

**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.



*Tuesday, July 22, 2008.*

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

### *Communication.*

A communication from the Department of Public Health relative to a plan of correction submitted pursuant to inspection of the Western Massachusetts Regional Women's Correctional Center (received Thursday, July 17, 2008),— **was placed on file.**

### *Reports.*

The following reports were severally read and placed on file:

A report of the Health Care Security Trust Board of Trustees (pursuant to Section 4(h) of Chapter 29D of the General Laws) submitting its FY 2009 Budget Filing for the Health Care Security Trust Fund (received Tuesday, July 15, 2008); and

A report of the Department of Higher Education submitting its Quarterly Report on the Massachusetts, Science, Technology & Engineering Grant Fund (the STEM Pipeline Fund) (received Monday, July 21, 2008).

### *Petitions.*

Petitions were presented and referred, as follows:

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer for legislation to establish a sick leave bank for Maureen Wright, an employee with the Department of Mental Retardation; and

By Ms. Chandler, a petition (subject to Joint Rule 12) of Harriette L. Chandler and James J. O'Day for legislation to authorize the Division of Capital Asset Management to dispose of a certain parcel of land and buildings in the town of West Boylston;

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

### *Report of a Committee.*

By Mr. Downing, for the committee on Ethics and Rules, on Senate, No. 2632, in part, a "Bill relative to the service of civil process" (Senate, No. 1022).

**Read and, under Senate Rule 27, referred to the committee on Ways and Means.**

### *Committees Discharged.*

Mr. Downing, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Municipalities and Regional Government to make an investigation and study of a certain current Senate document relative to various local affairs (Senate, No. 2813),—

**and recommending that the same be referred to the Senate committee on Ethics and Rules.**

**Under Senate Rule 36, the report was considered forthwith and accepted.**

### PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Joint petition (accompanied by bill, House, No. 4982) of John H. Rogers and Marian Walsh (by vote of the town) that the town of Norwood be authorized to grant an additional license for the sale of alcoholic beverages to Byblos Restaurant;

**To the committee on Consumer Protection and Professional Licensure.**

Petition (accompanied by bill, House, No. 4983) of Jeffrey Sánchez (with the approval of the mayor and city council) relative to the designation of polling places for voting precincts in the city of Boston;

**To the committee on Election Laws.**

Petition (accompanied by bill, House, No. 4984) of Robert P. Spellane (by vote of the town) that the town of Paxton be authorized to incur a certain amount of debt for the construction of a public safety complex for the police and fire departments of said town.

**To the committee on Municipalities and Regional Government.**

A report of the committee on Transportation, recommending that the Communication from the Executive Office of Transportation (under Section 7V of Chapter 90 of the General Laws) submitting proposed regulations by the Registry of Motor Vehicles (House, No. 4850) be placed on file,— **came from the House, accepted by the House.**

**Under Senate Rule 36, the report was considered forthwith and accepted, in concurrence.**

*Recess.*

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

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

*Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:— Resolutions (filed by Mr. Baddour) “recognizing the city of Newburyport as the birthplace of the United States Coast Guard”; and

Resolutions (filed by Messrs. Moore, Morrissey, Antonioni, Augustus, Brewer, Brown and Buoniconti, Ms. Creem, Ms. Chandler, Mr. Downing, Ms. Fargo, Mr. Hart and Ms. Jehlen, Messrs. Joyce, Knapik, Montigny, O’Leary, Pacheco and Panagiotakos, Ms. Resor, Mr. Rosenberg, Ms. Spilka, Messrs. Tarr and Tisei, Ms. Tucker and Ms. Wilkerson) “memorializing the Congress of the United States to increase funding for the Federal Low-Income Home Energy Assistance Program (LIHEAP).”

#### **PAPERS FROM THE HOUSE.**

*Emergency Preamble Adopted.*

An engrossed Bill relative to early education and care (see House, No. 4706, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 7 to 0.**

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

*Engrossed Bill.*

An engrossed Bill establishing a sick leave bank for Mark Stanton, an employee of the Department of Public Health (see Senate, No. 2677) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, **was passed to be enacted and was signed by the President and laid before the Governor for his approbation.**

The House Bill providing for the elections of school committee members in the Southern Berkshire Regional School District (House, No. 4865, amended),— **came from the House with an amendment striking out the emergency preamble.**

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

*Orders of the Day.*

The Orders of the Day were considered, as follows:

The House Bill relative to the interest rate to be charged upon apportioned betterment assessments for the Weweantic Sewer Project in the town of Wareham (House, No. 3985),— **was read a second time and ordered to a third reading.**

The House Bill relative to the agreement among the states to elect the President by national popular vote (House, No. 4952),— **was read a second time.**

**After remarks and pending the question on ordering the bill to a third reading, Mr. Tisei moved that the bill be laid on**

the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

The Senate Bill relative to dementia special care units in long-term care facilities (Senate, No. 425, amended),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Pacheco moved that the bill be amended in section 1, in line 11, by inserting after the word “facilities” the following words:— “shall meet the criteria set forth under this section in order to provide such services”.

**The amendment was adopted.**

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-nine minutes past two o’clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 288**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Morrissey, Michael W.
Chandler, Harriette L.	O’Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone.	Panagiotakos, Steven C.
Downing, Benjamin B.	Petrucelli, Anthony
Fargo, Susan C.	Resor, Pamela
Galluccio, Anthony D.	Rosenberg, Stanley C.
Hart, John A., Jr.	Tolman, Steven A.
Spilka, Karen E.	Tucker, Susan C.
Tarr, Bruce E.	Walsh, Marian
Timilty, James E.	Wilkerson, Dianne — <b>37.</b>
Tisei, Richard R.	
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Marzilli, Jim	Moore, Richard T. — <b>2.</b>

The yeas and nays having been completed at twenty-seven minutes before two o’clock P.M., the bill (Senate, No. 425, amended) was passed to be engrossed.

**Sent to the House for concurrence.**

The Senate Bill further regulating fees for justices of the peace (Senate, No. 801) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Tisei moved that the bill be amended by adding the following

section:—

“SECTION 3. Section 92 of chapter 41 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 13, and in lines 14 and 15, the words ‘two thousand five hundred dollars’ and inserting in place thereof, in each instance, the following figure:— \$25,000.”

**Pending the question on adoption of the amendment, Mr. Creedon arose to a point of order which, being stated, was that the amendment was beyond scope of the bill.**

**The President ruled that the point of order was well taken; and the amendment was laid aside.**

**The bill was then passed to be engrossed.**

**Sent to the House for concurrence.**

The Senate Bill relative to election day registration (Senate, No. 2807),— **was considered, the question being on passing the bill to be engrossed.**

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

Mr. Tisei moved that the bill be amended in section 9, by striking out, in line 123, the word “is” and inserting in place thereof the following words:— “and 6 are”.

**After debate and pending the question on adoption of the amendment and pending the main question on passing the bill to be engrossed, Mr. Tarr moved that the bill be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.**

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

*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 Senate Bill amending the charter for the town of Sandwich (Senate, No. 2680),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act amending the charter for the town of Sandwich”.**

**Sent to the House for concurrence.**

*Report of a Committee.*

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill to improve, promote and protect the oral health of the Commonwealth (Senate, No. 2478),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2819).**

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

**After debate, the bill (Senate, No. 2819) was then ordered to a third reading and read a third time.**

Pending the question on passing the bill to be engrossed, Ms. Wilkerson moved that the bill be amended in section 7, in lines 78 to 80, by striking out the seventh sentence and inserting in place thereof the following sentence:— “Public health dental hygienists shall be directly reimbursed for services administered in a public health setting only by Medicaid or the commonwealth care health insurance program”; and by inserting after section 14 the following section:-

“SECTION 14A. The board of registration of dentistry shall establish guidelines pursuant to section 51 of chapter 112 of the General Laws within 6 months of the effective date of this act.”.

**The amendment was adopted.**

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at sixteen minutes past three o’clock P.M., on motion of Ms. Chandler, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 289**]:

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

Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone.	Panagiotakos, Steven C.
Downing, Benjamin B.	Petrucelli, Anthony
Fargo, Susan C.	Resor, Pamela
Galluccio, Anthony D.	Rosenberg, Stanley C.
Hart, John A., Jr.	Tolman, Steven A.
Spilka, Karen E.	Tucker, Susan C.
Tarr, Bruce E.	Walsh, Marian
Timilty, James E.	Wilkerson, Dianne — <b>37.</b>
Tisei, Richard R.	
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Marzilli, Jim	Moore, Richard T. — <b>2.</b>

**The yeas and nays having been completed at twenty minutes past three o'clock P.M., the bill (Senate, No. 2819, printed as amended) was passed to be engrossed.  
Sent to the House for concurrence.**

#### **PAPERS FROM THE HOUSE.**

##### *Engrossed Bills.*

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

Authorizing the city known as the town of Amesbury to grant 2 additional licenses for the sale of all alcoholic beverage licenses to be drunk on the premises (see House, No. 4426, amended); and

Relative to early education and care (see House, No. 4706, amended).

##### *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 Senate Bill authorizing the town of Kingston to install, finance and operate wind energy facilities (Senate, No. 2691),— **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.**

##### *Reports of Committees.*

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Gloria Phillips, an employee of the Department of Public Health (Senate, No. 2787, changed),— ought to pass.

**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.**

**Sent to the House for concurrence.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Judith Sargent, an employee of the Department of Public Health (House, No. 4742),— ought to pass, with an amendment by inserting at the end thereof the following sentence:— "Sick leave bank days may not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department."

**There being no objection, the rules were suspended, on motion of Mr. McGee, 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 establishing a sick leave bank for David Catanzaro, an employee of the Trial Court (House, No. 4771),— ought to pass, with an amendment by inserting at the end thereof the following sentence:— “Sick leave bank days may not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court”.

**There being no objection, the rules were suspended, on motion of Ms. Jehlen, 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.**

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 ensuring consumer protection in life insurance contracts (Senate, No. 2640) (the committee on Ethics and Rules recommending that the bill be amended substituting a new draft with the same title (Senate, No. 2818).

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

Mr. Tolman in the Chair, after debate, the amendment recommended by the committee on Ethics and Rules was considered, and it was adopted.

The bill (Senate, No. 2818) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-nine minutes before four o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 290**]:

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Morrissey, Michael W.
Chandler, Harriette L.	O’Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone.	Panagiotakos, Steven C.
Downing, Benjamin B.	Petrucelli, Anthony
Fargo, Susan C.	Resor, Pamela
Galluccio, Anthony D.	Rosenberg, Stanley C.
Hart, John A., Jr.	Tolman, Steven A.
Spilka, Karen E.	Tucker, Susan C.
Tarr, Bruce E.	Walsh, Marian
Timilty, James E.	Wilkerson, Dianne — <b>37.</b>
Tisei, Richard R.	

<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Marzilli, Jim	Moore, Richard T. — 2.

**The yeas and nays having been completed at twenty-five minutes before four o'clock P.M., the bill (Senate, No. 2818) was passed to be engrossed.  
Sent to the House for 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 House Bill relative to site assignments (House, No. 4363) (the committee on Ethics and Rules recommending that the bill be amended striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2817).

**There being no objection, the rules were suspended, on motion of Mr. McGee, and the bill was read a second time and was amended, as recommended by the committee on Ethics and Rules.**

**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.**

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 increasing coverage of nonprescription enteral formulas (House, No. 925).

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

The following report was laid before the Senate, the time within which the said committee was required to report having expired:

Of the committee on Economic Development and Emerging Technologies, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 2744) of Benjamin B. Downing for legislation to create green collar jobs training.

**On motion of Ms. Menard, the petition was recommitted to the Joint Committee on Economic Development and Emerging Technologies.**

The following report was laid before the Senate, the time within which the said committee was required to report having expired:—

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 2667) of Bruce E. Tarr and Bradford Hill (by vote of the town of Wenham) for legislation to amend Chapter 381 of the Acts of 2006, an act authorizing the town of Wenham to grant certain licenses for the sale of alcoholic beverages to be drunk on the premises.

**On motion of Mr. Tarr, the petition was recommitted to the Joint 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 Edward M. Augustus, Jr., George N. Peterson, Jr. and Michael Goodwin for legislation to designate a portion of route 140 as the Donald R. “Doug” Keniston roadway.

**Senate Rule 36 was suspended, on motion of Mr. O’Leary, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation.**

**Sent to the House for concurrence.**

#### **PAPERS FROM THE HOUSE.**

A petition (accompanied by bill, House, No. 4998) of Anthony J. Verga and others that the Registrar of Motor Vehicles be authorized to issue special plates to the surviving spouses of veterans,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Transportation.**

#### *Engrossed Bill.*

An engrossed Bill establishing a board of water and sewer commissioners in the town of Plainville (see House, No. 4685) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. Tolman) (having been appointed by the President, under the authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation.

The President in the Chair, a Bill providing for a certain exemption from the sales tax (House, No. 4995, amended,— on House, No. 4985).

**There being no objection, the rules were suspended, on motion of Mr. Panagiotakos, and the bill was read a second time.** Pending the question on ordering the bill to a third reading, Messrs. Tisei, Tarr, Knapik and Brown moved that the bill be amended by inserting at the end thereof the following:—

“SECTION 7. Chapter 64H of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 6 the following new section:—

Section 6A. The commissioner of revenue is hereby authorized and directed to annually designate, by July 15 of each calendar year, a two-day weekend in August during which no excise shall be imposed upon non-business sales at retail in the commonwealth of tangible personal property, as defined in section 1 of this chapter, but for the purposes of this section, tangible personal property shall not include telecommunications, gas, steam, electricity, motor vehicles, boats, meals, or any single item whose price is in excess of \$2,500.

For the days designated by the commissioner pursuant to the provisions of this section, a vendor in the commonwealth shall not add to the sales price or collect from any non-business purchaser an excise upon sales at retail of tangible personal property, as defined in section 1 of this chapter. The commissioner of revenue shall not require any vendor to collect and pay excise upon sales at retail of tangible personal property purchased on said designated days. Any excise erroneously or improperly collected during the designated days shall be remitted to the department of revenue. This section shall not apply to the sale of telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals, or any single item whose price is in excess of \$2,500.

When choosing the designated days, the commissioner shall take into consideration the observance of any religious and secular days of observation occurring therein; provided further, that the commissioner shall designate such days so as to maximize the economic benefit to the commonwealth.

Reporting requirements imposed upon vendors of tangible personal property, by law or by regulation, including, but not limited to, the requirements for filing returns required by chapter 62C of the General Laws, shall remain in effect for sales for the days designated by the commissioner.

On or before December 31 of each year, the commissioner of revenue shall certify to the comptroller the amount of sales tax forgone, as well as new revenue raised from personal and corporate income taxes and other sources, because of this act. The commissioner shall issue a report, detailing by fund the amounts under general and special laws governing the distribution of revenues under this chapter which would have been deposited in each fund, without this act. The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary for the implementation of this act.

SECTION 8. Section 7 shall take effect on January 1, 2009.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at five minutes before five o'clock P.M., on motion of Mr. Tisei as follows, to wit (*yeas 5 — nays 32*) [**Yeas and Nays No. 291**]:

YEAS.	
Brown, Scott P.	Tisei, Richard R.
Knapik, Michael R.	Tucker, Susan C. — <b>5.</b>
Tarr, Bruce E.	
NAYS.	
Antonioni, Robert A.	Joyce, Brian A.
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Morrissey, Michael W.
Buoniconti, Stephen J.	O’Leary, Robert A.

Candaras, Gale D.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Petrucelli, Anthony
Creem, Cynthia Stone	Resor, Pamela
Downing, Benjamin B.	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Galluccio, Anthony D.	Timilty, James E.
Hart, John A., Jr.	Tolman, Steven A.
Hedlund, Robert L.	Walsh, Marian
Jehlen, Patricia D.	Wilkerson, Dianne — <b>32.</b>
<b>ABSENT OR NOT VOTING.</b>	
Marzilli, Jim	Moore, Richard T. — <b>2.</b>

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

Messrs. Knapik, Tisei, Tarr and Brown moved that the bill be amended by inserting at the end thereof the following:—

“SECTION 7. Notwithstanding any general or special law, rule regulation to the contrary, for taxable years 2007 and 2008, there shall be deducted from adjusted gross income in determining income: up \$800 cost of home heating oil, natural gas, propane, electricity, and wood deduction available single persons if taxpayer's is equal less than \$50,000, joint filers who qualify as a head household \$75,000.

(a) The deductions may be used only for the cost of home heating oil, natural gas and propane purchased between November 1, 2007 and March 31, 2008.

(b) Any taxpayer entitled to a deduction under this section may apply the deduction in taxable year 2007 for purchases made in 2007. If the taxpayer does not take the full \$800 deduction in taxable year 2007, the taxpayer may take the remainder in taxable year 2008 for purchases made in 2008 through March 31, 2008.

(c) The commissioner of revenue shall promulgate rules and regulations necessary to implement this section. The commissioner shall also include in such rules and regulations eligibility provisions for a taxpayer who owns a condominium or a cooperative dwelling and for whom such purchases are accounted for in a common area fee or special assessment against such costs as may be reasonably attributed to the percentage ownership share of the condominium or cooperative dwelling costs; and provided further, that the commissioner shall also include in such rules and regulations eligibility provisions for a taxpayer who rents a residential dwelling and for whom such purchases are accounted for in the rent and provisions that account for multiple renters in a residential dwelling. The department shall file a copy of any rules and regulations with the Clerks of the Senate and House of Representatives and with the joint committee on revenue.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-five minutes past five o'clock P.M., on motion of Mr. Knapik as follows, to wit (*yeas 9 — nays 28*) [**Yeas and Nays No. 292**]:

<b>YEAS.</b>	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Knapik, Michael R.	Tisei, Richard R.
Pacheco, Marc R.	Wilkerson, Dianne — <b>9.</b>
Rosenberg, Stanley C.	
<b>NAYS.</b>	
Antonioni, Robert A.	Jehlen, Patricia D.

Augustus, Edward M., Jr.	Joyce, Brian A.
Baddour, Steven A.	McGee, Thomas M.
Berry, Frederick E.	Menard, Joan M.
Brewer, Stephen M.	Montigny, Mark C.
Buoniconti, Stephen J.	Morrissey, Michael W.
Candaras, Gale D.	O’Leary, Robert A.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Petrucelli, Anthony
Creem, Cynthia Stone	Resor, Pamela
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Tolman, Steven A.
Galluccio, Anthony D.	Tucker, Susan C.
Hart, John A., Jr.	Walsh, Marian — <b>28.</b>
<b>ABSENT OR NOT VOTING.</b>	
Marzilli, Jim	Moore, Richard T. — <b>2.</b>

The yeas and nays having been completed at twenty-nine minutes past five o’clock P.M., the amendment was rejected. The bill was then 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 at twenty minutes before six o’clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (*yeas 31 — nays 6*) [**Yeas and Nays No. 293**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Galluccio, Anthony D.
Baddour, Steven A.	Hart, John A., Jr.
Berry, Frederick E.	Joyce, Brian A.
Brewer, Stephen M.	Knapik, Michael R.
Brown, Scott P.	McGee, Thomas M.
Buoniconti, Stephen J.	Menard, Joan M.
Candaras, Gale D.	Montigny, Mark C.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Downing, Benjamin B.	Petrucelli, Anthony
Fargo, Susan C.	Rosenberg, Stanley C.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.

Timilty, James E.	Wilkerson, Dianne — <b>31.</b>
Tisei, Richard R.	
<b>NAYS.</b>	
Augustus, Edward M., Jr.	Pacheco, Marc R.
Hedlund, Robert L.	Resor, Pamela
Jehlen, Patricia D.	Walsh, Marian — <b>6.</b>
<b>ABSENT OR NOT VOTING.</b>	
Marzilli, Jim	Moore, Richard T. — <b>2.</b>

The yeas and nays having been completed at seventeen minutes before six o'clock P.M., the bill was passed to be engrossed, in concurrence (as corrected BTR).

*Orders of the Day.*

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

The Senate Bill providing for the registration of naturopathic doctors (Senate, No. 1321),— **was read a third time.** Pending the question on passing the bill to be engrossed, Mr. Pacheco moved that the bill be amended substituting a new draft entitled "An Act establishing a board of registration in naturopath" (Senate, No. 2820).

**This amendment was adopted.**

**The bill (Senate, No. 2820) was then passed to be engrossed.**

**Sent to the House for concurrence.**

*Order Adopted.*

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.

On motion of Mr. Panagiotakos, at a quarter before six o'clock P.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.