

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.

Wednesday, July 14, 2004.

Met at eight minutes before one o'clock P.M. (Ms. Menard in the Chair).

At seven minutes before one o'clock P.M., the Chair (Ms. Menard) declared a recess for the purposes of attending the Joint Session of the Two Houses.

Distinguished Guests.

There being no objection, the Chair (Ms. Walsh) handed the gavel to Mr. Barrios for the purpose of an introduction. Mr. Barrios introduced, seated in the Senate gallery, a group from the Suffolk University Politics and Public Service Institute. The high school students attending the institute, Jillian Rizzo, James Quinn, Coile Jones, Christina Hung and Timothy Gallant were accompanied by Dave Rodrigues, a class president at Suffolk University as well as an intern in Senator Barrios' office.

Petition.

Ms. Menard in the Chair, Mr. Tarr presented a petition (accompanied by bill, Senate, No. 2446) of Bruce E. Tarr and Harriett L. Stanley (by vote of the town) for legislation to authorize the town of Rowley to change the use, the care, custody and control of a portion of town conservation land [Local approval received],— **and the**

**same was referred, under Senate Rule 20, to the committee on Local Affairs and Regional Government.
Sent to the House for concurrence.**

Committees Discharged.

Mr. Havern, for the committee on Federal Financial Assistance, reported, asking to be discharged from further consideration of the House Bill relative to oil spill prevention and response in Buzzards Bay and other harbors and bays in the Commonwealth (House, No. 4831, amended),— and recommending that the same be referred to the Senate committee on Ways and Means.

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

Mr. Brewer, for the committee on Ethics and Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Government Regulations to make an investigation and study of certain Senate documents (Senate, No. 2289), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1942) of Michael R. Knapik and Michael F. Kane for legislation to restrict the authority of the Holyoke Power and Electric Company and the Holyoke Power Company,— and recommending that the same be recommitted to the committee on Government Regulations.

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

Joint Session of the Two Houses to Consider Specific Amendments to the Constitution.

At eight minutes past one o'clock P.M., the two Houses met in

JOINT SESSION

and were called to order by the Honorable Robert E. Travaglini, President of the Senate.

The Initiative Amendment to the Constitution relative to the provision of health insurance (House, No. 4444),— was considered, the question being on agreeing to the proposal.

The Proposal was as follows:—

ARTICLE OF AMENDMENT.

The people of the Commonwealth of Massachusetts hereby declare it necessary and expedient to alter the Constitution by the adoption of the following Article of Amendment:

Upon ratification of this amendment and thereafter, it shall be the obligation and duty of the Legislature and executive officials, on behalf of the Commonwealth, to enact and implement such laws as will ensure that no Massachusetts resident lacks comprehensive, affordable and equitably financed health insurance coverage for all medically necessary preventive, acute and chronic health care and mental health care services, prescription drugs and devices.

Pending the question on agreeing to the proposal, Mr. Moore moved that the proposal be amended by inserting after the word “laws”, in line 6, the following words:— “, subject to approval by the voters at a statewide election,”.

After remarks, the amendment was adopted by a three-fourths vote.

After further remarks, Mr. Tolman moved the previous question be taken forthwith on agreeing to the proposal.

On the question on agreeing to the proposal, the sense of the Joint Session was taken by a call of the yeas and nays, as required by the Constitution, at twenty-two minutes past one o'clock P.M., as follows to wit (yeas 153 — nays 41) [**Senate Yeas and Nays No. 616**] [**House Yeas and Nays No. 721**]:

YEAS — (153).	
<i>Senators.</i>	
Baddour, Steven A.	Brewer, Stephen M.
Barrios, Jarrett T.	Chandler, Harriette L.
Berry, Frederick E.	Creem, Cynthia Stone
Fargo, Susan C.	Nuciforo, Andrea F., Jr.
Glodis, Guy W.	O’Leary, Robert A.
Hart, John A., Jr.	Pacheco, Marc R.
Havern, Robert A.	Resor, Pamela
Hedlund, Robert L.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Magnani, David P.	Tarr, Bruce E.
McGee, Thomas M.	Tisei, Richard R.
Melconian, Linda J.	Tolman, Steven A.
Menard, Joan M.	Travaglini, Robert E.

Montigny, Mark C.	Tucker, Susan C.
Moore, Richard T.	Walsh, Marian
Morrissey, Michael W.	Wilkerson, Dianne — 33.
Murray, Therese	
<i>Representatives.</i>	
Asselin, Christopher P.	Lantigua, William
Atkins, Cory	Leary, James B.
Ayers, Bruce J.	LeDuc, Stephen P.
Balser, Ruth B.	Linsky, David Paul
Blumer, Deborah D.	L'Italien, Barbara A.
Bradley, Garrett J.	Loscocco, Paul J.
Buoniconiti, Stephen J.	Malia, Elizabeth A.
Cabral, Antonio F. D.	Mariano, Ronald
Callahan, Jennifer M.	Marzilli, J. James, Jr.
Canavan, Christine E.	Miceli, James R.
Candaras, Gale D.	Murphy, Charles A.
Carron, Mark J.	Murphy, James M.
Casey, Paul C.	Murphy, Kevin J.
Ciampa, Vincent P.	Nangle, David M.
Correia, Robert	Naughton, Harold P., Jr.
Costello, Michael A.	Nyman, Robert J.
Coughlin, Robert K.	O'Brien, Thomas J.
Creedon, Geraldine	O'Flaherty, Eugene L.
DeLeo, Robert A.	Owens-Hicks, Shirley
deMacedo, Viriato Manuel	Patrick, Matthew C.
Demakis, Paul C.	Paulsen, Anne M.
DiMasi, Salvatore F.	Peisch, Alice Hanlon
Donato, Paul J.	Petersen, Douglas W.
Donelan, Christopher J.	Petrolati, Thomas M.
Donovan, Carol A.	Petrucelli, Anthony
Driscoll, Joseph R.	Pignatelli, William Smitty

Eldridge, James B.	Poirier, Elizabeth
Fallon, Christopher G.	Pope, Susan W.
Falzone, Mark V.	Reinstein, Kathi-Anne
Fennell, Robert F.	Rivera, Cheryl A.
Festa, Michael E.	Rodrigues, Michael J.
Finegold, Barry R.	Rush, Michael F.
Flynn, David L.	Rushing, Byron
Fox, Gloria L.	Sánchez, Jeffrey
Fresolo, John P.	Scaccia, Angelo M.
Frost, Paul K.	Scibak, John W.
Galvin, William C.	Smizik, Frank I.
Goguen, Emile J.	Speliotis, Theodore C.
Golden, Brian Paul	Spellane, Robert
Golden, Thomas A., Jr.	Spiliotis, Joyce A.
Gomes, Shirley	Spilka, Karen
Grant, Mary E.	Stanley, Harriett L.
Haddad, Patricia A.	Stanley, Thomas M.
Hill, Bradford	Story, Ellen
Honan, Kevin G.	Straus, William M.
Howland, Mark A.	Sullivan, David B.
Hynes, Frank M.	Swan, Benjamin
Jehlen, Patricia D.	Teahan, Kathleen M.
Jones, Bradley H., Jr.	Timilty, Walter F.
Kafka, Louis L.	Tobin, A. Stephen
Kane, Michael F.	Toomey, Timothy J., Jr.
Kaprielian, Rachel	Turkington, Eric
Kaufman, Jay R.	Vallee, James E.
Keenan, Daniel F.	Verga, Anthony J.
Kennedy, Thomas P.	Wallace, Brian P.
Khan, Kay	Walrath, Patricia A.
Knuuttila, Brian	Walsh, Martin J.
Kocot, Peter V.	Walsh, Steven Myles
Koutoujian, Peter J.	Wolf, Alice K. — 119.
Kulik, Stephen	

NAYS — (41). <i>Senators.</i>	
Brown, Scott P.	Lees, Brian P.
Creedon, Robert S., Jr.	Sprague, Jo Ann — 5.
Knapik, Michael R.	
<i>Representatives.</i>	
Atsalis, Demetrius J.	Humason, Donald F., Jr.
Binienda, John J.	Kelly, Shaun P.
Bosley, Daniel E.	Koczera, Robert M.
Broadhurst, Arthur J.	Kujawski, Paul
Connolly, Edward G.	Larkin, Peter J.
Coppola, Michael J.	Lepper, John A.
Dempsey, Brian S.	Parente, Marie J.
Evangelidis, Lewis G.	Pedone, Vincent A.
Fagan, James H.	Perry, Jeffrey Davis
Finneran, Thomas M.	Peterson, George N., Jr.
Garry, Colleen M.	Polito, Karyn E.
George, Thomas N.	Quinn, John F.
Gifford, Susan Williams	Rogeness, Mary S.
Gobi, Anne M.	Rogers, John H.
Hall, Geoffrey D.	Ruane, J. Michael
Hargraves, Robert S.	Torrissi, David M.
Harkins, Lida E.	Travis, Philip
Hillman, Reed V.	Webster, Daniel K. — 36.
ABSENT OR NOT VOTING — (6). <i>Senators.</i>	
Antonioni, Robert A.	Panagiotakos, Steven C. — 2.
<i>Representatives.</i>	
Greene, William C., Jr.	St. Fleur, Marie P.
Simmons, Mary Jane	Wagner, Joseph F. — 4.

The yeas and nays having been completed at twenty-six minutes before two o'clock P.M., the proposal was agreed to.

The Initiative Petition (House, No. 4444, amended) was laid over until the next General Court.

Subsequently a statement of Ms. Gobi of Spencer was spread upon the records of the Joint Session, as follows:

MR. PRESIDENT: During the taking of the above yeas and nays, I was present in the House Chamber and voted in the affirmative. I also verified my "yes" vote by observing that the light next to my name on the roll call board was "green". Nevertheless I now find that I was inexplicably recorded as having voted in the negative, when it was clearly my intention to be recorded in the affirmative.

Without further action on the matters duly and constitutionally assigned for consideration, on motion of Mr. Berry, at twenty-five minutes before two o'clock P.M., the Joint Session adjourned.