

## JOURNAL OF THE HOUSE.

Monday, July 30, 2007.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Almighty and Eternal God, Our Creator and Ultimate Destiny, we take this moment to focus our attention on You as we pray for the wisdom, the understanding and the courage to carry out our daily responsibilities. In Your goodness, help us to comprehend clearly the many current needs and the reasonable expectations of our constituents. As elected leaders, teach us to be open to new knowledge and the insights of others in evaluating legislation and proposed legislative programs. Inspire us to live in accord with sound traditional, ethical and religious principles as we strive to make our communities safe, civil and peaceful.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of  
allegiance.

### *Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Ms. Callahan of Sutton) commemorating the two hundred and fiftieth birthday of Waters Farm in Sutton, Massachusetts;

Waters  
Farm.

Resolutions (filed by Mr. Golden of Lowell) congratulating Mr. and Mrs. Joseph R. Herbert on the occasion of their fiftieth wedding anniversary; and

Joseph and  
Margaret  
Herbert.

Resolutions (filed by Representatives Kujawski of Webster and Callahan of Sutton) congratulating Lawrence E. Bombara on being named one of the top ten Leaders of the Year by the American Public Works Association;

Lawrence E.  
Bombara.

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Provost of Somerville, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

### *Reports of Committees.*

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill removing an agricultural preservation restriction from a

Raynham,  
Borden  
Colony.

portion of real estate in the town of Raynham known as Borden Colony (House, No. 26) ought to pass with certain amendments.

Abandoned  
vessels.

By the same member, for the same committee, that the Bill relative to abandoned vessels (House, No. 726) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4187).

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By the same member, for the same committee, that the Bill relative to abandoned vessels (House, No. 3781) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4188).

Worcester,  
land.

By the same member, for the same committee, that the Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Worcester (House, No. 4063) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4189).

Marlborough,  
easement.

By the same member, for the same committee, that the Bill relative to the easement on land owned by the Department of Conservation and Recreation in the town of Marlborough (House, No. 4064) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4190).

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendments pending.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the following bills ought to pass:

Birth certificate  
access.

Bill further regulating access to birth certificates (Senate, No. 63, amended);

Placement of  
children.

Bill further regulating the placement of certain children (Senate, No. 75);

Todd J.  
Martinson,  
sick leave.

Bill establishing a sick leave bank for Todd J. Martinson, an employee of the Monson Developmental Center in the Department of Mental Retardation (Senate, No. 1457); and

DCAMM,  
Sandwich  
land exchange.

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. (Senate, No. 2210);

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Boston,  
garages.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to garages in the first fire zone of the city of Boston (House, No. 4167) [Local Approval Received].

Burton W.  
Gerrig.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a petition, a Resolve in favor of Burton W. Gerrig, Esquire (House, No. 1382).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

#### Emergency Measures.

Daniel  
Curran,  
sick leave  
bank.

The engrossed Bill establishing a sick leave bank for Daniel Curran, an employee of the Department of Correction (see Senate, No. 2280), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 5 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

The engrossed Bill establishing a sick leave bank for John J. Bish, an employee of the East Brookfield Division of the District Court Department (see Senate, No. 2285, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

John J.  
Bish, sick  
leave bank.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 6 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

#### Engrossed Bills.

The engrossed Bill relative to security freezes and notification of data breaches (see House, No. 4144, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill  
re-enacted.

#### Engrossed bills

Further regulating sewer connections in the town of Charlton (see Senate, No. 1152, amended); and

Bills  
enacted.

Further regulating water supply connections in the town of Charlton (see Senate, No. 1153);

(Which severally originated in the Senate);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

#### Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next  
sitting.

At twenty-eight minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.

# JOURNAL OF THE HOUSE.

Tuesday, July 31, 2007.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, we place our trust and hope in You, Our Creator, and in Your ways for successful living. We believe that we can depend upon You and Your guidance as we struggle with the day's legislative issues and proposals. Let the best interests of the people, our communities and the Commonwealth remain our top agenda items. Grant us the courage and the wisdom to remain faithful to our ideals, goals and priorities. As we reason together in resolving issues and public policy matters, inspire us to seek truth, accurate knowledge and factual information. May we respect the rights and values, human and spiritual, of all people in our various communities.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### Appointments to the Health Disparities Council.

The Speaker announced (under Section 160 of Chapter 6A of the General Laws) his appointment to the Health Disparities Council of Representatives Koutoujian of Waltham (co-chair), Fox of Boston and Sánchez of Boston as the three members from the House of Representatives; and

Representative Lantigua of Lawrence, Ms. Sherry Dong, Mr. Gregg Croteau and Ms. April J. Taylor as members from the communities disproportionately affected by health disparities of said Health Disparities Council.

### Papers from the Senate.

A Bill relative to employer assisted housing and responsible lending (Senate, No. 2299, amended in section 10, subsection 3, by striking out clause (b) and inserting in place thereof the following clause:

"(b) An applicant shall: (i) have completed a residential mortgage lending course, as determined by the commissioner, during the 2 year period immediately preceding the date of application; (ii) provide evidence that the applicant has received a passing grade on such residential mortgage lending course examination within such 2 year period; and (iii) if requested by the commissioner, provide all documentation related to any mortgage transaction or mortgage application sought or processed within the 2 years prior to such appli-

cation.)" (on Senate, No. 2296), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A report of the Senate committee on Ways and Means, asking to be discharged from further consideration of the Senate Bill to update the computer crime laws of the Commonwealth (Senate, No. 1849), and recommending that the same be referred to the committee on the Judiciary,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, inasmuch as relates to the reference.

A communication from the Hampden County Sheriff's Office relative to corrective measures taken pursuant to a Department of Public Health Inspection of the Hampden County Sheriff's Department and Correctional Center, in the town of Ludlow, on May 23, 2007, was spread upon the records of the House; and returned to the Senate.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2300) of Brian A. Joyce, Linda D. Forry, Walter F. Timilty and Angelo M. Scaccia (by vote of the town) for legislation to authorize the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant. To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, Senate, No. 2304) of Michael W. Morrissey, Ronald Mariano and Joseph R. Driscoll (by vote of the town) for legislation relative to recall elections in the town of Holbrook. To the committee on Election Laws.

Petition (accompanied by bill, Senate, No. 2305) of Brian A. Joyce, Bruce J. Ayers, Joseph R. Driscoll and Walter F. Timilty (by vote of the town) for legislation to amend the representative town meeting procedures in the town of Randolph. To the committee on Municipalities and Regional Government.

### Recess.

At nine minutes after eleven o'clock A.M., on motion of Mr. Lepper of Attleboro (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at eleven minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

### Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Viriato Manuel deMacedo and Daniel K. Webster for legislation to include certain compounds in the classification of controlled substances. Under suspension of the rules, on motion of Mr. deMacedo of Plymouth, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Health. Sent to the Senate for concurrence.

Computer crime laws.

Hampden County Sheriff's Office.

Milton, liquor license.

Holbrook, recall elections.

Randolph, town meeting procedures.

Recess.

Controlled substances.

Mary

Prayer.

Pledge of allegiance.

Health Disparities Council.

Employer assisted housing.

Hardiman,  
sick leave.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Thomas M. Stanley and Tom Sannicandro for legislation to establish a sick leave bank for Mary Hardiman, an employee of the Department of Public Health. Under suspension of the rules, on motion of Mr. deMacedo of Plymouth, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Freetown,  
Simmons  
Bridge.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill designating a certain bridge in the town of Freetown as the Joseph F. Simmons, Jr. bridge (House, No. 3643, changed by striking out the sentence contained in lines 1 to 5, inclusive, and inserting in place thereof the following sentence: "The bridge #F-09-010 on North Main Street spanning state highway Route 24 in the town of Freetown shall be designated and known as the Joseph F. Simmons, Jr. Memorial Bridge, in honor of Joseph F. Simmons, Jr. who served many years as the highway supervisor of the town of Freetown."; and in the title by inserting after the word "Jr." the word "Memorial"). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Ms. Khan of Newton, the bill was read a second time forthwith; and it was ordered to a third reading.

Savina  
Whitney,  
sick leave.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Savina J. Whitney, an employee of the Department of Social Services (House, No. 4192). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. deMacedo of Plymouth, the bill was read a second time forthwith; and it was ordered to a third reading.

Birth  
certificates,  
access.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill further regulating access to birth certificates (Senate, No. 63, amended) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Sullivan of Fall River, the bill was read a second time forthwith; and it was ordered to a third reading.

Placement of  
children.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill further regulating the placement of certain children (Senate, No. 75) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Khan of Newton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to garages in the first fire zone of the city of Boston (House, No. 4167) [Local Approval Received] be scheduled for consideration by the House.

Boston,  
garages.

Under suspension of Rule 7A, on motion of Ms. Khan of Newton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on the joint petition, a Bill establishing a sick leave bank for Colleen Hannon, an employee of the Middlesex Juvenile Court (House, No. 4183).

Colleen  
Hannon,  
sick leave.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the use of certain bonds by the Blackstone Millville Regional School District (printed as Senate, No. 2246).

Blackstone  
Millville  
School  
District.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to child passenger safety (House, No. 2361, changed in section 2, in line 4, by striking out the words "No child who is fifty-seven inches in height or less" and inserting in place thereof the words "No child who is less than 9 years of age and less than fifty-seven inches in height").

Child  
passenger  
safety.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill relative to certain disability retirement for Thomas Kamataris (House, No. 4077) [Local Approval Received].

Leominster,  
Thomas  
Kamataris.

By the same member, for the same committee, on a petition, a Bill to enable the city of Cambridge to pay full salary and benefit to city employees who are assigned and present in a theater of combat operations such as Iraq or Afghanistan (House, No. 4079) [Local Approval Received].

Cambridge,  
military  
benefits.

By the same member, for the same committee, on a petition, a Bill authorizing the appointment of certain persons as firefighters in the city of Fall River (House, No. 4089) [Local Approval Received].

Fall River,  
fire fighters.

By Mr. Dempsey of Haverhill, for the committee on Telecommunications, Utilities and Energy, on a petition, a Bill authorizing the town of Falmouth to install, finance and operate wind energy facilities (House, No. 3769) [Local Approval Received].

Falmouth,  
wind energy.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill naming a certain bridge in the town of Dalton (House, No. 3503, changed by striking out section 1 and inserting in place thereof the following section:

Dalton,  
bridge.

"SECTION 1. The bridge #D-01-005 on Route 8 spanning the Housatonic river in the town of Dalton shall be designated and known as the Benjamin-Muraca Memorial Bridge, in the memory of Gary Thomas Benjamin and Patrick-John Muraca who were Vietnam veterans killed while protecting the United States of America in Vietnam.")

By the same member, for the same committee, on a petition, a Bill naming a certain bridge in the town of Hinsdale (House, No. 3504,

Hinsdale,  
bridge.

changed by striking out section 1 and inserting in place thereof the following section:

"SECTION 1. The bridge #H-16-002 on Main Street spanning the Housatonic river in the town of Hinsdale shall be designated and known as the Hinsdale Veterans Memorial Bridge, in memory of the residents of Hinsdale who died while protecting the United States of America."

Wellesley, Senator Locke Bridge.

By the same member, for the same committee, on a petition, a Bill designating a certain bridge in the town of Wellesley as State Senator David H. Locke Bridge (House, No. 3593, changed by striking out the sentence contained in lines 1 to 3, inclusive, and inserting in place thereof the following sentence: "The bridge #W-13-014 on Route 16, Washington Street, spanning Route 9 in the town of Wellesley shall be designated and known as the State Senator David H. Locke Bridge.")

Lenox, W.F. Coakley Highway.

By the same member, for the same committee, on a petition, a Bill designating the Lieutenant Commander William F. Coakley Highway (House, No. 3599).

Hyde Park, Kearney Bridge.

By the same member, for the same committee, on a petition, a Bill designating a certain bridge in Hyde Park as the Joseph M. Kearney Bridge (House, No. 3627, changed by striking out the sentence contained in lines 1 to 4, inclusive, and inserting in place thereof the following sentence: "The bridge #B-16-108 on West Street spanning the AMTRAK/MBTA tracks in the Hyde Park section of the city of Boston shall be designated and known as the Joseph M. Kearney Bridge.", and in line 4, by striking out the words "public works" and inserting in place thereof the word "highways").

Hyde Park, Geraghty Bridge.

By the same member, for the same committee, on a petition, a Bill designating a certain bridge in Hyde Park as the Thomas J. Geraghty Bridge (House, No. 3628, changed by striking out the sentence contained in lines 1 to 3, inclusive, and inserting in place thereof the following sentence: "The bridge #B-16-035 on Hyde Park Avenue spanning Mother Brook in the Hyde Park section of the city of Boston shall be designated and known as the Thomas J. Geraghty Bridge.", and in line 4, by striking out the words "public works" and inserting in place thereof the word "highways").

Copley Station.

By the same member, for the same committee, on a petition, a Bill relative to the MBTA's Copley Station (House, No. 3692).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bills.

Engrossed bills

Bills enacted.

Relative to the safe placement of newborn infants (see Senate, No. 2177, amended) (which originated in the Senate);

Authorizing the town of Belmont to establish another postemployment benefits trust fund (see House, No. 1441, amended) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

At fourteen minutes after one o'clock P.M., on motion of Mr. Hynes of Marshfield (Mr. Donato of Medford being in the Chair), the House recessed until half past two o'clock; and at twenty minutes before three o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Recesses.

The House thereupon took a further recess, on motion of Mr. deMacedo of Plymouth, subject to the call of the Chair; and at twenty-two minutes after four o'clock the House was called to order with Mr. Donato in the Chair.

The engrossed Bill relative to the use of certain school building assistance program reimbursements to the city of Medford (see House, No. 4096, changed and amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

re-enacted.

The engrossed Bill providing for a certain exemption from the sales tax (see House, No. 2876) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

enacted.

Order.

On motion of Mr. DiMasi of Boston,— Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

Next sitting.

At twenty-eight minutes before five o'clock P.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.

# JOURNAL OF THE HOUSE.

Thursday, August 16, 2007.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, we pause for a moment of personal reflection and prayer as we focus our attention and thoughts on You. We believe that Your ways, precepts and spiritual values enable us to achieve personal happiness, fulfillment and satisfaction. As elected leaders, teach us to be aware of and alert to the variety of needs of people, our neighborhoods and communities. Inspire us to plan successfully in our efforts to make our communities peaceful, our families stable and our Commonwealth prosperous. Let our hearts and minds be filled with confidence and hope as we address each day's challenges and opportunities.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of allegiance.

## Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Ms. Flanagan of Leominster) congratulating Alexander Trumpolt on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Kujawski of Webster) congratulating the Dudley Senior League girls softball team on winning the 2007 Massachusetts League State Championship;

Resolutions (filed by Ms. Peisch of Wellesley) honoring the sixtieth anniversary of Joseph J. and Mary Louise Fortini;

Resolutions (filed by Ms. Peisch of Wellesley) honoring Lauren Gandillot on receiving the Gold Award of the Girl Scouts of the USA;

Resolutions (filed by Ms. Peisch of Wellesley) honoring Lauren Olaksen on receiving the Gold Award of the Girl Scouts of the USA;

Resolutions (filed by Mr. Stanley of Waltham) congratulating Jon Robert Pellant II on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mr. Vallee of Franklin and other members of the House) honoring James T. Brown of Salisbury for his years of service in defense of the United States and in support of the veterans of the Commonwealth;

Alexander Trumpolt.

Dudley girls softball.

Joseph J. and Mary Louise Fortini.

Lauren Gandillot.

Lauren Olaksen.

Jon Robert Pellant II.

James T. Brown.

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Pignatelli of Lenox., the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

## Petitions.

Petitions severally were presented and referred as follows:

By Mr. Keenan of Salem, petition (accompanied by bill, House, No. 4215) of John D. Keenan (with the approval of the mayor and city council) that the city of Salem be authorized to issue a license for the sale of alcoholic beverages to be drunk on the premises to New Boston Ventures, LLC. To the committee on Consumer Protection and Professional Licensure.

Salem, New Boston Ventures.

By Mr. DiNatale of Fitchburg, petition (accompanied by bill, House, No. 4216) of Stephen L. DiNatale (with the approval of the mayor and city council) that the city of Fitchburg be authorized to convey certain land to Dawn M. Tully in exchange of certain other land to be used by said city for watershed protection purposes; and

Fitchburg, Dawn M. Tully.

By Mr. Scibak of South Hadley, petition (accompanied by bill, House, No. 4217) of John W. Scibak (by vote of the town) that the town of Hadley be authorized to establish a sewer system capital improvement fund;

Hadley, sewer fund.

Severally to the committee on Municipalities and Regional Government.

By Mr. Bradley of Hingham, joint petition (accompanied by bill, House, No. 4218) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) for legislation to prohibit certain elected public officials in the town of Hull from receiving retirement and health benefits;

Hull, elected officials.

By the same member, joint petition (accompanied by bill, House, No. 4219) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that positions in the public works department of the town of Hull be exempt from the civil service law; and

Hull, public works department.

By Mr. Torrisi of North Andover, petition (accompanied by bill, House, No. 4212) of David M. Torrisi and others (by vote of the town) that the positions of police chief and fire chief in the town of North Andover be exempt from the civil service law;

North Andover, fire and police chiefs.

Severally to the committee on Public Service. Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Binienda of Worcester, petition (subject to Joint Rule 12) of John J. Binienda and others relative to the disposition of the unclaimed remains of certain cremated persons.

Deceased persons, cremation.

By Mr. Cabral of New Bedford, joint petition (subject to Joint Rule 12) of Antonio F. D. Cabral and others for legislation to regulate the investment of public pension funds in certain companies doing business in the countries of Iran and South Africa.

Iran, pension funds.

Flags, state.

purchases.  
Legislative committees, videotaping.  
Methamphetamines, trafficking.  
Trucks, fire extinguishers.

Karen Rice, sick leave.

Pension funds, investments.

Motorboats, numbering.

Motorboats, registration.

Accountants, registration and oversight.

Pesticides, sales tax.

Child care, sex offense.

Tidelands, licensing requirements.

By Mrs. Haddad of Somerset, joint petition (subject to Joint Rule 12) of Patricia A. Haddad and others for legislation to regulate the purchase of flags by public agencies in the Commonwealth.

By Mr. Hill of Ipswich, petition (subject to Joint Rule 12) of Bradford Hill relative to videotaping legislative committee hearings.

By Mr. Kafka of Stoughton, petition (subject to Joint Rule 12) of Louis L. Kafka and others relative to the definition of "trafficking" of methamphetamines under the controlled substances law.

By Mr. Kujawski of Webster, petition (subject to Joint Rule 12) of Paul Kujawski for legislation to require commercial trucks, vans and sport utility vehicles to be equipped with portable fire extinguishers.

By Ms. Malia of Boston, petition (subject to Joint Rule 12) of Elizabeth A. Malia for legislation to establish a sick leave bank for Karen Rice, and employee of the teachers' retirement system.

By Mr. Murphy of Lowell, petition (subject to Joint Rule 12) of Kevin J. Murphy and others for legislation to regulate investments of public employee pension funds in certain companies conducting business in the countries of Iran, North Korea, Sudan and Syria.

By Mr. Pedone of Worcester, petition (subject to Joint Rule 12) of Vincent A. Pedone relative to the numbering of non-resident motorboats operating on the waters of the Commonwealth.

By the same member, petition (subject to Joint Rule 12) of Vincent A. Pedone for legislation to further regulate the registration of motorboats.

By Mr. Rodrigues of Westport, petition (subject to Joint Rule 12) of Michael J. Rodrigues and others relative to the Board of Public Accountancy and regulating the registration of certified public accountants.

By Mr. Smizik of Brookline, joint petition (subject to Joint Rule 12) of Frank I. Smizik and Pamela P. Resor for legislation to regulate the tax imposed on the sale of certain pesticides in the Commonwealth.

By Mr. Vallee of Franklin, petition (subject to Joint Rule 12) of James E. Vallee that certain convicted sex offenders be prohibited from employment in the supervision or care of minor children.

Severally, under Rule 24, to the committee on Rules.

*Papers from the Senate.*

The House Bill relative to the licensing requirements for certain tidelands (House, No. 4184) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2309; inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would defeat its purpose, which is to authorize a regulatory exemption for certain landlocked tidelands from license requirements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and striking out the title and inserting in place thereof the following title: "An Act regarding the licensing requirements for landlocked filled tidelands."

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the amendments were considered forthwith.

Committee of conference.

The House then non-concurred with the Senate in its amendments; and, on further motion of Mr. Smizik, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Smizik, DeLeo of Winthrop and deMacedo of Plymouth then were appointed as the committee on the part of the House. Sent to the Senate to be joined.

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Subsequently the bill came from the Senate with the endorsement that said branch had insisted on its amendments, concurred in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Resor, Baddour and Tarr had been joined as the committee on the part of the Senate.

John J. Bish, sick leave.

The engrossed Bill establishing a sick leave bank for John J. Bish, an employee of the Trial Court [see Senate, No. 2285, amended], which had been returned to the Senate by His Excellency the Governor with recommendation of amendment (for message, see Senate, No. 2312), came from said branch with the endorsement that it had amended said bill in the last sentence by striking out the words "extended illness leave bank" and inserting in place thereof the words "trial court paid leave bank".

Under suspension of the rules, on motion of Mr. Lepper of Attleboro, the amendment was considered forthwith; and it was adopted, in concurrence.

Rosemary Rozak, sick leave bank.

A Bill establishing a sick leave bank for Rosemary Rozak, an employee of the Department of Revenue (Senate, No. 2302) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Hill of Ipswich, the bill was read a second time forthwith; and it was ordered to a third reading.

Petitions were referred, in concurrence, as follows:

Norwell, rent regulations.

Petition (accompanied by bill, Senate, No. 2320) of Robert L. Hedlund, and Robert J. Nyman (by vote of the town) for legislation for the establishment and administration of rent regulations and the control of evictions in mobile home park accommodations in the town of Norwell. To the committee on Housing.

Templeton, land conveyance.

Petition (accompanied by bill, Senate, No. 2318) of Stephen M. Brewer and Anne-M. Gobi (by vote of the town) for legislation to authorize the town of Templeton to exchange a parcel of conservation land for a larger parcel to be held for conservation purposes; and

Hopedale, municipal purposes.

Petition (accompanied by bill, Senate, No. 2321) of Richard T. Moore and John V. Fernandes (by vote of the town) for legislation to authorize the town of Hopedale to acquire certain property for municipal purposes;

Norwell,  
tax  
exemption.

Severally to the committee on Municipalities and Regional Government; and  
Petition (accompanied by bill, Senate, No. 2319) of Robert L. Hedlund and Robert J. Nyman (by vote of town) for legislation to provide a property tax exemption in the town of Norwell. To the committee on Revenue.

Veterans,  
retirement.

#### Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of John P. Fresolo that certain retired veterans be entitled to additional benefits under the public employees non-contributory disability retirement law. Under suspension of the rules, on motion of Mr. Speranzo of Pittsfield, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Home  
energy  
assistance.

By Ms. Coakley-Rivera of Springfield, for the committee on Children, Families and Persons with Disabilities, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3813) of Vincent A. Pedone for legislation to establish a home energy assistance fund for families within the Department of Community Affairs, — and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Melrose,  
Neil  
Sullivan.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to the disability retirement of Neil Sullivan, a firefighter for the city of Melrose (Senate, No. 2241, amended) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Pignatelli of Lenox, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. Rogeness of Longmeadow, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

Todd J.  
Martinson, sick  
leave.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing a sick leave bank for Todd J. Martinson, an employee of the Monson Developmental Center in the Department of Mental Retardation (Senate, No. 1457) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Rogeness of Longmeadow, the bill was read a second time forthwith; and it was ordered to a third reading.

Ipswich,  
alcoholic  
beverages.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the town of Ipswich to grant 1 additional license for the sale of all alcoholic beverages to

be drunk on the premises (Senate, No. 2269) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Hill of Ipswich, the bill was read a second time forthwith; and it was ordered to a third reading.

Leominster,  
Thomas  
Kamataris.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to certain disability retirement for Thomas Kamataris (House, No. 4077) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Pignatelli of Lenox, the bill was read a second time forthwith; and it was ordered to a third reading.

Colleen  
Hannon,  
sick leave.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Colleen Hannon, an employee of the Middlesex Juvenile Court (House, No. 4183) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Hill of Ipswich, the bill was read a second time forthwith; and it was ordered to a third reading.

Southampton,  
town election.

By Mr. Bradley of Hingham, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill validating the actions taken at the annual town election held in the town of Southampton (printed in House, No. 4149). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Speranzo of Pittsfield, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Hill of Ipswich, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Medfield State  
Hospital,  
land.

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, on House, No. 1235, a Bill providing for the disposition of certain property at Medfield State Hospital (House, No. 4214). Read; and referred, under Rule 33, to the committee on Ways and Means.

Auburn High  
School,  
trust fund.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Auburn to establish an Auburn High School gymnasium health and recreation trust fund (printed as Senate, No. 2263) [Local Approval Received].

Duxbury,  
land  
conveyance.

By the same member, for the same committee, on a petition, a Bill relative to the town of Duxbury (House, No. 4098) [Local Approval Received].

Nantucket,  
sewer systems.



By the same member, for the same committee, on Senate, No. 2249, a Bill establishing the Nantucket sewer act (House, No. 4213) [Local Approval Received].

Mary  
Hardiman, sick  
leave.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition; a Bill establishing a sick leave bank for Mary Hardiman an employee of the Department of Public Health (House, No. 4210).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

#### *Engrossed Bill.*

Bill  
enacted.

The engrossed Bill establishing a sick leave bank for Savina J. Whitney, an employee of the Department of Social Services (see House, No. 4192) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

#### *Orders of the Day.*

Belmont,  
trust fund.

The engrossed Bill authorizing the town of Belmont to establish another postemployment benefits trust fund (see House, No. 1441), which had been returned to the House by His Excellency the Governor with recommendation of amendments (for message, see House, No. 4211), was considered.

The amendments recommended by His Excellency the Governor then were adopted in the following form (as approved by the committee on Bills in the Third Reading):

In section 2, in paragraph (b), by striking out the fourth sentence and inserting in place thereof the following sentence: "Subject in each instance to the approval of the town's contributory retirement board, the town treasurer shall invest and reinvest the amounts in the OPEB Trust Fund not needed for current disbursement consistent with the prudent investor rule; but no funds shall be invested directly in mortgages or in collateral loans."; and by striking out the title and inserting in place thereof the following title: "An Act authorizing the town of Belmont to establish an other postemployment benefits trust fund."

Sent to the Senate for concurrence.

Burlington,  
town meeting.

The engrossed Bill relative to the procedures of town meeting in the town of Burlington (see House, No. 2014), which had been returned to the House by His Excellency the Governor with recommendation of amendment (for message, see House, No. 2035); was considered.

The amendment recommended by the Governor then was adopted in the following form (as approved by the committee on Bills in the Third Reading):

In the fourth paragraph by striking out the last sentence contained therein and inserting in place thereof the following sentence: "The questions so submitted shall be determined by a majority vote of the registered voters of the town voting thereon, but not action of the

representative town meeting shall be reversed unless 20 per cent of the registered voters of the town shall vote to reverse the vote of the representative town meeting."

Sent to the Senate for concurrence.

Third  
reading  
bill.

The Senate Bill further regulating the placement of certain children (Senate, No. 75), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed; in concurrence.

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The House Bill designating a certain bridge in the town of Free-town as the Joseph F. Simmons, Jr. bridge (House, No. 3643, changed), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Birth  
certificates,  
access.

The Senate Bill further regulating access to birth certificates (Senate, No. 63, amended) (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time.

Said committee reported recommending that the bill be amended by striking out sections 2, 3 and 4 (as printed) and inserting in place thereof the following section:

"SECTION 2. Paragraph (h) of section 13 of said chapter 46, as so appearing in the 2006 Official Edition, is hereby amended by striking out the eleventh sentence and inserting in place thereof the following 2 sentences:— If the original records has been amended following adoption in accordance with this section, the clerk or state registrar shall issue information contained in the original record only upon receipt of an order of the probate court for the county in which said adoption was granted or in accordance with section 2B, or in the case of an adoption granted outside the commonwealth, upon order of the probate court for the county in which said birth occurred or in accordance with said section 2B, instructing said clerk or state registrar to release the information contained in such original record. Evidence contained in the adoption record of a parent's willingness to provide information about her identity to the adopted person shall, except in extraordinary circumstances, be considered sufficient evidence to warrant the granting of an order for release of the information contained in the birth certificate registered prior to adoption."

The report was accepted.

The amendment was adopted; and the bill, as amended, was passed to be engrossed, in concurrence. The bill (Senate, No. 63, amended) then was sent to the Senate for concurrence in the amendment.

#### *Recess.*

Recess.

At ten minutes after twelve o'clock noon, on motion of Ms. Rogness of Longmeadow (Mr. Donato of Medford being in the Chair), the House recessed until a quarter before one o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

John J. Bish,  
sick leave  
bank.

*Emergency Measure.*

The engrossed Bill establishing a sick leave bank for John J. Bish, an employee of the Trial Court (see Senate, No. 2285, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) (which had been returned by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

*Engrossed Bill.*

The engrossed Bill relative to the disability retirement of Neil Sullivan, a firefighter for the city of Melrose (see Senate, No. 2241, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Order.*

Next  
sitting.

On motion of Mr. DiMasi of Boston,—  
*Ordered*, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At seven minutes after one o'clock P.M., on motion of Ms. Rogness of Longmeadow (Mr. Donato of Medford being in the Chair), the House adjourned to meet on Monday next at eleven o'clock A.M., in an Informal Session.

## JOURNAL OF THE HOUSE.

Monday, August 20, 2007.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, at the beginning of today's legislative session, we thank You for our countless daily material and spiritual blessings. These gifts, which You offer us, enable us to cope successfully with our many and varied responsibilities. For we believe that You are with us at all times. In these days of possible terrorist actions, teach us to continue to respect the human dignity and rights of all people, which include the youngest person as well as the most senior adult. As elected leaders we struggle to meet the current needs of constituents and our communities by making, to the best of our ability, thoughtful, ethical, honored and courageous decisions.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Representatives Sannicandro of Ashland, LeDuc of Marlborough, Linsky of Natick and Richardson of Framingham) honoring Kathleen B. Bartolini for a lifetime of public service; and:

Resolutions (filed by Mr. Walsh of Lynn and other members of the House) celebrating the centennial of St. John's Preparatory School;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Walsh of Lynn, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

### Communication.

A communication from the City Council of the City of Boston submitting a copy of a Resolution of said city council, adopted on August 1, urging the Legislature to take up the criminal offender record information (CORI) program issue during its 2007-2008 session, was spread upon the records of the House; and sent to the Senate for its information.

Kathleen B.  
Bartolini.

St. John's  
Preparatory  
School.

Boston  
City Council,  
CORI  
resolution.

*Paper from the Senate.*

Deborah King, sick leave.

A Bill establishing a sick leave bank for Deborah King, an employee of the Department of Mental Retardation (Senate, No. 1644) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

*Reports of Committees.*

Autism, Medicaid.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill relative to the children's autism Medicaid waiver (House, No. 493);

Uninsured motorists.

Of the Bill to discourage uninsured motorists by limiting their bodily injury liability compensation (House, No. 915);

Labor relations.

Of the Bill relative to labor relations (House, No. 2531); and

Fire fighters and police.

Of the Bill relative to the appointment of firefighters and police officers (House, No. 2696);

And recommending that the same severally be referred to the House committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

*Engrossed Bill.*

Bill enacted.

The engrossed Bill further regulating the placement of certain children (see Senate, No. 75) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Motion to Reconsider.*

Birth certificates, access.

Mr. Lepper of Attleboro moved that the vote be reconsidered by which the House, at the preceding sitting, passed to be engrossed, in concurrence, the Senate Bill further regulating access to birth certificates (Senate, No. 63, amended).

The motion to reconsider was placed, under Rule 54, in the Orders of the Day for the next sitting.

*Orders of the Day.*

Todd J. Martinson, sick leave.

The House Bill establishing a sick leave bank for Todd J. Martinson, an employee of the department of mental retardation (Senate, No. 1457), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Rogness of Longmeadow moved that it be amended by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of mental retardation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted; and the bill (Senate, No. 1457, amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Senate bills*

Authorizing the town of Ipswich to grant 1 additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2269); and

Third reading bill.

Establishing a sick leave bank for Rosemary Rozak, an employee of the Department of Revenue (Senate, No. 2302);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

The House Bill establishing a sick leave bank for Colleen Hanon, an employee of the Trial Court (House, No. 4183) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Third reading bill.

*Order.*

On motion of Mr. DiMasi of Boston,—

*Ordered*, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

Next sitting.

At twenty-one minutes after eleven o'clock A.M., on motion of Mr. Barrows of Mansfield (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.

**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.

*Thursday, April 12, 2007.*

Met at three minutes past eleven o'clock A.M. (Mr. Hart in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Hart), members, guests and employees then recited the pledge of allegiance to the flag.

### *Communication.*

A communication from the Joint Committee on Housing (under the provisions of Joint Rule 1) relative to rules of procedure for said committee for the 2007-2008 legislative session (received Monday, April 9, 2007),— **was placed on file.**

### *Petitions.*

Ms. Resor presented a petition (accompanied by bill, Senate, No. 2208) of Pamela P. Resor and James B. Eldridge (by vote of the town of Shirley) for legislation to authorize the Middlesex Retirement Board to grant a certain pension to James Charles Mickel [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Public Service.**

**Sent to the House for concurrence.**

Petitions were presented and referred, as follows:

By Mr. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore, Stephen M. Brewer, Todd M. Smola, Geraldo Alicea and other members of the General Court for legislation to revise the composition and duties of the Quinebaug and Shetucket Rivers Valley Heritage District and Commission; and  
By Mr. Morrissey (by request), a petition (subject to Joint Rule 12) of Francis J. Derwin for legislation to provide that no other flag or pennant be flown higher than the American flag;

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

*Reports of Committees.*

By Mr. O'Leary, for the committee on Higher Education, on petition (accompanied by bill, Senate, No. 708), a Bill relative to making provisions for the management and operation of the Wallace Civic Center and Planetarium in the city of Fitchburg (Senate, No. 2209);

**Read and, under Joint Rule 1F, referred to the committee on Bonding, Capital Expenditures and State Assets.**

By Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill further regulating the placement of certain children (Senate, No. 75); and

By Mr. Creedon, for the committee on the Judiciary, on petition, a Bill establishing a sick leave bank for Yaniris Cabrera, an employee of the Trial Court (Senate, No. 2181);

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

By Mr. Brewer, for the committee on Veterans and Federal Affairs, on petition, a Bill relative to the director of a state operated veterans' cemetery (Senate, No. 2125);

**Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

By Mr. Timilty, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the town of Lunenburg to exchange certain land (Senate, No. 1145) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to the Newton Community Development Authority and the Newton Housing Authority (Senate, No. 1162) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill creating the city of Taunton's economic development fund (Senate, No. 1192) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill relative to Chapter VII of the general by-laws of the town of Essex (Senate, No. 1201) [Local approval received];

**Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

*Committees Discharged.*

Mr. Panagiotakos, for the committee on Ways and Means, reported, asking to be discharged from further consideration of the Senate Bill relative to public library construction (Senate, No. 2176),— **and recommending that the same be referred to the committee on Bonding, Capital Expenditures and State Assets.**

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

**Sent to the House for concurrence in the reference to the joint committee.**

Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 224) of Pamela P. Resor for legislation relating to warranty periods for sales of cats and dogs,— **and recommending that the same be referred to the committee on Community Development and Small Business;**

Of the petition (accompanied by bill, Senate, No. 204) of Michael W. Morrissey for legislation relative to the licensing of telecommunications professionals; and

Of the petition (accompanied by bill, Senate, No. 237) of Richard R. Tisei for legislation relative to the qualification of inspectors of wire and assistant inspectors of wire employed by a city or town;

**And recommending that the same severally be referred to the committee on Telecommunications, Utilities and Energy;**

Of the petition (accompanied by bill, Senate, No. 227) of James E. Timilty for legislation relative to education requirements for Class 2 motor vehicle licensees,— **and recommending that the same be referred to the committee on Transportation;**

Mr. Baddour, for the committee on Transportation, reported, asking to be discharged from further consideration.

Of the petition (accompanied by bill, Senate, No. 2075) of Michael W. Morrissey for legislation relative to mooring permits assigned to entities for rental or leasing purposes;

Of the petition (accompanied by bill, Senate, No. 2079) of Robert A. O'Leary for legislation relative to mooring fee requirements;

**And recommending that the same severally be referred to the committee on Environment, Natural Resources and Agriculture;**

Of the petition (accompanied by bill, Senate, No. 2096) of Bruce E. Tarr for legislation to deter the operation of a motor vehicle while intoxicated,— **and recommending that the same be referred to the committee on the Judiciary;**

Of the petition (accompanied by bill, Senate, No. 2068) of Mark C. Montigny for legislation to establish a primary seat belt law,— **and recommending that the same be referred to the committee on Public Safety and Homeland Security; and**

Of the petition (accompanied by bill, Senate, No. 2052) of Cynthia S. Creem, James E. Timilty and Martha Walz for legislation to establish a tax credit for employer-sponsored ridesharing benefits,— **and recommending that the same be referred to the committee on Revenue.**

**Under Senate Rule 36, the reports were severally considered forthwith and accepted. Severally sent to the House for concurrence.**

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

##### **Bills**

Establishing a sick leave bank for Frances Berghaus, an employee of the Department of Correction (House, No. 3758,— on petition); and

Establishing a sick leave bank for Dennis McNamara, an employee of the Department of Fish and Game (House, No. 3940,— on petition);

**Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill relative to civil service examinations for appointment as police officers (House, No. 2666,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill authorizing the town of Franklin to grant an additional liquor license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 3962, amended,— on House, No. 2026) [Local approval received on House, No. 2026],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

##### *Reports*

Of the committee on Education, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 315) of John A. Hart, Jr. for legislation relative to veterans' siblings;

Of the petition (accompanied by bill, Senate, No. 318) of Robert A. Havern for legislation to establish a loan

repayment fund;

Of the petition (accompanied by bill, House, No. 512) of Alice Hanlon Peisch for legislation to restrict the Massachusetts Higher Education Consortium from charging a fee for providing qualified bidders with electronic bid information;

Of the petition (accompanied by bill, House, No. 546) of Tom Sannicandro and others that the Board of Education be required to provide Braille and electronic material to visually impaired students;

Of the petition (accompanied by bill, House, No. 548) of Tom Sannicandro and others relative to a grant program for deaf and sign language studies in the higher education colleges of the Commonwealth; and

Of the petition (accompanied by bill, House, No. 563) of Stephen Stat Smith and Matthew C. Patrick for legislation to prohibit educational institutions from imposing surcharges on credit card payments;

**And recommending that the same severally be referred to the committee on Higher Education.**

Of the petition (accompanied by bill, House, No. 390) of Bruce J. Ayers for legislation to allow local housing authorities access to criminal records of tenants and prospective tenants,— **and recommending that the same be referred to the committee on the Judiciary.**

Of the petition (accompanied by bill, House, No. 489) of Peter J. Koutoujian and Jennifer M. Callahan relative to the public health impact of commercialism in schools,— **and recommending that the same be referred to the committee on Public Health.**

Of the petition (accompanied by bill, House, No. 409) of Robert K. Coughlin and Timothy P. Cahill that the Treasurer and Receiver-General of the Commonwealth be authorized to establish retirement plans for employees of non-profit organizations;

Of the petition (accompanied by bill, House, No. 420) of Mark V. Falzone relative to protecting the rights of custodial and other non-teaching employees of school districts; and

Of the joint petition (accompanied by bill, House, No. 591) of Martin J. Walsh and others relative to the resolution of school labor disputes;

**And recommending that the same severally be referred to the committee on Public Service.**

Of the committee on Election Laws, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 679) of David M. Nangle for legislation to require the publication of deaths by next of kin in local newspapers in the Commonwealth,— **and recommending that the same be referred to the committee on Public Health.**

Of the committee on Health Care Financing, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1126) of Robert Correia and others for legislation to increase the personal care allowance of residents of long-term care facilities,— **and recommending that the same be referred to the committee on Elder Affairs.**

Of the committee on Revenue, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 3037) of J. James Marzilli, Jr., and Peter V. Kocot relative to the use of surplus state land in the development of solar and wind power generating facilities,— **and recommending that the same be referred to the committee on Bonding, Capital Expenditures and State Assets.**

Of the petition (accompanied by bill, House, No. 2974) of Louis L. Kafka relative to unsolicited credit cards, checks, and vouchers by mail,— **and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure.**

Of the petition (accompanied by bill, House, No. 3040) of James R. Miceli for legislation to provide higher



education tuition waivers for certain adopted students,— and recommending that the same be referred to the committee on Higher Education.

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Ms. Chandler) “commending Evelyn Lawler for her distinguished public service”;

Resolutions (filed by Mr. Knapik) “congratulating Ted and Maria Perez, recipients of the 2007 Greater Westfield Chapter of the American Red Cross Outstanding Community Spirit Award”;

Resolutions (filed by Mr. Knapik) “congratulating Manfred Rosenkranz on being named 2007 Business Person of the Year.”

Resolutions (filed by Mr. Knapik) “congratulating Bruce A. Yarber”;

Resolutions (filed by Mr. Montigny) “honoring Armand ‘Skip’ Becotte for his lifetime service to the Massachusetts Lions Club”;

Resolutions (filed by Mr. O’Leary) “congratulating Keith A. Bergman on the occasion of his retirement”; and

Resolutions (filed by Mr. Rosenberg) “congratulating and honoring David Portiz for receiving the prestigious Prudential Spirit of Community Award.”

#### *Reports of a Committee.*

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to transfer and exchange land with the Nye Family of America Assoc. Inc. held for conservation/recreation purposes (Senate, No. 52, changed),— **ought to pass, with an amendment substituting a new draft entitled “An Act 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.”** (Senate, No. 2210).

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. 2210) 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 establishing a sick leave bank for Jacqueline C. Russo, an employee of the Department of Housing and Community Development (Senate, No. 1614),— **ought to pass.**

There being no objection, the rules were suspend, on motion of Mr. Tarr, 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.

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

##### *Engrossed Bills.*

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

Relative to the Swansea Water District (see House, No. 2031, amended);

Authorizing the town of South Hadley to grant an additional alcoholic beverage license (see House, No. 3752, changed); and

Establishing a sick leave bank for Antoinette Romes, an employee of the Department of Transitional Assistance (see House, No. 3941, changed).

*Order Adopted.*

On motion of Mr. Tarr,—

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

*Adjournment in Memory of John H. "Jack" Leary of West Roxbury.*

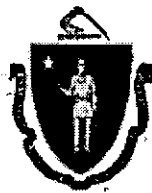
The Senator from Suffolk and Norfolk, Ms. Walsh, presented a request that when the Senate adjourns today, it do so in memory of John H. "Jack" Leary of West Roxbury.

Mr. Leary passed away on Saturday after a distinguished lifetime of service to the Commonwealth and its citizens. As Chief Probation Officer, Jack worked selflessly for the Probation Department in the South Boston Division of the Boston Municipal Courts, and was a dedicated champion of troubled youths and individuals fallen on trying times. He will not be forgotten, and the lives he saved will carry on his legacy of compassion and service.

Accordingly, as a mark of respect to the memory of John H. "Jack" Leary of West Roxbury, at twenty-seven minutes past eleven o'clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.

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# UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



## JOURNAL OF THE SENATE.

*Monday, April 23, 2007.*

Met at four minutes past eleven o'clock A.M. (Mr. McGee in the Chair).

The Chair (Mr. McGee), members, guests and employees then recited the pledge of allegiance to the flag.

### *Communication.*

A communication from the Division of Capital Asset Management (DCAM), through the Secretary of Administration and Finance (pursuant to Section 3B of Chapter 7 of the General Laws) submitting its proposed fee increase for contractor certification (received Friday, April 20, 2007),— was placed on file.

### *Petition.*

Ms. Jehlen presented a petition (subject to Joint Rule 12) of Patricia D. Jehlen, Pamela P. Resor, Cynthia S. Creem and Carl M. Sciortino, Jr. for legislation to order a comprehensive study of Commonwealth charter schools,— and the same was referred, 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 Public Service, on petition (accompanied by bill, Senate, No. 1474), a Bill relative to pension divestment (Senate, No. 2217);

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

## PAPERS FROM THE HOUSE. !

Petitions were referred, in concurrence, as follows:

Joint petition (accompanied by bill, House, No. 3978) of John W. Scibak and Michael R. Knapik (by vote of the town) that the town of Easthampton be authorized to issue an additional license for the sale of alcoholic beverages to be drunk on the premises of the "Old Memorial Hall";

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

Petition (accompanied by bill, House, No. 3980) of Robert Correia (with the approval of the mayor and city council) that the city of Fall River be authorized to increase the pension payable to Dennis O'Neil, a retired police officer of said city;

Petition (accompanied by bill, House, No. 3981) of Vincent A. Pedone (with the approval of the city council) for certain changes in the law relative to civil service positions in the city of Worcester; and

Petition (accompanied by bill, House, No. 3982) of Stephen Stat Smith (with the approval of the mayor, board of aldermen and common council) that the city of Everett be authorized to appoint retired police officers of said city as special police to perform work details;

**Severally to the committee on Public Service.**

### *Reports*

Of the committee on Children, Families and Persons with Disabilities, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3938) of Theodore C. Speliotis and others relative to the membership and the jurisdiction of the Architectural Access Board,— **and recommending that the same be referred to the committee on Public Safety and Homeland Security.**

Of the committee on Community Development and Small Business, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 148) of Bruce J. Ayers for legislation to further regulate the community preservation law concerning "smart growth" planning in cities and towns,— **and recommending that the same be referred to the committee on Election Laws.**

Of the committee on Municipalities and Regional Government, asking to be discharged from further consideration of the joint petition (accompanied by bill, House, No. 169) of Peter J. Koutoujian and others relative to profits from crime,— **and recommending that the same be referred to the committee on the Judiciary.**

Of the committee on Community Development and Small Business, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 192) of David M. Torrisi providing training for certain local boards and commissions,— **and recommending that the same be referred to the committee on Municipalities and Regional Government.**

Of the petition (accompanied by bill, House, No. 178) of Michael J. Rodrigues and others relative to redeeming losing lottery tickets in the purchase of lottery tickets,— **and recommending that the same be referred to the committee on Revenue.**

Of the committee on Education, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 419) of James H. Fagan and others for legislation to require applicants for professional licenses to have satisfied all state tax obligations of such applicants,— **and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure.**

Of the committee on Municipalities and Regional Government, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1983) of Douglas W. Petersen for legislation to regulate the admittance to pre-school or school age child care programs,— **and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities.**

Of the petition (accompanied by bill, House, No. 1976) of James M. Murphy relative to the protection of inland waters,— and recommending that the same be referred to the committee on Environment, Natural Resources and Agriculture.

Of the petition (accompanied by bill, House, No. 1991) of Carl M. Sciortino, Jr., and others relative to electric street poles,— and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy.

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Notice was received from the House announcing the following appointment:

That Representative Jones of North Reading has been appointed by the Speaker to the Special Commission (established pursuant to Chapter 2 of the Resolves of 2006) for the purpose of devising a state wide strategy to end homelessness in the Commonwealth.

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Antonioni) “recognizing April twenty-third to twenty-seven, 2007 as the Week of the Young Child”;

Resolutions (filed by Ms. Jehlen and Mr. Tisei) “congratulating Professor Frederick Carl Nelson on the occasion of his retirement”; and

Resolutions (filed by Mr. Panagiotakos) “congratulating the Evangelical Congregational Church in Dunstable, Massachusetts on the 250th anniversary of the gathering of the church.”

#### *Order Adopted.*

On motion of Mr. Knapik, —

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

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

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# UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



## JOURNAL OF THE SENATE.

*Wednesday, May 9, 2007.*

Met at three minutes past eleven o'clock A.M. (Mr. McGee in the Chair).

The Chair (Mr. McGee), members, guests and employees then recited the pledge of allegiance to the flag.

### *Petitions.*

Petitions were presented and referred as follows:

By Ms. Walsh, a petition (accompanied by bill, Senate, No. 2228) of Marian Walsh (by vote of the town) for legislation to authorize the town of Dedham to grant an additional license for the sale of all alcoholic beverages [**Local approval received**];

**Under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.**

By the same Senator, a petition (accompanied by bill, Senate, No. 2231) of Marian Walsh (by vote of the town) for legislation to provide for the imposition of a financing fee upon the transfer of occupancy of any room or rooms in any hotel, motel, or other lodging establishment in the town of Dedham [**Local approval received**];

**Under Senate Rule 20, to the committee on Revenue.**

By the same Senator, a petition (accompanied by bill, Senate, No. 2229) of Marian Walsh (by vote of the town) for legislation to prohibit truck traffic on a portion of Cedar Street in the town of Dedham [**Local approval received**]; and

By the same Senator, a petition (accompanied by bill, Senate, No. 2230) of Marian Walsh (by vote of the town) for legislation to prohibit truck traffic on a portion of East Street in the town of Dedham [**Local approval received**];

**Severally, under Senate Rule 20, to the committee on Transportation.**

**Severally sent to the House for concurrence.**

*Committee Discharged.*

Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 78) of Susan C. Fargo, David P. Linsky, Edward M. Augustus, Jr., Lida E. Harkins and other members of the General Court for legislation relative to the public health benefits of breastfeeding,— **and recommending that the same be referred to the committee on Public Health.**

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

**Sent to the House for concurrence.**

**PAPERS FROM THE HOUSE.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4013) of Denis E. Guyer (by vote of the town) for legislation to provide for the recall of elected public officials of the town of Colrain;

**To the committee on Election Laws.**

Petition (accompanied by bill, House, No. 4014) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the town of Cohasset be authorized to provide water services to certain cities, towns and water companies; and

Petition (accompanied by bill, House, No. 4015) of Sarah K. Peake (by vote of the town) that the town of Provincetown be authorized to grant a certain easement on Rear Bradford Street in said town;

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4016) of Brian P. Wallace (with the approval of the mayor and city council) relative to the appointment of police officers in the city of Boston, notwithstanding the maximum age requirements;

**To the committee on Public Service.**

A communication from the City Council of the city of Worcester transmitting a copy of Resolutions urging the expansion of legalized gaming in the Commonwealth (having been sent by the House to the Senate for its information),— **was returned to the House to be placed on file.**

**Reports**

Of the committee on Public Safety and Homeland Security, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2230) of John F. Quinn to study the safety of political sign holders on public roadways,— **and recommending that the same be referred to the committee on Election Laws.**

Of the committee on State Administration and Regulatory Oversight, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3770) of David L. Flynn and others relative to further regulating the development of underused state-owned real property and the disposition of state-owned surplus real property,— **and recommending that the same be referred to the committee on Bonding, Capital Expenditures and State Assets.**

**Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Notice was received from the House that the House has called for consideration in the Joint Session the following matters:

Proposal for a legislative amendment to the Constitution relative to changing Article XLVI (46) of the Constitution (Senate, No. 20),— **with reference to which the committee on the Education has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass;**

Proposal for a legislative amendment to the Constitution relative to legislative action (Senate, No. 27),— with reference to which the committee on the Judiciary has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass, the time within which the said committee was required to report having expired;

Proposal for a legislative amendment to the Constitution to change the length of term for Representatives and Senators from two years to four years (House, No. 685),— with reference to which the committee on Election Laws has reported that the amendment ought NOT to pass.

Proposal for a legislative amendment to the Constitution prohibiting eminent domain (House, No. 1705),— with reference to which the committee on the Judiciary has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass, the time within which the said committee was required to report having expired;

Proposal for a legislative amendment to the Constitution relative to legislative action on Initiative amendments (House, No. 1727),— with reference to which the committee on the Judiciary has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass, the time within which the said committee was required to report having expired.

Proposal for a legislative amendment to the Constitution relative to eminent domain takings (House, No. 1771),— with reference to which the committee on the Judiciary has reported that the amendment ought to pass; and

Proposal for a legislative amendment to the Constitution relative to initiative petitions (House, No. 1772),— with reference to which the committee on the Judiciary has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass, the time within which the said committee was required to report having expired.

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Messrs. Montigny, Antonioni, Augustus, Baddour, Barrios, Berry, Brewer, Brown, Buoniconti, Ms. Candaras, Ms. Chandler, Mr. Creedon, Ms. Creem, Mr. Downing, Ms. Fargo, Messrs. Hart, Havern, Hedlund, Ms. Jehlen, Messrs. Joyce, Knapik, McGee, Ms. Menard, Messrs. Moore, Morrissey, Ms. Murray, Messrs. O'Leary, Pacheco, Panagiotakos, Ms. Resor, Mr. Rosenberg, Ms. Spilka, Messrs. Tarr, Timilty, Tisei, Tolman, Ms. Tucker, Ms. Walsh and Ms. Wilkerson) "recognizing May 14 to 18, 2007, as Multiple Sclerosis Week"; and

Resolutions (filed by Mr. Pacheco) "congratulating Kyle Joseph Rapoza upon his elevation to the rank of Eagle Scout."

#### *Orders Adopted.*

Mr. Tisei offered the following order:

*Ordered*, That, the Senate hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, to consider the following proposal:

Proposal for a legislative amendment to the Constitution relative to Constitutional officers (see Senate, No.



25), with reference to which the committee on Election Laws has reported, recommending that the amendment ought NOT to pass (Senator Brown and Representatives Rogeness of Longmeadow and Frost of Auburn dissenting).

**There being no objection, the order was considered forthwith and adopted.**

Ms. Creem offered the following order:

*Ordered*, That, the Senate hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, to consider the following proposals:

Proposal for a legislative amendment to the Constitution amending the Constitution to preserve civil rights and equal protection (see Senate, No. 26), with reference to which the committee on the Judiciary has reported that the amendment ought NOT to pass (under Joint Rule 23), the time within which the said committee was required to report having expired; and

Proposal for a legislative amendment to the Constitution relative to civil rights and legal rights (see House, No. 3878), with reference to which the committee on the Judiciary has reported that the amendment ought NOT to pass (under Joint Rule 23), the time within which the said committee was required to report having expired.

**There being no objection, the order was considered forthwith and adopted.**

*Reports of a Committee.*

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill further regulating the placement of certain children (Senate, No. 75),— **ought to pass.**

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

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing the public libraries fund (Senate, No. 1997),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2232).**

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

**The bill (Senate, No. 2232) was then ordered to a third reading.**

*Order Adopted.*

On motion of Mr. Timilty,—

*Ordered*, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session.

On motion of Mr. Brown, at thirteen minutes past eleven o'clock A.M., the Senate adjourned to meet on the following day at one o'clock P.M.

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# UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



## JOURNAL OF THE SENATE.

*Thursday, May 10, 2007.*

Met according to adjournment at one o'clock P.M. (Mr. Rosenberg in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

### *Petition.*

Ms. Resor presented a petition (accompanied by bill, Senate, No. 2233) of Pamela P. Resor and James B. Eldridge (by vote of the town of Harvard) for legislation relative to property tax exemptions for registered affordable accessory apartments in the town of Harvard used as affordable housing [Local approval received];— **and the same was referred, under Senate Rule 20, to the committee on Revenue.**  
**Sent to the House for concurrence.**

### PAPERS FROM THE HOUSE.

A Bill authorizing the town of Wellesley to convey a certain parcel of land (printed in House, No. 3748,— being a message from His Excellency the Governor),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill authorizing the town of Wellesley to convey a certain parcel of land (House, No. 3954,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Notice was received from the House announcing the following appointment:

That Representative Ross of Wrentham has been appointed by the Minority Leader to the Special Commission (established pursuant to Chapter 305 of the Acts of 2006) established relative to long-term care options for disabled adults.

*Recess.*

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

The Chair (Mr. Rosenberg), members, guests and employees then recited the pledge of allegiance to the flag.

*Distinguished Guests.*

There being no objection, the Chair (Mr. Rosenberg) handed the gavel to Mr. Brewer for the purpose of an introduction. Mr. Brewer introduced Michelle Gallien who was accompanied to the Chamber by her mother Doreen. Michelle is a dedicated Special Olympic athlete from the town of Athol. She recently earned a gold medal as well as a silver medal last July at the Special Olympic National Games. Later this summer Michelle will travel to Nashville to train with Team USA in anticipation of competing in the World Games in China in October.

There being no objection, the Chair (Mr. Rosenberg) handed the gavel to Mr. Joyce for the purpose of an introduction. Mr. Joyce introduced Representative Stephanie Sharp, a state representative from Kansas who was visiting Massachusetts for a biotech conference. Representative Sharp signed the book and withdrew from the Chamber.

*Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Augustus) "commending Robert M. Sullivan for his life in public education";

Resolutions (filed by Mr. Baddour) "on the two-hundredth birthday of John Greenleaf Whittier";

Resolutions (filed by Ms. Fargo) "on the retirement of Dr. Richard Moser";

Resolutions (filed by Ms. Menard) "observing May 16, 2007 as Unsung Heroines Day in Massachusetts"; and

Resolutions (filed by Ms. Resor) "honoring the Massachusetts Disabled Persons Protection Commission for their 20 years of outstanding service."

*Communication.*

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE  
STATE HOUSE, BOSTON 02133-1053

*May 9, 2007.*

Mr. William Welch, Clerk  
Massachusetts State Senate  
State House, Room 335  
Boston, MA 02133

Dear Mr. Clerk:

On Tuesday, May 1, 2007 I was absent from the Senate Chambers during formal session to attend to a matter of significant importance related to an informational hearing of the Joint Committee on Mental Health and Substance Abuse. During my absence from the chamber, I missed a roll call vote relative to Senate Bill 2222 Resolutions Forecasting the Amount of Tax Revenue for Fiscal Year 2008.

Had I been present, I would have voted in the affirmative on S-2222.

I would respectfully request that this letter be published in the Senate Journal as part of the official record for Tuesday, May 1, 2007. Thank you in advance for your assistance in this matter.

Sincerely,  
DIANNE WILKERSON,  
Senator,  
Second Suffolk District.

On motion of Mr. Joyce, the above communication was ordered printed in the Journal of the Senate.

*Orders of the Day.*

The Orders of the Day were considered, as follows:

*Bills*

Authorizing the town of Lunenburg to exchange certain land (Senate, No. 1145);  
Authorizing the town of Middleborough to deposit certain tax payments received into its land acquisition fund (Senate, No. 1187);  
Authorizing the town of Middleborough to convey town-owned conservation land in exchange for other land to be used as conservation and recreation land (Senate, No. 1188);  
Creating the city of Taunton's economic development fund (Senate, No. 1192);  
Relative to Chapter VII of the general by-laws of the town of Essex (Senate, No. 1201);  
Authorizing the town of North Reading to convey and acquire land (House, No. 1954); and  
Authorizing the town of North Reading to convey and acquire land (House, No. 1955);  
**Were severally read a second time and ordered to a third reading.**

The Senate Bill relative to the Charlton water and sewer commission's water supply (Senate, No. 1153),— was read a second time and ordered to a third reading. There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was 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 further regulating water supply connections in the town of Charlton".

**Sent to the House for concurrence.**

The Senate Bill relative to the Charlton water and sewer commission (Senate, No. 1152),— was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Brewer moved to amend the bill in section 1, by adding the following sentence: — "In exercising its discretion under this section, the Commission shall consider matters involving the capacities and capabilities of the town's wastewater treatment plant, sewerage and other infrastructure and equipment, and the desirability of prioritizing connections for commercial and residential properties within the original planned service area, as well as those with on-site septic systems that are in failure or at risk of failing."

**The amendment was adopted.**

The bill, as amended, was then ordered to a third reading. The rules were suspended, on motion of Mr. Brewer, and the bill was 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 further regulating sewer connections in the town of Charlton".

**Sent to the House for concurrence.**

The Senate Bill further regulating the placement of certain children (Senate, No. 75),— was read a third time

and, after remarks, was passed to be engrossed.  
Sent to the House for concurrence.

The Senate Bill establishing the public libraries fund (Senate, No. 2232),— was read a third time. After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at eleven minutes before two o'clock P.M., on motion of Mr. Augustus, as follows, to wit (*yeas 38 — nays 0*) [Yeas and Nays No. 16] :

**YEAS.**

Antonioni, Robert A.	Knapik, Michael R.
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	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.	Resor, Pamela
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Spilka, Karen E.
Downing, Benjamin Brackett	Tarr, Bruce E.
Fargo, Susan C.	Timilty, James E.
Hart, John A., Jr.	Tisei, Richard R.
Havern, Robert A.	Tolman, Steven A.
Hedlund, Robert L.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 38.

**NAYS — 0.**

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

**PAPERS FROM THE HOUSE.**

*Emergency Preamble Adopted.*

An engrossed Bill relative to the sale of land by the Massachusetts Water Resources Authority (see Senate, No. 2179, 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 9 to 0.

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

A report of the committee on Consumer Protection and Professional Licensure, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 229) of Christopher G. Fallon for

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

# UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



## JOURNAL OF THE SENATE.

*Monday, May 14, 2007.*

Met at one minute past eleven o'clock A.M. (Mr. Tolman in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Tolman), members, guests and employees then recited the pledge of allegiance to the flag.

### *Communications.*

The following communications were severally received and placed on file:

Several communications were received from the Honorable Therese Murray, President of the Senate, announcing certain appointments to various special commissions, advisory boards and task forces, as follows:—

Senator Joan M. Menard has been appointed to the Special Task Force established (pursuant to Section 2 of Chapter 81 of the Acts of 2006) to study medical spas;

Senator Richard T. Moore as Senate representative (pursuant to Section 112 of Chapter 58 of the Acts of 2006) to negotiations with the federal government concerning the MassHealth demonstration waiver granted by the United States Department of Health and Human Services under section 1115(a) of the Social Security Act, as authorized by Chapter 203 of the Acts of 1996;

Senator Richard T. Moore (pursuant to Section 16M of Chapter 6A of the General Laws) to the MassHealth Payment Policy Advisory Council;

Senators Robert A. Antonioni (co-chair), Edward M. Augustus, Jr. and Joan M. Menard to the Special

Commission established (pursuant to Section 363 of Chapter 149 of the Acts of 2004, as extended by Section 156 of Chapter 122 of the Acts of 2006) to make an investigation and study of middle education in the Commonwealth;

Senator Edward M. Augustus, Jr. (pursuant to Section 4A of Chapter 15A of the General Laws) to the Robert H. Goddard Council on Science, Technology, Engineering and Mathematics Education. Senator John A. Hart, Jr. has been designated as co-chair of the Council, replacing Senator Steven C. Panagiotakos; Senators Dianne Wilkerson (co-chair), Stephen J. Buoniconti and Mark C. Montigny (pursuant to Section 1600 of Chapter 6A of the General Laws) to the Health Disparities Council;

Senators Thomas M. McGee and Edward M. Augustus, Jr. (pursuant to Section 7 of Chapter 23H of the General Laws) to the State Workforce Investment Board;

Senators Marian Walsh and Harriette L. Chandler to the Special Commission established (pursuant to Section 117 of Chapter 123 of the Acts of 2006) concerning the long-term sustainability of individual financial assets; and

Senator Pamela P. Resor (pursuant to Section 23 of Chapter 123 of the Acts of 2006) to the Performance Standards and Workforce Accountability Task Force.

The following Senators were appointed to serve on various standing committees established by the National Conference of State Legislatures:

Agriculture, Environment and Energy	Senator Pamela P. Resor
Budgets and Revenue	Senator Stephen C. Panagiotakos
Communications, Financial Services and Interstate Commerce	Senator Stephen J. Buoniconti
Education	Senator Robert A. Antonioni
Health	Senator Susan C. Fargo
Human Services and Welfare	Senator Karen E. Spilka
Labor and Economic Development	Senator John A. Hart, Jr.
Law and Criminal Justice	Senator Robert S. Creedon, Jr.
Legislative Effectiveness	Senator Stanley C. Rosenberg
Redistricting and Elections	Senator Edward M. Augustus, Jr.
Transportation	Senator Steven A. Baddour

The communications were placed on file.

*Report.*

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of M.C.I. Shirley Medium Security Facility (received Thursday, May 10, 2007),— was read and sent to the House for its information.

#### *Petition.*

Mr. Rosenberg presented a petition (accompanied by bill, Senate, No. 2237) of Stanley C. Rosenberg and Peter V. Kocot (with the approval of the mayor and the city council of Northampton) for legislation to authorize the city of Northampton to retain any issued annual or seasonal license in the event of a license revocation or forfeiture and that the city of Northampton may convert the five currently issued seasonal all alcohol licenses for the sale of all alcoholic beverages to be drunk on the premises to annual all alcohol licenses. [Local approval received],— and the same was referred, under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.

**Sent to the House for concurrence.**

#### *Reports of Committees.*

By Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, on Senate, Nos. 73 and 115 and House, No. 85, a Bill relative to welfare reform (Senate, No. 115, changed in section 8 by striking the words "2 years" in line 209, and inserting in place thereof the words "1 year" and by striking out lines 221 through 224 and inserting in place thereof the following paragraph: "Recipients meeting the following eligibility criteria shall be exempt from the provisions of section 2G, but subject to the provisions of sections 2H and 3 until such time as their eligibility status has been determined by the department to have changed and they no longer conform to the criteria that define the following exempt categories of assistance: (1) recipients with a child of record between the ages of 1 and 2 years; (2) recipients under the age of 20 attending high school full time under section 2C);

Referred under Joint Rule 1E, to the committee Health Care Financing.

By Mr. Downing, for the committee on Public Service, on petition (accompanied by bill, Senate, No. 1586), a Bill relative to the calculation of retiree colas (Senate, No. 2234);

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

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

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3741) of Cleon H. Turner and others relative to authorizing the Dennis Water District and MHC Old Chatham L.L.C. to exchange certain parcels of land (having been transmitted to the State Secretary, under the provisions of Chapter 3 of the General Laws, and returned by him with memorandum thereto);

**Under suspension of Joint Rule 9, to the committee on municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 4021) of Sarah K. Peake (by vote of the town) that the town of Harwich be authorized to establish a road betterment fund;

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

Petition (accompanied by bill, House, No. 4004) of Antonio F. D. Cabral relative to the death benefit paid to beneficiaries upon the death of retired members of the New Bedford police department by the New Bedford Police Association (having been transmitted to the Secretary of State, under the provisions of Chapter 3 of the General Laws; and returned by him with memorandum relative thereto);

**Under suspension of Joint Rule 9, to the committee on Public Service.**



## Reports

Of the committee on Consumer Protection and Professional Licensure, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 279) of Harold P. Naughton, Jr., relative to telecommunications professionals,— **and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy.**

Of the committee on Housing, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1235) of Lida E. Harkins and others relative to the disposition of certain property at Medfield State Hospital,— **and recommending that the same be referred to the committee on Bonding, Capital Expenditures and State Assets;** and

Of the petition (accompanied by bill, House, No. 1266) of Peter J. Koutoujian and Martin J. Walsh relative to the creation of family justice centers to assist victims of abuse in certain court jurisdictions,— **and recommending that the same be referred to the committee on the Judiciary.**

Of the committee on Public Health, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 2195) of J. James Marzilli, Jr., and others for legislation to establish a department of home and community-based services; and

Of the joint petition (accompanied by bill, House, No. 2245) of Brian A. Joyce and others for an investigation by a special commission (including members of the General Court) relative to the use of behavior modification techniques used in the Commonwealth;

**And recommending that the same severally be referred to the committee on Children, Families and Persons with Disabilities.**

Of the petition (accompanied by bill, House, No. 2039) of Bruce J. Ayers relative to deceptive actions perpetrated against elderly and disabled persons,— **and recommending that the same be referred to the committee on Elder Affairs.**

Of the House Bill relative to additional funds for the Spinal Cord Injury Trust Fund (House, No. 2084);

Of the House Bill establishing a commission to reduce health care administrative costs (House, No. 2119);

Of the House Bill controlling health care costs (House, No. 2197); and

Of the House Bill to provide coverage for hearing aids (House, No. 2239);

**And recommending that the same severally be referred to the committee on Health Care Financing.**

Of the petition (accompanied by bill, House, No. 2150) of Peter J. Koutoujian that the Department of Public Health be required to hold public hearings before the removal of publicly-funded beds under the jurisdiction of the Commonwealth,— **and recommending that the same be referred to the committee on Mental Health and Substance Abuse.**

Of the committee on , asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2047) of Garrett J. Bradley and another relative to authorizing the Teachers' Retirement System to grant creditable service to Maribeth Ahearn,— **and recommending that the same be referred to the committee on Public Service.**

Of the committee on Public Health, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2040) of Bruce J. Ayers relative to further regulating the transportation of

persons in wheelchairs in motor vehicles,— and recommending that the same be referred to the committee on Transportation.

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Knapik) “commending the Reverend J. Gollan Root”: and

Resolutions (filed by Mr. Panagiotakos) “congratulating the Scottish Rite of Freemasonry, Valley of Lowell on its one hundred and fiftieth anniversary.”

#### *Matter Taken Out of the Orders of the Day.*

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The Senate Bill establishing appointed positions of district clerk and district treasurer for the Bernardston Fire and Water District (Senate, No. 1198),— 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.

#### **PAPER FROM THE HOUSE.**

A petition (accompanied by bill, House, No. 4023) of Richard J. Ross for legislation to establish a sick leave bank for Thomas A. Connolly, an employee of the Department of Correction,— was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.

#### *Recess.*

There being no objection, at sixteen minutes past eleven o'clock A.M., the Chair (Mr. Tolman) declared a recess; and at a quarter past one o'clock P.M., the Senate reassembled, Mr. Tolman in the Chair.

#### **PAPER FROM THE HOUSE.**

A Bill making appropriations for the fiscal year 2007 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4022, on House, No. 4020, in part),— was read.

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

#### *Recess.*

There being no objection, at sixteen minutes past one o'clock P.M., the Chair (Mr. Tolman) declared a recess; and at twenty-three minutes before four o'clock P.M., the Senate reassembled, Mr. Tolman in the Chair.

#### **PAPER FROM THE HOUSE.**

*Emergency Preamble Adopted; Engrossed Bill Enacted.*

An engrossed Bill making appropriations for the fiscal year 2007 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4022), 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 3 to 0.

The bill was signed by the Acting President (Mr. Tolman) and sent to the House for enactment. Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Tolman) and laid before the Governor for his approbation.

*Order Adopted.*

On motion of Mr. Hedlund,—

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

*Adjournment in Memory of Officer John "Jack" Georges of Dunstable.*

The Senator from Middlesex, Mr. Panagiotakos, presented a request that when the Senate adjourns today, it do so in memory of Officer John "Jack" Georges of Dunstable.

John "Jack" Georges of Dunstable, a veteran Tyngsboro police officer, died unexpectedly on Tuesday, May 8. Mr. Georges was a veteran of the U.S. Marine Corps, serving as a gunnery sergeant and small arms specialist. After beginning his career as a police officer in Dunstable, Mr. Georges joined the Tyngsboro Police Department more than 20 years ago. His service to the Tyngsboro Police included 8 years as union steward. He was a member of the New England Police Benevolent Association and was past president of the International Brotherhood of Police Officers.

He was an active member of the community, volunteering and coaching youth soccer for the Groton-Dunstable teams. Mr. Georges was 48 years old.

Accordingly, as a mark of respect to the memory of Officer John "Jack" Georges of Dunstable, at five minutes before four o'clock P.M., on motion of Ms. Hedlund, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.

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# UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



## JOURNAL OF THE SENATE.

*Thursday, August 23, 2007.*

Met at five minutes past eleven o'clock A.M. (Mr. Havern in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Havern), members, guests and employees then recited the pledge of allegiance to the flag.

### *Communications.*

A communication from the Honorable Therese Murray, President of the Senate, announcing the appointment of Mrs. Deborah Goldberg, pursuant to Section 35EE of Chapter 10 of the General Laws, to the Commonwealth Covenant Fund,— was placed on file.

A communication from His Excellency the Governor submitting His Five-Year Capital Investment Plan (FY2008-2012) (received Tuesday, August 21, 2007),— was placed on file.

### *Petitions.*

Petitions were presented and referred as follows:

By Mr. Brewer, a petition (accompanied by bill, Senate, No. 2328) of Stephen M. Brewer and Todd M. Smola (by vote of the town) for legislation to establish a special fund in the town of Brimfield [Local approval received]; and

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2326) of Marc R. Pacheco and Susan W. Gifford (by vote of the town) for legislation relative to the membership of the conservation commission of the

town of Carver [Local approval received];

Severally, under Senate Rule 20, to the committee on Municipalities and Regional Government.

By Mr. Brewer, a petition (accompanied by bill, Senate, No. 2327) of Stephen M. Brewer and Robert L. Rice (by vote of the town) for legislation relative to property tax deferments for senior citizens in the town of Winchendon [Local approval received];

**Under Senate Rule 20, to the committee on Revenue.**

**Severally sent to the House for concurrence.**

Petitions were presented and referred, as follows:

By Mr. Joyce, a petition (subject to Joint Rule 12) of Brian A. Joyce, Scott P. Brown, Robert L. Hedlund, James E. Vallee and other members of the General Court for legislation to require police notification to certain neighbors of level 2 sex offenders; and

By the same Senator, a petition (subject to Joint Rule 12) of Brian A. Joyce, Mark C. Montigny, Bruce E. Tarr, Bradley H. Jones, Jr. and other members of the General Court for legislation relative to the divestment of state assets from nations that sponsor terrorism;

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

#### *Reports of Committees.*

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill relative to providing for homeownership opportunities in weak markets (Senate, No. 2162),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2325); [**Estimated cost — less than \$100,000**] (Senator Wilkerson dissenting);

**Referred; under Senate Rule 27, to the committee on Ways and Means.**

By Mr. Antonioni, for the committee on Education, on petition (accompanied by bill, Senate, No. 2239), a bill authorizing the Wachusett Regional School District to borrow money for the cleanup of oil contamination and related costs (Senate, No. 2322);

**Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

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

A Bill establishing a sick leave bank for Colleen Hañon, an employee of the trial court (House, No. 4183,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A communication from the City Council of the City of Boston submitting a copy of a Resolution of said city council, adopted on August 1, urging the Legislature to take up the criminal offender record information (CORI) program issue during its 2007-2008 session (having been sent by the House to the Senate for its information),— **was read and returned to the House to be placed on file.**

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Buoniconti) “recognizing National Assisted Living Week 2007 ‘Legacies of Love’”;

Resolutions (filed by Mr. Montigny and Ms. Murray) “celebrating the twenty-fifth anniversary of the gifting

of the Schooner Ernestina by the people of Cape Verde”;

Resolutions (filed by Mr. Moore, Ms. Tucker and Mr. Panagiotakos) “congratulating Mr. and Mrs. Edward Ziaja on the occasion of their twenty-fifth wedding anniversary”;

Resolutions (filed by Ms. Wilkerson) “commemorating the fiftieth anniversary of Masjid Al-Qur’an of Dorchester in the city of Boston”; and

Resolutions (filed by Ms. Wilkerson) “commending Imam W. D. Mohammed.”

#### *Reports of Committees.*

Ms. Menard, 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 minimum age for appointment as a University of Massachusetts police officer (Senate, No. 1639).

There being no objection, the rules were suspended, on motion of Mr. Timilty, 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.**

Ms. Menard, 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 validating the actions taken at the annual town election held in the town of Southampton (printed in House, No. 4149).

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

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing the Bristol County Commission on the status of women (Senate, No. 1172),— **ought to pass.**

**There being no objection, the rules were suspended, on motion of Mr. Timilty, 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. Augustus, for the committee on Election Laws, on petition, a Bill relative to elections in the city of Lowell in the current year (Senate, No. 2323) [Local approval received].

**There being no objection, the rules were suspended, on motion of Mr. Brown, and the bill 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 relative to elections in the city of Lowell in 2007”.**

**Sent to the House for concurrence.**

#### *Matter Taken Out of the Orders of the Day.*

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The House Bill authorizing the town of Natick to enter into a certain lease agreement (House, No. 3968),— **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. Brown and Ms. Spilka moved that the bill be

amended by striking out all after the enacting clause and inserting in place thereof the following new text:—

“Notwithstanding any general or special law to the contrary, the board of selectmen of the town of Natick is hereby authorized to enter into a lease agreement for the property at 20 Middlesex Avenue for a term not to exceed 99 years for the purpose of construction, operation and management of a facility to provide public parking, residential use or commercial use and parking associated with said residential or commercial use; provided, however, that said lease shall be subject to the provisions of section 16 of chapter 30B.”

**The amendment was adopted.**

**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.

The Senate Bill establishing a sick leave bank for Todd J. Martinson, an employee of the Monson Developmental Center in the Department of Mental Retardation (Senate, No. 1457),— **came from the House passed to be engrossed, in concurrence with an amendment inserting before the enacting clause the following emergency preamble:**

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of mental retardation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

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

### *Reports of Committees.*

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Mark C. Montigny, C. Samuel Sutter, Robert M. Koczera, James E. Timilty and other members of the General Court for legislation to amend the dangerousness statute. **Senate Rule 36 was suspended, on motion of Mr. Brown, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.**

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stephen M. Brewer, Stanley C. Rosenberg, Stephen J. Buoniconti, Christopher J. Donelan and other members of the General Court for legislation relative to members of the Executive Council. **Senate Rule 36 was suspended, on motion of Mr. Brown, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.**

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stephen M. Brewer for legislation relative to property tax benefits for senior citizen volunteers. **Senate Rule 36 was suspended, on motion of Mr. Brown, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue.**

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stephen M. Brewer for legislation to designate a certain bridge in Barre

to be named after Severino D'Annolfo.

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

Severally sent to the House for concurrence.

### PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4221) of John P. Fresolo that certain retired veterans be entitled to additional benefits under the public employees non-contributory disability retirement law,— was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.

#### *Engrossed Bills.*

The following engrossed bills (the first two 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 (Mr. Havern) and laid before the Governor for his approbation, to wit:

Further regulating the placement of certain children (see Senate, No. 75);

Authorizing the town of Ipswich to grant 1 additional license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No, 2269);

Increasing the salaries of the licensing board in the city of Boston (see House, No. 2012); and

Authorizing the town of Natick to borrow a certain sum of money (see House, No. 3969).

#### *Emergency Preamble Adopted; Engrossed Bill Enacted.*

An engrossed Bill establishing a sick leave bank for Rosemary Rozak, an employee of the Department of Revenue (see Senate, No. 2302), 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 3 to 0.

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

Subsequently, the bill, which originated in the Senate, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Havern) and laid before the Governor for his approbation.

#### *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 re-enacted and were signed by the Acting President (Mr. Havern) and again laid before the Governor for his approbation, to wit:

Authorizing the town of Belmont to establish another post-employment benefits trust fund (see House, No. 1441, amended); and

Relative to the procedures of town meeting in Burlington (see House, No. 2014, amended).

#### *Order Adopted.*



On motion of Mr. Timilty,—

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

*Adjournment in Memory of Staff Sergeant Alicia A. Birchett of Mashpee.*

The Senator from Plymouth and Barnstable, Ms. Murray, and the Senator from Cape and Islands, Mr. O'Leary, presented a request that when the Senate adjourns today, it do so in memory of Staff Sergeant Alicia A. Birchett of Mashpee.

Staff Sergeant Birchett died August 9 as a result of injuries sustained while serving her country in Baghdad. She was a member of the 887th Engineer Company, 326th Engineer Battalion, 101st Sustainment Brigade, and 101st Airborne Division, as well as a beloved mother of three and member of the Mashpee Wampanoag tribe.

Accordingly, as a mark of respect to the memory of Staff Sergeant Alicia A. Birchett of Mashpee, at twenty-five minutes past eleven o'clock A.M., on motion of Mr. Brown, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.