for the town of West Boylston's bicentennial as a one time request to maintain and modestly expand its programs and continue its successful marketing efforts; provided further, that not less than \$150,000 shall be expended for streetscape improvements along Humphrey Street in the town of Swampscott; provided further, that not less than \$40,000 shall be expended for the Revere Beach Partnership, for programs only; provided further, that not less than \$50,000 shall be expended for the Petersham Historical Society; provided further, that not less than \$25,000 shall be expended for the Quaboag Historical Society; provided further that not less than \$50,000 shall be expended for the Johnny Appleseed Visitors' Center; provided further, that not less than \$75,000 be expended for 'Marlborough 2010' provided further, that not less than \$200,000 shall be expended for the Head of the Charles Regatta; provided further, that not less than \$150,000 shall be expended for a child safety program for the city of Melrose; provided further, that not less than \$150,000 shall be expended for restoration and repairs to the historical Crocker Field in the city of Fitchburg; provided further, that not less than \$100,000 shall be expended for an economic development grant in the town of Braintree; provided further, that not less than \$100,000 shall be expended for the law enforcement technology fund in the town of Franklin; provided further, that not less than \$100,000 shall be expended for the Medway Senior Center; provided further, that not less than \$200,000 shall be expended for the Zeiterion Performing Arts Center in New Bedford; provided further, that not less than \$50,000 shall be expended for the New Bedford Art Museum for tourism production; provided further, that not less than \$1,000,000 shall be expended for the international education and foreign language grant program fund established pursuant to Section 2VVV of chapter 29 of the General Laws; provided further, that not less than \$250,000 shall be expended for new seating in the historic Chevalier auditorium in Medford; provided further, that not less than \$200,000 shall be expended for a child safety grant in the town of Hull; provided further, that not less than \$100,000 shall be expended for the Reagle Players; provided further, that not less than \$100,000 shall be expended for the Russian Community Association of Massachusetts (RCAM) in Boston; provided further, that not less than \$25,000 shall be expended for Essex Street, between houses 506 and 509, in the Town of Saugus; provided further, that not less than \$20,000 shall be expended for the Cultural Center at Elms in Chicopee; provided further, that not less than \$100,000 shall be expended for a grant for the Fino Field Complex in Milford; provided further, that not less than \$75,000 of the funds appropriated herein shall be used to assist year round rural theater organizations on the Lower and Outer Cape through grants for non-prime season operating expenses and audience enhancement initiatives; provided further that not less than \$150,000 shall be expended for the North Adams Armory; provided further, that not less than \$300,000 be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce; provided further, that \$100,000 shall be expended for School Zone safety projects in Arlington; provided further, that the Executive Office of Public Safety shall receive a grant not less than \$200,000 to support the establishment of a pilot transitional employment project in four sites for very high-risk youth and young adults ages 16- 24 in the cities and/or geographic areas with high incidences of violence, incarceration, court-involvement and related activities; provided further, that the Secretary of Public Safety shall distribute grant funds through a competitive grant program that gives preference to applications that: serve communities that have been identified as being high risk communities for youth and young adult violence; demonstrate multi-disciplinary collaboration, including youth/young adult

serving community organizations, state agencies, local law enforcement, medical and public health professionals, and faith-based organizations; utilize a stages of change framework that includes addressing intervention work with young people including but not limited to transitional employment, education, employment readiness, life skills, substance abuse education and treatment referral as needed, re-entry, promoting accountability, and work with other organizations and the Executive Office of Public Safety to determine best practices and long-term programming for transitional employment; commitment and ability to develop and implement the pilot as proposed in the model including, but not limited to, intensive case management component, re-hire component for transitional employment, work with TA provider, purchase and implementation of Efforts Towards Outcomes for tracking work and outcomes, work with evaluator, and willingness to work as a group to demonstrate the capacity and improve the model; have the ability to provide a minimum match of \$200,000 to pilot the project and have the administrative capacity and organizational mission to implement such a program; and demonstrate the ability to work with the department staff to conduct comprehensive evaluations of program development and implementation activities; provided further, that \$125,000 shall be expended for the historic registry in the town of Stoneham; provided further, that \$125,000 shall be expended for the Sanborn House in the town of Winchester; provided further, that not less than \$10,000 be expended to the Rumney Marsh Burial Ground Restoration Committee for the purpose of rehabilitating the Rumney Marsh Burial Ground in Revere; provided further, that not less than \$250,000 shall be expended for the Prince Hall Youth Mentoring Program; provided further, that not less than \$100,000 shall be expended for the operation of Learn to Cope; provided further, that not less than \$50,000 shall be expended for a traffic safety grant regarding the intersection of Highland Glenn Road and High Street in the town of Westwood; provided further, that \$100,000 shall be expended for senior transportation services provided by SCM Community Transportation in Somerville, Cambridge, and Medford; provided further, that not less than \$150,000 shall be expended for an emergency grant resulting from FEMA declared disaster #1512; provided further, that not less than \$75,000 shall be available for a public safety enhancement grant for the City of Pittsfield; provided further, that not less than \$50,000 shall be expended for the YouthGROW program; provided further, that not less than \$75,000 shall be expended for the Captain Leonard House in Agawam; provided further, that not less than \$25,000 shall be expended for the Southwick Cultural Council; provided further, that no less than \$250,000 shall be expended for Puerto Rican Cultural Center of Springfield; provided further, that \$100,000 be expended for costs at the Rockwood Sports Complex located in the city of Worcester; provided further, that not less than \$200,000 shall be expended for the Zumix Cultural Organization in East Boston; provided further, that not less than \$50,000 shall be expended for Framingham Downtown Renaissance economic, tourism and cultural development programs; provided further, that not less than \$175,000 be expended for planning and design funding for an economic development program for Needham Heights; provided further, that not less than \$50,000 shall be expended for a child safety grant for the city of Everett; provided further, that not less than \$175,000 be expended for construction plans and bid documents for a new park and recreation building utilizing green technologies in the town of Medfield; provided further, that not less than \$80,000 shall be expended to the Hull Lifesaving Museum for the purpose of planning the Massachusetts Maritime Trail; provided further, that \$51,000 shall be expended for the purpose of funding the Francis Wyman Project; provided further, that \$300,000 shall be expended for a transportation grant to the town of Weston; provided further, that not less than \$225,000 shall be expended for the International Trade Assistance Center in Fall River; provided further, that not less than \$20,000 shall be expended for a Community Development Clinic to be operated by the Southern New England School of Law; provided further, that not less than \$100,000 shall be expended for a public safety program in the town of Dudley; provided further, that not less than \$75,000 shall be expended as a matching grant for the Josiah Dennis Manse; provided further, that not less than \$25,000 shall be provided for an emergency preparedness program for the town of Millville; provided further, that not less than \$50,000 shall be provided for a public safety grant for the town of Uxbridge; provided further, that not less than \$60,000 shall be expended by the Framingham office of the department of social services for the Metrowest Campership program operated by the Ashland youth advisory board; provided further, that \$50,000 be expended for the David Tilden House in the town of Canton; provided further, that not less than \$150,000 shall be expended for a feasibility study on Meadowbrook Road in the town of Chelmsford; provided further, that not less than \$100,000 shall be expended for a transportation development grant in Arlington; provided further, that not less than \$200,000 shall be expended to the Town of Andover for a child safety grant; provided further, that not less than \$25,000 shall be expended for a feasibility study at the Fairhaven Council on Aging facility; provided further, that not less than \$50,000 be expended for a safety enhancement grant for the town of Canton; provided further, that not less than \$50,000 shall be expended for a child safety grant for the town of East Bridgewater; provided further that not less than \$15,000 shall be expended for the New Bedford Festival Theatre; provided further that not less than \$75,000 shall be expended for the Boston Landmarks Orchestra to provide free classical music performances and educational programs at Boston's Hatch Shell and in the communities of Dorchester, Jamaica Plain, Quincy, Charlestown, Roxbury and East Boston; provided further, that \$100,000 shall be expended for the Massachusetts Advocates for the Arts, Sciences, and Humanities to support the rehabilitation of cultural and heritage facilities across the Commonwealth and the fostering of economic opportunity through arts, culture and tourism in the Commonwealth through public education; provided further that not less than \$100,000 shall be expended to the Dunbar Community Center (DCC), Inc., so-called, in Springfield to operate the DCC Teen Safe Zone Program; provided further, that not less than \$350,000 shall be expended for amelioration of an area bounded by Middle, Garey and Commercial Streets in the Town of Weymouth; provided further, that not less than \$500,000 shall be expended for the Museum of Afro-American History located in the city of Boston; provided further, that not less than \$200,000 shall be appropriated to the Spanish American Union, Incorporated, in the city of Springfield; provided further, that not less than \$75,000 of said funds shall be dedicated to the Puerto Rican Cuatro Project, a cultural development project under said Spanish American Union Incorporated; provided further, that not less than \$225,000 shall be expended for the Regional Technology Development Corporation of Cape Cod; provided further, that not less than \$100,000 shall be allocated to the city of Worcester to implement a comprehensive marketing initiative; provided further, that not less than \$100,000 shall be expended for

a youth recreation and enrichment program in the town of Pembroke; provided further, that not less than \$65,000 shall be expended for the Creative Economy Association of the North Shore; provided further, that not less than \$60,000 shall be expended for the Boston Irish Tourism Association marketing initiatives and for an analysis of the marketability of the Massachusetts Irish Community; provided further, that not less than \$50,000 shall be expended for Plimoth Plantation, Inc., to establish the Cultural Coast Program to promote the southeast region of Massachusetts; provided further, that not less than \$50,000 shall be expended for the Caribbean Carnival Association; provided further, that not less than \$10,000 shall be expended for adolescent outreach awareness in the city of Methuen; provided further, that not less than \$50,000 shall be expended for activities to promote tourism and cultural events in and around the historic downtown in the town of Franklin; provided further, that not less than \$100,000 shall be expended for the Greater Haverhill Chamber of Commerce for the expansion of the Haverhill Means Business program; provided further, that not less than \$50,000 shall be expended for the Louis D. Brown Peace Institute; provided further, that not less than \$120,000 shall be expended for patrols in Wompatuck state park, Hingham Square and the Hingham Harbor sections of Hingham; provided further, that not less than \$50,000 shall be expended for the Attleboro Museum; provided further, that not less than \$150,000 shall be expended for the Greater Food Warehouse of Plymouth Emergency Food Assistance Program; provided further, that not less than \$50,000 shall be expended for the operation of the historic Jenney Grist Mill in the town of Plymouth; provided further, that not less than \$50,000 shall be expended for the Cultural Office of Lowell to promote the downtown Lowell arts district in conjunction with the Revolving Museum; provided further, that not less than \$50,000 shall be expended for the Claflin Hill Symphony Orchestra; provided further, that not less than \$50,000 shall be expended for the Mansfield Music and Arts Society; provided further, that not less than \$40,000 shall be expended for the operation and the promotion of the Ipswich Shuttle Bus service; provided further, that not less than \$30,000 shall be expended for the landmark Ohabei Shalom Chapel Building in East Boston; provided further, that not less than \$25,000 shall be expended for the Sandwich Glass Museum to promote the education of the glass blowing industry in Massachusetts history; provided further, that not less than \$25,000 shall be expended for the Freedom's Way Heritage Commission; provided further, that not less than \$25,000 shall be expended for the Salisbury Beach Maritime Festival; provided further, that not less than \$25,000 shall be expended for the Plymouth County Development Council for a matching grant program in support of nonprofit organizations; provided further, that not less than \$20,000 shall be expended for the Captain Gerald F. DeConto program in the town of Sandwich; provided further, that not less than \$20,000 shall be expended for the Berkshire Theater Festival in Stockbridge; and provided further, that not less than \$15,000 shall be provided to the Cape Cod Cranberry Growers for the production of a Cranberry Harvest Map; provided further that, not less than \$150,000 to support after school programming in the City of Everett, including the improvement of recreational playing fields; provided further, that not less than \$50,000 shall be expended for the Hopkinton Athletic Association for facilitation, promotion and coordination of activities in connection with the international 'Running for the Human Race' project; provided further, that not less than \$25,000 shall be expended for costs associated with making Goff Hall in Rehoboth handicapped accessible; provided further, that not less than \$50,000 shall be provided for the Galaxy Community Council for promoting and hosting the Westover Air Show in the city of Chicopee; provided further that not less than \$100,000 shall be expended for the North End Visitor Center; provided further, that not less than \$50,000 shall be expended for El Jolgorio de Massachusetts Inc. for enhancing literacy and promoting art among Latino youth; provided further, that not less than \$200,000 shall be expended for From the Top, Inc; provided further, that \$50,000 shall be expended to assist in the planning of a performing arts and cultural center in the town of Milton, including but not limited to feasibility studies and architectural drawings; and provided further, that the town of Milton shall serve as fiscal agent for the project until the establishment of an independent nonprofit corporation to establish and operate a Milton Center for the Performing Arts; provided further, that \$250,000 shall be expended for the promotion of the performing arts in the town of Wakefield; and provided further, that \$100,000 shall be expended for the Stoneham Theater in the town of Stoneham; provided further, that not less than \$200,000 shall be expended for the Barrington Stage Company in the city of Pittsfield; provided further, that not less than \$100,000 shall be expended for the marketing, promotion and operation of Sail Boston 2009; provided further, that \$200,000 shall be expended to Old Sturbridge Village for an international marketing campaign; provided further that \$10,000 be expended to the Town of Palmer for its annual winter festival; provided further, that \$35,000 be expended to Monson Bellman, Inc. to support museum activities; provided further, that \$20,000 be expended to the Town of Palmer for the Palmer Youth Program; and provided further, that not less than \$25,000 shall be expended for the Edson and Westlawn cemeteries 37,087,309 Tourism Fund 100.0%".

[The Governor reduced this item by \$10,704,000 and struck out the following wording: “; provided further, that not less than \$100,000 shall be expended for the Bacon Free Library in Natick; provided further, that \$100,000 shall be expended for the Unity Church in Easton; provided further, that \$100,000 shall be expended for the Freedom Trail Foundation Historic Preservation Trust Development Fund” and “; provided further, not less than \$100,000 shall be expended for Chinatown Tourism and Trust in the city of Boston; provided further that not less than \$250,000 shall be expended for Springfield Technical Assistance Program to be operated by the Affiliated Chambers of Commerce of Greater Springfield; provided further, that no less than \$200,000 be expended for the Wilmington Historical Commission” and “; provided further, that \$50,000 be expended by the town of Westhampton to support the renovation of and supplement existing funding for the Westhampton town library” and “; provided further, that not less than \$200,000 shall be expended to the Mahaiwe Performing Arts Center in Great Barrington” and “; provided further, that not less than \$125,000, shall be expended for the Hancock Shaker Village for educational programming and marketing purposes” and “; provided further, that not less than \$100,000 shall be expended for a small business program in the city of Everett; provided further, that not less than \$100,000 shall be expended for the Merrimack Repertory Theatre” and “,

provided further, that no less than \$100,000 shall be expended for the Italian Cultural Center of Western Massachusetts; provided further, that not less than \$250,000 shall be expended for the North Central Massachusetts Development Corporation; provided further, that not less than \$10,000 shall be expended for the operation of the Payson Park Music Festival in Belmont; provided further, that not less than \$250,000 shall be expended for The Berkshire Museum, in the city of Pittsfield” and “; provided further, that not less than \$250,000, subject to a 100 per cent matching fund, shall be expended for the Berkshire Economic Development Corporation; provided further, that not less than \$9,000 shall be expended for operating expenses for the Route 195 Visitor Information Center in Wareham; provided further, that not less than \$200,000 shall be expended for the Spirit of Springfield; provided further, that not less than \$50,000 shall be expended for the purposes of the operation of the programs of the Riverside Theatre Works, an organization located in the Hyde Park section of the city of Boston; provided further, that not less than \$125,000 shall be expended for New England Puerto Rican Association; provided further, that not less than \$175,000 shall be expended for the Springfield Business Improvement District (SBID) of Springfield to be used for the installation of a video camera surveillance monitoring system throughout the central business district area of the city of Springfield” and “; provided further, that not less than \$300,000 shall be expended for the Sturbridge Heritage and Preservation Partnership; provided further, that not less than \$250,000 shall be expended for the 495/MetroWest Corridor Partnership” and “; provided further, that not less than \$50,000 shall be expended for the operation and administration of the Commonwealth Cup, a series within the Canadian-American Association of Professional Baseball; provided further, that not less than \$200,000 shall be expended for the City Stage of Springfield” and “; provided further, that not less than \$150,000 shall be expended to the town of Wendell for an emergency assistance safety grant; provided further, that not less than \$100,000 shall be expended for Battleship Cove in the city of Fall River to assist the Commonwealth’s official World War II and 9/11 memorials’ educational and tourism endeavors; provided further, that not less than \$100,000 shall be expended for the Waltham Tourism Council; provided further, that not less than \$40,000 shall be expended for the Newburyport initiative to attract new businesses and industries; provided further, that not less than \$50,000 shall be expended for the economic development project at the Salisbury Chamber of Commerce; provided further, that not less than \$150,000 shall be expended for a child safety program for the town of Wakefield; provided further, that not less than \$50,000 shall be expended to the Merry-Go-Round at Heritage State Park in Holyoke” and “; provided further, that \$100,000 shall be expended for the historic Hadley Hall in Hadley; provided further, that \$150,000 shall be expended for the Central Square Theater in Cambridge; provided further, that \$500,000 shall be expended for the Old Provincial State House for stabilization and restoration of the building; provided further, that not less than \$80,000 shall be expended as a grant for the Pioneer Valley Visitors and Tourist Information Center in Greenfield; provided further, that not less than \$200,000 shall be allocated for environmental improvements in downtown Methuen” and “; provided further, that \$75,000 shall be expended for the Cultural Center of Cape Cod; provided further, that not less than \$100,000 shall be expended for the Cape Cod Maritime Museum located in Hyannis” and “; provided further, that not less than \$300,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that \$100,000 shall be expended for the Grand Army of the Republic (GAR) Museum in the city of Lynn; provided further, that not less than \$200,000 shall be expended by the local chambers on Cape Cod to include Cape Cod Canal Region, Brewster, Chatham, Dennis, Eastham, Falmouth, Harwich, Hyannis, Mashpee, Orleans and Yarmouth, for the purpose of operating visitor centers” and “; provided further, that no less than \$2,500,000 shall be expended for a promotional program by the Massachusetts Office of Travel and Tourism to enhance the international tourism market share of the commonwealth, said program to include but not be limited to the countries of Canada, Argentina, Brazil, Great Britain, Ireland, Italy, France, Germany, Japan and Spain; provided further, that no less than \$74,000 shall be expended for the Spectacle of Lights at Heritage Museums and Gardens in Sandwich; provided further, that not less than \$250,000 shall be expended for the SouthCoast Development Partnership for the purposes of regional tourism and economic development; provided further, that not less than \$250,000 shall be expended for the Free Shakespeare Company, a program of The Citi Performing Arts Center, for production support for performances offered for free to the public and for a pilot program to expand performances to Springfield and other cities” and “; provided further, that not less than \$250,000 be expended for the Western Massachusetts Economic Development Council for developing, marketing and advertising purposes; provided further, that no less than \$100,000 shall be expended for the historic restoration of the main pier at the Gloucester Maritime Heritage Center in the port of Gloucester” and “; provided further, that not less than \$300,000 shall be expended to the Basketball Hall of Fame in Springfield” and “; provided further, that not less than \$150,000 shall be expended for streetscape improvements along Humphrey Street in the town of Swampscott” and “; provided further, that no less than \$50,000 shall be expended for the Petersham Historical Society; provided further, that no less than \$25,000 shall be expended for the Quaboag Historical Society” and “; provided further, that not less than \$75,000 be expended for ‘Marlborough 2010’; provided further, that not less than \$200,000 shall be expended for the Head of the Charles Regatta; provided further, that not less than \$150,000 shall be expended for a child safety program for the city of Melrose; provided further, that not less than \$150,000 shall be expended for restoration and repairs to the historical Crocker Field in the city of Fitchburg” and “; provided further, that not less than \$100,000 shall be expended for the law enforcement technology fund in the town of Franklin” and “; provided further, that not less than \$1,000,000 shall be expended for the international education and foreign language grant program fund established pursuant to Section 2VVV of chapter 29 of the General Laws; provided further, that not less than \$250,000 shall be expended for new seating in the historic Chevalier auditorium in Medford” and “; provided further, that not less than \$100,000 shall be expended for the Reagle Players; provided farther, that not less than \$100,000 shall be expended for the Russian Community Association of Massachusetts (RCAM) in Boston; provided further, that not less than \$25,000 shall be expended for Essex Street, between houses 506 and 509, in the Town of Saugus” and “; provided further, that not less than \$100,000 shall be expended for a grant for the Fino Field Complex in Milford; provided further, that not less than \$75,000 of the funds appropriated herein shall be used to assist year round rural theater organizations on the Lower and Outer Cape through grants for non-prime season operating expenses and audience

enhancement initiatives; provided further that not less than \$150,000 shall be expended for the North Adams Armory” and “; provided further, that \$100,000 shall be expended for School Zone safety projects in Arlington” and “; provided further, that \$125,000 shall be expended for the historic registry in the town of Stoneham; provided further, that \$125,000 shall be expended for the Sanborn House in the town of Winchester” and “; provided further, that not less than \$250,000 shall be expended for the Prince Hall Youth Mentoring Program” and “; provided further, that not less than \$50,000 shall be expended for a traffic safety grant regarding the intersection of Highland Glenn Road and High Street in the town of Westwood” and “; provided further, that not less than \$75,000 shall be available for a public safety enhancement grant for the City of Pittsfield; provided further, that not less than \$50,000 shall be expended for the YouthGROW program” and “; provided further, that not less than \$25,000 shall be expended for the Southwick Cultural Council; provided further, that no less than \$250,000 shall be expended for Puerto Rican Cultural Center of Springfield; provided further, that \$100,000 be expended for costs at the Rockwood Sports Complex located in the city of Worcester; provided further, that not less than \$200,000 shall be expended for the Zumix Cultural Organization in East Boston” and “; provided further, that not less than \$175,000 be expended for planning and design funding for an economic development program for Needham Heights” and “; provided further, that not less than \$175,000 be expended for construction plans and bid documents for a new park and recreation building utilizing green technologies in the town of Medfield; provided further, that not less than \$80,000 shall be expended to the Hull Lifesaving Museum for the purpose of planning the Massachusetts Maritime Trail; provided further, that \$51,000 shall be expended for the purpose of funding the Francis Wyman Project; provided further, that \$300,000 shall be expended for a transportation grant to the town of Weston; provided further, that not less than \$225,000 shall be expended for the International Trade Assistance Center in Fall River” and “; provided further, that not less than \$100,000 shall be expended for a public safety program in the town of Dudley” and “; provided further, that not less than \$50,000 shall be provided for a public safety grant for the town of Uxbridge” and “; provided further, that not less than \$150,000 shall be expended for a feasibility study on Meadowbrook Road in the town of Chelmsford; provided further, that not less than \$100,000 shall be expended for a transportation development grant in Arlington; provided further, that not less than \$200,000 shall be expended to the Town of Andover for a child safety grant; provided further, that not less than \$25,000 shall be expended for a feasibility study at the Fairhaven Council on Aging facility; provided further, that not less than \$50,000 be expended for a safety enhancement grant for the town of Canton” and “; provided further, that \$100,000 shall be expended for the Massachusetts Advocates for the Arts, Sciences, and Humanities to support the rehabilitation of cultural and heritage facilities across the Commonwealth and the fostering of economic opportunity through arts, culture and tourism in the Commonwealth through public education; provided further that not less than \$100,000 shall be expended to the Dunbar Community Center (DCC), Inc., so-called, in Springfield to operate the DCC Teen Safe Zone Program; provided further, that not less than \$350,000 shall be expended for amelioration of an area bounded by Middle, Garey and Commercial Streets in the Town of Weymouth” and “; provided further, that not less than \$200,000 shall be appropriated to the Spanish American Union, Incorporated, in the city of Springfield; provided further, that not less than \$75,000 of said funds shall be dedicated to the Puerto Rican Cuatro Project, a cultural development project under said Spanish American Union Incorporated; provided further, that not less than \$225,000 shall be expended for the Regional Technology Development Corporation of Cape Cod” and “; provided further, that not less than \$65,000 shall be expended for the Creative Economy Association of the North Shore; provided further, that not less than \$60,000 shall be expended for the Boston Irish Tourism Association marketing initiatives and for an analysis of the marketability of the Massachusetts Irish Community” and “; provided further, that not less than \$10,000 shall be expended for adolescent outreach awareness in the city of Methuen” and “; provided further, that not less than \$100,000 shall be expended for the Greater Haverhill Chamber of Commerce for the expansion of the Haverhill Means Business program” and “; provided further, that not less than \$50,000 shall be expended for the operation of the historic Tenney Grist Mill in the town of Plymouth” and “; provided further, that not less than \$25,000 shall be expended for the Sandwich Glass Museum to promote the education of the glass blowing industry in Massachusetts history” and “; provided further, that not less than \$20,000 shall be expended for the Captain Gerald F. DeConto program in the town of Sandwich” and “; and provided further, that not less than \$15,000 shall be provided to the Cape Cod Cranberry Growers for the production of a Cranberry Harvest Map” and “; provided further, that not less than \$50,000 shall be expended for the Hopkinton Athletic Association for facilitation, promotion and coordination of activities in connection with the international ‘Running for the Human Race project’” and “; provided further, that not less than \$50,000 shall be provided for the Galaxy Community Council for promoting and hosting the Westover Air Show in the city of Chicopee” and “; provided further, that not less than \$200,000 shall be expended for From the Top, Inc; provided further, that \$50,000 shall be expended to assist in the planning of a performing arts and cultural center in the town of Milton, including but not limited to feasibility studies and architectural drawings; and provided further, that the town of Milton shall serve as fiscal agent for the project until the establishment of an independent nonprofit corporation to establish and operate a Milton Center for the Performing Arts; provided further, that \$250,000 shall be expended for the promotion of the performing arts in the town of Wakefield; and provided further, that \$100,000 shall be expended for the Stoneham Theater in the town of Stoneham” and “; provided further, that \$200,000 shall be expended to Old Sturbridge Village for an international marketing campaign; provided further that \$10,000 be expended to the Town of Palmer for its annual winter festival; provided further, that \$35,000 be expended to Monson Hellman, Inc. to support museum activities; provided further, that \$20,000 be expended to the Town of Palmer for the Palmer Youth Program; and provided further, that not less than \$25,000 shall be expended for the Edson and Westlawn cemeteries” and inserted the following wording: “; provided further, that not less than \$50,000 shall be expended for the Bacon Free Library in Natick” and “; provided further, that \$50,000 shall be expended for the Freedom Trail Foundation Historic Preservation Trust Development Fund” and “; provided further, not less than \$50,000 shall be expended for Chinatown Tourism and Trust in the city of Boston; provided further that not less than \$125,000 shall be expended for Springfield Technical Assistance Program to be operated by the Affiliated Chambers of Commerce of Greater Springfield; provided further, that not less

than \$100,000 be expended for the Wilmington Historical Commission” and “; provided further, that not less than \$100,000 shall be expended to the Mahaiwe Performing Arts Center in Great Barrington” and “; provided further, that not less than \$75,000, shall be expended for the Hancock Shaker Village for educational programming and marketing purposes” and “; provided further, that not less than \$50,000 shall be expended for the Merrimack Repertory Theatre” and “; provided further, that no less than \$50,000 shall be expended for the Italian Cultural Center of Western Massachusetts; provided further, that not less than \$125,000 shall be expended for the North Central Massachusetts Development Corporation” and “; provided further, that not less than \$125,000 shall be expended for The Berkshire Museum, in the city of Pittsfield” and “; provided further, that not less than \$125,000, subject to a 100 per cent matching fund, shall be expended for the Berkshire Economic Development Corporation” and “; provided further, that not less than \$100,000 shall be expended for the Spirit of Springfield” and “; provided further, that not less than \$75,000 shall be expended for New England Puerto Rican Association; provided further, that not less than \$100,000 shall be expended for the Springfield Business Improvement District (SBID) of Springfield to be used for the installation of a video camera surveillance monitoring system throughout the central business district area of the city of Springfield” and “; provided further, that not less than \$125,000 shall be expended for the 495/MetroWest Corridor Partnership” and “; provided further, that not less than \$150,000 shall be expended for the City Stage of Springfield” and “; provided further, that not less than \$75,000 shall be expended to the town of Wendell for an emergency assistance safety grant; provided further, that not less than \$50,000 shall be expended for Battleship Cove in the city of Fall River to assist the Commonwealth’s official World War II and 9/11 memorials’ educational and tourism endeavors” and “; provided further, that not less than \$75,000 shall be expended for a child safety program for the town of Wakefield” and “; provided farther, that \$50,000 shall be expended for the historic Hadley Hall in Hadley” and “; provided further, that not less than \$50,000 shall be expended as a grant for the Pioneer Valley Visitors and Tourist Information Center in Greenfield” and “; provided further, that not less than \$50,000 shall be expended for the Cape Cod Maritime Museum located in Hyannis” and “; provided further, that not less than \$150,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that \$50,000 shall be expended for the Grand Army of the Republic (GAR) Museum in the city of Lynn” and “; provided further, that no less than \$1,500,000 shall be expended for a promotional program by the Massachusetts Office of Travel and Tourism to enhance the international tourism market share of the commonwealth, said program to include but not be limited to the countries of Canada, Argentina, Brazil, Great Britain, Ireland, Italy, France, Germany, Japan and Spain” and “; provided farther, that not less than \$125,000 shall be expended for the SouthCoast Development Partnership for the purposes of regional tourism and economic development; provided further, that not less than \$200,000 shall be expended for the Free Shakespeare Company, a program of The Citi Performing Arts Center, for production support for performances offered for free to the public and for a pilot program to expand performances to Springfield and other cities” and “; provided further, that not less than \$125,000 be expended for the Western Massachusetts Economic Development Council for developing, marketing and advertising purposes; provided further, that no less than \$50,000 shall be expended for the historic restoration of the main pier at the Gloucester Maritime Heritage Center in the port of Gloucester” and “; provided further, that not less than \$150,000 shall be expended to the Basketball Hall of Fame in Springfield” and “; provided further, that not less than \$100,000 shall be expended for streetscape improvements along Humphrey Street in the town of Swampscott” and “; provided further, that not less than \$75,000 shall be expended for a child safety program for the city of Melrose” and “; provided further, that not less than \$50,000 shall be expended for the law enforcement technology fund in the town of Franklin” and “; provided further, that not less than \$500,000 shall be expended for the international education and foreign language grant program fund established pursuant to Section 2VVV of chapter 29 of the General Laws; provided further, that not less than \$150,000 shall be expended for new seating in the historic Chevalier auditorium in Medford” and “; provided further, that not less than \$50,000 shall be expended for the Russian Community Association of Massachusetts (RCAM) in Boston” and “; provided further that not less than \$75,000 shall be expended for the North Adams Armory” and “; provided further, that \$75,000 shall be expended for the Sanborn House in the town of Winchester” and “; provided further, that not less than \$125,000 shall be expended for the Prince Hall Youth Mentoring Program” and “; provided further, that no less than \$75,000 shall be expended for Puerto Rican Cultural Center of Springfield; provided further, that \$50,000 be expended for costs at the Rockwood Sports Complex located in the city of Worcester; provided further, that not less than \$150,000 shall be expended for the Zumix Cultural Organization in East Boston” and “; provided further, that not less than \$75,000 be expended for construction plans and bid documents for a new park and recreation building utilizing green technologies in the town of Medfield; provided further, that not less than \$40,000 shall be expended to the Hull Lifesaving Museum for the purpose of planning the Massachusetts Maritime Trail” and “; provided further, that \$150,000 shall be expended for a transportation grant to the town of Weston; provided further, that not less than \$100,000 shall be expended for the International Trade Assistance Center in Fall River” and “; provided further, that not less than \$50,000 shall be expended for a public safety program in the town of Dudley” and “; provided further, that not less than \$50,000 shall be expended for a transportation development grant in Arlington; provided further, that not less than \$150,000 shall be expended to the Town of Andover for a child safety grant” and “; provided further, that \$50,000 shall be expended for the Massachusetts Advocates for the Arts, Sciences, and Humanities to support the rehabilitation of cultural and heritage facilities across the Commonwealth and the fostering of economic opportunity through arts, culture and tourism in the Commonwealth through public education; provided further that not less than \$50,000 shall be expended to the Dunbar Community Center (DCC), Inc., so-called, in Springfield to operate the DCC Teen Safe Zone Program; provided further, that not less than \$200,000 shall be expended for amelioration of an area bounded by Middle, Garey and Commercial Streets in the Town of Weymouth” and “; provided further, that not less than \$150,000 shall be appropriated to the Spanish American Union, Incorporated, in the city of Springfield; provided further, that not less than \$75,000 of said funds shall be dedicated to the Puerto Rican Cuatro Project, a cultural development project under said Spanish American Union Incorporated” and “; provided further, that not less than \$30,000 shall be expended for the Creative Economy Association of the

North Shore; provided further, that not less than \$30,000 shall be expended for the Boston Irish Tourism Association marketing initiatives and for an analysis of the marketability of the Massachusetts Irish Community” and “; provided further, that not less than \$50,000 shall be expended for the Greater Haverhill Chamber of Commerce for the expansion of the Haverhill Means Business program” and “; provided further, that not less than \$25,000 shall be provided for the Galaxy Community Council for promoting and hosting the Westover Air Show in the city of Chicopee” and “; provided further, that not less than \$100,000 shall be expended for From the Top, Inc.” and “; provided further, that \$100,000 shall be expended to Old Sturbridge Village for an international marketing campaign”.]

The question on passing item 7007-0900, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nineteen minutes before four o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 388**]:

YEAS.

Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
Knapik, Michael R. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 36.

NAYS — 0.

ANSWERED “PRESENT”.

Hedlund, Robert L. — 1.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at seventeen minutes before four o'clock P.M., item 7007-0900, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0340-0100 (Suffolk District Attorney's Office) was considered as follows:

“0340-0100 For the Suffolk district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, the domestic violence unit and the children's advocacy center; provided, that the office shall submit a report to the executive director of the Massachusetts district attorneys' association no later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals, and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that the office shall submit a report to the house and senate committees on ways and means no later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (a) the total number of personnel from private law firms participating in the program; (b) the name and address of the law firms; (c) the duties performed by the personnel; and (d) the benefits and cost savings associated with the program provided further, that not more than \$125,000 shall be expended for a North Dorchester Safe Neighborhood Initiative in Suffolk County; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the executive director of the Massachusetts district attorneys' association no later than February 2, 2009, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the

trust fund as of January 1, 2009; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; provided further, that not more than \$100,000 shall be expended for additional support of the Gun Prosecution Task Force, also known as the Gun Court; provided further, that not more than \$150,000 shall be expended for support of a second Grand Jury for Suffolk County to investigate unsolved homicides, otherwise known as the Special Homicide Grand Jury; provided further, that not more than \$230,000 shall be expended for the cost of rent increases and property tax pass through increases at One Bulfinch Place; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer 16,593,097.”.

[The Governor reduced this item by \$115,000 and struck out the following wording: “; provided further, that not more than \$230,000 shall be expended for the cost of rent increases and property tax pass through increases at One Bulfinch Place” and inserted the following wording: “; provided further, that not more than \$115,000 shall be expended for the cost of rent increases and property tax pass through increases at One Bulfinch Place”.]

After remarks, the question on passing item 0340-0100, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at sixteen minutes before four o’clock P.M., as follows, to wit (*yeas* 33 — *nays* 5) [**Yeas and Nays No. 389**]:

YEAS.

Antonioni, Robert A. Creedon, Robert S., Jr.
Augustus, Edward M., Jr. Creem, Cynthia Stone
Baddour, Steven A. Downing, Benjamin B.
Berry, Frederick E. Fargo, Susan C.
Brewer, Stephen M. Galluccio, Anthony D.
Buoniconti, Stephen J. Hart, John A., Jr.
Candaras, Gale D. Jehlen, Patricia D..
Chandler, Harriette L. Joyce, Brian A.
McGee, Thomas M. Resor, Pamela
Menard, Joan M. Rosenberg, Stanley C.
Montigny, Mark C. Spilka, Karen E.
Moore, Richard T. Timilty, James E.
Morrissey, Michael W. Tolman, Steven A.
O’Leary, Robert A. Tucker, Susan C.
Pacheco, Marc R. Walsh, Marian
Panagiotakos, Steven C. Wilkerson, Dianne — 33.
Petrucelli, Anthony

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 5.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at fourteen minutes before four o’clock P.M., item 0340-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0340-0300 (Eastern District Attorney’s Office) was considered as follows:

“0340-0300 For the Eastern district attorney’s office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the executive director of the Massachusetts district attorneys’ association no later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals, and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the executive director of the Massachusetts district attorneys’ association no later than February 2, 2009, detailing the office’s use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office’s special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that no assistant district attorney shall be paid

an annual salary of less than \$37,500; provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer; provided further, that the office shall submit a report to the house and senate committees on ways and means no later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; and provided further, that the report shall include, but not be limited to, the following: (a) the total number of personnel from private law firms participating in the program; (b) the name and address of the law firms; (c) the duties performed by the personnel; and (d) the benefits

and cost savings associated with the program 8,751,724.”.

[The Governor reduced this item by \$42,900.]

The question on passing item 0340-0300, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at thirteen minutes before four o'clock P.M., as follows, to wit (*yeas 34 — nays 4*) **[Yeas and Nays No. 390]**:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Berry, Frederick E. Morrissey, Michael W.
Brewer, Stephen M. O'Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Candaras, Gale D. Panagiotakos, Steven C.
Chandler, Harriette L. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 34.

NAYS.

Brown, Scott P. Knapik, Michael R.
Hedlund, Robert L. Tisei, Richard R. — 4.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at eleven minutes before four o'clock P.M., item 0340-0300, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Engrossed Bill.

An engrossed Bill authorizing the State Secretary to place the office of selectman on the state election ballot in the town of Topsfield (see House Bill, printed in House, No. 4884) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.

Emergency Preamble Adopted.

An engrossed Bill relative to group marketing plans (see House, No. 4948), 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 11 to 0.

The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.

Engrossed Bills.

An engrossed Bill relative to the articles and by-laws of cooperative housing corporations (see House, No. 1224, 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 Acting President (Mr. Rosenberg) and again laid before the Governor for his approbation.

An engrossed Bill relative to administrative oversight of the hiring process in the town of West Boylston (see House, No. 4099, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.

The Senate Bill establishing the Global Warming Solutions Act (Senate, No. 2540, printed as amended),— came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5035, amended.

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

Emergency Preamble Adopted.

An engrossed Bill providing for the release of certain land in the town of Deerfield from the operation of an agricultural preservation restriction (see House, No. 4779), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 8 to 0.

The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.

The House Bill financing improvements to the Commonwealth's transportation system (House, No. 5039, amended),— came from the House with an amendment inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith finance improvements to the Commonwealth's transportation system, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience."

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

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to the Commonwealth's pension system (see House, No. 4959) [being the text of section 11 and 12 of the General Appropriations Bill House, No. 4900] [for message, see attachment D of House, No. 4957],— came from the House with the endorsement that the House had rejected the amendment recommended by the Governor, and had adopted the following amendment, striking out section 2 and inserting in place thereof the following 6 sections:

"SECTION 2. Section 102 of said chapter 32, as so appearing, is hereby amended by striking out, in line 7, the words 'and the teachers retirement system' and inserting in place thereof the following words:— , 'the teachers' retirement system and teachers who are members of the State-Boston retirement system'.

SECTION 3. Said section 102 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 32, 36, and 43 the figure '\$12,000' and inserting in place thereof, in each instance, the following figure:— '\$16,000'.

SECTION 4. Notwithstanding any general or special law to the contrary, if a former employee, spouse, or other beneficiary is receiving an annual retirement allowance, pension or annuity which is \$40,000 or more, exclusive of additional annuity obtained by special purchase under paragraph (g) of subdivision (1) of section 22 of chapter 32 of the General Laws, the sum of \$16,000 referred to in section 102 of said chapter 32 shall be reduced to \$12,000.

SECTION 5. Section 4 shall only apply for fiscal year 2009.

SECTION 6. The second paragraph of section 111 of chapter 182 of the acts of 2008 is hereby amended by inserting after the words 'cost-of-living-adjustments base' the following words:— ', the impact of instituting a tiered cost-of-living base system tied to the value of a retiree's pension'.

SECTION 7. This act shall take effect as of July 1, 2008."

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Downing.

The Governor's amendment was then rejected.

The House amendment was considered; and it was adopted, in concurrence (as corrected BTR).

Sent to the House for re-enactment.

The House Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5022),— came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2857 with a further amendment inserting after section 21 the following 4 sections:—

"SECTION 21A. Section 17A of chapter 180 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Deductions on pay-roll schedules may be made from the salary of any state, county or municipal employee of any amount which such employee may specify in writing to any state, county or municipal officer, or the head of the state, county or municipal department, board or commission, by whom or which he is employed, or which may be specified by a collective bargaining agreement with the PCA Quality Homecare

Workforce Council, for the payment of union dues to an association of state, county or municipal employees, dues to the Massachusetts State Employees Association, dues to the Massachusetts Nurses Association, or dues payable to any relief association of any municipal department.

SECTION 21B. Said section 17A of said chapter 180, as so appearing, is hereby further amended by striking out the first sentence, as amended by section 21A of this act, and inserting in place thereof the following sentence:— Deductions on pay-roll schedules may be made from the salary of any state, county or municipal employee of any amount which such employee may specify in writing to any state, county or municipal officer, or the head of the state, county or municipal department, board or commission, by whom or which he is employed, for the payment of union dues to an association of state, county or municipal employees, dues to the Massachusetts State Employees Association, dues to the Massachusetts Nurses Association, or dues payable to any relief association of any municipal department.

SECTION 21C. Section 17G of said chapter 180, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Deductions on pay-roll schedules shall be made from the salary of any state, county or municipal employee of any amount which such employee may specify in writing to any state, county or municipal officer, or the head of the state, county or municipal department, board or commission, by whom or which he is employed, or which may be specified by a collective bargaining agreement with the PCA Quality Homecare Workforce Council, for the payment of agency service fees to the employee organization, which, in accordance with the provisions of chapter 150E is duly recognized by the employer or designated by the labor relations commission as the exclusive bargaining agent for the appropriate unit in which such employee is employed.

SECTION 21D. Said section 17G of said chapter 180, as so appearing, is hereby further amended by striking out the first sentence, as amended by section 21C of this act, and inserting in place thereof the following sentence:— Deductions on pay-roll schedules shall be made from the salary of any state, county or municipal employee of any amount which such employee may specify in writing to any state, county or municipal officer, or the head of the state, county or municipal department, board or commission, by whom or which he is employed, for the payment of agency service fees to the employee organization, which, in accordance with the provisions of chapter 150E is duly recognized by the employer or designated by the labor relations commission as the exclusive bargaining agent for the appropriate unit in which such employee is employed.”; and by adding the following section:

“SECTION 71. Sections 21B and 21D shall take effect on July 1, 2011.”; and by striking out section 61A (as printed) and by striking out section 65B (as printed).

Senate Rule 36 was suspended, on motion of Mr. Downing, and the House amendment was considered forthwith and adopted, in concurrence (as corrected BTR).

Engrossed Bill.

An engrossed Bill relative to group marketing plans (see House, No. 4948) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.

The Senate Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town of Holden (Senate, No. 2794, amended),— came from the House passed to be engrossed, in concurrence with an amendment in section 1, in line 14, by striking out the words “a single family residence” and inserting in place thereof the words “educational or scientific purposes consistent with the mission of the Worcester Natural History Society or not more than two dwelling units”.

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

Message from the Governor — Disapproval and Reductions General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4900), which on Thursday, July 3, 2008, had been laid before the Governor for his approbation came from the House, in part, several items having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4956) was read; and the Senate proceeded to reconsider one item, which had been reduced in accordance with the provisions of the Constitution.

Item 0340-0400 (Middle District Attorney’s Office) was considered as follows:

“0340-0400 For the Worcester district attorney’s office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the executive director of the Massachusetts district attorneys’ association no later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals, and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that \$75,000 may be expended for financial criminal investigations;

provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the executive director of the Massachusetts district attorneys' association no later than February 2, 2009, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that the office shall submit a report to the house and senate committees on ways and means no later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (a) the total number of personnel from private law firms participating in the program; (b) the name and address of the law firms; (c) the duties performed by the personnel; and (d) the benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; provided further, that not more than \$45,000 shall be expended for the Victim Survivor Care Program at Ann Maria College; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to

make that transfer 9,250,428.”.

[The Governor reduced this item by \$45,125.]

After remarks, the question on passing item 0340-0400, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-eight minutes before six o'clock P.M., as follows, to wit (*yeas 33 — nays 5*) [**Yeas and Nays No. 391**]:

YEAS.

Antonioni, Robert A. Downing, Benjamin B.
Augustus, Edward M., Jr. Fargo, Susan C.
Baddour, Steven A. Galluccio, Anthony D.
Berry, Frederick E. Hart, John A., Jr.
Brewer, Stephen M. Jehlen, Patricia D.
Buoniconti, Stephen J. Joyce, Brian A.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Menard, Joan M.
Creedon, Robert S., Jr. Montigny, Mark C.
Creem, Cynthia Stone Moore, Richard T.
Morrissey, Michael W. Spilka, Karen E.
O'Leary, Robert A. Timilty, James E.
Pacheco, Marc R. Tolman, Steven A.
Panagiotakos, Steven C. Tucker, Susan C.
Petrucelli, Anthony Walsh, Marian
Resor, Pamela Wilkerson, Dianne — 33.
Rosenberg, Stanley C.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 5.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at twenty-three minutes before six o'clock P.M., item 0340-0400, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Recess.

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

PAPERS FROM THE HOUSE.

Message from the Governor — Disapproval and Reductions General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4900), which on Thursday,

July 3, 2008, had been laid before the Governor for his approbation, came from the House, in part, several items having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4956) was read; and the Senate proceeded to reconsider one item which had been reduced in accordance with the provisions of the Constitution.

Item 0340-0500 (Western District Attorney's Office) was considered as follows:

"0340-0500 For the Hampden district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit: provided, that the office shall submit a report to the executive director of the Massachusetts district attorneys' association no later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals, and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the executive director of the Massachusetts district attorneys' association no later than February 2, 2009, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that the office shall submit a report to the house and senate committees on ways and means no later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (a) the total number of personnel from private law firms participating in the program; (b) the name and address of the law firms; (c) the duties performed by the personnel; and (d) the benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer 8,328,979."

[The Governor reduced this item by \$40,828.]

After debate, the question on passing item 0340-0500, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at fourteen minutes past six o'clock P.M., as follows, to wit (*yeas 34 — nays 4*) [**Yeas and Nays No. 392**]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Buoniconti, Stephen J. O'Leary, Robert A.
Candaras, Gale D. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Petrucci, Anthony
Creem, Cynthia Stone Resor, Pamela
Downing, Benjamin B. Rosenberg, Stanley C.
Fargo, Susan C. Spilka, Karen E.
Galluccio, Anthony D. Timilty, James E.
Hart, John A., Jr. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 34.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 4.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at twenty minutes past six o'clock P.M., item 0340-0500, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Engrossed Bill — State Loan.

An engrossed Bill financing an accelerated structurally-deficient bridge improvement program (see House, No. 4972, 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 borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-one minutes past six o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 393**]:

YEAS.

Antonioni, Robert A. Brewer, Stephen M.
Augustus, Edward M., Jr. Brown, Scott P.
Baddour, Steven A. Buoniconti, Stephen J.
Berry, Frederick E. Candaras, Gale D.
Chandler, Harriette L. Morrissey, Michael W.
Creedon, Robert S., Jr. O'Leary, Robert A.
Creem, Cynthia Stone Pacheco, Marc R.
Downing, Benjamin B. Panagiotakos, Steven C.
Fargo, Susan C. Petrucci, Anthony
Galluccio, Anthony D. Resor, Pamela
Hart, John A., Jr. Rosenberg, Stanley C.
Hedlund, Robert L. Spilka, Karen E.
Jehlen, Patricia D. Tarr, Bruce E.
Joyce, Brian A. Timilty, James E.
Knapik, Michael R. Tisei, Richard R.
McGee, Thomas M. Tolman, Steven A.
Menard, Joan M. Tucker, Susan C.
Montigny, Mark C. Walsh, Marian
Moore, Richard T. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at twenty-four minutes past six 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.

Message from the Governor — Disapproval and Reductions General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4900), which on Thursday, July 3, 2008, had been laid before the Governor for his approbation, came from the House, in part, several items having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4956) was read; and the Senate proceeded to reconsider several items which had been disapproved or reduced in accordance with the provisions of the Constitution.

Item 0340-0600 (Northwestern District Attorney's Office) was considered as follows:

"0340-0600 For the Hampshire/Franklin district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the executive director of the Massachusetts district attorneys' association no later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals, and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the executive director of the Massachusetts district attorneys' association no later than February 2, 2009, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in said fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that the office shall submit a report to the house and senate committees on ways and means no later than February 2, 2009, detailing the total number and use of private attorneys

participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (a) the total number of personnel from private law firms participating in the program; (b) the name and address of the law firms; (c) the duties performed by the personnel; and (d) the benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; provided further, that not less than \$150,000 shall be expended for the salaries and expenses of a children's advocacy project; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer 5,185,922."

[The Governor reduced this item by \$25,421.]

After remarks, the question on passing item 0340-0600, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-nine minutes past six o'clock P.M., as follows, to wit (*yeas 33 — nays 4*) **[Yeas and Nays No. 394]:**

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Buoniconti, Stephen J. O'Leary, Robert A.
Candaras, Gale D. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Petrucci, Anthony
Creem, Cynthia Stone Resor, Pamela
Downing, Benjamin B. Rosenberg, Stanley C.
Fargo, Susan C. Spilka, Karen E.
Galluccio, Anthony D. Timilty, James E.
Hart, John A., Jr. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian
Joyce, Brian A. Wilkerson, Dianne — 33.
Knapik, Michael R.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 4.

ABSENT OR NOT VOTING.

Marzilli, Jim Tolman, Steven A. — 2.

The yeas and nays having been completed at twenty-eight minutes before seven o'clock P.M., item 0340-0600, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0340-0700 (Norfolk District Attorney's Office) was considered as follows:

"0340-0700 For the Norfolk district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the executive director of the Massachusetts district attorneys' association no later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals, and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the executive director of the Massachusetts district attorneys' association no later than February 2, 2009, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that the office shall submit a report to the house and senate committees on ways and means no later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (a) the total number of personnel from private law firms participating in the program; (b) the name and address of the law firms; (c) the duties performed by the personnel; and (d) the benefits and cost savings associated with the program;

provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer 8,529,225.”.

[The Governor reduced this item by \$41,810.]

After debate, the question on passing item 0340-0700, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-seven minutes before seven o'clock P.M., as follows, to wit (*yeas 35 — nays 3*) [**Yeas and Nays No. 395**]:

YEAS.

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

NAYS.

Knapik, Michael R. Tisei, Richard R. — 3.
Tarr, Bruce E.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at twenty-five minutes before seven o'clock P.M., item 0340-0700, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0340-0800 (Plymouth District Attorney's Office) was considered as follows:

“0340-0800 For the Plymouth district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the executive director of the Massachusetts district attorneys' association no later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals, and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the executive director of the Massachusetts district attorneys' association no later than February 2, 2009, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that the office shall submit a report to the house and senate committees on ways and means no later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (a) the total number of personnel from private law firms participating in the program; (b) the name and address of the law firms; (c) the duties performed by the personnel; and (d) the benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways

and means of its intention to make that transfer 7,399,913.”.

[The Governor reduced this item by \$100,000.]

The question on passing item 0340-0800, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-four minutes before seven o’clock P.M., as follows, to wit (*yeas 34 — nays 4*) [**Yeas and Nays No. 396**]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Buoniconti, Stephen J. O’Leary, Robert A.
Candaras, Gale D. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Petruccelli, Anthony
Creem, Cynthia Stone Resor, Pamela
Downing, Benjamin B. Rosenberg, Stanley C.
Fargo, Susan C. Spilka, Karen E.
Galluccio, Anthony D. Timilty, James E.
Hart, John A., Jr. Tolman, Steven A.
Hedlund, Robert L. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian
Joyce, Brian A. Wilkerson, Dianne — 34.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Knapik, Michael R. Tisei, Richard R. — 4.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at twenty-three minutes before seven o’clock P.M., item 0340-0800, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0340-0900 (Bristol District Attorney’s Office) was considered as follows:

“0340-0900 For the Bristol district attorney’s office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to executive director of the Massachusetts district attorneys’ association no later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals, and supreme judicial court in which the cases were managed or prosecuted: provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means no later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (a) the total number of personnel from private law firms participating in the program; (b) the name and address of the law firms; (c) the duties performed by the personnel; and (d) the benefits and cost savings associated with the program; provided further, that the office shall submit a report to the executive director of the Massachusetts district attorneys’ association no later than February 2, 2009, detailing the office’s use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office’s special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer; and provided further, that not less than \$150,000 shall be expended for the Katie Brown domestic violence prevention program for the provision of classroom-based educational programs in schools within Bristol county to be administered by the Bristol county district attorney, to prevent relationship violence 7,701,237.”.

[The Governor reduced this item by \$165,000.]

The question on passing item 0340-0900, contained in section 2, in concurrence, the reduction of His Excellency the Governor to

the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at a twenty-two minutes before seven o'clock P.M., as follows, to wit (*yeas 34 — nays 4*) [**Yeas and Nays No. 397**]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Rosenberg, Stanley C.
Downing, Benjamin B. Spilka, Karen E.
Fargo, Susan C. Timilty, James E.
Galluccio, Anthony D. Tolman, Steven A.
Hart, John A., Jr. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian
Joyce, Brian A. Wilkerson, Dianne — 34.

NAYS.

Hedlund, Robert L. Tarr, Bruce E.
Knapik, Michael R. Tisei, Richard R. — 4.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at twenty minutes before seven o'clock P.M., item 0340-0900, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0340-1000 (Cape and Islands District Attorney's Office) was considered as follows:

"0340-1000 For the Cape and Islands district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided further, that 2 prosecutors and administrative support shall be provided to the Cape Cod offender management task force; provided that, \$125,000 shall be expended to support the sex offender management unit; provided further, that not more than \$20,000 shall be expended for the Cape and Islands Child Advocacy Center at Children's Cove in Hyannis; provided further, that the office shall submit reports to the executive director of the Massachusetts district attorneys' association no later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals, and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the house and senate committees on ways and means no later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (a) the total number of personnel from private law firms participating in the program; (b) the name and address of the law firms; (c) the duties performed by the personnel; and (d) the benefits and cost savings associated with the program; provided further, that the office shall submit a report to the executive director of the Massachusetts' district attorneys' association no later than February 2, 2009, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer 3,763,148."

[The Governor reduced this item by \$18,447.]

The question on passing item 0340-1000, contained in section 2, in concurrence, the reduction of His Excellency the Governor to

the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nineteen minutes before seven o'clock P.M., as follows, to wit (*yeas 33 — nays 5*) [**Yeas and Nays No. 398**]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Berry, Frederick E. Morrissey, Michael W.
Brewer, Stephen M. O'Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Candaras, Gale D. Panagiotakos, Steven C.
Chandler, Harriette L. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Rosenberg, Stanley C.
Downing, Benjamin B. Spilka, Karen E.
Fargo, Susan C. Timilty, James E.
Galluccio, Anthony D. Tolman, Steven A.
Hart, John A., Jr. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian
Joyce, Brian A. Wilkerson, Dianne — 33.
McGee, Thomas M.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 5.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at eighteen minutes before seven o'clock P.M., item 0340-1000, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0340-1100 (Berkshire District Attorney's Office) was considered as follows:

"0340-1100 For the Berkshire district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the executive director of the Massachusetts district attorneys' association no later than February 2, 2009, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2008 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals, and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that \$150,000 shall be expended for the operation and management of the Berkshire County Drug Task Force; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the executive director of the Massachusetts district attorneys' association no later than February 2, 2009, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2006, 2007 and 2008; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2009; provided further, that the office shall submit a report to the house and senate committees on ways and means no later than February 2, 2009, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: (a) the total number of personnel 'from private law firms participating in the program; (b) the name and address of the law firms; (c) the duties performed by the personnel; and (d) the benefits and cost savings associated with the program; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer 3,665,579.".

[The Governor reduced this item by \$17,968.]

The question on passing item 0340-1100, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at seventeen minutes before seven o'clock P.M., as follows, to wit (*yeas 33 — nays 5*) [**Yeas and Nays No. 399**]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Berry, Frederick E. Morrissey, Michael W.
Brewer, Stephen M. O'Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Candaras, Gale D. Panagiotakos, Steven C.
Chandler, Harriette L. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Rosenberg, Stanley C.
Downing, Benjamin B. Spilka, Karen E.
Fargo, Susan C. Timilty, James E.
Galluccio, Anthony D. Tolman, Steven A.
Hart, John A., Jr. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian
Joyce, Brian A. Wilkerson, Dianne — 33.
McGee, Thomas M.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 5.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at a quarter before seven o'clock P.M., item 0340-1100, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 1599-2009 (Hale Hospital Reserve) was considered as follows:

"1599-2009 For a reserve for Hale Hospital in the city of Haverhill 2,420,000."

[The Governor reduced this item by \$1,220,000.]

After remarks, the question on passing item 1599-2009, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twelve minutes before seven o'clock P.M., as follows, to wit (*yeas 37 — nays 1*) **[Yeas and Nays No. 400]:**

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Berry, Frederick E. Morrissey, Michael W.
Brewer, Stephen M. O'Leary, Robert A.
Brown, Scott P. Pacheco, Marc R.
Buoniconti, Stephen J. Panagiotakos, Steven C.
Candaras, Gale D. Petrucci, Anthony
Chandler, Harriette L. Resor, Pamela
Creedon, Robert S., Jr. Rosenberg, Stanley C.
Creem, Cynthia Stone Spilka, Karen E.
Downing, Benjamin B. Tarr, Bruce E.
Fargo, Susan C. Timilty, James E.
Galluccio, Anthony D. Tisei, Richard R.
Hart, John A., Jr. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 37.
McGee, Thomas M.

NAY.

Hedlund, Robert L. — 1.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at eleven minutes before seven o'clock P.M., item 1599-2009, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8910-0102 (Hampden Sheriff's Department) was considered as follows:

"8910-0102 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Hampden county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2008; and provided further, that \$88,000 shall be expended for a re-entry initiative program within the Hampden sheriff's department 73,973,122."

[The Governor reduced this item by \$272,870.]

The question on passing item 8910-0102, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nine minutes before seven o'clock P.M., as follows, to wit (*yeas 34 — nays 4*) [**Yeas and Nays No. 401**]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Buoniconti, Stephen J. O'Leary, Robert A.
Candaras, Gale D. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Petrucci, Anthony
Creem, Cynthia Stone Resor, Pamela
Downing, Benjamin B. Rosenberg, Stanley C.
Fargo, Susan C. Spilka, Karen E.
Galluccio, Anthony D. Timilty, James E.
Hart, John A., Jr. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 34.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 4.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at seven minutes before seven o'clock P.M., item 8910-0102, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8910-0105 (Worcester Sheriff's Department) was considered as follows:

"8910-0105 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Worcester county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2008; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B, after April 1, 2008; and provided further, that after April 1, 2009, no charge or contract shall be made with an alternate vendor to provide pharmacy services other than the state office of pharmacy services 45,738,415."

[The Governor reduced this item by \$224,175.]

The question on passing item 8910-0105, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at six minutes before seven o'clock P.M., as follows, to wit (*yeas 33 — nays 5*) [**Yeas and Nays No. 402**]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Berry, Frederick E. Morrissey, Michael W.
Brewer, Stephen M. O'Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Candaras, Gale D. Panagiotakos, Steven C.
Chandler, Harriette L. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Rosenberg, Stanley C.
Downing, Benjamin B. Spilka, Karen E.
Fargo, Susan C. Timilty, James E.
Galluccio, Anthony D. Tolman, Steven A.
Hart, John A., Jr. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian
Joyce, Brian A. Wilkerson, Dianne — 33.
McGee, Thomas M.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 5.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at five minutes before seven o'clock P.M., item 8910-0105, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill authorizing the Rose Fitzgerald Kennedy Greenway Conservancy, Inc. to operate, manage and maintain the Rose Kennedy Greenway (House, No. 5013),— ought to pass, with an amendment in section 8, by striking out, in line 17, the word “solely”; in section 10, by striking out, in line 3, the figure “50” and inserting in place thereof the following figure:— “25”; in said section 10, by inserting after the first sentence the following sentence:— The lease may provide for up to 3 separate 10-year extensions.; by striking out sections 11 and 12 and inserting in place thereof the following 6 sections:—

“SECTION 11. Chapter 182 of the acts of 2008 is hereby amended by striking out section 89 and inserting in place thereof the following section:—

Section 89. (a) Notwithstanding any general or special law to the contrary, after complying with clause (a) of section 5C of chapter 29 of the General Laws the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2008 as follows: (1) if the consolidated net surplus is \$25,000,000 or less, the comptroller shall transfer said amount to the Massachusetts Life Sciences Investment Fund established by section 6 of chapter 231 of the General Laws; or (2) if the consolidated net surplus is \$41,000,000 or greater, the comptroller shall transfer said amount as follows: (a) \$25,000,000 shall be transferred to said Massachusetts Life Sciences Investment Fund; (b) \$3,000,000 shall be transferred to the Workforce Competitiveness Trust Fund, established in section 2WWW of chapter 29 of the General Laws; (c) \$2,000,000 shall be transferred to the Massachusetts Science, Technology, Engineering, and Mathematics Grant established in section 2MMM of said chapter 29, as so appearing; (d) \$4,000,000 shall be transferred to the Endowment Incentive Holding Fund established in section 7; provided however, that \$2,000,000 from the Endowment Incentive Holding Fund shall be allocated to University of Massachusetts campuses; provided further, that \$1,000,000 from the Endowment Incentive Holding Fund shall be allocated to state college campuses; and provided further, that \$1,000,000 from said Endowment Incentive Holding Fund shall be allocated to community college campuses; (e) \$5,000,000 shall be transferred to the Farm Capital Linked Loan Fund established pursuant to section 29 of chapter 20 of the General Laws; (f) \$2,000,000 shall be transferred to the Rose Fitzgerald Kennedy Greenway Conservancy, Inc. for the purpose of operating, managing, improving and maintaining the Rose Fitzgerald Kennedy Greenway in the city of Boston; provided that upon any transfer made pursuant to the clause, the Massachusetts Turnpike Authority shall have no further obligation to pay any costs related to the operation, management, improvement or maintenance of the greenway and the other open space parcels; and (g) any amount remaining after the transfers pursuant to clause (a) to (f), inclusive, shall be transferred to the Commonwealth Stabilization Fund established pursuant to section 2H of chapter 29 of the General Laws. If the amount remaining after the designations in said clause (a) of said section 5C of said chapter 29 of the General Laws is greater than \$25,000,000 but less than \$41,000,000, then after making the transfer required in clause (a) of this section, the comptroller shall proportionately reduce the transfers required in clauses (b) to (f), inclusive; and provided further, that allocations from the Endowment Incentive Holding Fund pursuant to clause (d) shall also be proportionately reduced.

(b) All transfers specified in this section shall be made from the undesignated fund balances in the budgetary funds proportionally

from the undesignated fund balances, but no such transfer shall cause a deficit in any of the funds.

SECTION 12. To provide for the operation, management, improvement and maintenance of the greenway and the other open space parcels, the commonwealth shall provide financial assistance to the conservancy no later than 30 days prior to the beginning of each fiscal year in an amount equal to 50 per cent of the annual budgeted costs of operating, maintaining, improving and managing the greenway and the other open space parcels, as agreed between the conservancy, the secretary of energy and environmental affairs and the secretary of transportation and public works, for the next succeeding fiscal year, provided that the total annual amount of such financial assistance shall not exceed \$5,500,000, and shall be paid annually from interest earnings on the Central Artery and Statewide Road and Bridge Infrastructure Fund, established in section 63 of chapter 10 of the General Laws. Upon dissolution of the conservancy or termination of the lease, any funds then held by the conservancy shall be paid to the commonwealth.

SECTION 13. Section 63 of chapter 10 of the General Laws is hereby amended by striking out the sixth paragraph, as appearing in the 2006 Official Edition.

SECTION 14. Section 12 shall take effect as of July 1, 2009, and shall expire on June 30, 2012.

SECTION 15. Section 8 shall take effect on December 1, 2008.”

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.

Mr. Tolman in the Chair, after debate, the bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Suspension of Senate Rule 38A.

Mr. Tisei moved that Senate Rule 38A be suspended to allow the Senate to continue in session beyond the hour of eight o'clock P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Recess.

There being no objection, at twenty-seven minutes past seven o'clock P.M., at the request of Mr. Tisei, for the purpose of a minority caucus, the Chair (Mr. Tolman) declared a recess; and, at five minutes past eight o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Richard K. Ward II, an employee of the Department of Correction (see House, No. 4819, 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 3 to 0.

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

An engrossed Bill providing for a partial release of certain land in Sunderland from the operation of an agricultural preservation restriction (see House, No. 5011), 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 4 to 0.

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

An engrossed Bill financing improvements to the Commonwealth's transportation system (see House, No. 5039, 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 4 to 0.

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

An engrossed Bill relative to the Commonwealth's pension system (see House, No. 4959, 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 4 to 0.

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

An engrossed Bill authorizing and directing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the town of Westport (see House, No. 4949, 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 5 to 0.

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

An engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to lease certain property in the town of Great Barrington (see House, No. 5010), 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 3 to 0.

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

Message from the Governor — Disapproval and Reductions General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4900), which on Thursday, July 3, 2008, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message House, No. 4956) was read; and the Senate proceeded to reconsider one item, which had been reduced in accordance with the provisions of the Constitution.

Item 4000-0112 (Youth Development Grants) was considered as follows:

“4000-0112 For matching grants to boys’ and girls’ clubs, YMCA and YWCA organizations, nonprofit community centers, and youth development programs; provided, that the secretary shall award the full amount of each grant to each organization upon commitment of matching funds from the organization; provided further, that the secretary shall report to the house and senate committees on ways and means on the exact amount distributed in fiscal year 2009 by March 1, 2009; provided further, that not less than \$3,300,000 shall be expended for the Massachusetts Alliance of Boys and Girls Clubs; provided further, that an amount not to exceed \$50,000 shall be provided in a matching grant to the Methuen Branch of the Merrimack Valley YMCA; provided further, that not less than \$155,000 shall be expended for the young parents program of the Newton Community Service Centers; provided further, that not less than \$50,000 shall be expended for the Project Adventure Youth Leadership Program administered by Family Service, Inc. of Lawrence; provided further, that not less than \$50,000 shall be expended for youth and family programs and improvements at the West Suburban YMCA; provided further, that not less than \$100,000 shall be expended for the YWCA of Newburyport; provided further, that not less than \$50,000 shall be expended to the Chelsea YMCA; provided further, that not less than \$100,000 shall be expended for Square One, formerly the Springfield Day Nursery; provided further, that \$125,000 shall be expended for the YMCA of Greater Worcester for the recruitment, implementation and evaluation of the YMCA Men’s Health and Families Program; provided further, that not less than \$50,000 shall be expended to the Franklin Community Action Corporation for youth services; provided further, that \$50,000 shall be expended for programs at the Athol Area YMCA; provided further, that \$100,000 shall be expended for the Nazzaro Recreation Center; provided further, that not less than \$150,000 shall be expended for nonprofit Youth Services in Andover; provided further, that not less than \$50,000 shall be expended for programs at the YWCA of Haverhill; provided further, that \$50,000 shall be expended for the Oak Square YMCA in the Brighton section of the city of Boston; provided further, that not less than \$100,000 be expended for health and wellness programming at the YWCA of Greater Lawrence; provided further, that not less than \$50,000 shall be expended for the Girls Incorporated of Holyoke; provided further, that an amount not to exceed \$35,000 be provided in a matching grant to United Way of Tri-County for services at the Milford Youth Center; provided further, that not less than \$500,000 shall be expended for youth programs in the commonwealth administered by the Cal Ripken, Sr. Foundation; provided further, that not less than \$100,000 for Dot-Well youth services and out of school time activities; provided further, that not less than \$100,000 shall be expended for the United Teen Equality Center in Lowell; provided further that not less than \$50,000 shall be expended for a one-time matching grant for the YMCA Cape Cod for building purposes to comply with the American with Disabilities Act; provided further, that not less than \$250,000 shall be expended for program and improvements at Children’s Friend and Family Services of Salem and Lynn; provided further, that not less than \$80,000 shall be expended for the public partnership program between the greater Lynn YMCA and YWCA and the public partnership program between the town of Saugus and the Saugus YMCA and YWCA; provided further, that not less than \$50,000 shall be expended for Fit Students for Life, Inc., formerly Boston Boxing and Fitness, Inc.; provided further, that not less than \$40,000 shall be expended for programs at the Fishing Academy, Incorporated; provided further, that not less than \$5,000 shall be provided for the Gardner Community Action Committee Fellowship Table; provided further, that not less than \$5,000 shall be provided for the Winchendon Community Action Committee Food Bank; and provided further, that not less than \$50,000 shall be expended for the YMCA in East Boston 5,845,000.”

[The Governor reduced this item by \$2,220,000 and struck out the following wording: “; provided further, that an amount not to exceed \$50,000 shall be provided in a matching grant to the Methuen Branch of the Merrimack Valley YMCA; provided further, that not less than \$155,000 shall be expended for the young parents program of the Newton Community Service Centers; provided further, that not less than \$50,000 shall be expended for the Project Adventure Youth Leadership Program administered by Family Service, Inc. of Lawrence; provided further, that not less than \$50,000 shall be expended for youth and family programs and improvements at the West Suburban YMCA; provided further, that not less than \$100,000 shall be expended for

the YMCA of Newburyport; provided further, that not less than \$50,000 shall be expended to the Chelsea YMCA; provided further, that not less than \$100,000 shall be expended for Square One, formerly the Springfield Day Nursery; provided further, that \$125,000 shall be expended for the YMCA of Greater Worcester for the recruitment, implementation and evaluation of the YMCA Men's Health and Families Program; provided further, that not less than \$50,000 shall be expended to the Franklin Community Action Corporation for youth services; provided further, that \$50,000 shall be expended for programs at the Athol Area YMCA; provided further, that \$100,000 shall be expended for the Nazzaro Recreation Center; provided further, that not less than \$150,000 shall be expended for nonprofit Youth Services in Andover; provided further, that not less than \$50,000 shall be expended for programs at the YMCA of Haverhill; provided further, that \$50,000 shall be expended for the Oak Square YMCA in the Brighton section of the city of Boston; provided further, that not less than \$100,000 be expended for health and wellness programming at the YMCA of Greater Lawrence; provided further, that not less than \$50,000 shall be expended for the Girls Incorporated of Holyoke; provided further, that an amount not to exceed \$35,000 be provided in a matching grant to United Way of Tri-County for services at the Milford Youth Center; provided further, that not less than \$500,000 shall be expended for youth programs in the commonwealth administered by the Cal Ripken, Sr. Foundation" and "; provided further that not less than \$50,000 shall be expended for a one-time matching grant for the YMCA Cape Cod for building purposes to comply with the American with Disabilities Act; provided further, that not less than \$250,000 shall be expended for program and improvements at Children's Friend and Family Services of Salem and Lynn; provided further, that not less than \$80,000 shall be expended for the public partnership program between the greater Lynn YMCA and YMCA and the public partnership program between the town of Saugus and the Saugus YMCA and YMCA; provided further, that not less than \$50,000 shall be expended for Fit Students for Life, Inc., formerly Boston Boxing and Fitness, Inc.; provided further, that not less than \$40,000 shall be expended for programs at the Fishing Academy, Incorporated; provided further, that not less than \$5,000 shall be provided for the Gardner Community Action Committee Fellowship Table; provided further, that not less than \$5,000 shall be provided for the Winchendon Community Action Committee Food Bank; and provided further, that not less than \$50,000 shall be expended for the YMCA in East Boston" and inserted the following wording: "; provided further, that not less than \$125,000 shall be expended for program and improvements at Children's Friend and Family Services of Salem and Lynn".]

The question on passing item 4000-0112, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twelve minutes past eight o'clock P.M., as follows, to wit (*yeas 35 — nays 2*) [**Yeas and Nays No. 403**]:

YEAS.

Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 35.
McGee, Thomas M.

NAYS.

Hedlund, Robert L. Tisei, Richard R. — 2.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

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

Report of a Committee of Conference.

Mr. Moore, for the committee of conference, to whom were referred the matters of difference between the branches with reference to the House amendment to the Senate Bill to promote cost containment, transparency and efficiency in the delivery of quality health care (Senate, No. 2660, amended) (amended by the House by striking out all after the enacting clause and inserting

in place thereof the text of House document numbered 4794), reported, a “Bill to promote cost containment, transparency and efficiency in the delivery of quality health care” (Senate, No. 2863).

The report was read.

The rules were suspended, on motion of Mr. Moore, and the report was considered forthwith.

The question on accepting the report was determined by a call of the yeas and nays, at nineteen minutes past eight o’clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 404**]:

YEAS.

Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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.
Hedlund, Robert L. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 37.
McGee, Thomas M.

NAYS — 0.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at twenty-two minutes past eight o’clock P.M., the report was accepted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Message from the Governor — Disapproval and Reductions General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4900), which on Thursday, July 3, 2008, had been laid before the Governor for his approbation,— came from the House, in part, several items having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4956) was read; and the Senate proceeded to reconsider several items, which had been disapproved or reduced in accordance with the provisions of the Constitution.

Item 2810-0100 (Division of State Parks and Recreation Administration) was considered as follows:

“2810-0100 For the operations of the division of state parks and recreation; provided, that funds appropriated in this item shall be used to operate all of the division’s parks, heritage state parks, reservations, campgrounds, beaches and pools and for the oversight of rinks, to protect and manage the division’s lands and natural resources including the forest and parks conservation services and the bureau of forestry development; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that the department may issue grants to public and nonpublic entities from this item; provided further, that the level of funding for the beaches and pools from this item in fiscal year 2009 shall not be reduced from fiscal year 2008; provided further, that not less than \$400,000 shall be expended for amelioration of an area bounded by Middle, Garey and Commercial Streets in the town of Weymouth; provided further, that the department shall submit a report on the staffing levels at all state and urban parks to the house and senate committees on ways and means not later than January 30, 2009, it shall include, but not be limited to, the following: (a) the number of staff assigned to each park; (b) the total number of visitors to each park; and (c) the total acreage of each park; provided further, that not less than \$250,000 shall be provided to the Camp Marion and Mumford River Recreation Programs; provided further, not less than \$200,000 shall be expended for the park and recreation center for the town of Holbrook; provided further, that not less than \$185,000 shall be expended for the Schooner Ernestina Commission; provided further, that not less than \$150,000 shall be expended for the toddler park in the city of Woburn; provided further, that not less than \$200,000 shall be expended on the recreational facilities of Woburn high school; provided further, that \$150,000 shall be expended for the Methuen Parks and Recreation Department;

provided further, that not less than \$100,000 shall be expended for eradication of invasive aquatic species in Lake Cochituate State Park; provided further, that not less than \$100,000 shall be expended for the Heritage State Park located in the Roxbury section of the city of Boston; provided further, that not less than \$50,000 shall be provided to the Lake Singletary Watershed Association; provided further, that not less than \$20,000 shall be expended to the Chandler Pond Preservation Society; provided further, that not less than \$25,000 shall be expended for the print shop building at Brook Farm Reservation in the West Roxbury section of the city of Boston; and provided further, that Watson's Pond state park in Taunton and Ames Nowell state park in Abington shall remain open and appropriately staffed to allow public swimming and recreation for the season 26,091,714.”.

[The Governor reduced this item by \$1,195,000 and struck out the following wording: “; provided further, that not less than \$400,000 shall be expended for amelioration of an area bounded by Middle, Garey and Commercial Streets in the town of Weymouth” and “; provided further, that not less than \$250,000 shall be provided to the Camp Marion and Mumford River Recreation Programs” and “; provided further, that not less than \$150,000 shall be expended for the toddler park in the city of Woburn; provided further, that not less than \$200,000 shall be expended on the recreational facilities of Woburn high school; provided further, that \$150,000 shall be expended for the Methuen Parks and Recreation Department; provided further, that not less than \$100,000 shall be expended for eradication of invasive aquatic species in Lake Cochituate State Park” and “; provided further, that not less than \$50,000 shall be provided to the Lake Singletary Watershed Association; provided further, that not less than \$20,000 shall be expended to the Chandler Pond Preservation Society” and inserted the following wording: “; provided further, that not less than \$125,000 shall be provided to the Camp Marion and Mumford River Recreation Programs”.]

The question on passing item 2810-0100, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-two minutes past eight o'clock P.M., as follows, to wit (*yeas 34 — nays 3*) [**Yeas and Nays No. 405**]:

YEAS.

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

NAYS.

Knapik, Michael R. Tisei, Richard R. — 3.
Tarr, Bruce E.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at twenty-five minutes past eight o'clock P.M., item 2810-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7003-0702 (Individual Training Grants) was considered as follows:

“7003-0702 For grants to be administered by the department of workforce development; provided, that not less than \$250,000 shall be expended for the Massachusetts Career Development Institute in Springfield to provide job training, employability development and career counseling to the unemployed and underemployed; provided further, that not less than \$7,500 shall be expended for the Bonnie Brae Day Camp in Gardner; provided further, that not less than \$75,000 shall be expended for the Greater Gardner Community Development Corporation; provided further, that not less than \$15,000 shall be expended for the Draper Complex Reuse Committee in Hopedale; provided further, that not less than \$100,000 be expended for the Lower Pioneer Valley Education Collaborative for the purpose of expanding their existing programs and services to better serve students with disabilities; provided further, that not less than \$150,000 shall be expended for the International Institute to provide long-term case management and employment training for highly skilled legal immigrants; provided further, that not less than \$100,000 shall

be provided to the Workforce investment Association of MA, Inc. for the purpose of providing technical assistance to career center directors, administrators, and fiscal agents to assist with quality improvements in the delivery of workforce development services to job seekers and employers; provided further, that not less than \$150,000 shall be provided for Centros Las Americas, in the city of Worcester; provided further, that not less than \$250,000 shall be expended for the Center for Women & Enterprise; provided further, that not less than \$165,000 shall be expended to continue the economic development project operated by the Arlington Community Trabajando in the city of Lawrence; provided further, that not less than \$84,000 shall be expended for Community Service Agency, Inc; provided further, that not less than \$500,000 shall be expended for education, career development and employment service programs operated by the Urban League of Massachusetts; provided further, that not less than \$250,000 shall be expended for Outer Cape Health Services to provide a health center skilled training program on Lower and Outer Cape Cod; provided further, that not less than \$15,000 shall be expended by WE CAN of Cape Cod for workforce training and career mentoring for women in transition; provided further, that not less than \$141,000 shall be expended for Just-a-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed, underemployed or displaced workers, or persons receiving benefits from transitional aid to families with dependent children; provided further, that not less than \$127,000 shall be expended for the employee involvement and ownership program; provided further, that not less than \$250,000 shall be expended to the New England Farm Workers Council; provided further, that not less than \$200,000 shall be expended for the Boston Health Care and Research Training Institute; provided further, that \$50,000 shall be expended for the Allston-Brighton Vocational Center (VAC) for the continued operation of a job training and placement center; provided further, that not less than \$25,000 be expended for the Area Planning Action Council (APAC) in Allston-Brighton to implement a Project Place Program to assist in the operation of a career development department; provided further, that not less than \$75,000 shall be expended for the Partnership for Automotive Career Education program to recruit, train, and provide career guidance to students for entry-level automotive technician jobs; provided further, that not less than \$100,000 shall be expended for both the Reunion Center in the city of Easthampton and the Easthampton Youth Entrepreneurship Project; provided further, that not less than \$350,000 shall be expended to fund need-based workforce development related to continuing education grants administered by the Access Program of Boston; provided further, that not less than \$250,000 shall be expended for the Charles E. Shannon Jr. At-Risk Youth Project, operated by the Center for Teen Empowerment Inc., for the community of Somerville; provided further, that not less than \$100,000 shall be expended to Inquilinos Boricuas en Accion (IBA) for the Pathways to Technology Initiative; provided further, that not less than \$105,000 shall be expended for the operation of the E-Team Machinist Program of the North Shore; provided further, that not less than \$95,000 shall be expended for the Mature Workers Program of the Cape and Islands Workforce Investment Board; provided further, that not less than \$150,000 shall be provided to Lazarus House for the continued operation of a job training program; provided further, that not less than \$150,000 shall be expended for the Martin Luther King, Jr. Business Empowerment Center in the city of Worcester; provided further, that not less than \$750,000 shall be expended for a high school science program in biotechnology by Commonwealth Corporation, in consultation with the Massachusetts Biotechnology Council, including teacher and guidance counselor training, biotechnology lab equipment, and biotechnology lab supplies evaluation and technical assistance; provided further, that not less than \$500,000 shall be expended on the Commonwealth Corporation; provided further, that not less than \$300,000 shall be expended for a hospital skill training program operated by the Commonwealth Corporation; provided further, that not less than \$50,000 shall be expended for a human service academy pilot program to be operated by People Inc. of Fall River; provided further, that not less than \$100,000 shall be expended to maintain a post-secondary nursing degree and certification program at the Blackstone Valley Vocational Regional School in partnership with Quinsigamond Community College; provided further, that not less than \$250,000 shall be expended to support the Technology Initiative of the Metro South/West Regional Employment Board for the development of the Technology Centers of Excellence serving the region's youth and business, and said grant shall require a 200 percent match from the private sector; provided further, that not less than \$200,000 shall be expended on the Southeastern Economic Development Corporation's microenterprise programs as a supplemental match to conduct an entrepreneurial training and technical assistance program for support of emerging high-growth microenterprises that are owned by or employ income-eligible residents; provided further, that not less than \$75,000 shall be expended for the Massachusetts School of Professional Psychology to recruit and provide career support and workforce retention of graduate students training for careers in public sector behavioral health service delivery; provided further, that not less than \$900,000 shall be expended on the Massachusetts Service Alliance for the operation of the youth, senior service and conservation corps program; provided further, that not less than \$215,000 shall be expended for rapid response labor specialists at the Massachusetts AFL-CIO; provided further, that not less than \$150,000 shall be expended for worker coordinators at the Massachusetts AFL-CIO; provided further, that not less than \$150,000 shall be expended for the Latino After-School Initiative (LASI) Youth Development Project; provided further, that not less than \$400,000 shall be expended to provide employment, training and job placement by Year Up, Inc. of Boston; provided further, that not less than \$200,000 be expended for the 1199 SEIU Training and Upgrading Fund; provided further, that not less than \$200,000 shall be expended for Women's Career Mentoring Program and the Women's Union Woman to Woman Program; provided further, that not less than \$250,000 shall be expended for a grant to the south shore tri-town development corporation established pursuant to chapter 301 of the acts of 1998; provided further, that not less than \$250,000 shall be expended for the North Shore Alliance for Economic Development; provided further that not less than \$250,000 shall be expended for the operation and programs of AWAKE (Alive with Awareness, Knowledge, and Empowerment) in Springfield; provided further that \$200,000 be expended on the Western Massachusetts Enterprise Fund; provided further, that not less than \$75,000 be expended for the Lower Pioneer Valley Education Collaborative for the purpose of implementing an educational program enabling on-site technical training; provided further, that not less than \$100,000 shall be provided for the Work Certified Program operated by the Greater New Bedford Workforce Investment Board, Inc; provided further that not less than \$10,000 shall be

provided for the William J. Bresnahan Scouting and Community Center in Ashburnham; provided further, that not less than \$50,000 shall be expended to provide employment, training and job placement by the New Skills Academy in the City of Lawrence; provided further, that not less than \$200,000 shall be expended for Centro Latino de Chelsea to provide workforce training, educational services, and other transitional services in the city of Chelsea; provided further, that not less than \$100,000 shall be expended for the Paul Sullivan Foundation at Middlesex Community College; provided further, that not less than \$50,000 shall be expended for the purpose of providing training for members of the Massachusetts Superior Clerks Association as well as employees of the Superior Court Clerks' offices; provided further, that not less than \$75,000 shall be expended for Middlesex Community College to develop, plan and conduct a pilot program in preparation for establishing a new program in Entrepreneurship Education; provided further, that not less than \$100,000 shall be expended for the Massachusetts Latino Chamber of Commerce in the city of Springfield; provided further, that not less than \$50,000 shall be made available to More Than Words in the city of Waltham for the purpose of job training operations; provided further, that not less than \$9,000 shall be expended for Quincy Asian Resources, Inc., to provide outreach and services to the Asian American community; provided further, that not less than \$300,000 shall be expended for Radius Specialty Hospital Boston for the purposes of developing and implementing an information technology skill upgrading program for its employees; and provided further, that not less than \$250,000 shall be expended for a hospital-based skilled training program at a teaching hospital in Hampden county 11,038,500.”.

[The Governor reduced this item by \$3,056,500 and struck out the following wording: “; provided, that not less than \$250,000 shall be expended for the Massachusetts Career Development Institute in Springfield to provide job training, employability development and career counseling to the unemployed and underemployed; provided further, that not less than \$7,500 shall be expended for the Bonnie Brae Day Camp in Gardner” and “; provided further, that not less than \$100,000 shall be provided to the Workforce Investment Association of MA, Inc. for the purpose of providing technical assistance to career center directors, administrators, and fiscal agents to assist with quality improvements in the delivery of workforce development services to job seekers and employers; provided further, that not less than \$150,000 shall be provided for Centros Las Americas, in the city of Worcester” and “; provided further, that not less than \$165,000 shall be expended to continue the economic development project operated by the Arlington Community Trabajando in the city of Lawrence; provided further, that not less than \$84,000 shall be expended for Community Service Agency, Inc; provided further, that not less than \$500,000 shall be expended for education, career development and employment service programs operated by the Urban League of Massachusetts; provided further, that not less than \$250,000 shall be expended for Outer Cape Health Services to provide a health center skilled training program on Lower and Outer Cape Cod” and “; provided further, that not less than \$250,000 shall be expended to the New England Farm Workers Council” and “; provided further, that not less than \$100,000 shall be expended for both the Reunion Center in the city of Easthampton and the Easthampton Youth Entrepreneurship Project; provided further, that not less than \$350,000 shall be expended to fund need-based workforce development related to continuing education grants administered by the Access Program of Boston” and “; provided further, that not less than \$100,000 shall be expended to Inquilinos Boricuas en Accion (IBA) for the Pathways to Technology Initiative” and “; provided further, that not less than \$150,000 shall be provided to Lazarus House for the continued operation of a job training program” and “; provided further, that not less than \$500,000 shall be expended on the Commonwealth Corporation” and “; provided further, that not less than \$250,000 shall be expended to support the Technology Initiative of the Metro South/West Regional Employment Board for the development of the Technology Centers of Excellence serving the region’s youth and business, and said grant shall require a 200 percent match from the private sector” and “; provided further, that not less than \$75,000 shall be expended for the Massachusetts School of Professional Psychology to recruit and provide career support and workforce retention of graduate students training for careers in public sector behavioral health service delivery” and “; provided further, that not less than \$200,000 be expended for the 1199 SEIU Training and Upgrading Fund” and “; provided further, that not less than \$250,000 shall be expended for the North Shore Alliance for Economic Development; provided further that no less than \$250,000 shall be expended for the operation and programs of AWAKE (Alive with Awareness, Knowledge, and Empowerment) in Springfield” and “; provided further, that not less than \$100,000 shall be provided for the Work Certified Program operated by the Greater New Bedford Workforce Investment Board, Inc” and “; provided further, that not less than \$50,000 shall be expended for the purpose of providing training for members of the Massachusetts Superior Clerks Association as well as employees of the Superior Court Clerks’ offices” and “; provided further, that not less than \$100,000 shall be expended for the Massachusetts Latino Chamber of Commerce in the city of Springfield; provided further, that not less than \$50,000 shall be made available to More Than Words in the city of Waltham for the purpose of job training operations” and “; provided further, that not less than \$300,000 shall be expended for Radius Specialty Hospital Boston for the purposes of developing and implementing an information technology skill upgrading program for its employees” and inserted the following wording: “; provided, that not less than \$125,000 shall be expended for the Massachusetts Career Development Institute in Springfield to provide job training, employability development and career counseling to the unemployed and underemployed” and “; provided further, that not less than \$50,000 shall be provided to the Workforce Investment Association of MA, Inc. for the purpose of providing technical assistance to career center directors, administrators, and fiscal agents to assist with quality improvements in the delivery of workforce development services to job seekers and employers; provided further, that not less than \$100,000 shall be provided for Centros Las Americas, in the city of Worcester” and “; provided further, that not less than \$100,000 shall be expended to continue the economic development project operated by the Arlington Community Trabajando in the city of Lawrence; provided further, that not less than \$50,000 shall be expended for Community Service Agency, Inc; provided further, that not less than \$250,000 shall be expended for education, career development and employment service programs operated by the Urban League of Massachusetts; provided further, that not less than \$100,000 shall be

expended for Outer Cape Health Services to provide a health center skilled training program on Lower and Outer Cape Cod” and “; provided further, that not less than \$100,000 shall be expended to fund need-based workforce development related to continuing education grants administered by the Access Program of Boston” and “; provided further, that not less than \$75,000 shall be expended to Inquilinos Boricuas en Accion (IBA) for the Pathways to Technology Initiative” and “; provided further, that not less than \$100,000 shall be provided to Lazarus House for the continued operation of a job training program” and “; provided further, that not less than \$125,000 shall be expended to support the Technology Initiative of the Metro South/West Regional Employment Board for the development of the Technology Centers of Excellence serving the region’s youth and business, and said grant shall require a 200 percent match from the private sector” and “; provided further, that not less than \$50,000 shall be expended for the Massachusetts School of Professional Psychology to recruit and provide career support and workforce retention of graduate students training for careers in public sector behavioral health service delivery” and “; provided further, that not less than \$100,000 be expended for the 1199 SEIU Training and Upgrading Fund” and “; provided further, that not less than \$50,000 shall be expended for the Massachusetts Latino Chamber of Commerce in the city of Springfield” and “; provided further, that not less than \$150,000 shall be expended for Radius Specialty Hospital Boston for the purposes of developing and implementing an information technology skill upgrading program for its employees”.]

The question on passing item 7003-0702, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-six minutes past eight o’clock P.M., as follows, to wit (*yeas 34 — nays 3*) [**Yeas and Nays No. 406**]:

YEAS.

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

NAYS.

Brown, Scott P. Tisei, Richard R. — 3.
Hedlund, Robert L.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

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

Item 2820-0100 (Division of Urban Parks and Recreation Operations) was considered as follows:

“2820-0100 For the administration, operation and maintenance of the division of urban parks and recreation, including for the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the division, flood control activities of the division, purchase of all necessary supplies and related equipment, and the civilianization of crossing guards located at division intersections where state police previously performed such duties; provided, that the parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that the rinks under the control of the department shall remain open and staffed for the full rink season; provided further, that the level of funding for the beaches and pools from this item in fiscal year 2009 shall not be reduced from fiscal year 2008; provided further, that not less than \$55,000 shall be expended for the maintenance of Red Rock park on Lynn Shore drive in the city of Lynn, including \$5,000 for the replacement of dead vegetation in the park; provided further, that not less than \$450,000 shall be expended to the city of Lowell; provided further, that \$250,000 shall be expended for a linked trail system for local and state parks along the Back River in the towns of Weymouth and Hingham; provided further,

that not less than \$225,000 shall be expended for the Southwest Corridor Park; provided further, that \$297,000 shall be expended for the James Michael Curley Recreation Center in the city of Boston; provided further, that not less than \$150,000 shall be expended for the Hill Park and the William G. Reinstein Complex in the city of Revere; provided further, that \$75,000 shall be expended for the Esplanade in the city of Boston; provided further, that not less than \$75,000 shall be expended for Eugene Lovely Field in Andover; provided further, that not less than \$75,000 shall be expended for the Herter Center in the Christian A. Herter Park located in Allston-Brighton section of the city of Boston for the purpose of preserving educational and cultural materials that benefit the commonwealth; provided further, that not less than \$50,000 shall be expended for the costs associated with the management of aquatic non-native plants in the Charles River lakes district; provided further, that not less than \$50,000 shall be expended for the eradication of invasive aquatic weeds in the town of Wayland; provided further, that not less than \$50,000 shall be provided for the ponds at Lake Street in the town of Acushnet; provided further, that not less than \$50,000 shall be expended for the Fellsmere Pond Reservoir in the city of Malden; provided further, that not less than \$50,000 shall be expended for public safety on the Deerfield and upper Connecticut River; provided further, that not less than \$25,000 shall be expended for the eradication of invasive aquatic weeds in the town of Lincoln; provided further, that not less than \$20,000 shall be expended for Squantum Park in the city of Quincy; provided further, that not less than \$15,000 shall be expended for the Memorial Field in the town of Whitman; and provided further, that not less than \$3,900 shall be expended on Senator Charles E. Shannon Crossing Guard Corps at the corner of Mystic avenue and Shore drive in the city of Somerville 29,701,754.”.

[The Governor reduced this item by \$300,000 and struck out the following wording: “; provided further, that not less than \$75,000 shall be expended for Eugene Lovely Field in Andover” and “; provided further, that not less than \$50,000 shall be expended for the costs associated with the management of aquatic non-native plants in the Charles River lakes district; provided further, that not less than \$50,000 shall be expended for the eradication of invasive aquatic weeds in the town of Wayland; provided further, that not less than \$50,000 shall be provided for the ponds at Lake Street in the town of Acushnet; provided further, that not less than \$50,000 shall be expended for the Fellsmere Pond Reservoir in the city of Malden” and “; provided further, that not less than \$25,000 shall be expended for the eradication of invasive aquatic weeds in the town of Lincoln”.]

The question on passing item 2820-0100, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-eight minutes past eight o’clock P.M., as follows, to wit (*yeas 34 — nays 2*) **[Yeas and Nays No. 407]:**

YEAS.

Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. 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.
Creem, Cynthia Stone Spilka, Karen E.
Downing, Benjamin B. Tarr, Bruce E.
Fargo, Susan C. Timilty, James E.
Galluccio, Anthony D. Tisei, Richard R.
Hart, John A., Jr. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 34.

NAYS.

Hedlund, Robert L. Knapik, Michael R. — 2.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Pacheco, Marc R. — 3.
Marzilli, Jim

The yeas and nays having been completed at twenty-nine minutes before nine o’clock P.M., item 2820-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7007-0951 (Commonwealth Zoological Corporation) was considered as follows:

“7007-0951 For the operation of the Commonwealth Zoological Corporation pursuant to chapter 92B of the General Laws; provided that funds appropriated in this item shall be expended for the purposes of promoting private fundraising, achieving self-

sufficiency and serving as a catalyst for urban economic development and job opportunities for local residents; provided further, that the corporation shall take all steps necessary to increase the amount of private funding available for the operation of the zoos; provided further, that funding in this line item may not be transferred through interdepartmental service agreements; provided further, that the corporation shall report to the house and senate committees on ways and means not later than February 2, 2009, on the status of, and amounts collected from, the private fundraising and enhanced revenue efforts identified in the draft Massachusetts Zoos Business and Operations Plan, dated December, 1996; provided further, that the corporation shall continue to provide free services and supplies including, but not limited to, routine animal check-ups, diagnosis and care, emergency veterinary needs, medications and medical supplies, vitamins and diet supplements and Zoo Prem feline diet, to the Trailside Museum and the Chickatawbut Hill Center in the town of Milton; provided further, that \$750,000 shall be expended on a matching program to encourage private and corporate donations to support the Franklin Park Zoo and Stone Zoo; and provided further, that not less than \$50,000 shall be expended for the Buttonwood Park Zoological Society to establish educational programs, exhibits, and other enhancements; and provided further, that not less than \$50,000 shall be expended for the forest park zoo in the city of Springfield 7,150,000.”.

[The Governor reduced this item by \$300,000 and struck out the following wording: “; and provided further, that not less than \$50,000 shall be expended for the Buttonwood Park Zoological Society to establish educational programs, exhibits, and other enhancements”.]

The question on passing item 7007-0951, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-eight minutes before nine o’clock P.M., as follows, to wit (*yeas 34 — nays 3*) [**Yeas and Nays No. 408**]:

YEAS.

Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Buoniconti, Stephen J. O’Leary, Robert A.
Candaras, Gale D. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Petrucci, Anthony
Creem, Cynthia Stone Resor, Pamela
Downing, Benjamin B. Rosenberg, Stanley C.
Fargo, Susan C. Spilka, Karen E.
Galluccio, Anthony D. Timilty, James E.
Hart, John A., Jr. Tisei, Richard R.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
Knapik, Michael R. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 34.

NAYS.

Brown, Scott P. Tarr, Bruce E. — 3.
Hedlund, Robert L.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at twenty-six minutes before nine o’clock P.M., item 7007-0951, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8910-0107 (Middlesex Sheriff’s Department) was considered as follows:

“8910-0107 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Middlesex county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2008; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B, after February 15, 2009; and provided further, that after February 15, 2009, no charge or contract shall be made with an alternate vendor to provide pharmacy services other than the state office of pharmacy services 67,816,384.”.

[The Governor reduced this item by \$825,748.]

The question on passing item 8910-0107, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-five minutes before nine o’clock P.M., as follows, to wit (*yeas 35 — nays 2*) [**Yeas and Nays No. 409**]:

YEAS.

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

NAYS.

Hedlund, Robert L. Tisei, Richard R. — 2.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at twenty-three minutes before nine o'clock P.M., item 8910-0107, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Engrossed Bill — State Loan.

An engrossed Bill financing improvements to the Commonwealth's transportation system (see House, No. 5039, 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 borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-three minutes before nine o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 410**]:

YEAS.

Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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.
Hedlund, Robert L. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 37.
McGee, Thomas M.

NAYS — 0.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at twenty-one minutes before nine 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.

Message from the Governor — Disapproval and Reductions General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4900), which on Thursday, July 3, 2008, had been laid before the Governor for his approbation, came from the House, in part, several items having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4956) was read; and the Senate proceeded to reconsider several items, which had been disapproved or reduced in accordance with the provisions of the Constitution.

Item 8910-0108 (Franklin Sheriff's Department) was considered as follows:

"8910-0108 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Franklin county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2008 9,898,238."

[The Governor reduced this item by \$635,521.]

The question on passing item 8910-0108, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty minutes before nine o'clock P.M., as follows, to wit (*yeas 33 — nays 4*) **[Yeas and Nays No. 411]:**

YEAS.

Augustus, Edward M., Jr. Creedon, Robert S., Jr.
Baddour, Steven A. Creem, Cynthia Stone
Berry, Frederick E. Downing, Benjamin B.
Brewer, Stephen M. Fargo, Susan C.
Buoniconti, Stephen J. Galluccio, Anthony D.
Candaras, Gale D. Hart, John A., Jr.
Chandler, Harriette L. Jehlen, Patricia D. Joyce, Brian A. Petrucci, Anthony
Knapik, Michael R. Resor, Pamela
McGee, Thomas M. Rosenberg, Stanley C.
Menard, Joan M. Spilka, Karen E.
Montigny, Mark C. Timilty, James E.
Moore, Richard T. Tolman, Steven A.
Morrissey, Michael W. Tucker, Susan C.
O'Leary, Robert A. Walsh, Marian
Pacheco, Marc R. Wilkerson, Dianne — 33.
Panagiotakos, Steven C.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 4.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at eighteen minutes before nine o'clock P.M., item 8910-0108, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8910-0110 (Hampshire Sheriff's Department) was considered as follows:

"8910-0110 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Hampshire county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2008; provided further, that not more than \$225,000 shall be expended for the lease payments for modular units located at 205 Rock Hill Road in the city of Northampton; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B, after November 15, 2008 and provided further, that after November 15, 2008, no charge or contract shall be made with an alternate vendor to provide pharmacy services other than the state office of

pharmacy services 13,240,012."

[The Governor reduced this item by \$159,435.]

The question on passing item 8910-0110, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at sixteen minutes before nine o'clock P.M., as follows, to wit (*yeas 34 — nays 3*) [**Yeas and Nays No. 412**]:

YEAS.

Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Buoniconti, Stephen J. O'Leary, Robert A.
Candaras, Gale D. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Petruccelli, Anthony
Creem, Cynthia Stone Resor, Pamela
Downing, Benjamin B. Rosenberg, Stanley C.
Fargo, Susan C. Spilka, Karen E.
Galluccio, Anthony D. Timilty, James E.
Hart, John A., Jr. Tisei, Richard R.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
Knapik, Michael R. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 34.

NAYS.

Brown, Scott P. Tarr, Bruce E. — 3.
Hedlund, Robert L.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at thirteen minutes before nine o'clock P.M., item 8910-0110, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

The Senate Bill establishing the Massachusetts Military Reservation Fire Department (Senate, No. 2760),— came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5007.

The rules were suspended, on motion of Mr. O'Leary, and the House amendment was considered forthwith and adopted, in concurrence.

Message from the Governor — Disapproval and Reductions General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4900), which on Thursday, July 3, 2008, had been laid before the Governor for his approbation,— came from the House, in part, several items having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4956) was read; and the Senate proceeded to reconsider several items, which had been reduced in accordance with the provisions of the Constitution.

Item 8910-0145 (Berkshire Sheriff's Department) was considered as follows:

“8910-0145 For the operation of the jail, house of correction, and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Berkshire county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2008; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B, after November 15, 2008; and provided further, that after November 15, no charge or contract shall be made with an alternate vendor to provide pharmacy services other than the state office of pharmacy services 16,259,327.”.

[The Governor reduced this item by \$79,702.]

The question on passing item 8910-0145, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eleven minutes before nine o'clock P.M., as follows, to wit (*yeas 34 — nays 4*) [**Yeas and Nays No. 413**]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Buoniconti, Stephen J. O'Leary, Robert A.
Candaras, Gale D. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Petrucci, Anthony
Creem, Cynthia Stone Resor, Pamela
Downing, Benjamin B. Rosenberg, Stanley C.
Fargo, Susan C. Spilka, Karen E.
Galluccio, Anthony D. Timilty, James E.
Hart, John A., Jr. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 34.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 4.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at ten minutes before nine o'clock P.M., item 8910-0145, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8910-0619 (Essex Sheriff's Department) was considered as follows:

"8910-0619 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of Essex county; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 1, 2008; provided further, that all pharmacy services shall be paid through the state office of pharmacy services chargeback, item 4510-0108 of section 2B, after July 01, 2008; and provided further, that after July 01, 2008, no charge or contract shall be made with an alternate vendor to provide pharmacy services other than the state office of pharmacy services 50,324,103."

[The Governor reduced this item by \$64,133.]

The question on passing item 8910-0619, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nine minutes before nine o'clock P.M., as follows, to wit (36 yeas — nays 2) **[Yeas and Nays No. 414]:**

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 36.

NAYS.

Hedlund, Robert L. Tisei, Richard R. — 2.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at seven minutes before nine o'clock P.M., item 8910-0619, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Engrossed Bills.

The following engrossed bills (the first two 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:

Extending simulcasting of horse and greyhound racing (see Senate, No. 2721);

Relative to safety at the John Adams Courthouse (see Senate, No. 2777); and

To limit use of eminent domain in the city of Amesbury (see House, No. 4583).

Report of a Committee.

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill to modify a conservation restriction in the town of North Andover (Senate, No. 2762) [Local approval received],— was read.

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

Pending the question on ordering the bill to a third reading, Mr. Tarr moved that the bill be amended in section 1 by striking the first paragraph and inserting in its place the following:—

“Notwithstanding Article 42 of the North Andover Town Meeting Vote taken on May 13, 1997 for the dedication of the property known as the North Andover Town Farm to conservation and open space preservation purposes to be used for passive recreation under the management of the Conservation Commission, the Town of North Andover shall be allowed to modify said designation. The Town shall modify said designation only in the areas of the property described as ‘Area 1’ and ‘Area 2’ identified in the following paragraph. The designation of ‘Area 1’ and ‘Area 2’ shall be for active recreation purposes protected by Article 97 of the Amendments to the Constitution of the Commonwealth and shall be under the management of the Conservation Commission. All areas of Town Farm outside the metes and bounds of ‘Area 1’ and ‘Area 2’ shall remain dedicated to conservation and open space purposes to be used for passive recreation under the management of the Conservation Commission and shall remain protected under Article 97 of the Amendments to the Constitution of the Commonwealth.”; and by striking the last sentence of section 1.

The amendment was adopted.

The bill (Senate, No. 2762, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill authorizing the town of Tewksbury to enter into a lease with the Division of Capital Asset Management (House, No. 4943,— on petition) [Local approval received],— was read.

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

The Senate Bill to improve dropout prevention and reporting of graduation rates (Senate, No. 2766),— came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5025.

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

Engrossed Bills — Land Takings for Conservation, Etc.

An engrossed Bill authorizing the partial release of certain land in Easthampton from the operation of an agricultural preservation restriction (see Senate, No. 42) (which originated in the Senate), 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 one minute past nine o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 415**]:

YEAS.

Antonioni, Robert A. Hedlund, Robert L.

Augustus, Edward M., Jr. Jehlen, Patricia D.

Baddour, Steven A. Joyce, Brian A.

Berry, Frederick E. Knapik, Michael R.

Brewer, Stephen M. McGee, Thomas M.

Brown, Scott P. Menard, Joan M.
Buoniconti, Stephen J. Montigny, Mark C.
Candaras, Gale D. Moore, Richard T.
Chandler, Harriette L. Morrissey, Michael W.
Creedon, Robert S., Jr. O’Leary, Robert A.
Creem, Cynthia Stone Pacheco, Marc R.
Downing, Benjamin B. Panagiotakos, Steven C.
Fargo, Susan C. Petrucci, Anthony
Galluccio, Anthony D. Resor, Pamela
Hart, John A., Jr. Rosenberg, Stanley C.
Spilka, Karen E. Tolman, Steven A.
Tarr, Bruce E. Tucker, Susan C.
Timilty, James E. Walsh, Marian
Tisei, Richard R. Wilkerson, Dianne — 38.

NAYS — 0.
ABSENT OR NOT VOTING.
Marzilli, Jim — 1.

The yeas and nays having been completed at two minutes past nine 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 Division of Capital Asset Management and Maintenance to grant a certain easement over lands held for conservation and recreation purposes (see Senate, No. 2511, amended) (which originated in the Senate), 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 three minutes past nine o’clock P.M., as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 416**]:

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. Moore, Richard T.
Brown, Scott P. Morrissey, Michael W.
Buoniconti, Stephen J. O’Leary, Robert A.
Candaras, Gale D. Pacheco, Marc R.
Chandler, Harriette L. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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.
Hedlund, Robert L. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian
Joyce, Brian A. Wilkerson, Dianne — 36.

NAYS — 0.
ABSENT OR NOT VOTING.
Marzilli, Jim Tolman, Steven A. — 3.
Panagiotakos, Steven C.

The yeas and nays having been completed at five minutes past nine 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.

Engrossed Bill.

An engrossed Bill relative to Charlestown’s designated port area (see House, No. 4992, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Governor for his approbation.

A Bill to create a state 911 department, single 911 surcharge and enhanced 911 fund (House, No. 5051,— on House, No. 2808, in part),— was read.

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

Emergency Preamble Adopted.

An engrossed Bill providing for the public higher education capital improvement needs of the Commonwealth (see Senate, No. 2785, printed as 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 12 to 0.

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

Engrossed Bill.

An engrossed Bill relative to the Commonwealth's pension system (see House, No. 4959, 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.

A Bill relative to green jobs in the Commonwealth (House, No. 5018, amended,— on House, No. 4844),— was read.

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

After further remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-six minutes before ten o'clock P.M., on motion of Mr. Downing, as follows, to wit (yeas 38 — nays 0) **[Yeas and Nays No. 417]:**

YEAS.

**Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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.
Hedlund, Robert L. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 38.**

NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at twenty-three minutes before ten o'clock P.M., the bill as passed to be engrossed, in concurrence.

Engrossed Bill — State Loan.

An engrossed Bill providing for the public higher education capital improvement needs of the Commonwealth (see Senate, No. 2785, printed as amended) (which originated in the Senate), 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 borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-two minutes before ten o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) **[Yeas and Nays No. 418]:**

YEAS.

Antonioni, Robert A. Creem, Cynthia Stone

Augustus, Edward M., Jr. Downing, Benjamin B.
Baddour, Steven A. Fargo, Susan C.
Berry, Frederick E. Galluccio, Anthony D.
Brewer, Stephen M. Hart, John A., Jr.
Brown, Scott P. Hedlund, Robert L.
Buoniconti, Stephen J. Jehlen, Patricia D.
Candaras, Gale D. Joyce, Brian A.
Chandler, Harriette L. Knapik, Michael R.
Creedon, Robert S., Jr. McGee, Thomas M.
Menard, Joan M. Rosenberg, Stanley C.
Montigny, Mark C. Spilka, Karen E.
Moore, Richard T. Tarr, Bruce E.
Morrissey, Michael W. Timilty, James E.
O’Leary, Robert A. Tisei, Richard R.
Pacheco, Marc R. Tolman, Steven A.
Panagiotakos, Steven C. Tucker, Susan C.
Petrucelli, Anthony Walsh, Marian
Resor, Pamela Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at nineteen minutes before ten 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.

Engrossed Bill.

An engrossed Bill establishing the Global Warming Solutions Act (see Senate, No. 2540, printed as amended) (which originated in the Senate), 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.

An engrossed Bill authorizing the sale of certain land by the city of Haverhill in the town of Boxford (see House, No. 4890) (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 sixteen minutes before ten o’clock P.M., as follows, to wit (*yeas 38 — nays 0*) [Yeas and Nays No. 419]:

YEAS.

Antonioni, Robert A. Downing, Benjamin B.
Augustus, Edward M., Jr. Fargo, Susan C.
Baddour, Steven A. Galluccio, Anthony D.
Berry, Frederick E. Hart, John A., Jr.
Brewer, Stephen M. Hedlund, Robert L.
Brown, Scott P. Jehlen, Patricia D.
Buoniconti, Stephen J. Joyce, Brian A.
Candaras, Gale D. Knapik, Michael R.
Chandler, Harriette L. McGee, Thomas M.
Creedon, Robert S., Jr. Menard, Joan M.
Creem, Cynthia Stone Montigny, Mark C.
Moore, Richard T. Spilka, Karen E.
Morrissey, Michael W. Tarr, Bruce E.
O’Leary, Robert A. Timilty, James E.
Pacheco, Marc R. Tisei, Richard R.
Panagiotakos, Steven C. Tolman, Steven A.
Petrucelli, Anthony Tucker, Susan C.
Reosr, Pamela Walsh, Marian
Rosenberg, Stanley C. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at thirteen minutes before ten 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.

Recess.

There being no objection, at nine minutes before ten o'clock P.M., the President declared a recess subject to the call of the Chair; and, at seventeen minutes before eleven o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

Engrossed Bills — Land Takings for Conservation, Etc.

An engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to lease certain property in the town of Great Barrington (see House, No. 5010) (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 a quarter before eleven o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [Yeas and Nays No. 420]:

YEAS.

Augustus, Edward M., Jr. Galluccio, Anthony D.

Baddour, Steven A. Hart, John A., Jr.

Berry, Frederick E. Hedlund, Robert L.

Brewer, Stephen M. Jehlen, Patricia D.

Brown, Scott P. Joyce, Brian A.

Buoniconti, Stephen J. Knapik, Michael R.

Candaras, Gale D. McGee, Thomas M.

Chandler, Harriette L. Menard, Joan M.

Creedon, Robert S., Jr. Montigny, Mark C.

Creem, Cynthia Stone Moore, Richard T.

Downing, Benjamin B. Morrissey, Michael W.

Fargo, Susan C. O'Leary, Robert A.

Pacheco, Marc R. Timilty, James E.

Panagiotakos, Steven C. Tisei, Richard R.

Petrucelli, Anthony Tolman, Steven A.

Resor, Pamela Tucker, Susan C.

Rosenberg, Stanley C. Walsh, Marian

Spilka, Karen E. Wilkerson, Dianne — 37.

Tarr, Bruce E.

NAYS — 0.

ABSENT OR NOT VOTING.

Antonioni, Robert A. Marzilli, Jim — 2.

The yeas and nays having been completed at eleven minutes before eleven 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 on Friday, August 1, 2008, for his approbation.

An engrossed Bill authorizing and directing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the town of Westport (see House, No. 4949, 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 ten minutes before eleven o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [Yeas and Nays No. 421]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.

Augustus, Edward M., Jr. Menard, Joan M.

Baddour, Steven A. Montigny, Mark C.

Berry, Frederick E. Moore, Richard T.

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. Petruccelli, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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.
Hedlund, Robert L. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at eight minutes before eleven 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 on Friday, August 1, 2008, for his approbation.

Message from the Governor — Disapproval and Reductions General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4900), which on Thursday, July 3, 2008, had been laid before the Governor for his approbation, came from the House, in part, several items and one section having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4956) was read; and the Senate proceeded to reconsider several items and one section which had been disapproved or reduced in accordance with the provisions of the Constitution.

Section 73 (Mosquito Control Board) was considered as follows:

“SECTION 73. Chapter 252 of the General Laws is hereby amended by inserting after section 14C the following section:—

Section 14D. Mosquito control projects and mosquito control districts shall have sole authority in all personnel decisions including, but not limited to, the following: the hiring and firing of personnel; the establishment of rates of compensation for personnel representative of the regional economy; and the hiring of appropriate outside professionals deemed necessary to carry out and fulfill statutory obligations.”.

[The Governor disapproved this section.]

The question on passing section 73, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at seven minutes before eleven o’clock P.M., as follows, to wit (*yeas 37 — nays 1*) [Yeas and Nays No. 422]:

YEAS.

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

Panagiotakos, Steven C. Wilkerson, Dianne — 37.
Petrucelli, Anthony

NAY.
Resor, Pamela — 1.

ABSENT OR NOT VOTING.
Marzilli, Jim — 1.

The yeas and nays having been completed at four minutes before eleven o'clock P.M., section 73 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7077-0023 (Tufts Veterinary Program) was considered as follows:

“7077-0023 For a contract with the Tufts School of Veterinary Medicine; provided, that funds appropriated in this item shall be expended under the resident veterinary tuition remission plan submitted January 8, 1998, for supportive veterinary services provided to the commonwealth; provided further, that prior year costs may be paid from this item; provided further, that funds appropriated in this item shall support bioterrorism prevention research related to diseases that can be transmitted from animals to humans, in consultation with Massachusetts emergency authorities; and provided further, that the school shall work in consultation with the Norfolk County Agricultural School on veterinary programs 5,525,000.”.

[The Governor reduced this item by \$200,000.]

The question on passing item 7077-0023, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at three minutes before eleven o'clock P.M., as follows, to wit (*yeas 33 — nays 5*) [Yeas and Nays No. 423]:

YEAS.

Antonioni, Robert A. Buoniconti, Stephen J.
Augustus, Edward M., Jr. Candaras, Gale C.
Baddour, Steven A. Chandler, Harriette L.
Berry, Frederick E. Creedon, Robert S., Jr.
Brewer, Stephen M. Creem, Cynthia Stone
Downing, Benjamin B. Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Galluccio, Anthony D. Petrucelli, Anthony
Hart, John A., Jr. Resor, Pamela
Jehlen, Patricia D. Rosenberg, Stanley C.
Joyce, Brian A. Spilka, Karen E.
McGee, Thomas M. Timilty, James E.
Menard, Joan M. Tolman, Steven A.
Montigny, Mark C. Tucker, Susan C.
Moore, Richard T. Walsh, Marian
Morrissey, Michael W. Wilkerson, Dianne — 33.
O'Leary, Robert A.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 5.
Knapik, Michael R.

ABSENT OR NOT VOTING.
Marzilli, Jim — 1.

The yeas and nays having been completed at one minute before eleven o'clock P.M., item 7077-0023, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

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

“4100-0060 For the operation of the division and the administration of the Health Safety Net Trust Fund established in section 36 of chapter 118G of the General Laws; provided, that notwithstanding any general or special law to the contrary, the assessment to acute hospitals authorized pursuant to section 5 of said chapter 118G for the estimated expenses of the division shall include in fiscal year 2009, the estimated expenses, including indirect costs, of the division

and shall be equal to the amount appropriated in this item less amounts projected to be collected in fiscal year 2009 from: (a) filing fees; (b) fees and charges generated by the division's publication or dissemination of reports and information; and (c) federal financial participation received as reimbursement for the division's administrative costs; provided further, that the assessed amount shall not be less than 65 per cent of the total expenses appropriated for the division in the health safety net office; provided further, that the division shall promulgate regulations requiring all hospitals receiving payments from the Health Safety Net Trust Fund to report to the division the following utilization information: the number of inpatient admissions and outpatient visits by age category, income category, diagnostic category and average charge per admission; provided further, that the division shall submit quarterly reports to the house and senate committees on ways and means compiling said data; provided further, that the division, in consultation with the executive office of health and human services, shall not promulgate any increase in Medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act or any successor federal statute to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that the division shall meet the reporting requirements of section 25 of chapter 203 of the acts of 1996; provided further, that funds may be expended for the purposes of a survey and study of the uninsured and underinsured in the commonwealth, including the health insurance needs of the residents of the commonwealth; provided further, that said study shall examine the overall impact of programs administered by the executive office of health and human services on the uninsured, the underinsured, and the role of employers in assisting their employees in affording health insurance pursuant to section 23 of chapter 118G of the General Laws; provided further, that the division shall publish annual reports on the financial condition of hospitals and other health care providers through the Health Benchmarks project website, in collaboration with the executive office of health and human services, the office of the attorney general, and the University of Massachusetts; provided further, that the division shall submit to the house and senate committees on ways and means and the joint committee on health care financing not later than December 8, 2008 a report detailing utilization of the Health Safety Net Trust Fund; provided further, that the report shall include: (a) the number of persons in the commonwealth whose medical expenses were billed to the Health Safety Net Trust Fund in fiscal year 2008; (b) the total dollar amount billed to the Health Safety Net Trust Fund in fiscal year 2008; (c) the demographics of the population using the Health Safety Net Trust Fund and (d) the types of services paid for out of the Health Safety Net Trust Fund in fiscal year 2008; provided further, that the division shall include in the report an analysis on hospitals' responsiveness to enrolling eligible individuals into the MassHealth program upon the date of service rather than charging those individuals to the Health Safety Net Trust Fund; provided further, that the division shall include in the report possible disincentives the state could provide to hospitals to discourage such behavior; provided further, that notwithstanding any general or special law or rule or regulation to the contrary, the division shall not allow any exceptions to the usual and customary charge defining rule as defined in 114.3 CMR 31.02, for the purposes of drug cost reimbursement to eligible pharmacy providers for publicly-aided and industrial accident patients; provided further, that the division is hereby authorized to change the pricing standard used by said division when determining the rate of payment to pharmacy providers for prescribed drugs for publicly-aided or industrial accident patients if such a change would financially benefit the commonwealth; provided further, that the division shall prepare a report on the savings realized by the MassHealth Pharmacy Program, for the first 3 months of fiscal year 2009, as a result of the reimbursement rate reductions for multiple source drugs for which upper limits have been set by the federal centers for Medicare and Medicaid services; provided further, that using said data, the division shall also estimate the program savings for fiscal year 2009; provided further, that the division shall forward a copy of this report to the secretary of administration and finance, and to the house and senate committees on ways and means no later than November 15, 2008; provided further the division, after consultation with the secretary and the chairs of the senate and house committees on ways and means, may adjust pharmacy dispensing fees for multiple source prescription drugs to compensate for any reduction as a result of the upper limits implemented under the Deficit Reduction Act of 2005; provided further, that the division shall submit to the house and senate committees on ways and means and the joint committee on health care financing, not later than December 8, 2008, a report detailing rate or other payment appeals submitted to the division by skilled nursing facilities and rest homes including: (a) the initial date of appeal; (b) the amount of payment in dispute; (c) the status of each appeal; and (d) the commonwealth's response and date issued; provided further, that not less than \$500,000 shall be expended to examine the factors that contribute to the cost increases of the health care delivery system and strategies employed by the provider community to reduce cost growth; provided further, that in preparing its report the division shall conduct a public hearing on the matter; and provided further, that the division shall submit its findings to the joint committees on health care financing and the house and senate committees on ways and means no later than February 16, 2009; provided further, that the division shall provide a quarterly report on the projected costs and enrollment figures of Commonwealth Care and shall file the report with the clerks of the senate and house of representatives 17,513,039.”.

[The Governor reduced this item by \$500,000 and struck out the following wording: “; provided further, that not less than \$500,000 shall be expended to examine the factors that contribute to the cost increases of the health care delivery system and strategies employed by the provider community to reduce cost growth; provided further, that in preparing its report the division shall conduct a public hearing on the matter; and provided further, that the division shall submit its findings to the joint committees on health care financing and the house and senate committees on ways and means no later than February 16, 2009”.]

The question on passing item 4100-0060, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eleven o'clock P.M., as follows, to wit (*yeas 34 — nays 4*) [Yeas and Nays No. 424]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
Brewer, Stephen M. Morrissey, Michael W.
Buoniconti, Stephen J. O'Leary, Robert A.
Candaras, Gale D. Pacheco, Marc R.
Chandler, Harriette L. Panagiotakos, Steven C.
Creedon, Robert S., Jr. Petrucci, Anthony
Creem, Cynthia Stone Resor, Pamela
Downing, Benjamin B. Rosenberg, Stanley C.
Fargo, Susan C. Spilka, Karen E.
Galluccio, Anthony D. Timilty, James E.
Hart, John A., Jr. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 34.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 4.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

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

Item 7061-9626 (Youth Build Programs) was considered as follows:

“7061-9626 For grants and contracts with youth-build programs for the purposes of providing comprehensive youth-build services 2,770,500.”.

[The Governor reduced this item by \$250,000.]

The question on passing item 7061-9626, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at three minutes past eleven o'clock P.M., as follows, to wit (*yeas 35 — nays 3*) [Yeas and Nays No. 425]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Rosenberg, Stanley C.
Downing, Benjamin B. Spilka, Karen E.
Fargo, Susan C. Timilty, James E.
Galluccio, Anthony D. Tolman, Steven A.
Hart, John A., Jr. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian
Joyce, Brian A. Wilkerson, Dianne — 35.
Knapik, Michael R.

NAYS.

Hedlund, Robert L. Tisei, Richard R. — 3.
Tarr, Bruce E.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at four minutes past eleven o'clock P.M., item 7061-9626, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7061-9805 (Bullying Prevention) was considered as follows:

"7061-9805 For administering a Bullying Prevention Program for schools to implement bullying prevention and intervention plans throughout the commonwealth; provided, that not less than \$50,000 shall go to the department of elementary and secondary education for the purposes of administering the Bullying Prevention Program and maintaining a Bullying Prevention Resource repository online at the department's web page; and provided further, that not less than \$200,000 shall be appropriated to the Massachusetts Aggression Reduction Center at Bridgewater State College for the purposes of working in consultation with the department of elementary and secondary education to expand the Center's capabilities to bring policy-production and bullying prevention services to public schools in the commonwealth 250,000.".

[The Governor disapproved this item.]

The question on passing item 7061-9805, contained in section 2, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at five minutes past eleven o'clock P.M., as follows, to wit (*yeas 34 — nays 4*) [Yeas and Nays No. 426]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Rosenberg, Stanley C.
Downing, Benjamin B. Spilka, Karen E.
Fargo, Susan C. Timilty, James E.
Galluccio, Anthony D. Tolman, Steven A.
Hart, John A., Jr. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian
Joyce, Brian A. Wilkerson, Dianne — 34.

NAYS.

Hedlund, Robert L. Tarr, Bruce E.
Knapik, Michael R. Tisei, Richard R. — 4.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at seven minutes past eleven o'clock P.M., item 7061-9805, contained in section 2, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7066-0000 (Department of Higher Education Administration) was considered as follows:

"7066-0000 For the operation of the department of higher education; provided, that the department shall recommend savings proposals that permit institutions of public higher education to achieve administrative and program cost reductions, resource re-allocation and program re-assessment and to utilize resources otherwise available to such institutions; provided further, that in order to meet the estimated costs of employee fringe benefits provided by the commonwealth on account of employees of the Massachusetts State College Building Authority and the University of Massachusetts Building Authority, and in order to meet the estimated cost of heat, light, power and other services, if any,

to be furnished by the commonwealth to projects of these authorities, the boards of trustees of the state colleges and the University of Massachusetts shall transfer to the General Fund from the funds received from the operations of the projects such costs, if any, as shall be incurred by the commonwealth for these purposes in the current fiscal year, as determined by the appropriate building authority, verified by the commissioner of higher education and approved by the secretary of administration and finance; provided further, that \$2,000,000 shall be expended for the Massachusetts Nursing and Allied Health Workforce Development Initiative, to develop and support strategies that increase the number of Massachusetts public higher education faculty members and students who participate in programs that support careers in fields related to nursing and allied health; provided further, that not less than \$2,000,000 shall be expended for the department to make payments to public higher education institutions for the dual enrollment program allowing qualified high school students to take college courses; provided further, that public higher education institutions may offer courses in high schools in addition to courses offered at the institutions or online if the number of students is sufficient; and provided further, that not less than \$250,000 shall be expended for the establishment of text-messaging emergency notification systems at the campuses of the University of Massachusetts and all state and community colleges in coordination with the department of public safety 6,512,898.”.

[The Governor reduced this item by \$1,000,000 and struck out the following wording: “; provided further, that \$2,000,000 shall be expended for the Massachusetts Nursing and Allied Health Workforce Development Initiative, to develop and support strategies that increase the number of Massachusetts public higher education faculty members and students who participate in programs that support careers in fields related to nursing and allied health” and inserted the following wording: “; provided further, that \$1,000,000 shall be expended for the Massachusetts Nursing and Allied Health Workforce Development Initiative, to develop and support strategies that increase the number of Massachusetts public higher education faculty members and students who participate in programs that support careers in fields related to nursing and allied health”.]

The question on passing item 7066-0000, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eight minutes past eleven o’clock P.M., as follows, to wit (*yeas 35 — nays 2*) [Yeas and Nays No. 427]:

YEAS.

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

NAYS.

Knapik, Michael R. Tisei, Richard R. — 2.

ABSENT OR NOT VOTING.

Marzilli, Jim Panagiotakos, Steven C. — 2.

The yeas and nays having been completed at ten minutes past eleven o’clock P.M., item 7066-0000, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7066-0009 (New England Board of Higher Education) was considered as follows:

“7066-0009 For the New England board of higher education; provided, that not less than \$100,000 shall be expended for the College Ready New England program 467,500.”.

[The Governor reduced this item by \$100,000 and struck out the following wording: “; provided, that not less than

\$100,000 shall be expended for the College Ready New England program”.]

The question on passing item 7066-0009, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at ten minutes past eleven o’clock P.M, as follows, to wit (yeas 33 — nays 5) [Yeas and Nays No. 428]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Berry, Frederick E. Morrissey, Michael W.
Brewer, Stephen M. O’Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Candaras, Gale D. Panagiotakos, Steven C.
Chandler, Harriette L. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Rosenberg, Stanley C.
Downing, Benjamin B. Spilka, Karen E.
Fargo, Susan C. Timilty, James E.
Galluccio, Anthony D. Tolman, Steven A.
Hart, John A., Jr. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian
Joyce, Brian A. Wilkerson, Dianne — 33.
McGee, Thomas M.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 5.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at twelve minutes past eleven o’clock P.M., item 7066-0009, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Motion to Reconsider.

Mr. Petrucci moved that the Senate reconsider the vote by which it had passed to be engrossed the House Bill authorizing the Rose Fitzgerald Kennedy Greenway Conservancy, Inc. to operate, manage and maintain the Rose Kennedy Greenway (see House, No. 5013); and, there being no objection, the motion prevailed.

Pending the recurring question on passing the bill to be engrossed, Mr. Petrucci moved that the bill be amended in section 13, by striking out the word “sixth” and inserting in place thereof the word:— “seventh”.

The amendment was adopted.

The recurring question on passing the bill, as amended, to be engrossed was then considered; and the bill was again engrossed, with the amendment.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Message from the Governor — Objections
General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4900), which on Thursday, July 3, 2008, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4956) was read; and the Senate proceeded to reconsider one item, which had been objected thereto, in part, in accordance with the provisions of the Constitution.

Item 1000-0001 (Office of the State Comptroller Administration) was considered as follows:

“1000-0001 For the office of the state comptroller for the purpose and cost of compliance with the Single Audit Act of 1984, Public Law 89-502, and for the federally required comprehensive, statewide single audit of state operations for the fiscal year ending June 30, 2009, in accordance with generally accepted accounting principles; provided, that the office of the comptroller shall charge other items of appropriation for the cost of the audit from allocated federal funds transferred from federal reimbursement and grant receipts; provided further, that the office of the comptroller shall charge not more than a total of \$750,000 to other items of appropriation for the cost of the audit; provided further, that notwithstanding any general or special law to the contrary, allocated federal funds transferred from federal reimbursement and grant receipts shall be retained and expended from a separate item without further appropriation, in addition to state funds appropriated to this item, for the cost of compliance with the mandate of the federal law and the office of management and budget regulations; provided further, that the amount of any such federal funds and grant receipts so credited and expended from this item shall be reported to the house and senate committees on ways and means; provided further, that the comptroller shall maintain a special federal and non-tax revenue unit which shall operate under policies and procedures developed in conjunction with the secretary for administration and finance; provided further, that the comptroller shall provide quarterly reports to the house and senate committees on ways and means which shall include for each state agency for which the commonwealth is billing, the eligible state services and the full-year estimate of revenues and revenues collected; provided further, that notwithstanding any general or special law to the contrary, the comptroller shall deduct an amount of \$1,000 from any item of appropriation in section 2 in which a reporting requirement is stipulated within such item and which report is not filed within 10 days of the stated due date; provided further, that all amounts deducted shall be deposited into the General Fund and the comptroller shall notify the house and senate committees on ways and means of all amounts so deducted; provided further, that notwithstanding any general or special law to the contrary, the comptroller may enter into contracts with private vendors to identify and pursue cost avoidance opportunities for programs of the commonwealth and to enter into interdepartmental service agreements with state agencies, as applicable, for such purpose: provided further, that 60 days before entering into any interdepartmental service agreements the comptroller shall notify the house and senate committees on ways and means; provided further, that said notification shall include, but not be limited to, a description of the project, the purpose and intent of the interdepartmental service agreement, a projection of the costs avoided in the current fiscal year, a copy of the contract with the private vendor including the proposed rate of compensation and any previous agreements related or similar to the new agreement with the above information provided further, that payments to private vendors on account of such cost avoidance projects shall be made only from such actual cost savings as have been certified in writing to the house and senate committees on ways and means by the comptroller and the budget director as attributable to such cost avoidance projects; provided further, that the comptroller may establish such procedures, in consultation with the budget director and the affected departments as he deems appropriate and necessary to accomplish the purpose of this item; and provided further, that the comptroller shall submit a report on such projects as a part of his annual report pursuant to section 12 of chapter 7A of the General Laws 9,065,602.”.

[The Governor struck out the following wording: “; provided further, that notwithstanding any general or special law to the contrary, the comptroller shall deduct an amount of \$1,000 from any item of appropriation in section 2 in which a reporting requirement is stipulated within such item and which report is not filed within 10 days of the stated due date; provided further, that all amounts deducted shall be deposited into the General Fund and the comptroller shall notify the house and senate committees on ways and means of all amounts so deducted”.]

The question on passing item 1000-0001, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at fourteen minutes past eleven o'clock P.M., as follows, to wit (*yeas* 33 — *nays* 5) [Yeas and Nays No. 429]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Berry, Frederick E. Morrissey, Michael W.
Brewer, Stephen M. O'Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Candaras, Gale D. Panagiotakos, Steven C.
Chandler, Harriette L. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Rosenberg, Stanley C.
Downing, Benjamin B. Spilka, Karen E.
Fargo, Susan C. Timilty, James E.
Galluccio, Anthony D. Tolman, Steven A.
Hart, John A., Jr. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian

Joyce, Brian A. Wilkerson, Dianne — 33.
McGee, Thomas M.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 5.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at sixteen minutes past eleven o'clock P.M., item 1000-0001, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Richard K. Ward II, an employee of the Department of Correction (see House, No. 4819, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Governor on Friday, August 1, 2008, for his approbation.

The Senate Bill further regulating employment contracts for school principals (Senate, No. 273, amended),— came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5023.

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

Emergency Preambles Adopted.

An engrossed Bill to create a state 911 department, single 911 surcharge and enhanced 911 fund (see House, No. 5051), 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 11 to 0. The bill was signed by the President and sent to the House for enactment.

An engrossed Bill relative to green jobs in the Commonwealth (see House, No. 5018, 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 7 to 0. The bill was signed by the President and sent to the House for enactment.

Committee of Conference Report.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth (House, No. 5005) (amended by the Senate by striking out all after the enacting clause and inserting the text contained in Senate document numbered 2855), reported a "Bill providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth" (House, No. 5054),— came from the House, and was read. Senate Rule 36 was suspended, on motion of Mr. Brewer, and the report was considered forthwith and accepted, in concurrence.

Engrossed Bills — Land Takings for Conservation, Etc.

An engrossed Bill authorizing the conveyance of an easement over certain conservation and recreation lands in the town of Blackstone (see Senate, No. 45) (which originated in the Senate), 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-seven minutes past eleven o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [Yeas and Nays No. 430]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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.
Hedlund, Robert L. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at twenty-nine minutes past eleven 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 on Friday, August 1, 2008, for his approbation.

An engrossed Bill authorizing the town of Middleborough to convey town-owned conservation land in exchange for other land to be used as conservation and recreation land (see Senate, No. 1188) (which originated in the Senate), 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-nine minutes past eleven o’clock P.M., as follows, to wit (*yeas 38 — nays 0*) [Yeas and Nays No. 431]:

YEAS.

Antonioni, Robert A. Berry, Frederick E.
Augustus, Edward M., Jr. Brewer, Stephen M.
Baddour, Steven A. Brown, Scott P.
Buoniconti, Stephen J. Moore, Richard T.
Candaras, Gale D. Morrissey, Michael W.
Chandler, Harriette L. O’Leary, Robert A.
Creedon, Robert S., Jr. Pacheco, Marc R.
Creem, Cynthia Stone Panagiotakos, Steven C.
Downing, Benjamin B. Petrucci, Anthony
Fargo, Susan C. Resor, Pamela
Galluccio, Anthony D. Rosenberg, Stanley C.
Hart, John A., Jr. Spilka, Karen E.
Hedlund, Robert L. Tarr, Bruce E.
Jehlen, Patricia D. Timilty, James E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
McGee, Thomas M. Tucker, Susan C.
Menard, Joan M. Walsh, Marian
Montigny, Mark C.. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at twenty-nine minutes before twelve o’clock midnight, 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 on Friday, August 1, 2008, for his approbation.

An engrossed Bill relative to the North Raynham Water District (see Senate, No. 2736, amended) (which originated in the Senate), 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-eight minutes before twelve o'clock midnight as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 432]:

YEAS.

Antonioni, Robert A. Hedlund, Robert L.
Augustus, Edward M., Jr. Jehlen, Patricia D.
Baddour, Steven A. Joyce, Brian A.
Berry, Frederick E. Knapik, Michael R.
Brewer, Stephen M. McGee, Thomas M.
Brown, Scott P. Menard, Joan M.
Buoniconti, Stephen J. Montigny, Mark C.
Candaras, Gale D. Moore, Richard T.
Chandler, Harriette L. Morrissey, Michael W.
Creedon, Robert S., Jr. O'Leary, Robert A.
Creem, Cynthia Stone Pacheco, Marc R.
Downing, Benjamin B. Panagiotakos, Steven C..
Fargo, Susan C. Petruccelli, Anthony
Galluccio, Anthony D. Resor, Pamela
Hart, John A., Jr. Rosenberg, Stanley C.
Spilka, Karen E. Tolman, Steven A.
Tarr, Bruce E. Tucker, Susan C.
Timilty, James E. Walsh, Marian
Tisei, Richard R. Wilkerson, Dianne — 38.
NAYS — 0.
ABSENT OR NOT VOTING.
Marzilli, Jim — 1.

The yeas and nays having been completed at twenty-seven minutes before twelve o'clock midnight, 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 on Friday, August 1, 2008, for his approbation.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town of Holden (see Senate, No. 2794, amended) (which originated in the Senate), 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 before twelve o'clock midnight, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 433]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Petruccelli, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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.
Hedlund, Robert L. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at twenty-four minutes before twelve o'clock midnight, 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 on Friday, August 1, 2008, for his approbation.

An engrossed Bill providing for the release of certain land in the town of Deerfield from the operation of an agricultural preservation restriction (see House, No. 4779) (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-three minutes before twelve o'clock midnight, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 434]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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.
Hedlund, Robert L. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at twenty-two minutes before twelve o'clock midnight, 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 on Friday, August 1, 2008, for his approbation.

An engrossed Bill authorizing the town of Tewksbury to enter into a lease with the Division of Capital Asset Management (see House, No. 4943) (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-one minutes before twelve o'clock midnight, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 435]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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.

Hedlund, Robert L. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 38.

NAYS — 0.
ABSENT OR NOT VOTING.
Marzilli, Jim — 1.

The yeas and nays having been completed at twenty minutes before twelve o'clock midnight, 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 on Friday, August 1, 2008, for his approbation.

An engrossed Bill providing for a partial release of certain land in Sunderland from the operation of an agricultural preservation restriction (see House, No. 5011) (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 nineteen minutes before twelve o'clock midnight, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 436]:

YEAS.
Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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.
Hedlund, Robert L. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 38.

NAYS — 0.
ABSENT OR NOT VOTING.
Marzilli, Jim — 1.

The yeas and nays having been completed at eighteen minutes before twelve o'clock midnight, 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 on Friday, August 1, 2008, for his approbation.

A Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the city of North Adams (House, No. 4585,— on petition),— was read.

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

Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5022), 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 5 to 0.

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

Engrossed Bills.

An engrossed Bill to create a state 911 department, single 911 surcharge and enhanced 911 fund (see House, No. 5051) (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.

An engrossed Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5022) (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 on Friday, August 1, 2008, for his approbation.

An engrossed Bill relative to green jobs in the Commonwealth (see House, No. 5018, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Governor on Monday, August 4, 2008, for his approbation.

Emergency Preambles Adopted.

An engrossed Bill to promote cost containment, transparency and efficiency in the delivery of quality health care (see Senate, No. 2863), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 8 to 0.

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

An engrossed Bill providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth (see House, No. 5054), 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.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill to authorize the transfer of land in Hamilton and Manchester-by-the-Sea (see Senate, No. 2862) (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 three minutes before twelve o'clock midnight, as follows, to wit (yeas 37 — nays 0) [Yeas and Nays No. 437]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Rosenberg, Stanley C.
Downing, Benjamin B. Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Galluccio, Anthony D. Tisei, Richard R.
Hart, John A., Jr. Tolman, Steven A.
Hedlund, Robert L. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian
Joyce, Brian A. Wilkerson, Dianne — 37.
Knapik, Michael R.

NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim Timilty, James E. — 2.

The yeas and nays having been completed at one minute before twelve o'clock midnight, 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 on Friday, August 1, 2008, for his approbation.

Order Adopted.

Mr. Antonioni offered the following order, to wit:

Ordered, That notwithstanding the provisions of Senate Rule 38A½, the Senate shall continue in session beyond the hour of twelve o'clock midnight for the purpose of enacting several measures dealing with health care costs containment, Rose Kennedy Greenway, the environmental bond bill and the general bond bill, the final three requiring calls of the yeas and the nays at the enactment stage.

The rules were suspended, on motion of Mr. Knapik, and the order was considered forthwith and adopted.

PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill to promote cost containment, transparency and efficiency in the delivery of quality health care (see Senate, No. 2863) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at six minutes past twelve o'clock midnight, on motion of Mr. Tisei, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 438]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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.
Hedlund, Robert L. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at eight minutes past twelve o'clock midnight, the bill was passed to be enacted and it was signed by the President and laid before the Governor on Friday, August 1, 2008, for his approbation.

Emergency Preamble Adopted.

An engrossed Bill authorizing the Rose Fitzgerald Kennedy Greenway Conservancy, Inc. to operate, manage and maintain the Rose Kennedy Greenway (see House, No. 5013), 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 25 to 0.

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

Engrossed Bill — State Loan.

An engrossed Bill providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth (see House, No. 5054) (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 borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-four minutes past twelve o'clock midnight, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 439]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Petruccelli, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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.
Hedlund, Robert L. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at twenty-five minutes past twelve o’clock midnight, 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 on Monday, August 4, 2008, for his approbation.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the Rose Fitzgerald Kennedy Greenway Conservancy, Inc. to operate, manage and maintain the Rose Kennedy Greenway (see House, No. 5013) (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-nine minutes before one o’clock A.M., as follows, to wit (*yeas 33 — nays 5*) [Yeas and Nays No. 440]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Berry, Frederick E. Morrissey, Michael W.
Brewer, Stephen M. O’Leary, Robert A.
Buoniconti, Stephen J. Pacheco, Marc R.
Candaras, Gale D. Panagiotakos, Steven C.
Chandler, Harriette L. Petruccelli, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone Rosenberg, Stanley C.
Downing, Benjamin B. Spilka, Karen E.
Fargo, Susan C. Timilty, James E.
Galluccio, Anthony D. Tolman, Steven A.
Hart, John A., Jr. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian
Joyce, Brian A. Wilkerson, Dianne — 33.
McGee, Thomas M.

NAYS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — 5.
Knapik, Michael R.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at twenty-eight minutes before one o'clock A.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 on Friday, August 1, 2008, for his approbation.

Committee of Conference Report.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 5016) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2859), reported, a "Bill providing for capital facility repairs and improvements for the Commonwealth" (House, No. 5055),— came from the House, and was read.

Senate Rule 36 was suspended, on motion of Mr. Brewer, and the report was considered forthwith and accepted, in concurrence.

Emergency Preamble Adopted Engrossed Bill — State Loan Enacted.

Mr. Antonioni in the Chair, an engrossed Bill providing for capital facility repairs and improvements for the Commonwealth (see House, No. 5055), 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 13 to 0.

The bill was signed by the Acting President (Mr. Antonioni) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and sent to the House for enactment.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then put the bill upon its final passage; and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-six minutes past one o'clock A.M., as follows, to wit (*yeas 38 — nays 0*) [Yeas and Nays No. 441]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.
Augustus, Edward M., Jr. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Petrucci, Anthony
Creedon, Robert S., Jr. Resor, Pamela
Creem, Cynthia Stone 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.
Hedlund, Robert L. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim — 1.

The yeas and nays having been completed at twenty-nine minutes past one o'clock A.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. Antonioni) and laid before the Governor on Friday, August 1, 2008, for his approbation.

Order Adopted.

On motion of Mr. McGee,—

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.

Adjournment in Memory of
Father Bernard McLaughlin.

The Senator from Norfolk, Bristol and Plymouth, Mr. Joyce, and the Senator from Suffolk and Middlesex, Mr. Petrucci, requested that when the Senate adjourns today, it adjourn in memory of the former Chaplain of the Massachusetts Senate, Reverend Bernard P. McLaughlin, who passed away on Sunday, July 27th after an extended illness.

Reverend McLaughlin, a beloved pastor in East Boston and in Canton made the lives of his parishioners his top priority. Whether it be administering Mass for travelers and employees at Logan Airport, or starting the Neighbors in Need fund to aid families in Canton who had fallen on difficult economic times, Reverend McLaughlin was a pillar of faith and strength within the communities he served.

In addition to serving as Pastor at St. Gerard Majella Parish of Canton and Administrator of Our Lady of the Airways Chapel, Reverend McLaughlin also served as Pastor of the Most Holy Redeemer Parish in East Boston, Professor of Philosophy at St. John's Seminary College, Vice-Chair of the State Ethics Commission, Trustee of the Massachusetts Maritime Academy, and Chair of the Boston Shelter Commission.

Reverend McLaughlin's generous spirit and spiritual guidance touched not only his parishioners, but this body, the City of Boston, and the Commonwealth of Massachusetts.

Reverend Bernard P. McLaughlin is survived by his brother Francis and his sister-in-law Mary Catherine of Maryland. He is also survived by many nephews, nieces, cousins and friends.

Accordingly, as a mark of respect to the memory of Father Bernard McLaughlin, at twenty-nine minutes before two o'clock A.M., on motion of Mr. Brewer, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.