

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

# UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



## JOURNAL OF THE SENATE.

JOURNAL OF THE SENATE.

Thursday, July 24, 2008.

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

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Hart for the purpose of an introduction. Mr. Hart then introduced the Holy Trinity Abbey Choir from Limerick Island, Ireland. The choir director, Tracey Fitzgerald, addressed the Senate and led the choir in a musical performance. The choir dedicated their performance to Senator Hart for all of the work he has done. After their musical performance, the Holy Trinity Abbey Choir withdrew from the Chamber.

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

The President introduced Senator Berry's sister, Cynthia Luma, seated in the Senate gallery. Cynthia was accompanied by her

two grandchildren Tyler and Danny Callahan, from Maryland and Pennsylvania.

The President handed the gavel to Mr. Galluccio for the purpose of an introduction. Mr. Galluccio then introduced Paul and Carol Savage from Somerville, Massachusetts. Paul and Carol's son, Paul, Jr., was wounded in action in Afghanistan while serving in the United States Marine Corps in June of 2008. Paul Jr., has also recently been promoted from Corporal to Sergeant and is still in the process of recovering from his wounds. The Senate welcomed Paul and Carol and applauded the heroic efforts of their son.

Reports of a Committee.

By Mr. Petrucci, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the Mashpee Water District to hold elections for Board of Water Commissioners concurrent with the elections for the town of Mashpee (Senate, No. 2738); and

By the same Senator, for the same committee, on petition, a Bill authorizing the transfer of land in Hamilton and Manchester-by-the-Sea (Senate, No. 2811);  
Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

By Mr. Petrucci, for the committee on Municipalities and Regional Government, on petition, a Bill relative to the North Raynham water district (Senate, No. 2736) [Local approval received];  
Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.  
PAPERS FROM THE HOUSE.

#### Bills

Relative to eminent domain takings (House, No. 1770, amended,— on petition);  
Designating a certain bridge in the town of Falmouth as the Raleigh D. Costa Memorial Bridge (House, No. 4435,— on petition); and  
Relative to the rental of pets (House, No. 5006,— on House, No. 4753);  
Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

#### Bills

Relative to the historic districts commission of the town of Concord (House, No. 4542, changed,— on petition) [Local approval received]; and  
Relative to the post retirement liability fund in the town of Needham (House, No. 4826,— on petition) [Local approval received];  
Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

#### 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 twelve minutes before 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.

#### PAPERS FROM THE HOUSE.

The House Bill establishing and funding the Massachusetts Broadband Institute (House, No. 4864, amended),— came from the House with the endorsement that the House had concurred in the Senate amendment with further amendments in section 6, by striking out paragraphs (l) and (m) and inserting in place thereof the following two paragraphs:

“(l) Actions of the board may take effect immediately and notice thereof shall be published and posted. Meetings of the board shall be subject to section 11A½ of chapter 30A. Records pertaining to the activities of the institute shall be subject to section 10 of chapter 66, unless exempted under subsection (h) of section 12. The operation of the institute shall be subject to chapters 268A and 268B; provided, however, that the members of the board shall be considered directors for the purposes of the fourth, fifth and seventh paragraphs of section 3.

(m) Sections 38A½ to 38O, inclusive of chapter 7, section 39M of chapter 30, subject to provisions of subsection (c) of section 4A and sections 44A to 44J, inclusive of chapter 149 shall apply to the operations of the institute.”;

and by striking out section 7 and inserting in place thereof the following section:

“SECTION 7. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary to carry out section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, \$40,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Massachusetts Broadband Incentive Fund Loan Act of 2008, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30,

2043. No authorization shall be expended unless expressly authorized by the secretary of administration and finance. All interest and payments on account of principal of such obligations shall be payable from the General Fund. Bonds issued under the authority of this section shall be general obligations of the commonwealth.”

Senate Rule 36 was suspended, on motion of Mr. Morrissey, and the Senate concurred in the further House amendment (as corrected BTR).

The Senate Bill relative to vehicle license cost recovery fees (Senate, No. 2416),— 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 4792, printed as amended. The rules were suspended, on motion of Mr. O’Leary, and the House amendment was considered forthwith and adopted, in concurrence. (as corrected BTR).

#### Orders of the Day.

The Orders of the Day were considered, as follows:

#### Bills

Relative to the appointment of the board of assessors, town collector and town treasurer in the town of Orange (Senate, No. 2788);

Relative to the sale of alcoholic beverages in the city of Somerville (Senate, No. 2815);

Relative to affordable housing in the town of Chelmsford (House, No. 4758); and

Authorizing the town of Sudbury to use certain insurance or recovery proceeds (House, No. 4835);

Were severally read a second time and ordered to a third reading.

The Senate Bill relative to responsibility for damages resulting from the transportation of explosive and inflammable materials (Senate, No. 2821),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Galluccio moved that the bill be amended by substituting a new draft with the same title (Senate, No. 2837).

This amendment was adopted.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at 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. 294]:

#### YEAS.

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

Knapik, Michael R.

NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim Moore, Richard T. — 2.

The yeas and nays having been completed at thirteen minutes past two o'clock P.M., the bill (Senate, No. 2837) was passed to be engrossed.  
Sent to the House for concurrence.

Recess.

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

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

PAPERS FROM THE HOUSE.

The Senate Bill further protecting Buzzards Bay (Senate, No. 2374, 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 4988, as amended.

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

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Judith Sargent, an employee of the Department of Public Health (see House, No. 4742, 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.

Orders of the Day.

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

The House Bill relative to the licensing of sheet metal workers and sheet metal contractors (House, No. 4804),— was read a third time.

After remarks, and pending the question on passing the bill to be engrossed, Mr. Morrissey moved that the bill be amended in section 4, by inserting after the word "work", the second time it appears the following words:— "for such period of time as may be determined by the board".

The amendment was adopted.

Mr. Morrissey moved that the bill be amended in section 5, in subsection (a), by inserting after the word "regulations", the second time it appears, the following words:— "for such period of time as may be determined by the board".

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the above amendments, and with the amendment previously adopted by the Senate.

Sent to the House for concurrence in the amendments.

The Senate Bill relative to election day registration (Senate, No. 2807),— was considered, the main 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.

The amendment previously moved by Mr. Tisei 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”,— was considered.

After debate, 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 House Bill relative to the agreement among the states to elect the President by national popular vote (House, No. 4952),— was considered; the question being on ordering the bill to a third reading.

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

After debate, 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 designating certain land in the towns of Acton and Concord for conservation, agriculture, open space and recreational purposes (Senate, No. 38, amended),— was read a third time.

Pending the question on passing the bill to be engrossed,

Ms. Fargo moved that the bill be amended in section 1, by striking out subsection (f) and inserting in place thereof the following 2 subsections:—

(f) Notwithstanding any other provision of this section to the contrary, the use, maintenance and rebuilding of any existing building, structure, improvement, appurtenance or road located on, above or below ground, or over the parcels, shall be perpetually subject to current uses, and shall be subject to any future uses no inconsistent with this act, including, without limitation, the use, maintenance, and related parking access to a 5-bedroom house located on a portion of the parcel identified and described in clause (2) of subsection (a) of section 2.

(g) The designation of any parcel under subsection (a) shall be subject to any easement, restriction, condition, lease, license, agreement or grant of any right or interest in the parcel in existence as of the effective date of this act, including, without limitation, (i) agreements relating to approximately 15 acres of land on a portion of the parcel identified and described in clause 3 of subsection (a) of section 2 to be used for active recreation, including agreements regarding the use, maintenance, and related parking and access for said active recreation land; (ii) an easement for the water supply system for the town of Concord located on the parcel identified and described in said clause (3) of subsection (b) of said section 2; and (iii) a road located on the parcel identified and described in said clause (3) of subsection (b) of said section 2, used to access the adjoining land owned by the town of Concord identified on assessor’s map 1997.

The amendment was adopted.

The bill, as amended, was then passed to be engrossed.

Sent to the House for concurrence.

Matters Taken Out of the Notice Section of the Calendar.

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

The House Bill relative to certain roads on Nantucket Island (House, No. 4056),— was read a third time and passed to be engrossed, in concurrence.

The House Bill relative to the terms of certain bonds of the city of Revere to be issued to finance the construction of the city of Revere new police headquarters and east fire station (House, No. 4555),— was read a third time and passed to be engrossed, in concurrence.

The Senate Bill relative to the estate of homestead (Senate, No. 2653) was read a third time.

Pending the question on passing the bill to be engrossed,

Mr. Brown moved that the bill be amended by inserting the following section:—

“SECTION 4. Section 1 of Chapter 188 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting the following at the end thereof:—

For the purposes of this chapter all fees for the declaration of homesteads shall be waived for disabled veterans.

This amendment was rejected.

The bill was then passed to be engrossed.

Sent to the House for concurrence.

Reports of a Committee.

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

The Senate Bill authorizing the county commissioners of the county of Dukes County to borrow money to replace the roof of a certain courthouse (Senate, No. 2535).

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.

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 nursing home transfers and discharges (House, No. 4721).

There being no objection, the rules were suspended, on motion of Mr. Hart, and the bill was read a second time, ordered to a third reading, 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 House Bill relative to mental health parity (House, No. 4423) (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 2840).

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

After remarks, the bill, as amended, was ordered to a third reading and read a third time.

After further remarks, the bill was passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill to protect public water supply lands (Senate,

No. 488),— ought to pass, with an amendment in section 2, line 25, by striking out the words “Treasury of the Commonwealth” and inserting in place thereof the following words:— “Water Supply Protection Trust.”

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

The bill (Senate, No. 488, amended) 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-three minutes before four o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 37 — nays 0) [Yeas and Nays No. 295]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.

Augustus, Edward M., Jr. Menard, Joan M.  
 Baddour, Steven A. Montigny, Mark C.  
 Berry, Frederick E. Morrissey, Michael W.  
 Brewer, Stephen M. O'Leary, Robert A.  
 Brown, Scott P. Pacheco, Marc R.  
 Buoniconti, Stephen J. Panagiotakos, Steven C.  
 Candaras, Gale D. Petruccelli, Anthony  
 Chandler, Harriette L. Resor, Pamela  
 Creedon, Robert S., Jr. Rosenberg, Stanley C.  
 Creem, Cynthia Stone Spilka, Karen E.  
 Downing, Benjamin B. Tarr, Bruce E.  
 Fargo, Susan C. Timilty, James E.  
 Galluccio, Anthony D. Tisei, Richard R.  
 Hart, John A., Jr. Tolman, Steven A.  
 Hedlund, Robert L. Tucker, Susan C.  
 Jehlen, Patricia D. Walsh, Marian  
 Joyce, Brian A. Wilkerson, Dianne — 37.  
 Knapik, Michael R.  
 NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim Moore, Richard T. — 2.

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

Sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill further establishing oversight of sober homes (Senate, No. 2276),— ought to pass, with an amendment substituting a resolve entitled "A Resolve providing for a study of "sober homes" by the bureau of substance abuse services" (Senate, No. 2839).

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

The resolve (Senate, No. 2839) was then ordered to a third reading and read a third time.

After remarks, the question on passing the resolve to be engrossed was determined by a call of the yeas and nays, at a quarter before four o'clock P.M., on motion of Mr. Tolman, as follows, to wit (yeas 37 — nays 0) [Yeas and Nays No. 296]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.  
 Augustus, Edward M., Jr. Menard, Joan M.  
 Baddour, Steven A. Montigny, Mark C.  
 Berry, Frederick E. Morrissey, Michael W.  
 Brewer, Stephen M. O'Leary, Robert A.  
 Brown, Scott P. Pacheco, Marc R.  
 Buoniconti, Stephen J. Panagiotakos, Steven C.  
 Candaras, Gale D. Petruccelli, Anthony  
 Chandler, Harriette L. Resor, Pamela  
 Creedon, Robert S., Jr. Rosenberg, Stanley C.  
 Creem, Cynthia Stone Spilka, Karen E.  
 Downing, Benjamin B. Tarr, Bruce E.

Fargo, Susan C. Timilty, James E.  
Galluccio, Anthony D. Tisei, Richard R.  
Hart, John A., Jr. Tolman, Steven A.  
Hedlund, Robert L. Tucker, Susan C.  
Jehlen, Patricia D. Walsh, Marian  
Joyce, Brian A. Wilkerson, Dianne — 37.  
Knapik, Michael R.

NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim Moore, Richard T. — 2.

The yeas and nays having been completed at twelve minutes before four o'clock P.M., the resolve (Senate, No. 2839) was passed to be engrossed.

Sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill designating certain land in the town of Monson for agricultural, conservation and public recreation purposes (Senate, No. 2695),— ought to pass, with an amendment in section 1, by inserting after the word “retardation”, in line 10, the following words:— “for purposes consistent with the mission of the department”.

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

The bill (Senate, No. 2695, 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 House Bill providing employees at state and community colleges holding special state police officer powers with line of duty death benefits (House, No. 4933),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Rosenberg, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act providing employees at state colleges, universities and community colleges holding special state police officer powers with the line of duty death benefits”.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill conveying certain property in the city of Worcester to Community Healthlink (Senate, No. 37),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2838).

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

The bill (Senate, No. 2838) was then ordered to a third reading.

PAPERS FROM THE HOUSE.

Engrossed Bills — Land Takings for Conservation, Etc.

An engrossed Bill authorizing the city of Quincy to convey certain land (see Senate, No. 2724) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at seven minutes before four o'clock P.M., as follows, to wit (yeas 36 — nays 0) [Yeas and Nays No. 297]:

YEAS.



Antonioni, Robert A. Knapik, Michael R.  
 Augustus, Edward M., Jr. McGee, Thomas M.  
 Baddour, Steven A. Menard, Joan M.  
 Berry, Frederick E. Montigny, Mark C.  
 Brewer, Stephen M. Morrissey, Michael W.  
 Brown, Scott P. O'Leary, Robert A.  
 Buoniconti, Stephen J. Pacheco, Marc R.  
 Candaras, Gale D. Petruccelli, Anthony  
 Chandler, Harriette L. Resor, Pamela  
 Creedon, Robert S., Jr. Rosenberg, Stanley C.  
 Creem, Cynthia Stone Spilka, Karen E.  
 Downing, Benjamin B. Tarr, Bruce E.  
 Fargo, Susan C. Timilty, James E.  
 Galluccio, Anthony D. Tisei, Richard R.  
 Hart, John A., Jr. Tolman, Steven A.  
 Hedlund, Robert L. Tucker, Susan C.  
 Jehlen, Patricia D. Walsh, Marian  
 Joyce, Brian A. Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim Panagiotakos, Steven C. — 3.  
 Moore, Richard T.

The yeas and nays having been completed at three 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.

An engrossed Bill authorizing the town of Provincetown to grant a certain easement (see House, No. 4015, 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 two minutes before four o'clock P.M., as follows, to wit (yeas 36 — nays 0) [Yeas and Nays No. 298]:

YEAS.

Antonioni, Robert A. Creem, Cynthia Stone  
 Augustus, Edward M., Jr. Downing, Benjamin B.  
 Baddour, Steven A. Fargo, Susan C.  
 Berry, Frederick E. Galluccio, Anthony D.  
 Brewer, Stephen M. Hart, John A., Jr.  
 Brown, Scott P. Hedlund, Robert L.  
 Buoniconti, Stephen J. Jehlen, Patricia D.  
 Candaras, Gale D. Joyce, Brian A.  
 Chandler, Harriette L. Knapik, Michael R.  
 Creedon, Robert S., Jr. McGee, Thomas M.  
 Menard, Joan M. Spilka, Karen E.  
 Montigny, Mark C. Tarr, Bruce E.  
 Morrissey, Michael W. Timilty, James E.  
 O'Leary, Robert A. Tisei, Richard R.

Pacheco, Marc R. Tolman, Steven A.  
Petruccelli, Anthony Tucker, Susan C.  
Resor, Pamela Walsh, Marian  
Rosenberg, Stanley C. Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim Panagiotakos, Steven C. — 3.  
Moore, Richard T.

The yeas and nays having been completed at one minute past 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.

An engrossed Bill authorizing the town of Walpole to release a certain conservation restriction (see House, No. 4902, 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 two minutes past four o'clock P.M., as follows, to wit (yeas 36 — nays 0) [Yeas and Nays No. 299]:

YEAS.

Antonioni, Robert A. Knapik, Michael R.  
Augustus, Edward M., Jr. McGee, Thomas M.  
Baddour, Steven A. Menard, Joan M.  
Berry, Frederick E. Montigny, Mark C.  
Brewer, Stephen M. Morrissey, Michael W.  
Brown, Scott P. O'Leary, Robert A.  
Buoniconti, Stephen J. Pacheco, Marc R.  
Candaras, Gale D. Petruccelli, Anthony  
Chandler, Harriette L. Resor, Pamela  
Creedon, Robert S., Jr. Rosenberg, Stanley C.  
Creem, Cynthia Stone Spilka, Karen E.  
Downing, Benjamin B. Tarr, Bruce E.  
Fargo, Susan C. Timilty, James E.  
Galluccio, Anthony D. Tisei, Richard R.  
Hart, John A., Jr. Tolman, Steven A.  
Hedlund, Robert L. Tucker, Susan C.  
Jehlen, Patricia D. Walsh, Marian  
Joyce, Brian A. Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim Panagiotakos, Steven C. — 3.  
Moore, Richard T.

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

### Order.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith and adopted in concurrence, as follows:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government shall be granted until Friday, August 15, 2008, within which to report on House, Nos. 4762, 4867, 4877 and 4939.

### Report of a Committee.

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 the Judiciary, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate,

No. 2702) of Robert A. Antonioni and Stephen L. DiNatale for legislation relative to public parking in the city of Fitchburg.

On motion of Mr. Antonioni, the petition was recommitted to the Joint Committee on the Judiciary.

### PAPER FROM THE HOUSE.

#### Engrossed Bill.

An engrossed Bill relative to equitable coverage for annuity policies (see Senate, No. 2729) (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.

### Reports of Committees.

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 issuing a license to carry firearms to law enforcement officers (House, No. 2285). There being no objection, the rules were suspended, on motion of Mr. Downing, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act relative to issuing licenses to carry firearms to law enforcement officers”.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill financing an accelerated structurally-deficient bridge improvement program (House, No. 4972),— ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2841.

There being no objection, the rules were suspended, on motion of Mr. Montigny, 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, and after debate, was read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at five o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 37 — nays 0) [Yeas and Nays No. 300]:

### YEAS.

Antonioni, Robert A. McGee, Thomas M.  
Augustus, Edward M., Jr. Menard, Joan M.  
Baddour, Steven A. Montigny, Mark C.  
Berry, Frederick E. Morrissey, Michael W.  
Brewer, Stephen M. O’Leary, Robert A.  
Brown, Scott P. Pacheco, Marc R.  
Buoniconti, Stephen J. Panagiotakos, Steven C.  
Candaras, Gale D. Petruccelli, Anthony  
Chandler, Harriette L. Resor, Pamela  
Creedon, Robert S., Jr. Rosenberg, Stanley C.

Creem, Cynthia Stone Spilka, Karen E.  
Downing, Benjamin B. Tarr, Bruce E.  
Fargo, Susan C. Timilty, James E.  
Galluccio, Anthony D. Tisei, Richard R.  
Hart, John A., Jr. Tolman, Steven A.  
Hedlund, Robert L. Tucker, Susan C.  
Jehlen, Patricia D. Walsh, Marian  
Joyce, Brian A. Wilkerson, Dianne — 37.  
Knapik, Michael R.

NAYS — 0.

ABSENT OR NOT VOTING.

Marzilli, Jim Moore, Richard T. — 2.

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

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing and funding the Massachusetts Broadband Institute (see House, No. 4864, 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 President and sent to the House for enactment.

Order Adopted.

On motion of Ms. Menard,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at ten o'clock A.M., in a full formal session without a calendar.

On motion of Mr. Petrucci, at seven minutes past five o'clock P.M., the Senate adjourned to meet on the following Monday at ten o'clock A.M.