

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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, March 24, 2004.

Met at two minutes past eleven o'clock A.M. (Mr. Brewer 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. Brewer), members, guests and employees then recited the pledge of allegiance to the flag.

Petition.

Ms. Walsh presented a petition (subject to Joint Rule 12) of Marian Walsh and Michael F. Rush for legislation relative to the protection of parkways and boulevards, **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Mr. Nuciforo, for the committee on Banks and Banking, on petition (accompanied by bill, Senate, No. 4), an Order relative to authorizing the joint committee on Banks and Banking to make an investigation and study of a certain Senate document relative to establishing community reinvestment obligations for certain mortgage lenders (Senate, No. 2283);

By Mr. Antonioni, for the committee on Education, Arts and Humanities, on petition (accompanied by bill, Senate, No. 322), an Order relative to authorizing the joint committee on Education, Arts and Humanities to make an investigation and study of a certain Senate document relative to authorizing the University of Massachusetts to undertake certain integrated technology projects (Senate, No. 2278).

By Mr. Morrissey, for the committee on Government Regulations, on Senate, Nos. 390, 392, 394, 396, 399,

401, 402, 405, 407, 408, 411, 412, 413, 414, 418, 419, 421, 427, 429, 431, 434, 440, 441, 443, 448, 452, 453, 455, 457, 459, 460, 466, 467, 468, 470, 472, 473, 474, 475, 479, 480, 482, 484, 487, 1942 and 1995 an Order relative to authorizing the joint committee on Government Regulations to make an investigation and study of certain Senate documents (Senate, No. 2289):

By Mr. Moore, for the committee on Health Care, on Senate, Nos. 254 and 583, an Order relative to authorizing the joint committee on Health Care to make and investigation and study of certain Senate documents relative to children's health insurance programs and nursing fees (Senate, No. 2268);

By Mr. Creedon, for the committee on the Judiciary, on Senate, Nos. 174, 178, 931, 932, 935, 937, 939, 940, 941, 942, 943, 946, 961, 965, 968, 969, 970, 971, 972, 973, 978, 979, 980, 984, 986, 989, 990, 992, 997, 998, 1006, 1007, 1008, 1010, 1011, 1017, 1018, 1019, 1020, 1026, 1028, 1029, 1032, 1035, 1036, 1037, 1038, 1039, 1040, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1055, 1056, 1057, 1059, 1060, 1061, 1064, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1076, 1078, 1079, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1095, 1096, 1097, 1098, 1100, 1101, 1104, 1105, 1106, 1107, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1123, 1124, 1125, 1127, 1128, 1129, 1131, 1132, 1133, 1134, 1135, 1141 and 1142 an Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of certain Senate documents relative to the courts of the Commonwealth (Senate, No. 2288); and

By Mr. Baddour, for the committee on Transportation, on Senate, Nos. 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1864, 1865, 1866, 1867, 1868, 1873, 1874, 1876, 1878, 1879, 1880, 1881, 1883, 1885, 1186, 1888, 1891, 1895, 1902, 1904, 1905, 1906, 1908, 1909, 1946 and 2044, an Order relative to authorizing the joint committee on Transportation to make an investigation and study of certain Senate documents relative to transportation matters of the Commonwealth (Senate, No. 2284);

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Moore, for the committee on Health Care, on Senate, No. 633 and House, Nos. 906 and 2055, a Bill relative to a special commission on concierge practice in the commonwealth (Senate, No. 2269);

Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.

By Mr. Moore, for the committee on Health Care, on Senate, Nos. 655 and 686, a Bill to determine the financial feasibility of establishing the Massachusetts Health Care Trust (Senate, No. 2272);

By the same Senator, for the same committee, on the recommitted petition (accompanied by bill, Senate, No. 494), a Bill relative to prescription drugs (Senate, No. 2294); and

By Mr. Barrios, for the committee on Public Safety, on Senate, No. 1387 and House, No. 2290, a Bill creating a Bureau of Power Lineman in the Department of Public Safety (Senate, No. 2292);

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

By Mr. Moore, for the committee on Health Care, on Senate, Nos. 514 and 515 and House, Nos. 1280, 2048, 2052 and 3125, a Bill relative to stem cell research (Senate, No. 515);

Read and, under Senate Rule 26A, referred to the Senate committee on Science and Technology.

Mr. Magnani, for the committee on Steering and Policy, reported that the following matters be placed in the Orders of the Day for the next session:

The Senate bills

To strengthen waterways law enforcement (Senate, No. 1265);

Relative to the regulation of motor vehicle livery services and the licensing of livery operators (Senate, No. 1375);

Clarifying the enforcement provisions in relation to fire prevention (Senate, No. 1395);

Requiring late counting of certain overseas absentee ballots in municipal elections (Senate, No. 2164); and

Authorizing cities, towns and regional districts to send certain information to registered voters (Senate, No. 2221); and

The Senate reports

Of the committee on Natural Resources and Agriculture, ought NOT to pass:

On the petition (accompanied by bill, Senate, No. 1189) of Thomas F. Reilly, Attorney General of the Commonwealth, Steven A. Baddour, David P. Linsky, Brian A. Joyce and other members of the General Court for legislation to define the term ♦environmental violation♦ and establishing penalties therefor; and

On the petition (accompanied by bill, Senate, No. 2096) of Jo Ann Sprague and Philip Travis (by vote of the town) for legislation to authorize the town of Rehoboth to assess fees for conservation purposes;

Of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1322) of John A. Hart, Jr., Brian P. Wallace and Martin J. Walsh for legislation relative to breast cancer distinctive license plates.

Resolutions.

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

Resolutions (filed by Ms. Wilkerson) ♦honoring South Cove Manor.♦

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 relative to workers♦ compensation exclusive remedy (Senate, No. 72),♦ was read a second time.

Mr. Lees presented an amendment, striking out clause (2) and inserting in place thereof the following clause:♦

♦(2) an insured employee leasing company and its client company, as defined in section 14A and in

accordance with the department's regulations, if each such company is in compliance with this chapter; and 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 forthwith to regulate further the worker's compensation exclusive remedy, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

The amendment was adopted.

The bill (Senate. No. 72, amended) was then ordered to a third reading.

Reports of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to the certification of speech-language pathology and audiology assistants (Senate, No. 428), ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2296).

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. 2296) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to memorials located on Metropolitan District Commission property (Senate, No. 703), ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2297).

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. 2297) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill providing improved management of state forests (Senate, No. 1205), ought to pass.

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

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill to protect the Commonwealth's hemlock trees (Senate, No. 1209), ought to pass.

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

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to licensing of foresters and timber harvesters (Senate, No. 1241), ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2298).

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. 2298) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to the identification of burial grounds and cemeteries on certain state-owned land (Senate, No. 1624), ought to pass, with an amendment in section 1, by striking out, in lines 5 to 8, inclusive, the words "on current or former state-owned public facilities now or formerly under their jurisdiction and control to which the commonwealth retains or can acquire without expense a right of re-entry" and inserting in place thereof the following words: "on property currently owned by and in the control of the commonwealth"; by striking out, in line 9, the date "June 30, 2003" and inserting in place thereof the following date "June 30, 2005"; by striking out the last sentence of the first paragraph and inserting in place thereof the following sentence: "The report shall also include the following information, if known by and in possession of the division of capital asset management and maintenance or the department of mental health, mental retardation, public health or correction: a list of the names and grave or plot numbers of persons reported to be buried in the burial grounds, cemeteries and other grave sites; a directory of the names and grave stones or plot marker numbers of persons buried in the burial grounds, cemeteries and other grave sites; an inventory of the total number of existing grave stones or plot markers, including any information regarding discrepancies between the number of persons believed to be buried and the number of grave stones or plot markers in the burial grounds, cemeteries and other grave sites; and any information regarding burial grounds, cemeteries and other grave sites located in former state-owned public facilities, formerly under the jurisdiction or control of those departments."; and by striking out the second paragraph.

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. 1624, amended) was then ordered to a third reading.

Ms. Murray, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester county 4H center (Senate, No. 2064), ought to pass, with an amendment in section 1, by striking out, in line 4, the words "environmental management" and inserting in place thereof the following words: "conservation and recreation"; by inserting after the word "day," in lines 16 and 30, the following words, in each instance: "or residential"; in section 2, by striking out, in line 4, the word "his" and inserting in place thereof the following word: "this"; and in section 4, by inserting after the word "two", in line 2, the following word: "consecutive"; by striking out, in line 4, the word "may" and inserting in place thereof the following word: "shall"; and by inserting after the word "upon", in line 4, the following word: "written".

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. 2064, amended) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to meningitis immunization awareness (Senate, No. 2155), ought to pass.

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

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill further regulating the sale and distribution of bottled water and certain other non-alcoholic beverages (Senate, No. 2162), ♦ ought to pass.

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

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to the computerization of the examination for certification for the practice of public accountancy (Senate, No. 2210), ♦ ought to pass.

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

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to the protection of disabled persons (House, No. 3241), ♦ ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of senate document numbered 2299.

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, as amended, was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing an exemption for low-income seniors from proposition 2 ♦ overrides (House, No. 4519), ♦ ought to pass, with an amendment by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2300; 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 forthwith to provide relief from the problem facing many members of the senior population in the commonwealth created by substantial increases in real estate taxes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. ♦; and by striking out the title and inserting in place thereof the following title: ♦ An Act relative to tax relief for certain elderly property owners. ♦.

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, as amended, was then ordered to a third reading.

Order Adopted.

Mr. Tarr presented the following order, to wit:

Ordered, That amendments offered to the House Bill establishing an exemption for low-income seniors from proposition 2 ♦ override (House, No. 4519), as amended by the committee on Ways and Means, striking out all after the enacting clause and inserting in place thereof a new text, must be filed in the office of the Clerk of the Senate no later than eleven o ♦ clock A.M., on Thursday, March 25, 2004.

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

PAPERS FROM THE HOUSE.

Engrossed Bills.

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

Designating a certain roadway in the Veterans Memorial cemetery in the town of Winchendon (see senate, No. 2126); and

Relative to annuity contracts (see House, No. 4193).

An engrossed Bill relative to the off-street parking board in the city of Worcester (see House, No. 4082, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the Acting President and again laid before the Governor for his approbation.**

A petition (accompanied by bill, House, No. 4607) of William C. Galvin and other members of the General Court relative to establishing a special account for the Norfolk County Regional Fire and Rescue Dispatch Center, **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Local Affairs and Regional Government.**

Order Adopted.

On motion of Mr. Tarr,

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at a half past twelve o'clock noon, in a formal session.

On motion of Mr. Rosenberg, at twenty minutes past eleven o'clock A.M., the Senate adjourned to meet on the following day at a half past twelve o'clock P.M.