

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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, November 5, 2007.

Met at twenty-three minutes before two o'clock P.M.

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

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Tolman for the purpose of an introduction. Mr. Tolman then introduced Gerry Swanton, a former two-term Mayor from 1985-1994, of Skibbereen, County Cork. He was accompanied by his brother, Albert, a 22 year resident of Boston and most recently of Milton. The Chair also recognized Mary Swanton, Albert's wife, who unfortunately could not be here today. Mary is a local coordinator for the Cross Border Orchestra of Ireland.

Petitions.

Ms. Jehlen presented a petition (accompanied by bill, Senate, No. 2392) of Patricia D. Jehlen, Denise Provost, Carl M. Sciortini, Jr. and Timothy J. Toomey, Jr (with the approval of the mayor and board of aldermen) for legislation to authorize the Commissioner of Capital Asset Management and Maintenance to grant easements to the city of Somerville and to convey certain land to Fr Sturtevant Street, LLC [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Bonding, Capital Expenditures and State Assets. Sent to the House for concurrence.**

Petitions were presented and referred, as follows;

By Mr. Berry, a petition (subject to Joint Rule 12) of Frederick E. Berry, Thomas M. McGee, Karen E. Spilka, Edward M. Augustus, Jr. and other members of the General Court for legislation to establish a commission to review the findings of the Massachusetts Turnpike Authority's working group on toll inequities; and

By Ms. Jehlen, a petition (subject to Joint Rule 12) of Patricia D. Jehlen, Paul J. Donato, Paul C. Casey and Anthony D. Galluccio for legislation designating a certain portion of sandy beach in Winchester as the Senator Charles E. Shannon, Jr. Memorial Beach;

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

Reports of Committees.

By Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, on petition, a Resolve relative to establishing a commission to set guidelines for development costs for housing for disabled adults (Senate, No. 1084); **Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.**

By Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill to assure affordable premiums for the children's medical security plan (Senate, No. 91);

By the same Senator, for the same committee, on petition, a Bill to assess the impact of the public welfare system on the health

and well-being of children (Senate, No. 94, changed in line 9, by striking out the words “human services” and inserting in place thereof the words “Children, Families and Persons with Disabilities”; by inserting after the word “Care”, in line 9, the word “Financing”; and in line 10, by striking out the words “and the Massachusetts Legislative Children’s Caucus”);
By the same Senator, for the same committee, on petition, a Bill providing for supportive living services for brain-injured individuals (Senate, No. 119, changed in line 16, by striking out the words “October 1, 2007” and inserting in place thereof the words “October 1, 2008”); and

By the same Senator, for the same committee, on Senate, Nos. 66, 85, 93, 104 and 110 and House, Nos. 105, 108, 114 and 120, a Bill relative to the protection and care of children in the Department of Social Services (Senate, No. 2390);

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill requiring the Department of Transitional Assistance to track and report on families use of emergency shelter services (Senate, No. 90);

By the same Senator, for the same committee, on petition, a Bill removing barriers to emergency shelter for families with children (Senate, No. 92);

By the same Senator, for the same committee, on petition, a Bill requiring equal benefits for all new mothers (Senate, No. 98);

By the same Senator, for the same committee, on petition, a Bill relative to funding for school health programs (Senate, No. 101);

By the same Senator, for the same committee, on petition, a Bill to provide an income tax exemption for families caring for their elderly relatives at home (Senate, No. 103, changed in line 19, by striking out the year “1998” and inserting in place thereof the year “2009”);

By the same Senator, for the same committee, on petition, a Bill to ensure accountability in the Department of Transitional Assistance (Senate, No. 106);

By the same Senator, for the same committee, on petition, a Bill relative to protecting against the displacement of current employees (Senate, No. 107);

By the same Senator; for the same committee, on petition, a Bill supporting strong families by providing paid family and medical leave, increasing tax deductions, and establishing a work-family council. (Senate, No. 114, changed in line 147, by striking out the words “children and families” and inserting in place thereof the words “children, families and persons with disabilities”; and in line 163, by striking out the words “children and families” and inserting in place thereof the words “children, families and persons with disabilities”);

By the same Senator, for the same committee, on Senate, Nos. 83 and 118, a Bill protecting disabled persons from financial exploitation (Senate, No. 118);

By the same Senator, for the same committee, on petition, a Bill regarding low income elders and persons with disabilities (Senate, No. 124);

By the same Senator, for the same committee, on petition, a Bill eliminating wage disparity among direct care workers for the mentally retarded (Senate, No. 126, changed in line 30, by striking out the words “Human Services and Elderly Affairs” and inserting in place thereof the words “Children, Families and Persons with Disabilities”);

By the same senator, for the same committee, on petition (accompanied by bill, Senate, No. 67), a Bill to let child support come home (Senate, No. 2389); and

By Mr. Brewer, for the committee on Veterans and Federal Affairs, on Senate, No. 2129 and House, No. 3710, a Bill relative to fuel and shelter benefits for veterans (Senate, No. 2129, changed in line 2, by striking out the word “eight” and inserting in place thereof the number “9”);

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

By Mr. Moore, for the committee on Health Care Financing, on petition, a Bill relative to volunteer physicians (Senate, No. 1248) [Estimated cost — Less than \$100,000];

By the same Senator, for the same committee, on petition, a Bill to protect patients from breakthrough seizures (Senate, No. 1296) [Estimated cost — \$0]; and

By the same Senator, for the same committee, on petition, a Bill balancing the physician license renewal cycle (Senate, No. 1298) [Estimated cost — \$0];

Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

PAPER FROM THE HOUSE.

A Bill relative to child abuse and neglect (House, No. 4333,— on House, Nos. 67, 68, 69, 70, 71, 72, 74, 82, 83, 89, 93, 94, 112, 121, 128, 138, 145 and 4191),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Messrs. Brown and Timilty) “congratulating Doctor Perry P. Davis on his retirement as Superintendent of the Dover, Sherborn and Dover-Sherborn Regional Schools”; and
Resolutions (filed by Messrs. Morrissey, Joyce and Hedlund) “recognizing South Shore Elder Services, Inc. for 30 years of distinguished service.”

PAPERS FROM THE HOUSE.

The Senate Bill relative to access to reproductive health centers (Senate, No. 1353, amended),— came from the House passed to be engrossed, in concurrence with an amendment striking out section 1 and inserting in place thereof the following section:

“SECTION 1. Section 120E½ of chapter 266 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word ‘within’, in line 2, the following words:— or upon the grounds of”.

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

Ms. Chandler moved that the Senate concur with the House amendment with a further amendment inserting before the enacting clause the following emergency preamble:—

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to increase public safety at reproductive health care facilities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.”

The further amendment was adopted.

The Senate then concurred in the House amendment, as amended.

Sent to the House for concurrence in the further amendment.

Engrossed Bills — Land Takings for Conservation, Etc.

An engrossed Bill relative to the licensing requirements for certain tidelands (see, House, No. 4324, 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 seventeen minutes before two o’clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 124**]:

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.	Galluccio, Anthony D.
Buoniconti, Stephen J.	Hart, John A., Jr.
Candaras, Gale D.	Hedlund, Robert L.
Jehlen, Patricia D.	Petrucelli, Anthony
Joyce, Brian A.	Resor, Pamela
Knapik, Michael R.	Rosenberg, Stanley C.
McGee, Thomas M.	Tarr, Bruce E.
Menard, Joan M.	Timilty, James E.
Montigny, Mark C.	Tisei, Richard R.
Moore, Richard T.	Tolman, Steven A.
Morrissey, Michael W.	Tucker, Susan C.
O’Leary, Robert A.	Walsh, Marian
Pacheco, Marc R.	Wilkerson, Dianne — 37.

Panagiotakos, Steven C.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Spilka, Karen E. — 1.	

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

Mr. Rosenberg in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), an engrossed Bill authorizing the conveyances of certain easements in the towns of Lynnfield, Saugus and Wakefield to the Tennessee Gas Pipeline Company (see Senate, No. 2211, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at seven minutes before two o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 125**]:

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.	Galluccio, Anthony D.
Buoniconti, Stephen J.	Hart, John A., Jr.
Candaras, Gale D.	Hedlund, Robert L.
Jehlen, Patricia D.	Petrucelli, Anthony
Joyce, Brian A.	Resor, Pamela
Knapik, Michael R.	Rosenberg, Stanley C.
McGee, Thomas M.	Tarr, Bruce E.
Menard, Joan M.	Timilty, James E.
Montigny, Mark C.	Tisei, Richard R.
Moore, Richard T.	Tolman, Steven A.
Morrissey, Michael W.	Tucker, Susan C.
O'Leary, Robert A.	Walsh, Marian
Pacheco, Marc R.	Wilkerson, Dianne — 37.
Panagiotakos, Steven C.	
NAYS — 0.	

ABSENT OR NOT VOTING.	
Spilka, Karen E. — 1.	

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

Recess.

There being no objection, at one minute past two o'clock P.M., at the request of Mr. Tisei, for the purpose of a minority caucus, the Chair (Mr. Rosenberg) declared a recess; and, at fourteen minutes before three o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

Engrossed Bills — Land Takings for Conservation, Etc.

An engrossed Bill authorizing the town of Weymouth to make conveyance and sale of certain water supply land (see House, No. 1975) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at fourteen minutes before three o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 126**]:

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.	Galluccio, Anthony D.
Buoniconti, Stephen J.	Hart, John A., Jr.
Candaras, Gale D.	Hedlund, Robert L.
Jehlen, Patricia D.	Petrucelli, Anthony
Joyce, Brian A.	Resor, Pamela
Knapik, Michael R.	Rosenberg, Stanley C.
McGee, Thomas M.	Tarr, Bruce E.
Menard, Joan M.	Timilty, James E.
Montigny, Mark C.	Tisei, Richard R.
Moore, Richard T.	Tolman, Steven A.
Morrissey, Michael W.	Tucker, Susan C.
O'Leary, Robert A.	Walsh, Marian
Pacheco, Marc R.	Wilkerson, Dianne — 37.

Panagiotakos, Steven C.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Spilka, Karen E. — 1.	

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

An engrossed Bill, authorizing the town of Nantucket to grant an easement over town owned property (see House, No. 4265) (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 seven minutes before three o'clock P.M., as follows, to wit (*yeas 37 — nays 0*)
[Yeas and Nays No. 127]:

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.	Galluccio, Anthony D.
Buoniconti, Stephen J.	Hart, John A., Jr.
Candaras, Gale D.	Hedlund, Robert L.
Jehlen, Patricia D.	Petrucelli, Anthony
Joyce, Brian A.	Resor, Pamela
Knapik, Michael R.	Rosenberg, Stanley C.
McGee, Thomas M.	Tarr, Bruce E.
Menard, Joan M.	Timilty, James E.
Montigny, Mark C.	Tisei, Richard R.
Moore, Richard T.	Tolman, Steven A.
Morrissey, Michael W.	Tucker, Susan C.
O'Leary, Robert A.	Walsh, Marian
Pacheco, Marc R.	Wilkerson, Dianne — 37.
Panagiotakos, Steven C.	
NAYS — 0.	

ABSENT OR NOT VOTING.	
Spilka, Karen E. — 1.	

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

An engrossed Bill authorizing the town of Nantucket to use, convey or otherwise dispose of certain land in the town of Nantucket for municipal purposes (see House, No. 4266) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at three minutes before three o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 128**]:

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.	Galluccio, Anthony D.
Buoniconti, Stephen J.	Hart, John A., Jr.
Candaras, Gale D.	Hedlund, Robert L.
Jehlen, Patricia D.	Petrucelli, Anthony
Joyce, Brian A.	Resor, Pamela
Knapik, Michael R.	Rosenberg, Stanley C.
McGee, Thomas M.	Tarr, Bruce E.
Menard, Joan M.	Timilty, James E.
Montigny, Mark C.	Tisei, Richard R.
Moore, Richard T.	Tolman, Steven A.
Morrissey, Michael W.	Tucker, Susan C.
O'Leary, Robert A.	Walsh, Marian
Pacheco, Marc R.	Wilkerson, Dianne — 37.
Panagiotakos, Steven C.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Spilka, Karen E. — 1.	

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

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill relative to multiple office holding in the town of Burlington (House, No. 3946),— **was read a second time and ordered to a third reading.**

The Senate Bill relative to members of the Executive Council (Senate, No. 2332),— **was considered, the main question being on ordering it to a third reading.**

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

The pending amendment, previously moved by Messrs. Tisei and Hedlund, striking the text in its entirety and inserting in place thereof the following new text:—

“Section 4(c) of chapter 268A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting at the end thereof the following: ‘No member of the executive council may make an appearance in a representative capacity, for compensation, before a court of the commonwealth.’ ”,— was considered.

After remarks, at the request of Messrs. Tisei and Brown, the bill was laid over until the next session, under the provisions of Senate Rule 31.

The Senate Bill relative to providing homeownership opportunities in weak markets (Senate, No. 2325, amended),— was considered; and, after remarks, was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill further protecting Buzzards Bay (Senate, No. 2374),— was considered, the question being on passing the bill to be engrossed.

Mr. Montigny moved that the bill be amended in Section 14, in proposed section 9 of Chapter 21M of the General Laws, by striking out subsection (a) and inserting in place thereof the following 2 subsections:—

“(a) An owner or operator of a tank vessel carrying 6,000 or more barrels of oil may provide 24-hour notice to the department, in a manner to be determined by the department, of the owner or operator’s intent to enter or operate such vessel in Buzzards Bay.

(a½) If 24-hour notice is given, pursuant to subsection (a), and the tank vessel is unaccompanied by a tug boat escort, the commissioner shall dispatch a state pilot, if requested by the owner or operator, to the towing vessel.”.

After remarks, this amendment was adopted.

After further remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-four minutes past three o'clock P.M., on motion of Mr. Montigny, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 129**]:

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.	Galluccio, Anthony D.
Buoniconti, Stephen J.	Hart, John A., Jr.
Candaras, Gale D.	Hedlund, Robert L.
Jehlen, Patricia D.	Petrucelli, Anthony
Joyce, Brian A.	Resor, Pamela
Knapik, Michael R.	Rosenberg, Stanley C.
McGee, Thomas M.	Tarr, Bruce E.

Menard, Joan M.	Timilty, James E.
Montigny, Mark C.	Tisei, Richard R.
Moore, Richard T.	Tolman, Steven A.
Morrissey, Michael W.	Tucker, Susan C.
O’Leary, Robert A.	Walsh, Marian
Pacheco, Marc R.	Wilkerson, Dianne — 37.
Panagiotakos, Steven C.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Spilka, Karen E. — 1.	

The yeas and nays having been completed at twenty-six minutes past three o’clock P.M., the bill was passed to be engrossed.
Sent to the House for concurrence.

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill to promote veterans benefits (Senate, No. 2366, changed),— **ought to pass**, with an amendment substituting a new draft with the same title (Senate, No. 2397).

There being no objection, the rules were suspended, on motion of Mr. Brown, and the bill was read a second time and, after remarks, was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2397) was then ordered to a third reading and read a third time.

After further remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at twenty-seven minutes before four o’clock P.M., on motion of Mr. Brown, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 130**]:

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.	Moore, Richard T.
Candaras, Gale D.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.

Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Hedlund, Robert L.	Tarr, Bruce E.
Timilty, James E.	Tucker, Susan C.
Tisei, Richard R.	Walsh, Marian
Tolman, Steven A.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Spilka, Karen E. — 1.	

The yeas and nays having been completed at twenty-four minutes before four o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to veterans' burial benefits (Senate, No. 2372),— **ought to pass.**

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

After further remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at nineteen minutes before four o'clock P.M., on motion of Mr. Hart, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 131**]:

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.
Buoniconiti, Stephen J.	Moore, Richard T.
Candaras, Gale D.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.

Hedlund, Robert L.	Tarr, Bruce E.
Timilty, James E.	Tucker, Susan C.
Tisei, Richard R.	Walsh, Marian
Tolman, Steven A.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Spilka, Karen E. — 1.	

The yeas and nays having been completed at sixteen minutes before four o'clock P.M., the bill was passed to be engrossed. Sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Michelle Souther, an employee of the Registry of Motor Vehicles (Senate, No. 2384),— **ought to pass.**

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

Sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to Sullivan McLaughlin, Inc. (House, No. 4186),— ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2398; and inserting before the enacting clause the following emergency preamble:—

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to direct the division of capital asset management and maintenance to convey certain property located within the city of Boston to Sullivan & McLaughlin Companies, Inc. therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

There being no objection, the rules were suspended, on motion of Mr. Hart, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

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

Sent to the House for concurrence in the amendment.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to an easement on a certain parcel of land in the town of Marlborough (House, No. 4190),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Ms. Resor, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act relative to a certain parcel of land and an easement thereon in the city of Marlborough”.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Dorothy Lafratta, an employee of the Department of Transitional Assistance (House, No. 4249),— **ought to pass.**

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

PAPER FROM THE HOUSE.

A Bill relative to property tax classification in cities and towns (House, No. 3119, changed,— on House, Nos. 3119 and 3134),— **was read.**

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

Pending the question or ordering the bill to a third reading, Mr. Tolman moved to amend the bill by inserting before the enacting clause, the following emergency preamble:—

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to further regulate property tax classifications in cities and towns, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted.

After debate, the bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in

concurrence with the amendment.

Sent to the House for concurrence in the amendment.

Reports of Committees.

By Mr. Downing, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Richard R. Tisei, Bruce E. Tarr, Michael R. Knapik, Robert L. Hedlund and other members of the General Court for legislation to stabilize state lottery revenues to provide predictable aid to cities and towns.

Senate Rule 36 was suspended, on motion of Ms. Wilkerson, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Consumer Protection and Professional Licensure.

By Mr. Downing, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Deirdre Cummings, MASSPIRG, Dianne Wilkerson, Antonio F. Cabral and other members of the General Court for legislation to provide for further consumer protection in auto insurance.

Senate Rule 36 was suspended, on motion of Ms. Wilkerson, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Financial Services. Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (all 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 President and laid before the Governor for his approbation, to wit:

Providing that certain physical conditions shall be presumed to have been suffered in the line of duty (see House, No. 2578);

Relative to the Charter of the town of Chelmsford (see House, No. 4007); and

Exempting the positions of police chief and fire chief in the town of North Andover from the civil service law (see House, No. 4212).

An engrossed Bill establishing commercial fishing sectors (see House, No. 4318, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the President and again laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Creedon,—

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

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