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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, November 20, 2007.

Met at one minute past one o'clock P.M. (Mr. Rosenberg in the Chair).

Distinguished Guest.

There being no objection, the President handed the gavel to Ms. Creem for the purpose of an introduction. Ms. Creem then introduced Rabbi Robert Miller as follows:

I am very pleased and proud to introduce my Rabbi, Robert Miller. Among many distinctions, my Rabbi is a Republican. Other than that one issue, he is one of my favorite people. Rabbi Miller is a wonderful spiritual leader in that he was a visiting rabbi at the Veterans of Foreign Wars Nursing Home. I'm very proud of today that this is my second opportunity to share or be in the State House in the presence of my rabbi. Rabbi Miller was the chaplain of the Framingham Correctional Institution. He was very helpful there and gave spiritual guidance to anyone who sought it. He is a wonderful, humble person. He is an effective counselor for many people. In the Jewish religion, we call Rabbi Miller a mensch. I am so proud to be with you today. Thank you.

On motion of Mr. Brown, the Senator's remarks were ordered printed in the Journal of the Senate.

Petition.

Ms. Fargo presented a petition (subject to Joint Rule 12) of Susan C. Fargo, Kathi-Anne Reinstein, Steven A. Baddour, Paul J. Donato and other members of the General Court for legislation to establish the Commonwealth Early Detection and Treatment Research Fund,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Committee Discharged.

Mr. Downing, for the committee on Ethics and Rules, reported, asking to be discharged from further consideration of the Senate Bill ensuring a fair and reasonable administrative process (Senate, No. 2415),— **and recommending that the same be recommitted to the Senate committee on Ways and Means.**
Under Senate Rule 36, the report was considered forthwith and accepted.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4378) of Steven M. Walsh and others (with the approval of the mayor and city council) for legislation to authorize the city of Lynn to grant an additional license for the sale of alcoholic beverages not to be drunk on the premises to Salvy the Florist;

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4384) of Bradley H. Jones, Jr., and others (by vote of the town) relative to the release

of a certain parcel of land in the town of Reading from the operation of a restriction on land;

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4379) of Robert A. DeLeo and others (with the approval of the mayor and city council) that the retirement board of the city of Revere be authorized to pay an alternative retirement allowance to Kathryn Walsh, the widow of John Walsh a retired fire fighter of said city;

To the committee on Public Service.

Petition (accompanied by bill, House, No. 4380) of Thomas J. Calter and others (by vote of the town) that the board of assessors of the town of Duxbury be authorized to assess certain tax betterments relative to funding for the repair of seawalls in the Gurnet Road area of said town; and

Petition (accompanied by bill, House, No. 4381) of Sarah K. Peake (by vote of the town) relative to property tax exemptions for rental properties restricted as affordable housing in the town of Truro;

Severally to the committee on Revenue.

A Bill relative to abandoned vessels (House, No. 4187,— on House, No. 726),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

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

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

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Pacheco) “on the thirtieth anniversary of the Taunton Eagles Soccer Club.”

Report of a Committee of Conference.

Mr. Moore, for the committee of conference, to whom was referred the matters of difference between the branches with reference to the Senate amendment to the House Bill relative to health care access (House, No. 4310) (amended by the Senate, in section 1, in proposed section 16O of chapter 6A, striking out subsection (b) and inserting in place thereof the following:

“(b) The council shall consist of 39 members and shall be comprised of: (i) 3 members of the house of representatives, 1 of whom shall be designated as co-chair by the speaker, and 3 members of the senate, 1 of whom shall be designated as co-chair by the president; (ii) the secretary of health and human services, who shall serve ex-officio, the commissioner of public health, who shall serve ex-officio, the director of multicultural health in the department of public health, who shall serve ex-officio, the director of Medicaid, who shall serve ex-officio, or their designees; (iii) 8 persons from communities disproportionately affected by health disparities, 4 of whom shall be appointed by the speaker of the house and 4 of whom shall be appointed by the senate president; and (iv) 21 persons to be appointed by the co-chairs, 2 of whom shall be experts in health disparities from foundations or academic institutions and 1 from each list of nominees to be submitted by each of the following organizations: the American Cancer Society, Massachusetts Division, Inc.; the American Heart Association, Massachusetts Affiliate, Inc.; Massachusetts General Hospital; Brigham and Women’s/Faulkner Hospitals, Inc.; Dana Farber Cancer Institute, Inc.; the Massachusetts League of Community Health Centers, Inc.; the Massachusetts Medical Society; the Massachusetts Hospital Association; the office of the Attorney General; the Boston public health commission, established in chapter 147 of the acts of 1995; the health department of the city of Springfield; the health department of the city of Worcester; the Massachusetts School Nurse Organization, Inc.; the Massachusetts Association of Public Health Nurses, Inc.; the Massachusetts Association of Health Plans, Inc.; Blue Cross Blue Shield of Massachusetts, Inc.; the Program to Eliminate Health Disparities at the Harvard School of Public Health; the Boston Medical Center Corporation; and the Massachusetts Public Health Association.”; and

In section 3A, line 6, section 26A, line 6 and section 26B, lines 5 and 6, striking out the words “would fail to qualify” and inserting in place thereof the words:— “last qualified”;

By inserting after section 4 the following section:

“SECTION 4A. Subsection (b) of section 21 of said chapter 62C, as so appearing, is hereby amended by adding the following clause:—

(23) the disclosure of information contained in a return filed pursuant to this chapter to the commonwealth health insurance connector authority solely to process appeals and conduct outreach to uninsured taxpayers or to the division of health care finance and policy solely to determine if a taxpayer who claimed a religious exemption used the Health Safety Net Trust Fund or to the executive office of health and human services solely to verify MassHealth coverage.”; and

By inserting after section 6 the following section:

“SECTION 6A. Section 12 of chapter 62E of the General Laws, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:—

Notwithstanding any general or special law to the contrary, the commissioner may disclose any information in this chapter to the commonwealth health insurance connector authority solely to processing appeals and conduct outreach to uninsured taxpayers or to the division of health care finance and policy solely to determine if a taxpayer who claimed a religious exemption used the

Health Safety Net Trust Fund or to the executive office of health and human services solely to verify MassHealth Coverage.”; Inserting after section 15 the following section:—

“SECTION 15A. Said eighth paragraph of said section 23 of said chapter 118E, as so appearing, is hereby further amended by inserting after the first sentence the following sentence: Upon request from the department of revenue, the division shall make information received from holders of health insurance information available to said department to determine whether a person is covered by insurance as required by chapter 111M.”;

By striking out sections 26C to 26E, inclusive, and inserting in place thereof the following 6 sections:

“SECTION 26C. Chapter 176A of the General Laws is hereby amended by striking out section 8Z, inserted by section 53 of chapter 58 of the acts of 2006.

SECTION 26D. Said chapter 176A is hereby further amended inserting after section 8AA the following section:—

Section 8BB. Any subscription certificate under a group nonprofit hospital service agreement, except certificates which provide stand-alone dental services, supplemental coverage to Medicare or other governmental programs, that is delivered, issued or renewed in the commonwealth, shall provide, as benefits to all group members having a principal place of employment within the commonwealth, coverage to persons under 26 years of age or for 2 years after the end of the calendar year in which such persons last qualified as dependents under 26 U.S.C. 106, whichever occurs first.

SECTION 26E. Chapter 176B of the General Laws is hereby amended by striking out section 4Z, inserted by section 56 of chapter 58 of the acts of 2000.

SECTION 26F. Said chapter 176 is hereby further amended inserting after section 4AA the following section:—

Section 4BB. Any subscription certificate under an individual or group medical service agreement, except certificates that provide stand-alone dental services, that is delivered or issued or renewed in this commonwealth, shall provide, as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, coverage to persons under 26 years of age or for 2 years after the end of the calendar year in which such persons last qualified as dependents under 26 U.S.C. 106, whichever occurs first.

SECTION 26G. Chapter 176G of the General Laws is hereby amended striking out section 4R, inserted by section 58 of chapter 58 of the acts of 2006.

SECTION 26H. Said chapter 176G is hereby further amended inserting after section 4S the following section:—

Section 4T. A health maintenance contract, excluding contracts for stand-alone dental services, shall provide coverage to persons under 26 years of age or for 2 years after the end of the calendar year in which such persons last qualified as dependents under 26 U.S.C. 106, whichever occurs first.”;

By striking out section 28A and 29, and inserting in place thereof the following section:—

“SECTION 29. Chapter 58 of the acts of 2006 is hereby amended by striking out section 136 and inserting in place thereof the following section:—

Section 136. The website established under Section 16L of Chapter 6A of the General Laws shall be operational and shall include links to other websites that display comparative cost and quality information no later than September 1, 2007. The website shall include comparative cost information by facility, clinician or physician group practice, such as cost information for obstetrical services, physician office visits, high-volume elective surgical procedures, high-volume diagnostic tests, and high-volume therapeutic procedures, no later than March 1, 2008. Cost information shall include data such as the average payment made on behalf of insured patients for each service or category of service received by each facility, clinician or physician practice. Payment data as collected from the individual insurers shall not be deemed public record except as displayed on the website and/or as otherwise dictated by regulations duly promulgated by the Council.”),— reported, a “Bill further regulating health care access” (Senate, No. 2426).

There being no objection, the rules were suspended, on motion of Mr. Moore, and the report was considered forthwith, and after remarks, was accepted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

The Senate Bill relative to establishing the Commonwealth Corps (Senate, No. 2301, amended),— **came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause, and inserting in place thereof the text contained in House document numbered 4322, amended.**

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

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Peter Hebert, an employee of the Department of Mental Retardation (see Senate, No. 2376), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 8 to 0. The bill was signed by the President and sent to the House for enactment.**

Engrossed Bills — Land Takings for Conservation, Etc.

An engrossed Bill authorizing the town of Needham to construct and maintain a common sewer through land acquired for conservation purposes (see House, No. 4121) (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-two minutes past three o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 139**]:

YEAS.

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

NAYS — 0.

ABSENT OR NOT VOTING.

Brewer, Stephen M. — **1.**

The yeas and nays having been completed at twenty-five minutes past 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 conveyance of certain parcels of land in the city of Boston (see House, No. 4185) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-six minutes past three o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 140**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Petrucelli, Anthony
Creedon, Robert S., Jr.	Resor, Pamela

Creem, Cynthia Stone
Downing, Benjamin B.
Fargo, Susan C.
Hart, John A., Jr.
Havern, Robert A.
Hedlund, Robert L.
Jehlen, Patricia D.
Joyce, Brian A.
Knapik, Michael R.
McGee, Thomas M.

Rosenberg, Stanley C.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — **37.**

NAYS — 0.

ABSENT OR NOT VOTING.

Brewer, Stephen M. — **1.**

The yeas and nays having been completed at twenty-eight minutes past 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 city of Fitchburg to convey a certain parcel of land in the city of Fitchburg for watershed purposes (see House, No. 4216) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-nine minutes past three o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 141**]:

YEAS.

Antonioni, Robert A.
Augustus, Edward M., Jr.
Baddour, Steven A.
Berry, Frederick E.
Brown, Scott P.
Buoniconti, Stephen J.
Candaras, Gale D.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Downing, Benjamin B.
Fargo, Susan C.
Hart, John A., Jr.
Havern, Robert A.
Hedlund, Robert L.
Jehlen, Patricia D.
Joyce, Brian A.
Knapik, Michael R.
McGee, Thomas M.

Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
O'Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Petrucelli, Anthony
Resor, Pamela
Rosenberg, Stanley C.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — **37.**

NAYS — 0.

ABSENT OR NOT VOTING.

Brewer, Stephen M. — **1.**

The yeas and nays having been completed at twenty-nine minutes before four 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 Senate bills

Relative to the retirement allowance for certain teachers (Senate, No. 1557);

Relative to the Randolph Public Library (Senate, No. 2396); and

Further regulating the granting of temporary licenses for the sale of wines at auctions (Senate, No. 2405);

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

Severally sent to the House for concurrence.

The House Bill establishing a sick leave bank for Lynda Graham-Meho, an employee of the Department of Public Health (House, No. 4304),— was read a third time and passed to be engrossed, in concurrence.

The House Bill authorizing the appointment of certain persons as firefighters in the city of Fall River (House, No. 4089),— was read a second time and ordered to a third reading.

The Senate Bill for a healthy Massachusetts safer alternatives to toxic chemicals (Senate, No. 2406),— was considered; the main question being on ordering the bill to a third reading.

Pending the question on ordering the bill to a third reading, on motion of Mr. Tisei, the further consideration thereof was postponed until the next session.

There being no objection, during consideration of the Orders of the Day, the following matters were considered, to wit:

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows:

The House Bill relative to the change from conservation use to general municipal use of a portion of the property known as Ridge Hill Reservation in the town of Needham (House, No. 4122),— **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 authorizing a change of use of certain conservation land in the town of Needham”.**

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill removing an agricultural preservation restriction in the town of Raynham known as the Borden Colony (House, No. 26, amended),— ought to pass, with an amendment adding the following section:—

“SECTION 2. As a condition of the execution of the release authorized in section 1, the department of agricultural resources shall have received, or shall be satisfied that it shall receive, mitigation for the loss of the parcel of farmland subject to the agricultural preservation restriction prior to the execution of a certificate of release for the parcel. The town of Raynham may provide such mitigation by: (1) transferring a parcel of land under the care, custody, management and control of the board of selectmen and dedicated for general municipal purposes to the conservation commission and dedicating such parcel for agricultural purposes; (2) acquiring, if no suitable parcel can be transferred to the conservation commission, a parcel of land or an agricultural preservation restriction on private or public land as defined in section 31 of chapter 184 of the General Laws; or (3) paying the department \$17,800 to use to purchase a future agricultural restriction in the vicinity of the town of Raynham. Land transferred or acquired under this section shall be dedicated or restricted to agricultural purposes and shall be under the jurisdiction of the conservation commission. The parcel dedicated under this section shall be of equal or greater size and suitability for agricultural purposes when compared to the parcel described in section 1 as determined by the department.”.

There being no objection, the rules were suspended, on motion of Mr. Pacheco, 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, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act removing an agricultural restriction in the town of Raynham known as the Borden Colony”.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to harbormaster training certification (Senate, No. 509, changed and amended),— ought to pass, with an amendment inserting after the word “but”, in line 21, the following word:— “not”; and by striking out, in lines 45 to 63, inclusive, the proposed section 3, and inserting in place thereof the following section:—

“Section 19C. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Harbormaster Training Trust Fund, into which shall be deposited monies received by the commonwealth from all sources

pertaining to harbormaster training from training fees paid by municipalities, training fees paid by individuals, sums received by the commonwealth from the federal government as grants and appropriations, state grants and appropriations and private contributions and gifts. The fund shall only be used as follows:

(1) for payment of general administrative expenses of the harbormaster training council, but such expenses shall not exceed 25 per cent of the total expenditures in a fiscal year which are spent on administrative expenditures; provided, however, that expenditures may be made for the compensation of a staff person as those services are deemed necessary by the council; and (2) for the procurement and funding of harbormaster training by the council or its designees.

(b) The state treasurer shall receive and deposit all revenues transmitted to him under subsection (a) in a manner that will ensure the highest rate of interest available consistent with the safety of the Harbormaster Training Trust Fund and all interest accrued shall be deposited into the Harbormaster Training and any unexpended balance in the fund at the end of a fiscal year shall not revert and shall be available for expenditures in the subsequent fiscal year.”

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

The bill (Senate, No. 509, amended) was then 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 Senate Bill regarding notification of oil and hazardous waste material release (Senate, No. 539, changed),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. O’Leary, and the bill was read a second time, ordered to a third reading, read a third time and, after remarks, was passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act further regulating notification of oil or hazardous waste material release”.

Sent to the House for concurrence.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The Senate Bill to establish standards for long-term care insurance (Senate, No. 2367, amended),— was considered, the main question being on passing the bill to be engrossed.

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

Pending the question on passing the bill to be engrossed, Ms. Jehlen and Ms. Chandler moved to amend the bill (as printed) by inserting after the word “practices,” in line 30, the following words:— “to encourage applicants’ choice of long term services in the least restrictive setting appropriate to their needs,” ; and by inserting after the word “services”, in line 84, the following words:— “including home care services,” and by inserting the following section:—

“SECTION 6. Notwithstanding any general or special law to the contrary, the group insurance commission shall have until July 1, 2010 to develop the plan for long term care insurance as required by section 1 of this act.”

After remarks, the amendment was adopted.

The question on passing the bill (Senate, No. 2367, amended) to be engrossed was determined by a call of the yeas and nays, at eleven minutes past four o’clock P.M., on motion of Ms. Chandler, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 142**]:

YEAS.

Antonioni, Robert A.
Augustus, Edward M., Jr.
Baddour, Steven A.
Berry, Frederick E.
Brown, Scott P.
Buoniconti, Stephen J.
Candaras, Gale D.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Downing, Benjamin B.
Fargo, Susan C.
Hart, John A., Jr.
Havern, Robert A.

Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
O’Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Petrucelli, Anthony
Resor, Pamela
Rosenberg, Stanley C.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R.

Hedlund, Robert L.
Jehlen, Patricia D.
Joyce, Brian A.
Knapik, Michael R.
McGee, Thomas M.

Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

NAYS — 0.

ABSENT OR NOT VOTING.

Brewer, Stephen M. — 1.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill providing updates to the gift certificate law (Senate, No. 2345),— ought to pass.

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

Pending the question on passing the bill to be engrossed, Ms. Tucker moved that the bill be amended in section 1, by striking out the figure “5.00” and inserting in place thereof the following figure: “10.00”.

After remarks, the amendment was adopted.

The bill (Senate, No. 2345, amended) was then passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bills.

An engrossed Bill authorizing the town of Falmouth to install, finance and operate wind energy facilities (see House, No. 3769) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Governor for his approbation.

An engrossed Bill relative to members of the Executive Council (see Senate, No. 2332) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was considered; and, after remarks, was passed to be enacted and was signed by the President and laid before the Governor for his approbation.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to vehicle license cost recovery fees (Senate, No. 2416),— ought to pass.

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

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill allowing for the continued use of state-owned property for fishing, boating and tourism purposes on the Congamond Lakes in the town of Southwick (see Senate, No. 2248, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 10 to 0.**

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

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill authorizing the transfer of the former Fisher Hill Reservoir in the town of Brookline (House, No. 4343, amended),— ought to pass, with an amendment in section 2, by inserting after the words “subject to a”, in the first sentence, the following word:— “conservation”; and

In said section 2, by inserting after the words “a restriction”, in the first sentence, the following words:— “with the benefit of section 32 of chapter 184 of the General Laws”; and

In said section 2, by inserting after the words “subject to”, in the fourth sentence, the following words:— “Article XCVII of the Massachusetts Constitution and”; and

By inserting after said section 2 the following section:—

“SECTION 2A. As a condition of the conveyance authorized in section 1, the town of Brookline shall transfer a 12,000 square foot parcel of land under the care, custody, management and control of the board of selectmen and dedicated for general municipal purposes to the conservation commission and shall dedicate such parcel for conservation or park purposes. If no

suitable parcel of land or a conservation restriction upon private or public land as defined in section 31 of chapter 184 of the General Laws. Such land shall be dedicated or restricted to conservation purposes and shall be under the jurisdiction of the conservation commission. The parcel dedicated pursuant to this section shall be of equal or greater size and value for conservation or park purposes when compared to the 12,000 square foot portion of the parcel described in section 1.”

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

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.

PAPER FROM THE HOUSE.

Engrossed Bill – Land Taking for Conservation, Etc.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Worcester (see House, No. 4189, 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 sixteen minutes before five o’clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 144**]:

YEAS.

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

NAYS — 0.

ABSENT OR NOT VOTING.

Brewer, Stephen M. — 1.

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

Reports of a Committee.

Ms. Menard in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), Mr. Downing, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill designating a certain bridge in the town of Hinsdale as the Hinsdale Veterans Memorial Bridge (House, No. 3504, changed and amended).

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

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

The Senate Bill increasing the punishment for drag racing (Senate, No. 2083).

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

After remarks, the question on passing the bill to be engrossed, was determined by a call of the yeas and nays, on motion of Mr. Hedlund, at three minutes before five o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 145**]:

YEAS.

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

NAYS — 0.

ABSENT OR NOT VOTING.

Brewer, Stephen M. — 1.

The yeas and nays having been completed at one minute past five o'clock P.M., the bill was passed to be engrossed. Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill providing for the transfer of funds from the General Fund to the Health Care Security Trust Fund (see House, No. 4159) [being the text contained in Section 53 of the General Appropriation Bill (see House, No. 4141)] [for message, see Attachment E of House, No. 4156],— **came from the House with amendment in the form approved by the committee on Bills in the Third Reading. The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.**

The rules were suspended, on motion of Mr. Panagiotakos, and the Governor's amendment was considered forthwith and after debate, was rejected, in concurrence. Sent to the House for re-enactment.

Engrossed Bills – Land Takings for Conservation, Etc.

An engrossed Bill relative to certain conservation land in the town of Amherst (see House Bill, printed as Senate, No. 2247) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,—

was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eight minutes past five o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 146**]:

YEAS.

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

NAYS — 0.

ABSENT OR NOT VOTING.

Brewer, Stephen M. — **1.**

The yeas and nays having been completed at eleven 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 (Ms. Menard) and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Duxbury to convey certain land (see House, No. 4098, 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 twelve minutes past five o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 147**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Petrucelli, Anthony
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.

Fargo, Susan C.
Hart, John A., Jr.
Havern, Robert A.
Hedlund, Robert L.
Jehlen, Patricia D.
Joyce, Brian A.
Knapik, Michael R.
McGee, Thomas M.

Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

NAYS — 0.

ABSENT OR NOT VOTING.

Brewer, Stephen M. — 1.

The yeas and nays having been completed at a quarter 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 (Ms. Menard) and laid before the Governor for his approbation.

The Senate Bill relative to the administration of elections to be held in the year 2008 (Senate, No. 2414, amended),— came from the House passed to be engrossed, in concurrence with amendments striking out section 7 and inserting in place thereof the following section:

“SECTION 7. Notwithstanding sections 34 and 70E of chapter 53 of the General Laws or any general or special law to the contrary, the state secretary may print the names of candidates for special state primaries on the same ballot for use at the presidential primary in any city or town within a district in which a special state primary is called for February 5, 2008. The appearance of the order of offices on presidential primary ballots in 2008 on which state primary candidates are also printed shall be at the discretion of the state secretary.”; and by striking out section 14 and inserting in place thereof the following section:

“SECTION 14. Notwithstanding any general or special law to the contrary, the state secretary shall have the authority to add or change any dates relating to the presidential primary held on February 5, 2008 as he deems necessary for the orderly administration of the election by providing notice of such change to any affected person, by filing notice with the rules and regulations division, by posting on his website and by whatever other means he deems appropriate.”.

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

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, amended),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2398.

There being no objection, the rules were suspended, on motion of Ms. Walsh, and the matter was considered forthwith. On motion of the same Senator, the Senate receded from its amendment.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill authorizing the development of a regional education, training and skills center in the city of Taunton (Senate, No. 53, changed),— ought to pass, with an amendment in section 9, by striking out the first paragraph and inserting in place thereof the following paragraph:—

“There shall be established an education and training collaborative to develop, in conjunction with the Taunton Development Corporation, the regional education, training and skills alliance center. The collaborative be managed by a board of directors which shall consist of 13 members as follows: the presidents of Bridgewater State College, the Massachusetts Maritime Academy, Massasoit Community College, Cape Cod Community College, Bristol Community College, Wheaton College, the Massachusetts Federation of Teachers, the Massachusetts Teachers Association, the Massachusetts AFL-CIO, the Taunton Area Chamber of Commerce, or their respective designees; the chancellor of the University of Massachusetts at Dartmouth; the commissioner of mental retardation, or his designee; and the director of the Southeastern Regional Planning and Economic Development District, or his designee. The board may, by majority vote, increase its membership to include the presidents of other institutions of higher education housing their main campuses in Southeastern Massachusetts, or their designees. Members of the board of directors may vote according to the terms of the education collaborative agreement but the land and property management of the center shall be the responsibility of the Taunton Development Corporation.”.

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

The bill (Senate, No. 53, changed and amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

Recess.

There being no objection, at six minutes before six 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 six minutes before seven o'clock P.M., the Senate reassembled, Ms. Menard in the Chair.

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, on Senate, No. 2415, in part, a "Bill improving the fairness for the regulatory process" (Senate, No. 2427).

The bill was read.

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

Sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill authorizing the sale of a certain parcel of land in the city of Waltham to said city (House, No. 4342),— **ought to pass.**

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

PAPERS FROM THE HOUSE.

A Bill releasing certain land in the town of Reading from the operation of a restriction on land (House, No. 4384,— on petition) [Local approval received],— was read.

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

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Lynda Graham-Meho, an employee of the Department of Public Health (see House, No. 4304), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 6 to 0. The bill was signed by the Acting President (Ms. Menard) and sent to the House for enactment.**

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Peter Hebert, an employee of the Department of Mental Retardation (see Senate, No. 2376) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Ms. Menard) and laid before the Governor for his approbation.

Emergency Preamble Adopted.

An engrossed Bill relative to the administration of elections to be held in the year 2008 (see Senate, No. 2414, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 6 to 0. The bill was signed by the Acting President (Ms. Menard) and sent to the House for enactment.**

Engrossed Bills.

An engrossed Bill establishing a sick leave bank for Lynda Graham-Meho, an employee of the Department of Public Health (see House, No. 4304) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Ms. Menard) and laid before the Governor for his approbation.

An engrossed Bill relative to establishing the Commonwealth Corps (see Senate, No. 2301, 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.

After remarks, the question on passing the bill to be enacted was determined by a call of the yeas and nays, at twenty-eight minutes past seven o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 31 — nays 5*) [**Yeas and Nays No. 148**]:

YEAS.

Antonioni, Robert A.
Augustus, Edward M., Jr.
Baddour, Steven A.
Berry, Frederick E.
Buoniconiti, Stephen J.
Candaras, Gale D.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Downing, Benjamin B.
Fargo, Susan C.
Galluccio, Anthony D.
Jehlen, Patricia D.
Joyce, Brian A.
McGee, Thomas M.
Menard, Joan M.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
O'Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Petrucelli, Anthony
Resor, Pamela
Rosenberg, Stanley C.
Spilka, Karen E.
Timilty, James E.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — **31.**

NAYS.

Brown, Scott P.
Hedlund, Robert L.
Knapik, Michael R.

Tarr, Bruce E.
Tisei, Richard R. — **5.**

ABSENT OR NOT VOTING.

Brewer, Stephen M.

Hart, John A., Jr. — **2.**

The yeas and nays having been completed at twenty-eight minutes before eight o'clock P.M., the bill was passed to be enacted and it was signed by the Acting President (Ms. Menard) and laid before the Governor for his approbation.

An engrossed Bill relative to the administration of elections to be held in the year 2008 (see Senate, No. 2414, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Ms. Menard) and laid before the Governor for his approbation.

Suspension of Senate Rule 38A.

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

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill providing for the transfer of funds from the General Fund to the Health Care Security Trust Fund (see House, No. 4159), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 10 to 0. The bill was signed by the Acting President (Ms. Menard) and sent to the House for enactment.**

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Ms. Menard) and laid before the Governor for his approbation, to wit:

Further regulating health care access (see Senate, No. 2426); and

Designating a certain bridge in the town of Hinsdale as the Hinsdale Veterans Memorial Bridge (see House, No. 3504, changed and amended).

A Bill authorizing the Division of Capital Asset Management and Maintenance to exchange certain land in the town of Needham (House, No. 4367,— on House, No. 4193),— **was read.**

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

Engrossed Bills — Land Takings for Conservation, Etc.

An engrossed Bill authorizing the town of Lunenburg to exchange certain land (see Senate, No. 1145) (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 five minutes past eight o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 149**]:

YEAS.

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

NAYS — 0.

ABSENT OR NOT VOTING.

Brewer, Stephen M.	Hart, John A., Jr. — 2.
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The yeas and nays having been completed at ten minutes past eight 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 (Ms. Menard) and laid before the Governor for his approbation.

An engrossed Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to Sullivan McLaughlin, Inc. (see House, No. 4186, 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 eleven minutes past eight o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 150**]:

YEAS.

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

Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Downing, Benjamin B.
Fargo, Susan C.
Galluccio, Anthony D.
Hedlund, Robert L.
Jehlen, Patricia D.
Joyce, Brian A.
Knapik, Michael R.
McGee, Thomas M.

Petrucelli, Anthony
Resor, Pamela
Rosenberg, Stanley C.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Brewer, Stephen M.

Hart, John A., Jr. — 2.

The yeas and nays having been completed at fourteen minutes past eight 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 (Ms. Menard) and laid before the Governor for his approbation.

Engrossed Bill.

An engrossed Bill providing for the transfer of funds from the General Fund to the Health Care Security Trust Fund (see House, No. 4159) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the Acting President (Ms. Menard) and again laid before the Governor for his approbation.

Engrossed Bills — Land Takings for Conservation, Etc.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to exchange land held for conservation and recreation purposes with the Nye Family of America Association, Inc. (see Senate, No. 2210) (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 nineteen minutes past eight o'clock P.M., as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 151**];

YEAS.

Antonioni, Robert A.
Augustus, Edward M., Jr.
Baddour, Steven A.
Brown, Scott P.
Buoniconti, Stephen J.
Candaras, Gale D.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Downing, Benjamin B.
Fargo, Susan C.
Galluccio, Anthony D.
Hedlund, Robert L.
Jehlen, Patricia D.
Joyce, Brian A.
Knapik, Michael R.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
O'Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Petrucelli, Anthony
Resor, Pamela
Rosenberg, Stanley C.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian

McGee, Thomas M.
Menard, Joan M.

Wilkerson, Dianne — **35.**

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E.
Brewer, Stephen M.

Hart, John A., Jr. — **3.**

The yeas and nays having been completed at twenty-three minutes past eight 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 (Ms. Menard) and laid before the Governor for his approbation.

An engrossed Bill allowing for the continued use of state-owned property for fishing, boating and tourism purposes on the Congamond Lakes in the town of Southwick (see Senate, No. 2248, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-four minutes past eight o'clock P.M., as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 152**]:

YEAS.

Antonioni, Robert A.
Augustus, Edward M., Jr.
Baddour, Steven A.
Brown, Scott P.
Buoniconti, Stephen J.
Candaras, Gale D.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Downing, Benjamin B.
Fargo, Susan C.
Galluccio, Anthony D.
Hedlund, Robert L.
Jehlen, Patricia D.
Joyce, Brian A.
Knapik, Michael R.
McGee, Thomas M.
Menard, Joan M.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
O'Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Petrucelli, Anthony
Resor, Pamela
Rosenberg, Stanley C.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — **35.**

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E.
Brewer, Stephen M.

Hart, John A., Jr. — **3.**

The yeas and nays having been completed at twenty-seven minutes past eight 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 (Ms. Menard) and laid before the Governor for his approbation.

An engrossed Bill authorizing a change of use of certain conservation land in the town of Needham (see House, No. 4122) (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 minutes before nine o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 153**]:

YEAS.

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

NAYS — 0.

ABSENT OR NOT VOTING.

Brewer, Stephen M.	Hart, John A., Jr. — 2.
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The yeas and nays having been completed at seventeen minutes before nine o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Menard) and laid before the Governor for his approbation.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill protecting and preserving home ownership (House, No. 4306, amended) (amended by the Senate striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2382), reported, a "Bill protecting and preserving home ownership" (House, No. 4387),— came from the House, and was read.

Senate Rule 36 was suspended on motion of Ms. Tucker, and the report was considered forthwith.

After remarks, the question on accepting the report, in concurrence, was determined by a call of the yeas and nays, at nine minutes past nine o'clock P.M., on motion of Ms. Tucker, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 154**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Petrucelli, Anthony
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Galluccio, Anthony D.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.

Jehlen, Patricia D.
Joyce, Brian A.
Knapik, Michael R.
McGee, Thomas M.

Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — **36.**

NAYS — 0.

ABSENT OR NOT VOTING.

Brewer, Stephen M.

Hart, John A., Jr. — **2.**

The yeas and nays having been completed at thirteen minutes past nine o'clock P.M., the report was accepted, in concurrence.

Emergency Preambles Adopted.

An engrossed Bill removing an agricultural preservation restriction in the town of Raynham known as the Borden Colony (see House, No. 26, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 8 to 0.**

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

An engrossed Bill authorizing the sale of a certain parcel of land in the city of Waltham to said city (see House, No. 4342), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 8 to 0.**

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

Order Adopted.

The President in the Chair, on motion of Ms. Menard,—

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

Adjournment in Memory of Father Edward Boyle.

The Senator from Suffolk and Middlesex, Mr. Tolman, requested that when the Senate adjourns today, it do so in memory of Father Edward Boyle of Weston, Massachusetts.

Father Boyle was the former Director of the Labor Guild and Institute of Industrial Relations. He once said: "The gap between worker and manager, between rich and poor, threatens the very moral foundation of society." Father Boyle spent much of his life dedicated to bridging this gap, helping working families across the Commonwealth.

Father Boyle will be missed by his family and his many friends in the labor movement.

Accordingly, as a mark of respect to the memory of Father Edward Boyle, at nineteen minutes past nine o'clock P.M., on motion of Mr. McGee, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.