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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, September 20, 2007.

Met at five minutes past one o'clock P.M., Mr. Rosenberg in the Chair.

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Tolman for the purpose of an introduction. Mr. Tolman then introduced Matthew Grimes, Jeanne Parent and Michelle Gallien who will be competing in the Special Olympics World Games next month in Shanghai, China. Matthew Grimes is from Franklin, Massachusetts and was accompanied to the Senate by his parents Donald and Bonny Grimes and his coach Jen Walsh. Jeanne Parent is from Wayland, MA and is accompanied by her parents Dale and JoAnn Parent and her coach Karen Bernardo. Michelle Gallien from Athol was unable to attend but she expressed her excitement to compete in the upcoming games.

There being no objection, the President handed the gavel to Mr. Tolman for the purpose of an introduction. Mr. Tolman then introduced Lieutenant Rich Tavares from the Bourne Police Department. Lt. Tavares will join other law enforcement officials from around the world and will have the honor of running the Special Olympics Flame of Hope into the opening ceremonies of the Special Olympics World Games in Shanghai, China.

There being no objection, the President handed the gavel to Mr. Tolman for the purpose of an introduction. Mr. Tolman introduced two officials who will help to run the upcoming Special Olympic World Games in Shanghai, China, Bob Trudeau from Danvers who will officiate soccer and Jack Doyle from Waltham who will officiate basketball.

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

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

Farewell Remarks for Former Senator Robert A. Havern.

The President, Senators Creem and Morrissey briefly addressed the Senate bidding farewell to former Senator Robert A. Havern. Former Senator Robert A. Havern then briefly addressed the Senate.

There being no objection at thirteen minutes past two o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty minutes before three o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

Message from the Governor — Disapprovals and Reductions in the General Appropriation Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2008 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. 4141), which on Friday, July 3, 2007, 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. 4155) was read; and the Senate proceeded to reconsider one item, which had been disapproved in accordance with the provisions of the Constitution.

Item 4000-0600 (MassHealth Long-Term Care Services) was considered as follows:

“4000-0600

For health care services provided to MassHealth members who are seniors, and for the operation of the senior care options program under section 9D of chapter 118E of the General Laws; provided, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years; provided further, that funds shall be expended for the ‘community choices’ initiative; provided further, that benefit for this demonstration project shall not be reduced below the services provided in fiscal year 2007; provided further, that the eligibility requirements for this demonstration project shall not be more restrictive than those established in fiscal year 2007; provided further, that the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing the projected costs and the number of individuals served by the ‘community choices’ initiative in fiscal year 2008 delineated by the federal poverty level; provided further, that the report shall be submitted not later than February 1, 2008; provided further, that notwithstanding any general or special law to the contrary, the regulations, criteria and standards for determining admission to and continued stay in a nursing home in fiscal year 2008 shall not be more restrictive than those regulations, criteria and standards in effect on January 1, 2004 until the executive office of health and human services and the executive office of elder affairs submit a multi-year plan to the house and senate committees on ways and means and the joint committee on health care financing detailing the suggested timeline for phasing in changes to nursing home clinical criteria, provided that these changes shall not adversely affect current nursing home residents and shall not jeopardize the effectiveness of the 2176 home and community based waiver; provided further, that notwithstanding any general or special law to the contrary, for any nursing home or non-acute chronic disease hospital that provides kosher food to its residents, the department, in consultation with the division, in recognition of the unique special innovative program status granted by the executive office, shall continue to make the standard payment rates established in fiscal year 2006 to reflect the high dietary costs incurred in providing kosher food; provided further, that funds shall be expended for the purpose of a housing with services demonstration project known as the ‘Caring Homes’ initiative designed to delay or prevent nursing home placement by providing care-giving services to an elder; provided further, that under said demonstration project, eligible MassHealth enrollees shall be able to live in the home of an individual or relative, with the exception of spouses and dependent children, to provide for their long term supports, pursuant to regulations promulgated by said executive office; provided further, that notwithstanding any general or special law to the contrary, not less than \$5,000,000 shall be expended from this item for the purpose of providing an increase to \$72.80 per month in the personal needs allowance for individuals residing in nursing homes and rest homes who are eligible for MassHealth, Emergency Aid to the Elderly Disabled and Children program or Supplemental Security Income; provided further, that no less than \$270,000 shall be expended for nursing facility pre-admission counseling for long-term care services, which shall include an assessment of community-based options; provided further, that in fiscal year 2008, the division of health care finance and policy shall adjust rates for providers of adult day health by no less than \$2,000,000 in the aggregate, which shall be above any previously authorized rate increase; provided further, that effective July 1, 2007 for the fiscal year ending June 30 2008, the division of health care finance and policy shall establish MassHealth nursing facility rates that result in payments to nursing facilities that are not less than \$80,000,000 above the payments made to said facilities in fiscal year 2007; provided further, that not later than October 1, 2007, the Office of Medicaid shall submit a Money Follows the Person Rebalancing Demonstration grant in accordance with section 6071 of the federal Deficit Reduction Act of 2005, P.L. 109-171, to assist individuals seeking to transition from institutions who wish to live in the community; and provided further, that the Office of Medicaid shall forward a copy of this application to the house and senate committee on ways and means, the house and senate chairpersons of the joint committee on elder affairs, and the house and senate chairpersons of the joint committee on health care financing; and provided further, that the executive office of elder affairs shall make no change in the reimbursement system or operations of adult day health programs as they relate to transportation of program participants, except that the executive office may grant periodic rate increases, as appropriate, for transportation services 2,053,753,985”.

The question on passing item 4000-0600, 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 three o’clock P.M., as follows, to wit (*yeas 34 — nays 0*) [**Yeas and Nays No. 85**]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.

Augustus, Edward M., Jr. Montigny, Mark C.

Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Brown, Scott P. Panagiotakos, Steven C.
Buoniconti, Stephen J. 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.
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 — 34.

NAYS — 0.

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 3.

Menard, Joan M.

The yeas and nays having been completed at eleven minutes before three o'clock P.M., item 4000-0600, 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 8000-0619 (SAFE Program) was considered as follows:

“8000-0619

For the distribution of grants for city and fire district student awareness of fire education programs, to be known as S.A.F.E. programs, which shall include information about the fire risks caused by smoking; provided, that funds may be expended by the department of fire services for the purpose of performing grant related services and training 1,178,666”.

After remarks, the question on passing item 8000-0619, 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 three minutes before three o'clock P.M., as follows, to wit (*yeas 35 — nays 0*) **[Yeas and Nays No. 86]:**

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Brown, Scott P. Panagiotakos, Steven C.
Buoniconti, Stephen J. 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.
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.

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 2.

The yeas and nays having been completed at one minute before three o'clock P.M., item 8000-0619, 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 4200-0500 (DYS Education Funding) was considered as follows:

“4200-0500

For the department of youth services' education system; provided, that not less than \$2,550,000 shall be expended for the annualization of enhanced salaries of teachers 3,300,000”.

After remarks, the question on passing item 4200-0500, 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 five minutes past three o'clock P.M., as follows, to wit (*yeas 35 — nays 0*) **[Yeas and Nays No. 87]:**

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Brown, Scott P. Panagiotakos, Steven C.
Buoniconti, Stephen J. 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.
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.

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 2.

The yeas and nays having been completed at eight minutes past three o'clock P.M., item 4200-0500, 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.

Item 7061-9619 (Franklin Institute of Boston) was considered as follows:

“7061-9619

For the purpose of funding the Benjamin Franklin Institute of Technology; provided, that the institute shall have access to the Massachusetts education computer system; and provided further, that the institute may join the state buying consortium 100,001”.

After debate, the question on passing item 7061-9619, 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 past three o'clock P.M., as follows, to wit (*yeas 30 — nays 5*) **[Yeas and Nays No. 88]:**

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Buoniconti, Stephen J. 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.
Hart, John A., Jr. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 30.

NAYS.

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

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 2.

The yeas and nays having been completed at thirteen minutes past three o'clock P.M., item 7061-9619, 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 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 Massachusetts 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 5,325,000”.

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 fourteen minutes past three o'clock P.M., as follows, to wit (*yeas 33 — nays 1*) [**Yeas and Nays No. 89**]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Brown, Scott P. Panagiotakos, Steven C.
Buoniconti, Stephen J. 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.
Hart, John A., Jr. Tisei, Richard R.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
Knapik, Michael R. Wilkerson, Dianne — 33.
McGee, Thomas M.

NAY.

Hedlund, Robert L. — 1.

ANSWERED “PRESENT”.

Walsh, Marian — 1.

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 2.

The yeas and nays having been completed at seventeen minutes past three 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 2511-0100 (Department of Agriculture Administration) was considered as follows:

“2511-0100

For the operation of the department of agricultural resources, including the office of the commissioner, the expenses of the board of agriculture, the division of dairy services, and the division of regulatory services and animal health, including a program of laboratory services at the University of Massachusetts at Amherst, the expenses of the pesticides board, and the division of agricultural development and fairs; provided, that not less than \$45,000 shall be expended for shellfish propagation on the islands of Martha's Vineyard and Nantucket to be administered by the state aquaculture coordinator and Dukes and Nantucket counties; provided further, that \$100,000 shall be expended for 4H activities from this item; provided further, that \$50,000 shall be expended on the YouthGROW program; provided further, that not less than \$10,000 shall be expended to the Plymouth Animal shelter; provided further, that not less than \$200,000 shall be expended to enhance the buy local effort in western, central, northeastern, and southeastern Massachusetts; provided further, that not less than \$50,000 shall be expended for agricultural fair prizes and rehabilitation, including the expenses of the agricultural lands board; provided further, that the department shall, to the extent possible, encourage corporate sponsorships for the purposes of providing agricultural fair prizes; and provided further, that funds may be expended for implementation of the agricultural marketing strategic plan, including, but not limited to funding for agricultural business training and technical assistance 4,942,183”.

After debate, the question on passing item 2511-0100, 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 nineteen minutes past three o'clock P.M., as follows, to wit (*yeas 31 — nays 4*) [**Yeas and Nays No. 90**]:

YEAS.

Antonioni, Robert A. Berry, Frederick E.
Augustus, Edward M., Jr. Brewer, Stephen M.
Baddour, Steven A. Buoniconti, Stephen J.
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
Hart, John A., Jr. Rosenberg, Stanley C.
Jehlen, Patricia D. Spilka, Karen E.
Joyce, Brian A. Timilty, James E.
Knapik, Michael R. Tolman, Steven A.
McGee, Thomas M. Tucker, Susan C.
Menard, Joan M. Walsh, Marian
Montigny, Mark C. Wilkerson, Dianne — 31.
Morrissey, Michael W.

NAYS.

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

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 2.

The yeas and nays having been completed at twenty-two minutes past three o'clock P.M., item 2511-0100, 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 8910-0000 (County Corrections Reserve) was considered as follows:

“8910-0000

For a reserve to fund county correctional programs; provided, that funds appropriated in this item shall be distributed among the sheriffs departments of Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth and Suffolk counties by the county government finance review board upon prior notification to the house and senate committees on ways and means; provided further, that funds appropriated in this item shall be in addition to and contingent on item 1599-7092; provided further, that funds made available to

Plymouth county may be expended for operating and debt service costs associated with state inmates housed in the Plymouth county facility, pursuant to clauses 3 and 4 of the Memorandum of Agreement signed May 14, 1992; provided further, that funds distributed from this item shall be paid to the treasurer of each county who shall place the funds in a separate account within the treasury of each such county; provided further, that the treasurer shall authorize temporary transfers into this account for operation and maintenance of jails and houses of correction in advance of receipt of the amount distributed by the commonwealth under this item; provided further, that upon receipt of the state distribution, the treasurer may transfer out of such account an amount equal to the funds so advanced; provided further, that all funds deposited in such accounts and any interest accruing thereto shall be used solely for the functions of the sheriffs' departments of the various counties including, but not limited to, maintenance and operation of jails and houses of correction, without further appropriation; provided further, that the sheriff's department of each county shall reimburse the county treasurer of each county for personnel-related expenses, with the exception of salaries, attributable to the operations of the sheriff's department of each county heretofore paid by the county including, but not limited to, the cost of employee benefits; provided further, that the spending plans required by this item shall be developed by the county government finance review board, in consultation with the Massachusetts Sheriffs' Association; provided further, that in accordance with section 247 of chapter 38 of the acts of 1995, all spending plans shall be detailed by object class and object code in accordance with the expenditure classification requirements promulgated by the comptroller; provided further, that such spending plans shall be accompanied by a delineation of all personnel employed by each county correctional facility including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that such spending plans shall be accompanied by a delineation of all vehicles leased, owned or operated by each county sheriff; provided further, that no sheriff shall purchase any new vehicles or major equipment in fiscal year 2008 unless such purchase is made pursuant to a multicounty or regionalized collaborative procurement arrangement or unless such purchase is directly related to significant population increase or is otherwise necessary to address an immediate and unanticipated public safety crisis and is approved by the county government finance review board and the executive office of public safety; provided further, that notwithstanding the other provisions in this item, sheriffs may purchase 'marked' prisoner transportation vans, upon notification to the county government finance review board; provided further, that notwithstanding any special law to the contrary, no county treasurer shall retain revenues derived by the sheriffs from commissions on telephone service provided to inmates or detainees; provided further, that the revenues shall be retained by the sheriffs not subject to further appropriation for use in a canteen fund; provided further, that the county government finance review board and the executive office of public safety shall identify and develop county correction expenditures which shall be reduced through shared contracts, regionalized services, bulk purchasing and other centralized procurement savings programs; provided further, that the daily count sheet for county facilities, compiled by the executive office of public safety, shall be filed with the Massachusetts Sheriffs' Association not less than monthly; provided further, that all revenues including, but not limited to, revenue received from housing federal prisoners, United States Marshals, canteen revenues, inmate industries and work-crew revenues shall be tracked and reported quarterly to the house and senate committees on ways and means and the Massachusetts Sheriffs' Association; provided further, that on or before August 15, 2007, each county sheriff shall submit a final spending plan for fiscal year 2008 to the county government finance review board and the house and senate committees on ways and means detailing the level of resources deemed necessary for the operation of each county correctional facility and the expenditures which shall be reduced to remain within the appropriation; provided further, that failure by a county sheriff to comply with any provision of this item shall result in a reduction of subsequent quarterly payments to amounts consistent with a rate of expenditure of 95 per cent of the rate of expenditure for fiscal year 2007, as determined by the county government finance review board; provided further, that each sheriff shall submit to the executive office of public safety and the house and senate committees on ways and means copies of such spending plans not later than August 15, 2007; provided further, that \$60,000 shall be expended for the operation of the Barnstable County Sheriff's Office Reentry Program; provided further, that on or before September 15, 2007, the county government finance review board shall have approved final fiscal year 2008 county correction budgets; provided further, that the county government finance review board shall provide the executive office of public safety and the house and senate committees on ways and means with copies of such approved budgets not later than October 15, 2007; provided further, that such budgets shall include distribution schedules for the final 2 quarters of fiscal year 2008 and such plans shall be used to make all subsequent quarterly distributions; provided further, that services shall be provided to the extent determined to be possible within the amount appropriated in this item and each sheriff shall make all necessary adjustments to ensure that expenditures do not exceed the appropriation; provided further, that each county shall expend during fiscal year 2008, for the operation of county jails and houses of correction and other statutorily authorized facilities and functions of the office of the sheriff, in addition to the amount distributed from this item, not less than 102.5 per cent of the amount expended in fiscal year 2007 for such purposes from own-source revenues, which shall not be less than 5 per cent of total county revenues including, but not limited to, amounts levied pursuant to sections 30 and 31 of chapter 35 of the General Laws and amounts provided pursuant to sections 11 to 13, inclusive, of chapter 64D of the General Laws; provided further, that in fiscal year 2008, those counties which have not met maintenance of effort obligations in prior fiscal years shall expend not less than the minimum contribution, as defined above from own-source revenues; provided further, that notwithstanding the provisions stated in this item, the maintenance of effort obligations for Suffolk county shall be 4 per cent of the total fiscal year 2008 Suffolk county correction operating budget as approved by the county government finance review board; provided further, that notwithstanding any general or special law to the contrary, the deputy commissioner of local services shall certify on or before May 15, 2008 that all municipalities have appropriated and transferred to their respective county treasuries, not less than 102.5 per cent of the municipality's prior year obligations or minimum contributions as defined above, whichever is greater, for county corrections; provided further, that if a municipality fails to transfer such obligation, the deputy commissioner shall withhold an amount equal to the shortfall in the obligation due to the county from such municipality's

fourth quarter local aid ‘cherry sheet’ distribution, authorized from item 0611-5500 of section 2 and from funds made available from the State Lottery Fund distribution in section 3; provided further, that on or before August 1, 2007, the deputy commissioner shall report all such withholdings to the house and senate committees on ways and means; provided further, that in fiscal year 2008, notwithstanding section 20A of chapter 59 of the General Laws, any county except Suffolk and Nantucket may increase its county tax for the fiscal year by an additional amount if the total amount of such additional county tax is approved by two-thirds of the cities and towns in the county, in towns by a majority vote of the town meeting or town council, and in cities by a majority vote of the city council or board of aldermen, with the approval of the mayor or manager; and provided further, that each sheriff funded from this item shall report on a monthly basis to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than September 30, 2007 191,352,937”.

The question on passing item 8910-0000, 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 twenty- three minutes past three o’clock P.M., as follows, to wit (*yeas 31 — nays 4*) **[Yeas and Nays No. 91]**:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O’Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Buoniconti, Stephen J. 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.
Hart, John A., Jr. Tolman, Steven A.
Hedlund, Robert L. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian
Joyce, Brian A. Wilkerson, Dianne — 31.
McGee, Thomas M.

NAYS.

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

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 2.

The yeas and nays having been completed at twenty-five minutes past three o’clock P.M., item 8910-0000, 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 8400-0001 (Registry of Motor Vehicles) was considered as follows:

“8400-0001

For the administration and operation of the registry of motor vehicles, including the title division and including all rent and related parking and utility expenses of the registry; provided, that the positions of administrative assistant to the registrar, legislative assistant, executive assistant to the registrar and the director of employee relations shall not be subject to civil service laws and rules; provided further, that all expenditures related to computer automation shall be subject to satisfactory quarterly reviews by the information technology division and under schedules by the division; provided further, that 40 per cent of the costs of personnel services associated with the registry computer, which reflects the proportionate use of the computer by the merit rating board, shall be assessed to insurance companies doing motor vehicle insurance business within the commonwealth, under section 183 of chapter 6 of the General Laws; provided further, that the registry shall operate a full-service branch in the town of Southbridge; provided further, that the registry shall operate an office in the city of Fall River; provided further, that not less than \$218,000 shall be expended to operate a license express office in the city of Lynn; provided further, that the registry shall operate a full service office in the town of Milford to be operated 5 days a week; provided further, the registry shall operate a license express office in the town of Walpole; provided further, that the registry shall operate a license express office in the town of Falmouth; provided further, that the registry may operate a full-service office in the city of Lowell; provided further, that the registry may operate a license express office in the Grove Hall neighborhood in the city of Boston; provided further, that the

registry shall operate an office in the city of Taunton and the town of Plymouth which shall handle license business, learner's permits, road testing and full service registration business to the general public; provided further, that the registry shall establish and maintain a record of all vehicles leased within the commonwealth for a period longer than 30 days; provided further, that the record shall include, but not be limited to, the names and addresses of the lessor and the lessee; provided further, that the registry shall take all steps necessary to improve customer service within existing resources; and provided further, that the registry may operate within the Springfield branch a one-stop international registration plan office for truck registrations to serve the counties of Hampden, Hampshire, Franklin and Berkshire 53,698,479

Highway Fund 100.0% ”.

After debate, the question on passing item 8400-0001, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-eight minutes past three o'clock P.M., as follows, to wit (*yeas 30 — nays 5*)

[Yeas and Nays No. 92]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Buoniconti, Stephen J. 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.
Hart, John A., Jr. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 30.

NAYS.

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

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 2.

The yeas and nays having been completed at twenty-eight minutes before four o'clock P.M., item 8400-0001, 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 Administration) 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 \$500,000 shall be provided for the Boston 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 situated in the commonwealth and paid within 30 days after receiving 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 situated 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 2008 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; and 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 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; provided further, that \$100,000 shall be expended to Norfolk County to maintain and improve services of the Norfolk County Regional Fire and Rescue Dispatch Center; and provided further, that not less than \$100,000 shall be expended for the administration of a statewide program to provide for critical incident stress intervention for the fire departments of the cities, towns, and fire districts of the commonwealth including, but not limited to, consultant services, training, equipment and supplies 14,557,596”.

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 twenty-seven minute before four o'clock P.M., as follows, to wit (*yeas 35 — nays 0*) **[Yeas and Nays No. 93]:**

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Brown, Scott P. Panagiotakos, Steven C.
Buoniconti, Stephen J. 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.
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.

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 2.

The yeas and nays having been completed at twenty-five minutes before four o'clock P.M., 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.

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, 2008 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, the full year estimate of revenues and revenues collected; provided further, that notwithstanding the provisions of 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 of this act in which a reporting requirement is stipulated within said item and which report is not filed within 10 days of the stated due date; provided further, that any and all amounts deducted shall be deposited in the General Fund and the comptroller shall notify the house and senate committees on ways and means of any and all amounts so deducted; provided further, that notwithstanding the provisions of 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 said 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 section; and provided further, that the comptroller shall report on said projects as a part of his annual report pursuant to section 12 of chapter 7A of the General Laws 8,814,316”.

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 twenty-four minutes before four o'clock P.M., as follows, to wit (*yeas 30 — nays 5*) [**Yeas and Nays No. 94**]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Buoniconti, Stephen J. 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.
Hart, John A., Jr. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 30.

NAYS.

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

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 2.

The yeas and nays having been completed at twenty minutes before four 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.

Item 4800-0151 (Alternative Overnight Non-Secure Placements) was considered as follows:
“4800-0151

For a program to provide alternative overnight non-secure placements for status offenders and nonviolent delinquent youths up to the age of 17 in order to prevent the inappropriate use of juvenile cells in police stations for such offenders, in compliance with the federal Juvenile Justice and Delinquency Prevention Act of 1974; provided, that the programs which provide the alternative non-secure placements shall collaborate with the appropriate county sheriff's office to provide referrals of those offenders and

delinquent youths to any programs within the sheriff's office designed to positively influence youths or reduce, if not altogether eliminate, juvenile crime; provided further, that the department of social services shall file a report detailing the number of children in need of services as defined in section 21 of chapter 119 of the General Laws, for whom a parent or legal guardian, police officer or supervisor of attendance appointed pursuant to section 19 of chapter 76 of the General Laws seeks assistance; provided further, that the department of social services shall compile this report in collaboration with the juvenile court, the department of probation, the department of mental health, the department of youth services, the department of education and the executive office of health and human services; provided further, that the review shall contain information on the demographics of the population of children served, the contacts a child has with executive of judicial agencies and departments, the service needs identified for each child, recidivism rates and the outcome of individual cases; provided further, that information identifying individual persons shall not be included in this report; and provided further, that the department of social services in collaboration with those agencies, shall report its findings to the chairs of the house and senate committees on ways and means and the chairs of the joint committee on children and families no later than October 12, 2007 319,171”.

The question on passing item 4800-0151, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nineteen minutes before four o'clock P.M., as follows, to wit (*yeas 31 — nays 4*) **[Yeas and Nays No. 95]:**

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Buoniconti, Stephen J. 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.
Hart, John A., Jr. Tolman, Steven A.
Hedlund, Robert L. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian
Joyce, Brian A. Wilkerson, Dianne — 31.
McGee, Thomas M.

NAYS.

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

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 2.

Mr. Baddour in the Chair, the yeas and nays having been completed at seventeen minutes before four o'clock P.M., item 4800-0151, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4403-2120 (Emergency Assistance Family Shelters) was considered as follows:
“4403-2120

For certain expenses of the emergency assistance program as follows: (i) contracted family shelters; (ii) transitional housing programs; (iii) programs to reduce homelessness in Barnstable, Dukes and Nantucket counties; (iv) residential education centers for single mothers with children; (v) intake centers; and (vi) voucher shelters; provided, that eligibility shall be limited to families with income at or below 130 per cent of the federal poverty level; provided, however, that any family whose income exceeds 130

per cent of the federal poverty level while the family is receiving assistance funded by this item shall not become ineligible for assistance due to exceeding the income limit for a period of 6 months from the date that the 130 per cent level was exceeded; provided further, that the department shall establish reasonable requirements for such families to escrow some or all of the portion of their income which exceeds 130 per cent of the federal poverty level; provided further, that any such escrowed funds shall be exempt from otherwise applicable asset limits; provided further that the family shall be allowed to withdraw the amount placed in escrow upon transition to permanent housing or losing eligibility for shelter services; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States; provided further, that the department shall take all steps necessary to enforce regulations to prevent abuse in the emergency assistance program; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized; provided further, that eligible households shall be placed in shelters as close as possible to their home community unless a household requests otherwise; provided further, that if the closest available placement is not within 20 miles of the household's home community, the household shall be transferred to an appropriate shelter within 20 miles of its home community at the earliest possible date unless the household requests otherwise; provided further, that eligibility for shelter by an otherwise eligible family shall not be impaired by prior receipt of any non-shelter benefit; provided further, that the department shall make every effort to ensure that children receiving services from this item shall continue attending school in the community in which they lived prior to receiving services funded from this item; provided further, that not less than \$25,000 shall be expended for education, advocacy and case management services by Casa Latina, located in the City of Northampton; provided further, that not less than \$100,000 shall be expended for a contract with the St. Francis Samaritan House in Taunton; provided further, that not less than \$100,000 shall be expended for Playspace programs operated by Horizons for Homeless Children in family shelters; provided further, that not less than \$200,000 shall be expended for Our Fathers House in Fitchburg; provided further, that not less than \$50,000 shall be expended for the Weymouth Youth and Family Services Teen Center to provide for advocacy, social service programs and to promote growth and social welfare; provided further, that notwithstanding any other general or special law to the contrary, the department shall immediately provide shelter for up to 30 days to families who appear to be eligible for such shelter based on statements provided by the family and any other information in the possession of the department but who need additional time to obtain any third-party verifications reasonably required by the department; provided further, that shelter benefits received under the preceding proviso shall not render a family ineligible under any regulation providing that a family who previously received shelter is ineligible for shelter benefits for a period of 12 months; provided further, that families receiving such shelter benefits who are found not to be eligible for continuing shelter benefits shall be eligible for aid pending a timely appeal pursuant to section 16 of chapter 18 of the General Laws; provided further, that the department shall not impose unreasonable requirements for third-party verification and shall accept verifications from the family whenever reasonable; provided further, that in promulgating, amending or rescinding regulations with respect to eligibility or benefits under this program, the department shall take into account the amounts available to it for expenditure in this item so as not to exceed the amount appropriated in this item; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that all of this item shall be subject to appropriation and, in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise to any enforceable right or entitlement to services in excess of the amounts appropriated by this item; provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels except to the extent that such changes are needed to avoid a deficiency in this item; provided further, that housing assistance programs that received funding in fiscal year 2007 shall receive funding in fiscal year 2008; provided further, that funds shall be expended for homelessness prevention services and screenings conducted at community health centers; provided further, that the department shall report quarterly to the house and senate committees on ways and means on the emergency assistance family shelter program; provided further, that the report shall contain the same data required in this item in chapter 139 of the acts of 2006; and provided further, that not less than \$179,381 shall be obligated for the Crossroads Family Shelter in East Boston 83,121,534”.

After remarks, the question on passing item 4403-2120, 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 fourteen minutes before four o'clock P.M., as follows, to wit (*yeas 33 — nays 2*) [**Yeas and Nays No. 96**]:

YEAS.

Antonioni, Robert A. Downing, Benjamin B.
Augustus, Edward M., Jr. Fargo, Susan C.
Baddour, Steven A. Hart, John A., Jr.
Berry, Frederick E. Hedlund, Robert L.
Brewer, Stephen M. Jehlen, Patricia D.
Buoniconti, Stephen J. Joyce, Brian A.

Chandler, Harriette L. Knapik, Michael R.
Creedon, Robert S., Jr. McGee, Thomas M.
Creem, Cynthia Stone Menard, Joan M.
Montigny, Mark C. Spilka, Karen E.
Morrissey, Michael W. Tarr, Bruce 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. Tisei, Richard R. — 2.

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 2.

The yeas and nays having been completed at eleven minutes before four o'clock P.M., item 4403-2120, 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 2810-0100 (Division of State Parks and Recreation Operations) 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; and provided further, that the level of funding for the beaches and pools from this item in fiscal year 2008 shall not be reduced from fiscal year 2007; provided further, that not less than \$250,000 shall be expended 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 \$250,000 shall be expended by the department of conservation and recreation to hire additional state licensed foresters; provided further, that not less than \$350,000 shall be expended to monitor and control water and wastewater systems in the town of Medfield; provided further, that not less than \$100,000 shall be expended for the Camp Marion Recreation Program; provided further, that not less than \$100,000 shall be expended for Nashawannuck Pond in Easthampton; 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 23,305,308".

After remarks, 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 eight minutes before four o'clock P.M., as follows, to wit (*yeas 34 — nays 1*) [**Yeas and Nays No. 97**]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Brown, Scott P. Panagiotakos, Steven C.
Buoniconti, Stephen J. Petrucelli, 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.
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.

NAY.
Hedlund, Robert L. — 1.

ABSENT OR NOT VOTING.
Candaras, Gale D. Moore, Richard T. — 2.

The yeas and nays having been completed at six minutes before four 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 2820-0100 (Division of Urban Parks and Recreation Operation) 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 no 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 \$125,000 shall be expended for the athletic fields located on Robinson Street and Hancock Street in the town of Hanson; provided further, that \$250,000 shall be expended for the 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 \$75,000 shall be expended for the Eugene Lovely field in Andover; provided further, that not less than \$100,000 shall be expended for park located in Suffolk County on parcel 2102442005; provided further, that not less than \$225,000 shall be expended for lighting, infrastructure repair and horticulturalist personnel for the southwest corridor park; provided further, 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 not less than \$3,900 shall be expended on the Senator Charles E. Shannon Crossing Guard Corps at the corner of Mystic avenue and Shore drive in the city of Somerville; provided further, that \$297,000 shall be expended for the James Michael Curley Recreation Center in the city of Boston; 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 2008 shall not be reduced from fiscal year 2007; provided further, that not less than \$50,000 shall be provided for safety improvements by the ponds at Lake Street in the Town of Acushnet; provided further, that not less than \$450,000 shall be expended to the city of Lowell; 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 for the purpose of preserving educational and cultural materials that benefit the Commonwealth; provided further, that not less than \$50,000 shall be provided to the Lake Singletary Watershed Association for services related to water quality and conservation improvements; provided further, that not less than \$75,000 shall be expended for staffing, management, and maintenance, on the esplanade in Boston; provided further that not less than \$75,000 shall be expended for the Library Park in the city of Woburn; 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 \$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 \$60,000 shall be expended for the Martha's Vineyard Commission; provided further, that not less than \$25,000 shall be provided to the Veterans' Memorial Park in Blackstone; provided further, that not less than \$100,000 shall be expended for the sole purpose of restoring, operating, maintaining and ongoing support of the department of conservation and recreation park rangers mounted unit in the Blue Hills Reservation, existing as of January 1, 2004, which shall be located, sited and operated from a stable and facilities in the Blue Hill Reservation; provided further, that not later than December 28, 2007, the department of conservation and recreation shall file with the house and senate committees on ways and means an annual report detailing the actual expenditures of funds; provided further, that any funds not so expended solely for this purpose shall be reimbursed to said department of conservation and recreation park rangers mounted unit from the funds allocated for the operation of the office of the secretary of the executive office of environmental affairs fiscal year 2007 budget allocation, retroactively; provided further, that the secretary of the executive office of environmental affairs is hereby directed to request and obtain the return of all animals, equipment, including: tack and trailers, and personnel of the department of conservation and recreation park rangers mounted unit within their control, custody and possession as of January 1, 2004; provided further, that should additional horses of a comparable or better quality as such horses in said mounted unit as of January 1, 2004 need to be obtained by gift or purchase, that said office of the secretary of the executive office of environmental affairs shall incur said costs; provided further, that the secretary of environmental affairs is hereby directed to commence an investigation and study relative to forming a public/private partnership to assist in the maintenance and care of the unit, including: but not limited to, fundraising, operating and maintaining the horses, stables and other facilities in connection with said department of conservation and recreation mounted ranger unit; provided further, that not less than \$250,000 shall be expended for public safety along Nonantum Road in Watertown; provided further, that not less than \$40,000 shall be expended on Havey Beach in West Roxbury;

provided further, that not less than \$75,000 shall be expended for the costs associated with the clean up of the Charles River lakes district; provided further, that not less than \$150,000 shall be expended for improvements to the Hill Park and the William G. Reinstein Recreation Complex in the City of Revere; and provided further, that not less than \$75,000 shall be expended for electronic flood gates at the Furnace Brook/Black's Creek on Quincy Shore Drive 28,948,582”.

After remarks, 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 four minutes before four o'clock P.M., as follows, to wit (*yeas 34 — nays 1*) **[Yeas and Nays No. 98]:**

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Brown, Scott P. Panagiotakos, Steven C.
Buoniconti, Stephen J. 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.
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.

NAY.

Hedlund, Robert L. — 1.

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 2.

The yeas and nays having been completed at one minute before four 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 7007-1200 (Massachusetts Technology Park Collaboration) 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; provided further, that the executive director shall file a report with the house and senate committees on science and technology and the house and senate committees on ways and means detailing the activities undertaken with the funds appropriated herein not later than January 15, 2008 250,000”.

After debate, the question on passing item 7007-1200, 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 three minutes past four o'clock P.M., as follows, to wit (*yeas 30 — nays 5*) [**Yeas and Nays No. 99**]:

YEAS.

Antonioni, Robert A. Berry, Frederick E.
Augustus, Edward M., Jr. Brewer, Stephen M.
Baddour, Steven A. Buoniconti, Stephen J.
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
Hart, John A., Jr. Rosenberg, Stanley C.
Jehlen, Patricia D. Spilka, Karen E.
Joyce, Brian A. Timilty, James E.
McGee, Thomas M. Tolman, Steven A.
Menard, Joan M. Tucker, Susan C.
Montigny, Mark C. Walsh, Marian
Morrissey, Michael W. Wilkerson, Dianne — 30.

NAYS.

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

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 2.

The yeas and nays having been completed at six minutes past four o'clock P.M., item 7007-1200, 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 2030-1000 (Environmental Law Enforcement) was considered as follows:

“2030-1000

For the operation of the office of environmental law enforcement; provided, that officers shall provide monitoring pursuant to the National Shellfish Sanitation Program; provided further, that the department shall maintain and operate the boat registration and titling offices in Hyannis and Fall River; provided further, that the department may provide police patrols on Thursday, Friday and Saturday nights during peak camping season in Wompatuck State Park in the towns of Hingham, Norwell and Cohasset; provided further, that funds from this item shall not be expended for the purposes of item 2030-1004; and provided further, that not less than \$150,000 shall be expended for the cost of patrols performed by environmental law enforcement officers within properties controlled by the department of conservation and recreation 10,951,950”.

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 seven minutes past four o'clock P.M., as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 100**]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Brown, Scott P. Panagiotakos, Steven C.
Buoniconti, Stephen J. 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.
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.

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 2.

The yeas and nays having been completed at nine minutes past four 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 7007-1000 (Regional Tourist Councils) was considered as follows:

“7007-1000

For assistance to local tourist councils under section 14 of chapter 23A of the General Laws; provided, that notwithstanding any general or special law or rule or regulation to the contrary, each of the councils may expend an amount not to exceed 20 per cent of the funds appropriated in this item
for the cost of administrative services 9,000,000

Tourism Fund 100.0% ”.

After remarks, the question on passing item 7007-1000, 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 fourteen minutes past four o'clock P.M., as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 101**]:

YEAS.

Antonioni, Robert A. Berry, Frederick E.
Augustus, Edward M., Jr. Brewer, Stephen M.
Baddour, Steven A. Brown, Scott P.
Buoniconti, Stephen J. O'Leary, Robert A.
Chandler, Harriette L. Pacheco, Marc R.
Creedon, Robert S., Jr. Panagiotakos, Steven C.
Creem, Cynthia Stone Petruccelli, Anthony
Downing, Benjamin B. Resor, Pamela
Fargo, Susan C. 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 — 35.
Morrissey, Michael W.

NAYS — 0.
ABSENT OR NOT VOTING.
Candaras, Gale D. Moore, Richard T. — 2.

The yeas and nays having been completed at seventeen minutes past four o'clock P.M., item 7007-1000, 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 4000-0700 (MassHealth Indemnity Plan Services) was considered as follows:

“4000-0700

For health care services provided to medical assistance recipients under the executive office's health care indemnity/ third party liability plan and medical assistance recipients not otherwise covered under the executive office's managed care or senior care plans, and for MassHealth benefits provided to children, adolescents and adults under clauses (a), (b), (c), (d) and (h) of subsection (2) of section 9A and section 16C of chapter 118E of the General Laws; provided, that no funds shall be expended from this item for children and adolescents under clause (c) of said subsection (2) of said section 9A of said chapter 118E whose family incomes, as determined by the executive office, exceeds 150 per cent of the federal poverty level; provided further, that children who have aged out of the custody of the department of social services shall be eligible for benefits until they reach age 21; provided, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, that notwithstanding the foregoing, funds may be expended from this item for the purchase of third party insurance including, but not limited to, Medicare for any medical assistance recipient including, but not limited to, seniors; provided further, that the executive office may reduce MassHealth premiums or copayments or offer other incentives to encourage enrollees to comply with wellness goals, the executive office shall report annually to the joint committee on health care financing and the house and senate ways and means on the number of enrollees who met at least 1 wellness goal, any reduction of copayments or premiums, and any other incentives provide because enrollees met wellness goals; provided further, that the executive office shall not, in the fiscal year 2008, fund programs relating to case management with the intention of reducing length of stay for neonatal intensive care unit cases; provided further, that funds may be expended from this item for activities relating to disability determinations or utilization management and review, including patient screenings and evaluations, regardless of whether such activities are performed by a state agency, contractor, agent or provider; provided further, that the executive office shall submit a report to the executive office of administration and finance and the house and senate committees on ways and means not later than March 1, 2008 detailing the activities described in the preceding proviso to be expended from this item during fiscal year 2008; and provided further, that not less than \$10,000,000 shall be expended to pay for an increase in Medicaid rates for community health centers, as defined in section 1 of chapter 118G of the General Laws 1,683,746,704”.

After remarks, the question on passing item 4000-0700, 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 minutes past four o'clock P.M., as follows, to wit (*yeas 34 — nays 1*) **[Yeas and Nays No. 102]:**

YEAS.

Antonioni, Robert A. Jehlen, Patricia D.
Augustus, Edward M., Jr. Joyce, Brian A.
Baddour, Steven A. Knapik, Michael R.
Berry, Frederick E. McGee, Thomas M.
Brewer, Stephen M. Menard, Joan M.
Brown, Scott P. Montigny, Mark C.
Buoniconti, Stephen J. 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
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 — 34.

NAY.

Hedlund, Robert L. — 1.

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 2.

The yeas and nays having been completed at twenty-four minutes past four o'clock P.M., item 4000-0700, 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 4000-0300 (Division of Medical Assistance Administration) was considered as follows:

“4000-0300

For the operation of the executive office, including the operation of the managed care oversight board; provided, that the executive office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that the executive office and its agencies, when contracting for services on the islands of Martha's Vineyard and Nantucket, shall take into consideration the increased costs associated with the provision of goods, services, and housing on said islands; provided further, that the executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by all agencies under the purview of the secretariat, and shall ensure that all measures are taken to make such systems compatible with one another for enhanced interagency interaction; provided further, that the executive office shall continue to develop and implement the common client identifier; provided further, that the executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that funds appropriated in this item shall be expended for the administrative, contracted services and non-personnel systems costs related to the implementation and operation of programs authorized by sections 9A to 9C, inclusive, and sections 16B and 16C of chapter 118E of the General Laws; provided further, that the costs shall include, but not be limited to, pre-admission screening, utilization review, medical consultants, disability determination reviews, health benefit managers, interagency service agreements, the management and operation of the central automated vendor payment system, including the recipient eligibility verification system, vendor contracts to upgrade and enhance the central automated vendor payment system, the Medicaid management information system and the recipient eligibility verification system MA21, costs related to the information technology chargebacks, contractors responsible for system maintenance and development, personal computers and other information technology equipment; provided further, that 50 per cent of the cost of provider point of service eligibility verification devices purchased shall be assumed by the providers utilizing the devices; provided further, that the executive office shall assume the full cost of provider point of service eligibility verification devices utilized by any and all participating dental care providers; provided further, that in consultation with the division of health care finance and policy, no rate increase shall be provided to existing Medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that expenditures for the purposes of each item appropriated for the purpose of programs authorized by chapter 118E of the General Laws shall be accounted for according to such purpose on the Massachusetts management accounting and reporting system not more than 10 days after the expenditures have been made by the Medicaid management information system; provided further, that no expenditures shall be made for the purpose of programs that are not federally reimbursable, except as specifically authorized herein, or unless made for cost containment efforts the purposes and amounts of which have been submitted to the house and senate committees on ways and means 30 days prior to making such expenditures; provided further, that the executive office may continue to recover provider overpayments made in the current and prior fiscal years through the Medicaid management information system, and that the recoveries shall be considered current fiscal year expenditure refunds; provided further, that the executive office may collect directly from a liable third party any amounts paid to contracted providers under chapter 118E of the General Laws for which the executive office later discovers another third party is liable if no other course of recoupment is possible; provided further, that no funds shall be expended for the purpose of funding interpretive services directly or indirectly related to a settlement or resolution agreement, with the office of civil rights or any other office, group or entity; provided further, that interpretive services currently provided shall not give rise to enforceable legal rights for any party or to an enforceable entitlement to interpretive services; provided further, that the federal financial participation received from claims filed for the costs of outreach and eligibility activities performed at certain hospitals or by community health centers which are funded in whole or in part by federally permissible in-kind services or provider donations from the hospitals or health centers, shall be credited to this item and may be expended without further appropriation in an amount specified in the agreement with each donating provider hospital or health center; provided further, that notwithstanding any general or special law to the contrary, the executive office shall require the commissioner of mental health to approve any prior authorization or other restriction on medication used to treat mental illness in accordance with written policies, procedures and regulations of the department of mental health; provided further, that the secretary shall ensure that supplemental Medicaid rates required pursuant to section 128 of chapter 58 of the acts of 2006 are implemented in fiscal year 2008; provided further, that notwithstanding section 1 of chapter 118G of the General Laws or any general or special law to the contrary, for fiscal year 2008 the definition of a 'pediatric specialty unit' shall mean an acute care hospital with a burn center verified by the American Burn Center and the American College of Surgeons and a level 1 trauma center for pediatrics verified by the American College of Surgeons or a pediatric unit of an acute care hospital in which the ratio of licensed pediatric beds to total licensed hospital beds as of July 1, 1994, exceeded

0.20; provided further, that in calculating that ratio, licensed pediatric beds shall include the total of all pediatric service beds, and the total of all licensed hospital beds shall include the total of all licensed acute care hospital beds, consistent with Medicare's acute care hospital reimbursement methodology as put forth in the Provider Reimbursement Manual Part 1, Section 2405.3G; provided further, that a hospital with a unit designated as a pediatric specialty unit, or an acute care hospital with a burn center verified by the American Burn Center and the American College of Surgeons and a level 1 trauma center for pediatrics verified by the American College of Surgeons as defined in this item shall be exempt from the inpatient and outpatient efficiency standards being applied to their rate methodology; provided further, that in calculating rates of payment for children enrolled in MassHealth receiving inpatient services at acute care pediatric hospitals and pediatric subspecialty units as defined in section 1 of chapter 118G of the General Laws, the executive office shall make a supplemental payment, if necessary, sufficient to assure that inpatient SPAD and outlier payments for discharges with a case mix acuity greater than 5.0 shall be at least equal to 85 per cent of the expenses incurred in providing services to those children; provided further, that the executive office, in fiscal year 2008, shall not eliminate payment to hospital outpatient departments for primary care provided to MassHealth members; provided further, that the executive office shall not reduce the outpatient rates for any specialty hospital which limits its admissions to patients under active diagnosis and treatment of the eyes, ears, nose, and throat, below that which was granted during hospital fiscal year 2005? provided further, that a new methodology shall be established for rates reimbursed by the commonwealth through the division of health care finance and policy and the executive office of health and human services to cover the cost of care provided by any health care facility licensed by the department of public health as a non-acute chronic hospital with no fewer than 500 licensed beds as of June 30, 2007, with no fewer than 150,000 Medicaid patient days in the state fiscal year ended June 30, 2007, and with an established geriatric teaching program for physicians, medical students, and other health professionals, as follows: (1) the rate for any such facility shall be developed collaboratively through an agreement among the office of Medicaid, the division of health care finance and policy, and any such health care facility; provided, that the process for development of this rate shall include a mechanism to adjust the rate to account for costs outside the reasonable control of the facility that may arise after the rate has been established; (2) the reimbursement methodology shall incorporate the following components: (a) utilization of the payment methodology in effect during fiscal year 2006 together with the most recent 403 cost report filed with the division of health care finance and policy, (b) a per diem rate shall be established which reimburses the full cost, including capital, for both acute and administratively necessary services, (c) a separate per diem rate shall be established which reimburses the full cost, including capital, for long term care services, (d) both rates shall include the full cost, not otherwise reimbursed, of teaching and research activities, and (e) rates shall be inflated over the base year period by the applicable medicare market basket inflation factors; (3) until such time as the new reimbursement methodology is established pursuant to this section, the per diem rates for any such facility shall be increased by at least 13 dollars per day over the rates in effect on April 1, 2007 for the year starting July 1, 2007, and by 5 percent annually for each subsequent year; provided, that notwithstanding this section or any contractual or other provision of law, such facility shall have the right to an increase to the rate then in effect to account for costs outside the reasonable control of such facility that may arise; and (4) notwithstanding any other provision of law, in no event will the rates of payment be lower than the highest rate in effect for such facility in the previous state fiscal year; provided further, that the secretary shall ensure that all Medicaid benefit restorations, program expansions, and rate increases required pursuant to chapter 58 of the acts of 2006 are implemented in fiscal year 2008; provided further, that the executive office shall include smoking and tobacco use cessation treatment and information within MassHealth covered services pursuant to section 108 of chapter 58 of the acts of 2006; provided further, that with respect to section 6036 of the Deficit Reduction Act of 2005, the executive office shall assist applicants and recipients born in Massachusetts to obtain a copy of a birth certificate for the purpose of establishing eligibility for Medicaid at no cost to said individuals, and shall provide such additional assistance as may be needed by those applicants and recipients born outside of Massachusetts; provided further, that the executive office shall not, by amendment to the state plan or amendment to the section 1115 demonstration program, elect any state option to increase premiums and cost sharing or reduce benefits pursuant to sections 1916A and 1937 of the Social Security Act as amended by chapter 4 of Title VI of the Deficit Reduction Act of 2005, Pub. L. No. 109171 with respect to any category of persons eligible for medical benefits under chapter 118E as said chapter was in effect on January 1, 2006, unless the executive office has given 90 days notice to the legislature and has received approval of the proposed plan from a majority of the legislature; provided further, that the executive office shall develop a process whereby all participating providers who have signed the Virtual Gateway Services Agreement shall have access to the contents of the consolidated summary of any individual's application submitted through the virtual gateway; provided further, that said information access shall comply with all HIPPA requirements and state privacy laws; provided further, that not later than September 1, 2007, the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing planned fiscal year 2008 expenditures by the executive office as funded by chargebacks to the 17 executive office cluster agencies; provided further, that not less than \$200,000 shall be expended for a Health Care Reform Outreach and Education unit within the executive office for the purpose of coordinating statewide activities in marketing, outreach, and the dissemination of educational materials related to state law changes contained in Chapter 58 of the Acts of 2006; provided further, that the unit shall collaborate with the office of Medicaid, the executive office of administration and finance, the division of unemployment assistance, the department of revenue, the division of insurance, the Commonwealth Health Insurance Connector Authority, and the recipients of enrollment outreach grants pursuant to item 4000-0352, to develop common strategies, best practices, and guidelines for providing informational support and assistance to consumers, employers, and businesses; and provided further, that any projection of deficiency in item 4000-0320, 4000-0430, 4000-0500, 4000-0600, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0891, 4000-0895, 4000-0990, 4000-1400 or 4000-1405, shall be reported to the house and senate committees on ways and means not less than 90 days before the projected exhaustion of funding and that any unexpended balance in these accounts shall

revert to the General Fund on June 30, 2008 142,273,307”.

After debate, the question on passing item 4000-0300, 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 twenty-nine minutes past four o'clock P.M., as follows, to wit (*yeas 30 — nays 5*) **[Yeas and Nays No. 103]:**

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Buoniconti, Stephen J. 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.
Hart, John A., Jr. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 30.

NAYS.

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

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 2.

The yeas and nays having been completed at twenty-nine minutes before five o'clock P.M., item 4000-0300, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2800-0700 (Office of Dam Safety) was considered as follows:

“2800-0700

For the office of dam safety; provided, that the department shall, in collaboration with the department of environmental protection and the department of fish and game, establish and maintain a comprehensive inventory of all dams in Massachusetts, and develop a coordinated permitting and regulatory approach to dam removal for stream restoration and public safety; provided further, that not less than \$75,000 shall be expended for repairs to Manns Pond Dam in Sharon; provided further, that not less than \$100,000 shall be expended for a study of the pumping capacity of the Amelia Earhart Dam on the Mystic River; provided further, that not less than \$100,000 shall be expended for the repairs of the dam in the town of Millbury; and provided further, that not less than \$125,000 shall be expended for the dam on the Squannacook River known as the Squannacook Dam, and jointly owned by the towns of Groton and Shirley 1,445,000”.

After remarks, the question on passing item 2800-0700, 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 before five o'clock P.M., as follows, to wit (*yeas 35 — nays 0*) **[Yeas and Nays No. 104]:**

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.

Brewer, Stephen M. Pacheco, Marc R.
Brown, Scott P. Panagiotakos, Steven C.
Buoniconti, Stephen J. 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.
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.
ABSENT OR NOT VOTING.
Candaras, Gale D. Moore, Richard T. — 2.

The yeas and nays having been completed at twenty-four minutes before five o'clock P.M., item 2800-0700, 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.

Section 34 (Extension of Repayment Terms for Newton Loan) was considered as follows:

“SECTION 34. Paragraph (g) of section 146 of chapter 204 of the acts of 1996 is amended by striking out, in line 2, the word ‘ten’ and inserting in place thereof the following figure:— 20”.

After debate, the question on passing section 34, 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 nineteen minutes before four o'clock P.M., as follows, to wit (*yeas 30 — nays 4*) [**Yeas and Nays No. 105**]:

YEAS.
Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Buoniconti, Stephen J. 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.
Hart, John A., Jr. Tolman, Steven A.
Jehlen, Patricia D. Tucker, Susan C.
Joyce, Brian A. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 30.

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

ABSENT OR NOT VOTING.
Candaras, Gale D. Moore, Richard T. — 3.
Hedlund, Robert L.

The yeas and nays having been completed at sixteen minutes before five o'clock P.M., section 34 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Brown) “congratulating Peter S. Hildebrandt on his retirement.”

PAPERS FROM THE HOUSE.

Message from the Governor – Disapprovals and Reductions In the General Appropriation Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2008 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. 4141), which on Friday, July 3, 2007, 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. 4155) was read; and the Senate proceeded to reconsider one item, which had been disapproved in accordance with the provisions of the Constitution.

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 of housing and community development 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, 7004-9009, 7004-9014, 7004-9019, 7004-9020, 7004-9024, 7004-9030, 7004-9033 and 7004-9316; 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; 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 \$200,000 shall be expended to the Springfield Neighborhood Housing Services, Inc., in Springfield to prevent foreclosures, to assist first-time home buyers, and to create jobs; provided further, that not less than \$200,000 shall be expended for the Springfield Technical Assistance Program to be operated by the Affiliated Chambers of Commerce of Greater Springfield; 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; provided further, that not less than \$25,000 shall be expended for Marlborough Community Development Corporation; 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 not less than \$100,000 shall be expended for the Indian Orchard Main Street Partnership; 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 \$61,200 shall be expended for the Worcester housing program; 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 \$100,000 shall be expended for ABCD North End elderly program; provided further, that not less than \$100,000 shall be expended for the Pleasant Street Neighborhood Network Center in Worcester; provided further, that not less than \$100,000 shall be expended for Neighbors in Need in Lawrence; provided further, that not less than \$25,000 shall be expended for the Beverly Affordable Housing Coalition; provided further, that \$150,000 shall be provided to World is Our Classroom, Inc. serving the municipalities of Holyoke, Westfield, Chicopee, and Greenfield; provided further, that not less than \$95,000 shall be expended for the Boston Housing Authority for a program to provide certain tenant services for the West Broadway Task Force; provided further, that funds appropriated herein shall be obligated for expenditure by the West Broadway Task Force for the purposes of tenant services provided by said Task Force; provided further, that funds appropriated herein shall

not be expended by the Boston Housing Authority for discretionary purposes; provided further, that not less than \$75,000 shall be expended for Methuen-Arlington Neighborhood, Inc.; provided further, that not less than \$75,000 shall be expended for the Worcester Housing Authority; 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 \$105,000 shall be expended for Food for the World Pantry in Lawrence; provided further, that not less than \$75,000 shall be expended for the Greater Gardner Community Development Corporation; 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 \$50,000 shall be expended for Kamp for Kids in Westfield; provided further, that \$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; and provided further, that not less than \$75,000 shall be expended for the Lowell Wish Project 10,293,166”.

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 fourteen minutes before five o'clock P.M., as follows, to wit (*yeas 33 — nays 0*) **[Yeas and Nays No. 106]:**

YEAS.

Antonioni, Robert A. Montigny, Mark C.
Augustus, Edward M., Jr. Morrissey, Michael W.
Baddour, Steven A. O'Leary, Robert A.
Berry, Frederick E. Pacheco, Marc R.
Brewer, Stephen M. Panagiotakos, Steven C.
Brown, Scott P. 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.
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 — 33.
Menard, Joan M.

NAYS — 0.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Hedlund, Robert L.
Candaras, Gale D. Moore, Richard T. — 4.

The yeas and nays having been completed at eleven minutes before five 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 0322-0100 (Appeals Court Justices) was considered as follows:

“0322-0100

For the appeals court, including the salaries, traveling allowances and expenses of the chief justice, recall judges and the associate justices 11,037,284”.

The question on passing item 0322-0100, 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 ten minutes before five o'clock P.M., as follows, to wit (*yeas 33 — nays 0*) **[Yeas and Nays No. 107]:**

YEAS.

Antonioni, Robert A. Brown, Scott P.
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.
Fargo, Susan C. Petruccelli, Anthony

Hart, John A., Jr. Resor, Pamela
Jehlen, Patricia D. Rosenberg, Stanley C.
Joyce, Brian A. Spilka, Karen E.
Knapik, Michael R. Tarr, Bruce E.
McGee, Thomas M. Timilty, James E.
Menard, Joan M. Tisei, Richard R.
Montigny, Mark C. 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 — 0.

ABSENT OR NOT VOTING.

Buoniconti, Stephen J. Hedlund, Robert L.
Candaras, Gale D. Moore, Richard T. — 4.

The yeas and nays having been completed at eight minutes before five o'clock P.M., item 0322-0100, 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 0330-0300 (Trial Court Administration) was considered as follows:

“0330-0300

For the central administration of the trial court, including costs associated with trial court non-employee services, trial court dental and vision health plan agreement, jury expenses, trial court law libraries, statewide telecommunications, private and municipal court rental and leases, operation of courthouse facilities, rental of county court facilities, witness fees, printing expenses, equipment maintenance and repairs, court interpreter program, and insurance and chargeback costs; provided, that funds may be expended for the judicial training institute; provided further, that the chief justice for administration and management shall expend funds for the purposes of acquiring, through a lease agreement, suitable space in the town of Belchertown for the district court of eastern Hampshire by October 1, 2008; provided further, that funds from this item or any other item shall not be expended for the cost associated with the district court of eastern Hampshire, unless said division is located in the town of Belchertown as of said date; provided further, notwithstanding any general or special law to the contrary, all criminal and civil business within the eastern Hampshire district court jurisdiction shall be conducted in the town of Belchertown as of said date; provided further, that the chief justice shall submit a report to the house and senate committees on ways and means not later than September 1, 2007 detailing the status of said lease agreement; provided further, that 50 per cent of all fees payable pursuant to Massachusetts Rules of Criminal Procedure 15(d) and 30(c)(8) shall be paid from this item; provided further, that notwithstanding section 9A of chapter 30, or any general or special law to the contrary, the rights afforded to a veteran, pursuant to said section 9A of said chapter 30, shall also be afforded to any veteran, as so defined, who holds a trial court office or position in the service of the commonwealth not classified under chapter 31, other than an elective office, an appointive office for a fixed term or an office or position under section 7 of chapter 30, and who (1) has held the office or position for not less than 1 year and (2) has 30 years of total creditable service to the commonwealth, as defined in chapter 32; provided further, that not less than \$100,000 shall be expended for the changing lives through literature program; provided further, that not less than \$100,000 shall be expended from this item for a contract with Massachusetts General Hospital for a research program on abused children; provided further, that the trial court shall submit a report to the victim and witness assistance board detailing the amount of assessments imposed within each court by a justice or clerk-magistrate during the previous calendar year pursuant to section 8 of chapter 258B of the General Laws; provided further, that the report shall include, but not be limited to, the number of cases in which the assessment was reduced or waived by a judge or clerk-magistrate within the courts; and provided further, that the report shall be submitted to the victim and witness assistance board on or before January 14, 2008 134,412,460”.

The question on passing item 0330-0300, 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 seven minutes before five o'clock P.M., as follows, to wit (*yeas 34 — nays 0*) [**Yeas and Nays No. 108**]:

YEAS.

Antonioni, Robert A. Chandler, Harriette L.
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. Hart, John A., Jr.
Buoniconti, Stephen J. Jehlen, Patricia D.
Joyce, Brian A. Resor, Pamela

Knapik, Michael R. Rosenberg, Stanley C.
McGee, Thomas M. Spilka, Karen E.
Menard, Joan M. Tarr, Bruce E.
Montigny, Mark C. Timilty, James E.
Morrissey, Michael W. Tisei, Richard R.
O'Leary, Robert A. Tolman, Steven A.
Pacheco, Marc R. Tucker, Susan C.
Panagiotakos, Steven C. Walsh, Marian
Petruccelli, Anthony Wilkerson, Dianne — 34.

NAYS — 0.

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 3.
Hedlund, Robert L.

The yeas and nays having been completed at five minutes before five o'clock P.M., item 0330-0300, 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.

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

“0330-3337

For additional expenses associated with the operation of the trial court; provided, that these funds may be transferred to all line items of the trial court department by the chief justice of administration and management; and provided further, that any expenditures or allocations shall be made in accordance with schedules submitted to the house and senate committees on ways and means 30 days before the expenditures or allocations are made 20,457,323”.

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 four minutes before five o'clock P.M., as follows, to wit (*yeas 34 — nays 0*) [**Yeas and Nays No. 109**]:

YEAS.

Antonioni, Robert A. Downing, Benjamin B.
Augustus, Edward M., Jr. Fargo, Susan C.
Baddour, Steven A. Hart, John A., Jr.
Berry, Frederick E. Jehlen, Patricia D.
Brewer, Stephen M. Joyce, Brian A.
Brown, Scott P. Knapik, Michael R.
Buoniconti, Stephen J. McGee, Thomas M.
Chandler, Harriette L. Menard, Joan M.
Creedon, Robert S., Jr. Montigny, Mark C.
Creem, Cynthia Stone Morrissey, Michael W.
O'Leary, Robert A. Tarr, Bruce E.
Pacheco, Marc R. Timilty, James E.
Panagiotakos, Steven C. Tisei, Richard R.
Petruccelli, Anthony Tolman, Steven A.
Resor, Pamela Tucker, Susan C.
Rosenberg, Stanley C. Walsh, Marian
Spilka, Karen E. Wilkerson, Dianne — 34.

NAYS — 0.

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 3.
Hedlund, Robert L.

The yeas and nays having been completed at two minutes before five 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 7003-0702 (Workforce Development One-Time Grants) was considered as follows:

“7003-0702

For grants to be administered by the department of workforce development; provided, that not less than \$900,000 shall be

expended on the Massachusetts Service Alliance for the operation of the youth, senior service and conservation corps program; 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 \$500,000 shall be expended for the Jackson-Appleton-Middlesex plan in the City of Lowell; 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 \$400,000 shall be expended to provide employment, training and job placement by Year Up, Inc. of Boston; provided further, that not less than \$300,000 shall be expended for Radius Specialty Hospital; 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 \$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 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 \$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 \$250,000 shall be expended to the New England Farm Workers Council; 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 per cent match from the private sector; provided further, that not less than \$250,000 shall be expended for the Center for Women & Enterprise; provided further, that not less than \$250,000 shall be expended for the 495/Metrowest Corridor Partnership; provided further, that not less than \$250,000 shall be expended for a health center skilled training program on the Lower and Outer Cape Cod; 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 \$200,000 shall be expended for the Boston Health Care and Research Training Institute; provided further, that not less than \$200,000 shall be expended on the Southeastern Economic Development Corporation's microenterprise programs as a supplemental match to conduct an entrepreneurial training and technical assistance program for support of emerging high-growth microenterprises that are owned by or employ income-eligible residents; provided further, that not less than \$200,000 shall be expended for the Western Massachusetts Enterprise fund; provided further, that not less than \$200,000 shall be expended for the Women's Career Mentoring Program operated by the Jewish Vocational Service's Center for Careers and Lifelong Learning and Crittenton Women's Union Woman to Woman 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 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 Latino After-School Initiative (LASI) Youth Development Project; provided further, that not less than \$150,000 shall be expended for Puerto Rican Cultural Center of Springfield; 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 \$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 \$139,500 shall be expended for Just-a-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed, 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 \$125,000 shall be expended for the 1199 SEIU Training and Upgrading Fund to provide a job training initiative for participating health care institution; 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 \$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 \$100,000 shall be expended to Inquilinos Boricuas en Accion (IBA) for the Pathways to Technology Initiative; provided further, that not less than \$100,000 shall be expended for Centro Las Americas to provide workforce training, educational services and other transitional services in the city of Worcester; provided further, that not less than \$100,000 shall be expended to create 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 \$100,000 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 shall be expended for the operation and programs of AWAKE (Alive with Awareness, Knowledge, and Empowerment) in Springfield; 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 and assisting administrators, career center directors, and fiscal agents; 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 \$80,000 shall be expended for the retraining of pile drivers for employment in the offshore gas pipeline industry; 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 \$75,000 shall be expended by the National Foundation for Teaching Entrepreneurship for a program to teach business ownership skills to young people from low income communities; provided further, that not less than \$60,000 shall be expended to continue the economic development project operated by the

Arlington Neighborhood Association in the city of Lawrence; provided further, that not less than \$50,000 shall be expended to The Town of Reading for a feasibility study and preliminary design of a downtown parking garage as part of the town's smart growth initiative to concentrate development in the downtown area; provided further, that not less than \$50,000 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 expended to provide employment, training and job placement by the New Skills Academy in the City of Lawrence; 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 expanding operations to an additional city to be determined in consultation with the commissioner; 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 for both the Reunion Center in the city of Easthampton and the Easthampton Youth Entrepreneurship Project; provided further, that not less than \$50,000 shall be expended for Merrimack Valley Community Service Corps; 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 International Institute of the Merrimack Valley; provided further, that \$15,000 shall be expended for the Draper Complex Reuse Committee in Hopedale; 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 \$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 \$7,500 shall be expended for the Bonnie Brae Day Camp in Gardner; and provided further, that not less than \$5,000 shall be expended for a youth employment program in Methuen 10,473,000

Workforce Training Fund 100.0% ”.

After remarks, the question on passing item 7003-0702, 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 two minutes past five o'clock P.M., as follows, to wit (*yeas 34 — nays 0*) [**Yeas and Nays No. 110**]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Brown, Scott P. Panagiotakos, Steven C.
Buoniconti, Stephen J. 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.
Hart, John A., Jr. Tisci, 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 — 0.

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 3.
Hedlund, Robert L.

The yeas and nays having been completed at five minutes past five o'clock P.M., item 7003-0702, 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 1201-0100 (Department of Revenue Administration) was considered as follows:

“1201-0100

For the operation of the department of revenue, including tax collection administration and audits of certain foreign corporations; provided, that the department may allocate an amount not to exceed \$250,000 to the office of the attorney general for the purpose of the tax prosecution unit; provided further, that the department may charge the expenses for computer services, including the cost of personnel and other support costs provided to the child support enforcement unit, from this item to item 1201-0160,

consistent with the costs attributable to said unit; provided further, that the department shall maintain regional offices in the cities of Springfield, Pittsfield, Fall River, and Worcester and in the Hyannis section of the town of Barnstable; provided further, that the department shall provide to the general court access to the municipal data bank; provided further, that notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account are positions requiring the services of an incumbent, on either a full-time or less than full-time basis beginning no earlier than December 1 and ending no later than November 30; provided further, that seasonal positions funded by this account may not be filled by an incumbent for more than 10 months within a 12 month period; and provided further, that not less than \$75,000 be granted to the town of Mansfield for the completion of a regional sewer study 116,017,360

General Fund 95.0%
Highway Fund 5.0% ”.

After debate, the question on passing item 1201-0100, 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 fourteen minutes past five o'clock P.M., as follows, to wit (*yeas 30 — nays 4*) **[Yeas and Nays No. 111]:**

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. Hart, John A., Jr.
Buoniconti, Stephen J. 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.
Morrissey, Michael W. Timilty, James E.
O'Leary, Robert A. Tolman, Steven A.
Pacheco, Marc R. Tucker, Susan C.
Panagiotakos, Steven C. Walsh, Marian
Petrucelli, Anthony Wilkerson, Dianne — 30.

NAYS.

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

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 3.
Hedlund, Robert L.

The yeas and nays having been completed at seventeen minutes past five o'clock P.M., item 1201-0100, 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 7007-0900 (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 to the commonwealth and 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 \$1,000,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2008 for the highway information centers operating year round on state highways and federally-assisted highways and the visitor information centers on Boston Common and at the Prudential Center, both in the city of Boston, and the Adams Visitor Center in the town of Adams; provided further, that the grants shall not replace or supplant

funding otherwise available to said centers from local chambers of commerce, regional tourist councils and other public or private funding sources; provided further, that not less than \$1,500,000 shall be expended for a promotional program by the 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 \$500,000 shall be expended for the Museum of Afro-American History located in the city of Boston; provided further, that not less than \$500,000 shall be expended on the open wide health pilot program in Hampden county; provided further, that \$375,000 shall be expended for the promotion of the performing arts in the town of Wakefield; provided further, that not less than \$350,000 shall be expended for the Free Shakespeare Company, a program of The Citi Performing Arts Center, for production support of performances offered free to the public and for the purpose of preparing a pilot program to expand performances to Springfield and other cities; provided further, that not less than \$300,000 shall be expended for the Merrimack Valley Economic Development 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 establishment of a law enforcement technology fund in the Town of Franklin; provided further, that not less than \$250,000 shall be expended for the North Central Massachusetts Development Corporation; provided further, that not less than \$250,000 shall be expended for the Medway Public Library; 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, subject to a 100 per cent matching fund, shall be available for the Berkshire Economic Development Corporation; provided further, that not less than \$200,000 shall be expended for City Stage in Springfield; provided further, that \$200,000 be expended for costs associated with the Tewksbury Center expansion project on Chandler Street in the town of Tewksbury; provided further, that not less than \$200,000 shall be expended for the Regional Technology Development Corporation of Cape Cod; provided further, that not less than \$200,000 shall be expended for the Spirit of Springfield; provided further, that not less than \$200,000 shall be expended for a grant for From the Top, Inc; 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 \$200,000 be expended for the Massachusetts Lodging Association for the continuation of the publication Massachusetts Great Escapes that markets Massachusetts as a tourism destination throughout the northeast region of the country; provided further, that \$200,000 be expended for senior mental health and wellness programs in the town of Tewksbury; provided further, that not less than \$200,000 shall be expended as grants for the Bay State Games; provided further, that not less than \$200,000 shall be expended to The Boston Symphony Orchestra at Tanglewood; 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 \$185,000 shall be expended for the International Trade Assistance Center in the city of Fall River; provided further, that not less than \$175,000 shall be expended for the Springfield Business Improvement District (SBID) for the central business district area of the City of Springfield; provided further that not less than \$175,000 shall be expended for the Lake Street Recreation project in the Town of Shrewsbury; provided further, that not less than \$170,000 shall be expended for the Bourne Financial Development Corporation; provided further, that not less than \$150,000 shall be expended for the Cape Cod Canal Region Chamber of Commerce; provided further, that not less than \$150,000 shall be expended for the Naismith Memorial Basketball Hall of Fame for the purpose of promoting and hosting the NCAA Men's Division II Basketball Championship in the City of Springfield; provided further, that not less than \$150,000 shall be expended for a child safety program in the town of Winthrop; provided further, that not less than \$150,000 shall be expended for the historic Chevalier auditorium in Medford; provided further, that not less than \$150,000 shall be expended for a child safety grant in the Town of Hamilton; provided further, that not less than \$150,000 shall be expended for a child safety program in the city of Revere; provided further, that not less than \$150,000 shall be expended for the 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 \$150,000 shall be expended for an environmental program in the Wachusett Regional School District; provided further, that not less than \$150,000 shall be expended by the western Massachusetts Economic Development Council for development, marketing, and advertising purposes; provided further, that not less than \$150,000 shall be expended for the purpose of hyporheic and sub-hyporheic zone modification in the town of Westport; provided further, that not less than \$125,000 shall be expended for the New England Puerto Rican Association; provided further, that not less than \$100,000 shall be expended for a economic development grant in the Town of Braintree; provided further, that not less than \$100,000 shall be expended for The Berkshire Museum, in the City of Pittsfield; provided further, that \$100,000 shall be expended for the Essex National Heritage Commission Cooperative Agreement; provided further, that not less than \$100,000 shall be expended for the Plymouth Chamber of Commerce for the Mayflower 50th Committee; provided further, that not less than \$100,000 in appropriated funds shall be made available to the Fisher Street Bridge in the town of North Attleboro; provided further, that not less than \$100,000 shall be expended for the operation of Discover Quincy; provided further, that not less than \$100,000 shall be expended for the Merrimack Repertory Theatre; provided further, that not less than \$100,000 be granted to the Harvard Square Business Association for outdoor Elizabethan theater that will promote tourism in the city of Cambridge; provided further, that not less than \$100,000 shall be expended for the Zeiterion Performing Arts Center; provided further, that \$100,000 shall be expended for a public safety program in the town of Dudley; 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 the Cape Cod Economic Development Council; provided further that not less than \$100,000 shall be expended for the Head of the Charles Regatta; provided further, that not less than \$100,000 shall be expended for Chinatown Tourism and Trust in the City of Boston; 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 \$100,000 shall be expended for the Kwong Kong Chinese School in Boston; provided further, that \$100,000 shall be expended for the North End Visitor Center; provided further, that not less than \$100,000 shall be expended for the Pilgrim Hall Museum; 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 Buzzards Bay Village Association, to implement the Greenbelt Pathway Project, and to advance to the second phase of a master plan for the Bridge Park along Main Street in Buzzards Bay; provided further, that not less than \$100,000 shall be appropriated for the Waltham Tourism Council; provided further, that not less than \$100,000 shall be expended for the Grandview Farm in Burlington; provided further, that \$100,000 for small business program in Everett; provided further, that \$100,000 shall be expended for the Old Provincial State House; provided further, that not less than \$90,000 shall be expended for the Cape Cod Maritime Museum located in Hyannis; provided further, that not less than \$80,000 shall be expended as a grant for the Pioneer Valley Visitors and Tourist Information Center; provided further, that not less than \$78,700 shall be expended for the Arsenal Center for the Arts; provided further, that not less than \$75,000 be expended for the installation of street lights in the Forest Park area of Springfield; provided further, that not less than \$75,000 shall be expended for patrols in Wompatuck state park in the town of Hingham; provided further, that not less than \$75,000 shall be expended for the renovation of the Bing Theatre; provided further, that not less than \$75,000 shall be expended for the Multicultural Alzheimer's Services Project of Springfield; provided further, that not less than \$75,000 shall be expended for Heritage Museums for their Winter Spectacle; provided further, that not less than \$75,000 shall be expended to Boston City Lights; provided further, that not less than \$75,000 shall be expended for the Samuel Harrison House in the city of Pittsfield; provided further, that not less than \$75,000 shall be expended for the Captain Gerald F. DeConto program in the town of Sandwich; provided further, that not less than \$75,000 shall be expended for Girls, Inc. in the city of Lynn for improvements to their program as approved by the Board of Directors of said organization; provided further, that not less than \$75,000 shall be expended for the Assabet River Wildlife Refuge in Sudbury; provided further, that not less than \$75,000 shall be expended for the Cultural Center of Cape Cod; provided further that not less than \$70,000 be expended for improvements to the Jordan Pond area and the creation of a walking trail around Jordan Pond in the Town of Shrewsbury; 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 be expended for Marlborough 2010; 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 by the Greater Plymouth Food Warehouse to assist in their operation; provided further, that not less than \$50,000 shall be provided for the restoration and repairs of the Historical Asa Waters Mansion in the Town of Millbury; provided further, that not less than \$50,000 shall be expended for the Caribbean Carnival Association; provided further, that not less than \$50,000 shall be expended for activities to promote tourism and cultural events in and around the historic downtown in the town of Franklin; provided further, that not less than \$50,000 shall be expended for the START Partnership in Framingham; provided further, that not less than \$50,000 shall be expended for the Holyoke Merry-Go-Round at Heritage State Park; 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; 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 \$50,000 shall be expended for the Louis D. Brown Peace Institute; provided further, that not less than \$50,000 shall be expended for the Johnny Appleseed Visitors' Center; provided further, that not less than \$50,000 shall be expended for the Attleboro Museum; provided further, that not less than \$50,000 shall be expended for the Russian Community Association in the city of Springfield; provided further, that not less than \$50,000 shall be expended for the Urban Art Institute and the Massachusetts College of Art for the Peter's Park Art Wall program; provided further, that not less than \$50,000 shall be expended for the Enterprise Center at Salem State College for the purposes of furthering the creative economy and economic development on the North Shore; provided further, that not less than \$50,000 shall be expended for infrastructure repairs for TheatreZone Chelsea; 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 to the Hull Lifesaving Museum for the purpose of planning the Massachusetts Maritime Trail; provided further, that not less than \$50,000 shall be expended to RAW Arts, Inc. in the city of Lynn to facilitate youth expansion programs approved by the Board of Directors of said organization; 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 \$50,000 shall be expended for a public safety grant in Hanover, Norwell, and Rockland; provided further, that not less than \$50,000 shall be expended to continue and expand the triage counseling services in the Needham public schools; 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 \$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 \$50,000 be expended on the Springfield Symphony Orchestra; provided further, that not less than \$50,000 shall be expended for the historic Academy Building in Attleboro; 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 \$50,000 shall be expended by the Massachusetts Sports and Entertainment Commission for support of film festivals on the Cape and Islands;

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 \$50,000 shall be expended for a youth sports grant to Reading memorial high school in the town of Reading; 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 \$50,000 shall be expended for the Grand Army of the Republic (GAR) Museum in the city of Lynn; provided further, that \$50,000 shall be expended for youth sports program in Reading; provided further, that not less than \$46,500 shall be expended for the North Quabbin Chamber of Commerce; provided further, that not less than \$40,000 shall be expended for a crime prevention program in the town of North Attleboro; provided further, that not less than \$40,000 shall be expended for the Newburyport Economic Development Department's Jump Start Program; provided further, that not less than \$40,000 shall be expended from this item for the operation and the promotion of the Ipswich Shuttle Bus service; provided further, that not less than \$40,000 funds shall be expended for a school safety grant in the town of North Attleboro; provided further, that \$35,000 shall be expended for a public safety grant in the town of Berlin; provided further, that not less than \$35,000 shall be expended for engineering studies and plans at the landfill in the town of Seekonk; provided further, that not less than \$35,000 shall be expended to the Heritage Landscape Inventory Program in partnership with the Towns of Spencer, North Brookfield, East Brookfield, Brookfield, West Brookfield and Warren; provided further, that not less than \$30,000 be expended for the implementation of the Fitchburg Regional Crime Recording Project; provided further, that not less than \$30,000 shall be expended for the Northampton Chamber of Commerce to support the marketing and planning of cultural tourism and related hospitality industry events in the city of Northampton; 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 \$30,000 be expended for the Korean War Memorial in the city of Haverhill; provided further, that not less than \$25,000 shall be expended for the Winnekenni Castle Foundation; provided further, that not less than \$25,000 shall be expended for the River House in Beverly; provided further, that not less than \$25,000 shall be expended for the operation of the Cape Cod Junior Technology Council; 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 be expended for the Stevens-Bennett Home in the city of Haverhill; provided further, that not less than \$25,000 shall be expended for the Edson Westlawn cemetery; 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 John Greenleaf Whittier birthplace; provided further that not less than \$25,000 shall be expended for the Pembroke Grange; provided further, that not less than \$20,000 shall be expended for the Berkshire Theater Festival in Stockbridge; 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 \$15,000 shall be expended for the Central Massachusetts Regional Planning Commission for the Quaboag Canoe Trail; provided further, that \$10,000 shall be expended to the Templeton Historical Society in the town of Templeton; provided further, that not less than \$10,000 shall be expended for the Nashoba Valley Chamber of Commerce for an informational kiosk; provided further, that not less than \$10,000 shall be expended from this item for a public-private match for the Joshua Eaton clock tower in Reading; provided further, that not less than \$10,000 shall be expended to the Centerville Veteran's Association in the Town of Barnstable as a one-time matching grant to erect a statue honoring Veteran's of Foreign Wars in the village of Centerville; 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 \$10,000 shall be made available to the Town of Dalton for the historic Hoose House; and provided further, that not less than \$8,000 shall be expended for the Friends of the Quabbin, Inc. 28,231,965

Tourism Fund 100.0% ”.

The question on passing item 7007-0900, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eighteen minutes past five o'clock P.M., as follows, to wit (*yeas 34 — nays 0*) [**Yeas and Nays No. 112**]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Brown, Scott P. Panagiotakos, Steven C.
Buoniconti, Stephen J. 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.
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 — 0.

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 3.
Hedlund, Robert L.

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

The engrossed Bill relative to salary payments to teachers in the school department of the town of Tewksbury (see House, No. 4117, changed), which, on Monday, July 2, 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. 4161] and having passed that branch, notwithstanding said objections.

The message (House, No. 4161) 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 twenty-one minutes past five o'clock P.M., as follows, to wit (*yeas 34 — nays 0*) [**Yeas and Nays No. 113**]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.

Brewer, Stephen M. Pacheco, Marc R.
Brown, Scott P. Panagiotakos, Steven C.
Buoniconti, Stephen J. 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.
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 — 0.

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 3.
Hedlund, Robert L.

The yeas and nays having been completed at twenty-three minutes after five o'clock P.M., the bill was passed by the Senate, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Engrossed Bills — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the Springfield Water and Sewer Commission to convey certain land (see Senate, No. 1169) (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-four minutes past five o'clock P.M., as follows, to wit (*yeas 34 — nays 0*)
[Yeas and Nays No. 114]:

YEAS.

Antonioni, Robert A. Buoniconti, Stephen J.
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.
Hart, John A., Jr. Petrucci, Anthony
Jehlen, Patricia D. Resor, Pamela
Joyce, Brian A. Rosenberg, Stanley C.
Knapik, Michael R. Spilka, Karen E.
McGee, Thomas M. Tarr, Bruce E.
Menard, Joan M. Timilty, James E.
Montigny, Mark C. 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 — 34.

NAYS — 0.

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 3.
Hedlund, Robert L.

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

An engrossed Bill authorizing the town of Orleans to lease certain town land (see House, No. 3990, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-seven minutes past five o'clock P.M., as follows, to wit (*yeas 34 — nays 0*) [**Yeas and Nays No 115**]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Brown, Scott P. Panagiotakos, Steven C.
Buoniconti, Stephen J. 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.
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 — 0.

ABSENT OR NOT VOTING.

Candaras, Gale D. Moore, Richard T. — 3.
Hedlund, Robert L.

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

Orders of the Day.

The Orders of the Day were considered, as follows:

The Senate Bill abolishing the Northeast Solid Waste Committee (Senate, No. 549) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

The Senate Bill relative to establishing the Commonwealth Corps (Senate, No. 2301, amended),— **was read a third time. Pending the question on passing the bill to be engrossed, Mr. Antonioni moved that the bill be amended in section 6, by striking out clause (2) from proposed section 10(F) in Chapter 69. The amendment was adopted.**

Messrs. Tisei, Tarr, Hedlund and Brown moved that the bill be amended in section 5 by adding the following section:—

“Section 31G. Notwithstanding any special or general law to the contrary, a state employee, during working hours, shall not participate in the State Employees Responding as Volunteers program, or any program of a similar intent, and receive their regular salary from the commonwealth for the hours of voluntary service.

This section shall not apply to an employee performing voluntary service under section 31E.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes before six o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 9 — nays 24*) [**Yeas and Nays No. 116**]:

YEAS.

Brown, Scott P. Tarr, Bruce E.
Creedon, Robert S., Jr. Timilty, James E.
Knapik, Michael R. Tisei, Richard R.

Montigny, Mark C. Tucker, Susan C. — 9.
Morrissey, Michael W.

NAYS.

Antonioni, Robert A. Buoniconti, Stephen J.
Augustus, Edward M., Jr. Chandler, Harriette L.
Baddour, Steven A. Creem, Cynthia Stone
Berry, Frederick E. Downing, Benjamin B.
Brewer, Stephen M. Fargo, Susan C.
Hart, John A., Jr. Petruccelli, Anthony
Jehlen, Patricia D. Resor, Pamela
Joyce, Brian A. Rosenberg, Stanley C.
Menard, Joan M. Spilka, Karen E.
O'Leary, Robert A. Tolman, Steven A.
Pacheco, Marc R. Walsh, Marian
Panagiotakos, Steven C. Wilkerson, Dianne — 24.

ABSENT OR NOT VOTING.

Candaras, Gale D. McGee, Thomas M.
Hedlund, Robert L. Moore, Richard T. — 4.

**The yeas and nays having been completed at fourteen minutes before six o'clock P.M., the amendment was rejected.
The bill, as amended, was then passed to be engrossed.
Sent to the House for concurrence.**

Resolutions.

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

Resolutions (filed by Mr. Creedon) “welcoming and recognizing Heather-Dawn Small, Director of the Department of Women’s Ministries at the General Conference of the Seventh-Day Adventists”;

Resolutions (filed by Ms. Creem, Messrs. Augustus, Baddour, Berry, Brewer, Brown, Buoniconti, Ms. Chandler, Mr. Creedon, Ms. Fargo, Mr. Hedlund, Ms. Jehlen, Messrs. Joyce and McGee, Ms. Menard, Messrs. Moore, Morrissey, O’Leary, Pacheco, Panagiotakos, Petruccelli, Ms. Resor, Mr. Rosenberg, Ms. Spilka, Messrs. Tisei, Tolman, Ms. Tucker, Ms. Walsh and Ms. Wilkerson) “congratulating the Honorable A. Joseph Denucci for 30 years of service and dedication as a public official in the Commonwealth”;

Resolutions (filed by Mr. Morrissey) “congratulating James A. Kerrigan on the occasion of his retirement”; and

Resolutions (filed by Mr. Pacheco) “honoring Sergeant William D. Delaney on the occasion of his retirement.”

Communications.

The clerk read the following communications:

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

September 20, 2007.

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

Dear Mr. Clerk:

I will be out of the country on official business with the National Conference of State Legislatures from September 17th through September 28th, 2007.

I will be unable to attend any formal sessions scheduled during this time. Any roll call votes that I miss are entirely for this

reason.

I respectfully request that a copy of this letter be printed in the Journal of the Senate. Thank you in advance for your assistance.

Sincerely,
RICHARD T. MOORE,
State Senator,
Worcester and Norfolk District.

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

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

September 20, 2007.

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

Dear Mr. Clerk,

On September 20, 2007, the Senate, meeting in formal session, conducted a roll call on the question of overriding the veto of Line Item 7077-0023 in the FY 2008 Budget (Tufts School of Veterinary Medicine Program). In response to the roll call, I abstained from voting by entering "Present", due to a potential conflict stemming from my employment at Tufts University as a Visiting Lecturer.

Respectfully,
MARIAN WALSH,
State Senator,
Suffolk and Norfolk District.

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

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:
The Senate Bill allowing for the continued use of state-owned property for fishing, boating and tourism purposes on the Congamond Lakes in Southwick (Senate, No. 2248) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**
Sent to the House for concurrence.

The House Bill placing certain members of the fire department of the town of Wrentham under the civil service law (House, No. 4078),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Report of a Committee.

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

The Senate Bill requiring adequate discharge planning for nursing home residents (Senate, No. 410).

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

Engrossed Bills.

The following engrossed bills (both of which originated in the House), 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. Baddour) and laid before the Governor for his approbation, to wit:

Relative to certain written majority authorization evidence of collective bargaining results (see House, No. 2465, amended); and
Establishing a sick leave bank for Karen Byrnes, an employee of the Department of Conservation and Recreation (see House, No. 4225),

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Robert Bozarjian, an employees of the Department of Education (see House, No. 4235), 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 Acting President (Mr. Baddour) and sent to the House for enactment.**

A petition (accompanied by bill, House, No. 4249) of Donald F. Humason, Jr., and Michael R. Knapik for legislation to establish a sick leave bank for Dorothy Lafratta, an employee of the Department of Transitional Assistance,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Order Adopted.

On motion of Mr. Rosenberg,—

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 Army Specialist Ari Brown-Weeks.

The Senator from Hampshire and Franklin, Mr. Rosenberg, presented a request that when the Senate adjourns today, it do so in memory of U.S. Army Specialist Ari Brown-Weeks, formerly of Leyden.

Specialist Ari Brown-Weeks, a paratrooper and member of the 82nd Airborne Brigade, was killed September 10th, 2007, as a result of a vehicle accident while serving in Iraq. He was 23 years old.

Ari Brown-Weeks was born in Greenfield and was the son of Jon Weeks and Karyn Brown of Leyden.

In addition to his parents, he is survived by his wife, Ashley J. (Tillery) Weeks of Abingdon, Maryland; mother and father-in-law, Deborah J. and Kevin E. Tillery of Abingdon; and grandparents, Charles Daniel and Marjorie Ann Brown of Chadds Ford, Pennsylvania.

Friends and family remember him as an honest, loyal, and open individual who loved life and had a great sense of humor.

Accordingly, as a mark of respect to the memory of U.S. Army Specialist Ari Brown-Weeks, formerly of Leyden, at seven minutes before six o'clock P.M., on motion of Mr. Rosenberg, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.