

**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, March 29, 2004.

Met at five minutes before ten o'clock A.M.

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

### *Reports of Committees.*

By Mr. McGee, for the committee on Criminal Justice, on Senate, Nos. 128, 136, 150, 151, 155, 156, 158, 160, 162, 164, 165, 167, 168, 169, 171, 172, 175, 176, 180, 181, 182, 183, 184, 186, 189, 190, 191, 192, 193, 194, 195, 196, 199, 200, 201, 202, 204, 205, 206, 207, 209, 210, 211, 213, 216, 217, 218, 219 and 220 an Order relative to authorizing the joint committee on Criminal Justice to make an investigation and study of certain Senate documents relative to criminal justice in the commonwealth (Senate, No. 2295);

By Mr. Barrios, for the committee on Public Safety, on Senate Nos. 409, 449, 1272, 1276, 1277, 1280, 1282, 1286, 1289, 1294, 1299, 1304, 1305, 1306, 1314, 1317, 1319, 1320, 1321, 1323, 1325, 1327, 1331, 1336, 1338, 1339, 1340, 1343, 1347, 1349, 1350, 1351, 1352, 1354, 1358, 1360, 1362, 1367, 1369, 1373, 1382, 1383, 1386, 1937 and 2061 and House, Nos. 217, 417, 814, 975, 1175, 2288, 2485, 2509, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3380, 3387, 3388, 3389, 3390, 3401, 3571, 3579, 3682 and 4251 an Order relative to authorizing the joint committee on Public Safety to make an investigation and study of certain Senate and House documents relative to public safety issues in the Commonwealth (Senate, No. 2303) [Mr. Coppola of Foxborough dissenting];

By Mr. Tolman, for the committee on Public Service, on Senate, Nos. 1324, 1408, 1411, 1412, 1419, 1420, 1421, 1426, 1428, 1429, 1432, 1433, 1435, 1436, 1437, 1438, 1439, 1440, 1444, 1446; 1450, 1451, 1455, 1462, 1465, 1467, 1470, 1472, 1476, 1481, 1482, 1484, 1485, 1488, 1491, 1498, 1500, 1501, 1503, 1504,

1509, 1510, 1515, 1523, 1524, 1527, 1528, 1529, 1530, 1532, 1533, 1535, 1536, 1539, 1541, 1543, 1545, 1547, 1548, 1549, 1550, 1551, 1552, 1560, 1565, 1571, 1574, 1575, 1579, 1581, 1584, 1587, 1590, 1593, 1596, 1597, 1598, 1600, 1601, 1602, 1603, 1607, 1608, 1609, 1611, 1612, 1616, 1617, 1929, 1931, 1966, 1977, 1988, 1990, 2037, 2066, 2085, 2103, 2115, 2137, 2166, 2229 and 2230 an Order relative to authorizing the joint committee on Public Service to make an investigation and study of certain Senate documents relative to public service (Senate, No. 2302); and

By Ms. Creem, for the committee on Taxation, on Senate, Nos. 1346, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1728, 1729, 1730, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1740, 1741, 1742, 1743, 1744, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1768, 1769, 1770, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1805, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1824, 1825, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1842, 1844, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1991, 1996, 1997, 2018, 2028, 2053, 2063, 2171 and 2248 an Order relative to authorizing the joint committee on Taxation to make an investigation and study of certain Senate documents relative to taxation (Senate, No. 2301);

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

*Committee Discharged.*

Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Order relative to authorizing the joint committee on 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);

Of the Senate 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);

Of the Senate Order relative to authorizing the joint committee on Government Regulations to make an investigation and study of certain Senate documents (Senate, No. 2289);

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

Of the Senate 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);

Of the Senate 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); and

Of the Senate Bill relative to a special commission on concierge practice in the Commonwealth (Senate, No. 2269);

And recommending that the same severally be referred to the Senate committee on Ethics and Rules.  
**Under Senate Rule 36, the reports were severally considered forthwith and accepted.**

*Resolutions.*

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

Resolutions (filed by Mr. Morrissey) ♦ recognizing Loretta DeGrazia ♦; and

Resolutions (filed by Mr. Pacheco) ♦ honoring Arthur T. Whittimore. ♦

*Communications.*

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE  
STATE HOUSE, BOSTON 02133-1059

March 25, 2004.

William Welch, *Senate Clerk*  
Room 335  
State House  
Boston, MA 02133

Dear Mr. Clerk:

On March 25, I was absent from the Senate Chamber for the formal session and missed the following roll call votes. Had I been present, I would have voted in the affirmative on the following matters:

H-3921: An Act Providing for a Special Election to fill a vacancy on the board of Selectmen in the Town of Wilmington.

H-4519: An Act Relative to Tax Relief for Certain Elderly Property Owners.

H-4112: An Act Relative to a Change in Land Use in the Town of Lakeville.

S-1935: An Act Regulating the Use of Lowell Park in the Town of Barnstable.

S-2210: An Act Relative to the Computerization of the Examination for Certification for the Practice of Public Accountancy.

The override of the Governor's veto of line item 0710-0000 of the FY04 supplemental budget (H. 4330), relative to the Office of the State Auditor.

The override of the Governor's veto of Section 78 of the FY04 supplemental budget (H. 4330), relative to the Central Artery/Third Harbor Tunnel.

The override of the Governor's veto of Section 110 of the FY04 supplemental budget (H. 4330), relative to

the Estate Recovery Effective Date.

The override of the Governor's veto of Section 65 of the Economic Stimulus Bill (H. 4328), relative to the Massachusetts Community Development Finance Corporation.

The engrossment of S. 2304, a Supplemental Appropriations Bill.

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for Thursday, March 25, 2004. Thank you for your assistance in this matter.

Sincerely,  
BRIAN A. JOYCE,  
*State Senator.*

**On motion of Ms. Menard, the above communication was ordered printed in the Journal of the Senate.**

The Clerk read the following communication:

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

March 25, 2004.

Mr. William F. Welch  
*Clerk of the Senate*  
Room 335, The State House  
Boston, MA 02133

Dear Mr. Clerk:

Today I was delayed in arriving due to an important event that I needed to attend. In my absence seven roll call votes were taken. Please note that had I been present, I would have:

*Voted Affirmatively* on the following matters:

H-3921: An Act providing for a special election to fill a vacancy on the board of selectmen in the town of Wilmington.

H-4330: An Act making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects ♦ Item 0710-0000.

H-4330: An Act making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects ♦ Section 78.

S-2304: Supplemental Budget ♦ Engrossment.

H-4330: An Act making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects ♦ Section 110.

H-4519 An Act establishing an exemption for low-income seniors from Proposition 2 ❖.

H-4328: An Act for investments in emerging technologies to promote job creation, economic stability and competitiveness in the Massachusetts economy ❖ Section 65 Override.

I would appreciate it if this could be printed in the Senate Journal.

Thank you,  
JOHN A. HART, JR.,  
*State Senator.*

**On motion of Ms. Fargo, the above communication was ordered printed in the Journal of the Senate.**

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE  
STATE HOUSE, BOSTON 02133-1054

March 25, 2004.

William F. Welch  
*Clerk of the Massachusetts Senate*  
335 State House  
Boston, MA 02133

Dear Mr. Clerk:

On March 25, 2004, I was unable to be present in the Senate Chamber for the Senate roll call votes on the following matters:

The first matter was engrossment of An Act Relative to Tax Relief for Certain Elderly Property Owners (H. 4519). Had I been present, I would have voted in the affirmative.

The second matter was an override of Section 65 (H. 4328). Had I been present, I would have voted in the affirmative.

The third matter was a Lakeville land taking (H. 4112). Had I been present, I would have voted in the affirmative.

The fourth matter was a Barnstable land taking (S. 1935). On this vote I was mistakenly paired with Senator Havern as voting in the negative. Had I been present, I would have voted in the affirmative.

The fifth matter was An Act Relative to the Computerization of the Examination for Certification for the Practice of Public Accountancy (S. 2210). Had I been present, I would have voted in the affirmative.

Please print this communication in the Senate Journal. Thank you for your assistance with this matter.

Sincerely,  
HARRIETTE L. CHANDLER,  
*State Senator.*

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

*Order Adopted.*

On motion of Ms. Murray, ♦

*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 further motion of Ms. Murray, at one minute before ten o♦clock A.M., the Senate adjourned to meet again on the following Thursday at eleven o♦clock A.M.