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MA s 17G  
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### Reports and Related Materials

St.2007, c. 183, s 2, eff. Feb. 24, 2008

### Journals

Massachusetts Senate Journal, November 19, 2007, MA S. Jour., 11/19/2007, November 19, 2007

Massachusetts House Journal, November 19, 2007, MA H.R. Jour., 11/19/2007, November 19, 2007

Massachusetts House Journal, November 15, 2007, MA H.R. Jour., 11/15/2007, November 15, 2007

Massachusetts Senate Journal, November 8, 2007, MA S. Jour., 11/8/2007, November 08, 2007

Massachusetts Senate Journal, August 6, 2007, MA S. Jour., 8/6/2007, August 06, 2007

Massachusetts House Journal, July 26, 2007, MA H.R. Jour., 7/26/2007, July 26, 2007

Massachusetts Senate Journal, July 26, 2007, MA S. Jour., 7/26/2007, July 26, 2007

Massachusetts House Journal, June 13, 2007, MA H.R. Jour., 6/13/2007, June 13, 2007

Massachusetts House Journal, June 11, 2007, MA H.R. Jour., 6/11/2007, June 11, 2007

Massachusetts House Journal, May 3, 2007, MA H.R. Jour., 5/3/2007, May 03, 2007

Massachusetts Senate Journal, May 1, 2007, MA S. Jour., 5/1/2007, May 01, 2007

Massachusetts Senate Journal, April 30, 2007, MA S. Jour., 4/30/2007, April

30, 2007

Massachusetts Senate Journal, April 17, 2007, MA S. Jour., 4/17/2007, April 17, 2007>> s 17G. Agreements with nonprofit organizations for stewardship services; charge or solicitation of donations for activity or event on department of conservation and recreation property; liability of volunteer; posting of volunteer guidelines on website

CREDIT(S)

Added by St.2007, c. 183, s 2, eff. Feb. 24, 2008.

HISTORICAL AND STATUTORY NOTES

2008 Electronic Update.

2007 Legislation

St.2007, c. 183, s 2, was approved Nov. 26, 2007, effective Feb. 24, 2008.

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MA S. Jour., 4/17/2007

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Massachusetts Senate Journal, 4/17/2007

Massachusetts Senate Journal, April 17, 2007

Tuesday, April 17, 2007

Massachusetts Senate

2007 Regular Session

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.

JOURNAL OF THE SENATE.

Tuesday, April 17, 2007.

Met at eight minutes 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.

Distinguished Guest.

There being no objection, the Chair (Mr. Tolman) introduced Al Gricus, a member of the Silver Haired Legislature. Mr. Gricus is a friend, neighbor and constituent of Mr. Tolman.

Report.

A report of the Public Employee Retirement Administration Commission submitting its Financial Bulletin for First Quarter 2007 (received Friday, April 13, 2007), was placed on file.

Reports of Committees.

By Mr. Timilty, for the committee on Municipalities and Regional Government, on petition (accompanied by bill, Senate, No. 59), a Bill relative to authorizing the Commissioner of Capital Asset Management and Maintenance, on behalf of the Department of Conservation and Recreation, and the towns of Saugus and Wakefield to grant easements to Tennessee Gas Pipeline Company (Senate, No. 2211);

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

By Mr. Creedon, for the committee on the Judiciary, on petition, a Bill relative to volunteers at state parks (Senate, No. 786); and

By the same Senator, for the same committee, on petition, a Bill to prohibit internet hunting (Senate, No. 860);

Severally read and under Senate Rule 26, referred to the committee on Ethics and Rules.

#### Committees Discharged.

Mr. Panagiotakos, for the committee on Ways and Means, reported, asking to be discharged from further consideration of the Senate Bill to establish a Master of Library Science assistance program (Senate, No. 2009),-- and recommending that the same be referred to the committee on Higher Education.

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

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

Ms. Chandler, for the committee on Community Development and Small Business, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 138) of Susan C. Fargo, William N. Brownsberger and Susan C. Tucker for legislation relative to high performance building incentive program,-- and recommending that the same be referred to the committee on Economic Development and Emerging Technologies; and

Of the petition (accompanied by bill, Senate, No. 129) of Jarrett T. Barrios, Pamela P. Resor, Douglas W. Petersen, William N. Brownsberger and other members of the General Court for legislation to promote healthy communities and the environment,-- and recommending that the same be referred to the committee on Public Health.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Severally sent to the House for concurrence.

#### PAPERS FROM THE HOUSE.

##### Reports

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

Of the petition (accompanied by bill, House, No. 149) of Garrett J. Bradley

relative to illegal immigration,-- and recommending that the same be referred to the committee on Labor and Workforce Development.

Of the petition (accompanied by bill, House, No. 150) of Jennifer M. Callahan for legislation establishing a division of pet shop inspectors,-- and recommending that the same be referred to the committee on Environment, Natural Resources and Agriculture.

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

Of the petition (accompanied by bill, House, No. 389) of Bruce J. Ayers that insurance companies be authorized to extend rebates to clients with safe driving records;

Of the petition (accompanied by bill, House, No. 461) of Bradley H. Jones, Jr., and others that operators of motor vehicles without a proper inspection sticker shall not be assessed insurance surcharges; and

Of the petition (accompanied by bill, House, No. 545) of Tom Sannicandro and others for legislation to provide insurance coverage for magnetic resonance imaging for certain persons for the detection of breast cancer;

And recommending that the same severally be referred to the committee on Financial Services.

Of the petition (accompanied by bill, Senate, No. 281) of Robert A. Antonioni, Edward M. Augustus, Jr., Jennifer L. Flanagan, Michael R. Knapik and other members of the General Court for legislation relative to intensive in-home services for children with autism spectrum disorder; and

Of the petition (accompanied by bill, House, No. 493) of Barbara A. L'Italien and others relative to the children's autism Medicaid waiver;

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

Of the committee on Elder Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 617) of John A. Lepper and others for an investigation by a special commission (including members of the General Court) on the status of grandparents raising grandchildren,-- and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities.

Of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 803) of Brooke Loughlin and others relative to providing for a lead paint abatement program for family day care homes,-- and recommending that the same be referred to the committee on Financial Services.

Of the petition (accompanied by bill, House, No. 832) of Douglas W. Petersen and others for legislation to preserve MassHealth coverage for disabled persons,-- and recommending that the same be referred to the committee on Health Care Financing.

Of the petition (accompanied by bill, House, No. 808) of J. James Marzilli, Jr., and Steven J. D'Amico for legislation to limit outdoor night lighting, conserve energy and reduce light pollution,-- and recommending that the same be referred to the committee on Tele-communications, Utilities and Energy.

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

Of the petition (accompanied by bill, House, No. 929) of Paul C. Casey for legislation to regulate surcharge fees on the resale of the price of tickets,-- and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure.

Of the petition (accompanied by bill, House, No. 927) of Paul C. Casey relative to the establishment of regional lock-up facilities; and

Of the petition (accompanied by bill, House, No. 972) of Bradford Hill relative to the punishment of habitual offenders convicted in the courts of the Commonwealth;

And recommending that the same severally be referred to the committee on the Judiciary.

Of the petition (accompanied by bill, House, No. 1069) of Michael J. Rodrigues and Matthew C. Patrick relative to professional liability insurance,-- and recommending that the same be referred to the committee on Labor and Workforce Development.

Of the petition (accompanied by bill, House, No. 937) of James B. Eldridge and others relative to the disclosure of certain information by the Disabled Persons Protection Commission,-- and recommending that the same be referred to the committee on Public Health.

Of the petition (accompanied by bill, House, No. 3784) of Vincent A. Pedone for legislation to require that certain residential buildings be in compliance with energy rating regulations,-- and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy.

Of the petition (accompanied by bill, House, No. 928) of Paul C. Casey relative to the operation of hybrid vehicles on certain highways of the Commonwealth,-- and recommending that the same be referred to the committee on Transportation.

Of the committee on Labor and Workforce Development, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1802) of Thomas P. Kennedy relative to the safe driver insurance plan,-- and recommending that the same be referred to the committee on Financial Services.

Of the petition (accompanied by bill, House, No. 1790) of Paul K. Frost that campus police officers of state and community colleges be placed in group 2 of the contributory retirement system for public employees,-- and recommending that the same be referred to the committee on Public Service.

Of the petition (accompanied by bill, House, No. 1781) of Thomas J. Calter relative to energy efficiency in municipal buildings,-- and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy.

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

Of the joint petition (accompanied by bill, House, No. 1944) of Geoffrey D. Hall and others relative to the distribution of state aid for public education and regulating the requirements for spending by local governments,-- and recommending that the same be referred to the committee on Education.

Of the petition (accompanied by bill, House, No. 1978) of Matthew C. Patrick and others for legislation to establish a trust fund administered by the Department of Public Health for the prevention of domestic violence and sexual assault,-- and recommending that the same be referred to the committee on Public Health.

Of the petition (accompanied by order, House, No. 1979) of Vincent A. Pedone relative to clarifying the minimum threshold for the purchase of existing renewable power for the purposes of the renewable portfolio standard regulation; and

Of the petition (accompanied by order, House, No. 1980) of Vincent A. Pedone relative to clarifying the minimum threshold for the purchase of existing renewable power for the purposes of the renewable portfolio standard regulation;

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

Of the committee on Public Safety and Homeland Security, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 2351) of J. James Marzilli, Jr., 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 Community Development and Small Business.

Of the joint petition (accompanied by bill, House, No. 2322) of Geoffrey D. Hall and Steven C. Panagiotakos for legislation to provide real property tax relief for certain senior citizens in the town of Westford,-- and recommending that the same be referred to the committee on Revenue.

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

Of the joint petition (accompanied by bill, House, No. 3466) of Paul J. Donato and Karen E. Spilka for legislation to provide community-based crisis intervention services for children and families requiring assistance,-- and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities.

Of the petition (accompanied by resolve, House, No. 3606) of Angelo J. Puppolo, Jr., and others for an investigation by a special commission (including members of the General Court) relative to the costs for reimbursement to cities and towns for state-mandated busing,-- and recommending that the same be referred to the committee on Education.

Of the petition (accompanied by bill, House, No. 3617) of Michael J. Rodrigues and

others that the Department of Conservation and Recreation be authorized to establish a trails maintenance program for recreational vehicles,-- and recommending that the same be referred to the committee on Environment, Natural Resources and Agriculture.

Of the petition (accompanied by bill, House, No. 3523) of Bradley H. Jones, Jr., and others for legislation to provide for reductions in motor vehicle insurance charges for certain public transit users,-- and recommending that the same be referred to the committee on Financial Services.

Of the petition (accompanied by bill, House, No. 3440) of Garrett J. Bradley relative to breathalyzer test certificates;

Of the petition (accompanied by bill, House, No. 3601) of Karyn E. Polito and others for legislation to require valid photographic identification issued by the Registry of Motor Vehicles as proof of identification for marriage; and

Of the petition (accompanied by bill, House, No. 3667) of Cleon H. Turner and others relative to notification of admissibility of breathalyzer evidence in drunk driving cases;

And recommending that the same severally be referred to the committee on the Judiciary.

Of the petition (accompanied by bill, House, No. 3460) of Brian S. Dempsey and Bradley H. Jones, Jr. relative to workers' compensation for present and former employees of the Massachusetts Bay Transportation Authority,-- and recommending that the same be referred to the committee on Labor and Workforce Development.

Of the petition (accompanied by bill, House, No. 3534) of Thomas P. Kennedy and Kay Khan for legislation to further define adverse determinations by health insurers,-- and recommending that the same be referred to the committee on Mental Health and Substance Abuse.

Of the petition (accompanied by bill, House, No. 3664) of Cleon H. Turner and Christine E. Canavan relative to the maintenance of private roads, beaches and amenities,-- and recommending that the same be referred to the committee on Municipalities and Regional Government.

Of the petition (accompanied by bill, House, No. 3439) of Garrett J. Bradley and Michaela Brickley for legislation to require the installation and use of safety belts on school buses; and

Of the petition (accompanied by bill, House, No. 3478) of Michael E. Festa and others relative to establishing a primary enforcement motor vehicle seat belt law;

And recommending that the same severally be referred to the committee on Public Safety and Homeland Security.

Of the petition (accompanied by resolve, House, No. 3533) of Jay R. Kaufman and others relative to prohibiting the investment of certain public funds in companies doing business in Sudan; and

Of the petition (accompanied by bill, House, No. 3564) of David Paul Linsky and others for legislation to grant certain creditable services in the teacher's retirement system to A. John Crisafulli of the town of Natick;



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

Of the petition (accompanied by bill, House, No. 3444) of Jennifer M. Callahan and others relative to motor vehicle excise upon cancellation of registration,-- and recommending that the same be referred to the committee on Revenue.

Of the petition (accompanied by bill, House, No. 3619) of Richard J. Ross and others for legislation to exempt veterans from the payment of fees for use of recreational facilities under the jurisdiction of the Department of Conservation and Recreation,-- and recommending that the same be referred to the committee on Veterans and Federal Affairs.

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

#### Resolutions.

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

Resolutions (filed by Ms. Chandler and Mr. Augustus) "congratulating David Coyne for his 10 years of service as director of Clark Hillel."

#### Reports of a Committee.

By Mr. Timilty, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the Massachusetts Water Resources Authority to provide certain services between the town of Walpole and the town of Foxborough (Senate, No. 2174).

There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Timilty presented an amendment substituting a new draft entitled "An Act authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to a certain property in the town of Foxborough" (Senate, No. 2213).

The amendment was adopted.

The bill (Senate, No. 2213) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Mr. Timilty, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the Massachusetts Water Resources Authority to provide certain services between the town of Walpole and the town of Sharon (Senate, No. 2173).

There being no objection, the rules were suspended, on motion of Ms. Wilkerson, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Timilty presented an amendment substituting a new draft entitled "An Act authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to a certain property in the town of Sharon" (Senate, No. 2212).

The amendment was adopted.

The bill (Senate, No. 2212) was then ordered to a third reading, read a third time and passed to be engrossed.

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 Senate Bill exempting the position of superintendent of police in the city of Lowell from the provisions of civil service law (Senate, No. 2161),-- 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 exempting the position of superintendent of police in the city of Lowell from the civil service law".

Sent to the House for concurrence.

#### Reports of Committees.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Janice Brown an employee of the Appellate Tax Board (House, No. 44),-- ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act establishing a sick leave bank for Janice Brown, an employee of the Appellate Tax Board".

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Dennis McNamara, an employee of the Department of Fish and Game (House, No. 3940),-- ought to pass, with an amendment in section 1, by striking out in the last sentence the words "department of fish and game paid leave bank" and inserting in place thereof the following words:-- "extended illness leave bank".

There being no objection, the rules were suspended, on motion of Ms. Wilkerson, 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, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

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 relative to civil service examinations for appointment as police officers (House, No. 2666).

There being no objection, the rules were suspended, on motion of Mr. Tisei, 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 eighteen minutes past eleven o'clock A.M., the Chair (Mr. Tolman) declared a recess; and at seventeen minutes past twelve o'clock noon, the Senate reassembled, Mr. Tolman in the Chair.

#### PAPER FROM THE HOUSE.

A Bill providing the terms of certain bonds to be issued by the Commonwealth (House, No. 3977,-- on House, No. 3966),-- was read.

There being no objection, the rules were suspended, 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, in concurrence.

Recess.

There being no objection, at nineteen minutes past twelve o'clock noon, the Chair (Mr. Tolman) declared a recess; and at ten minutes past one o'clock P.M., the Senate reassembled, Mr. Tolman in the Chair.

#### PAPERS FROM THE HOUSE.

##### Emergency Preambles Adopted; Engrossed Bills Enacted.

An engrossed Bill providing the terms of certain bonds to be issued by the Commonwealth (see House, No. 3977), 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 2 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 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. Tolman) and laid before the Governor for his approbation.

An engrossed Bill establishing a sick leave bank for Janice Brown, an employee of the Appellate Tax Board (see House, No. 44), 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 2 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.

An engrossed Bill relative to civil service examinations for appointment as police officers (see House, No. 2666, 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 2 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. Tarr,--

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 Sgt. Adam Kennedy of Norfolk.

The Senator from Norfolk, Bristol and Middlesex, Mr. Brown, presented a request that when the Senate adjourns today, it do so in memory of Sgt. Adam Kennedy of Norfolk.

Sgt. Kennedy gave his life in the line of duty while on patrol near Diwaniyah, Iraq, April 8, 2007. He was a graduate of Xaverian Brothers High School and Norwich University. He enlisted in the U.S. Army in 2004 and was serving with Headquarters Company, 4th Airborne Brigade Combat Team, 25th Infantry Division at the time of his death.

Accordingly, as a mark of respect to the memory of Sgt. Adam Kennedy of Norfolk, at twenty minutes past one o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.

MA S. Jour., 4/17/2007

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MA S. Jour., 4/30/2007

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Massachusetts Senate Journal, 4/30/2007

Massachusetts Senate Journal, April 30, 2007

Monday, April 30, 2007

Massachusetts Senate

2007 Regular Session

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.

JOURNAL OF THE SENATE.

Monday, April 30, 2007.

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

Report.

A report of the Division of Unemployment Assistance (under the provisions of Section 14F of Chapter 151A of the General Laws) relative to the condition of the Unemployment Insurance Trust Fund for the month of April 2007 (received Tuesday, April 24, 2007),-- was placed on file.

Petition.

Mr. Morrissey presented a petition (subject to Joint Rule 12) of Michael W. Morrissey, William R. Keating, Norfolk County District Attorney, Robert S. Creedon, Jr., Lida E. Harkins and other members of the General Court for legislation relative to juvenile intimidation of witnesses, jurors and persons furnishing information in connection with criminal proceedings,-- and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees on Proposals for Legislative Amendments to the  
Constitution.

Mr. Augustus, for the committee on Election Laws, on the petition (accompanied by proposal, Senate, No. 23) of Richard T. Moore for a legislative amendment to the Constitution relative to emergency appointments of elected officials,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 23), ought to pass (Senator Creedon dissenting).

The same Senator, for the same committee, on the joint petition (accompanied by proposal, House, No. 664) of Jay R. Kaufman and others for a legislative amendment to the Constitution relative to a vacancy in the office of Governor or Lieutenant-Governor,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 664), ought to pass (Senator Creedon dissenting).

Mr. Creedon, for the committee on the Judiciary, on the joint petition (accompanied by proposal, House, No. 1497) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution prohibiting eminent domain takings for the purpose of economic development,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 1497), ought to pass.

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 1771) of Martha M. Wale and others for a legislative amendment to the Constitution relative to eminent domain takings,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 1771), ought to pass.

The reports were severally read and placed on file, in accordance with the requirements of said rule.

Mr. Antonioni, for the committee on Education, on the petition (accompanied by proposal, Senate, No. 20) of Charles Ormsby for a legislative amendment to the Constitution relative to state aid to private institutions,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 20), ought NOT to pass.

Mr. Augustus, for the committee on Election Laws, on the petition (accompanied by proposal, Senate, No. 21) of Richard T. Moore and Cleon H. Turner for a legislative amendment to the Constitution to increase the term of the General Court from two to four years,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 21), ought NOT to pass (Senator Spilka and Representatives Atsalis of Barnstable and Rogeness of Longmeadow dissenting).

The same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 22) of Richard T. Moore, Susan C. Tucker, Pamela P. Resor, Karen E. Spilka and other members of the General Court for a legislative amendment to the Constitution establishing an independent redistricting commission and criteria for redistricting for state House, Senate, and Councillor districts,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 22), ought NOT to pass (Senators Augustus, Spilka and Brown and Representatives Eldridge of Acton, Rogeness of Longmeadow and Frost of Auburn dissenting).

The same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 24) of Stanley C. Rosenberg for a legislative amendment to the Constitution promoting the representative character of ballot questions,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 24), ought NOT to pass.

The same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 25) of Richard R. Tisei, Bruce E. Tarr, Michael R. Knapik, Robert L. Hedlund and other members of the General Court for a legislative amendment to the Constitution relative to Constitutional officers,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 25), ought NOT to pass (Senator Brown and Representatives Rogeness of Longmeadow and Frost of Auburn dissenting).

The same Senator, for the same committee, on the joint petition (accompanied by proposal, House, No. 661) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution establishing an independent redistricting commission and criteria for redistricting for state house of representatives, senate, and councilor districts,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 661), ought NOT to pass (Senators Augustus, Spilka and Brown and Representatives Eldridge of Acton, Rogeness of Longmeadow and Frost of Auburn dissenting).

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 685) of George N. Peterson, Jr. for a legislative amendment to the Constitution to change the length of term for Representatives and Senators from two years to four years,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 685), ought NOT to pass (Senator Spilka and Representatives Atsalis of Barnstable and Rogeness of Longmeadow dissenting).

The reports were severally read and placed on file, in accordance with the requirements of said rule.

Under the provisions of Joint Rule 23, the following proposals were placed on file, the time within which the said committees were required to report having expired:

Of the committee on the Judiciary, ought NOT to pass (under Joint Rule 23):

On the petition (accompanied by proposal, Senate, No. 26) of Cynthia S. Creem, Ruth B. Balser, Edward M. Augustus, Jr., James E. Timilty and other members of the General Court for a legislative amendment to the Constitution to preserve civil rights and equal protection;

On the petition (accompanied by proposal, Senate, No. 27) of Stanley C. Rosenberg for a legislative amendment to the Constitution relative to legislative action on proposed Constitutional amendments;

On the petition (accompanied by proposal, House, No. 1368) of Jim Thivierge for a legislative amendment to the Constitution to provide for a minimum standard for charter revisions;

On the petition (accompanied by proposal, House, No. 1705) of Richard J. Ross and others for a legislative amendment to the Constitution relative to eminent domain;

On the petition (accompanied by proposal, House, No. 1727) of Theodore C. Speliotis and Christopher J. Donelan for a legislative amendment to the Constitution relative to legislative action on initiative amendments;

On the petition (accompanied by proposal, House, No. 1772) of Alice K. Wolf and



others for a legislative amendment to the Constitution relative to initiative petitions;

On the petition (accompanied by proposal, House, No. 3878) of Douglas W. Petersen for a legislative amendment to the Constitution relative to civil and legal rights; and

Of the committee on Revenue, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, House, No. 3059) of Matthew C. Patrick for a legislative amendment to the Constitution instituting a tax on income for the support public schools; and

Of the committee on Joint Ways and Means, ought NOT to pass (under Joint Rule 23), on the joint petition (accompanied by proposal, House, No. 3834) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution providing for a two year budget process for the Commonwealth.

#### Report of a Committee.

By Mr. Augustus, for the committee on Election Laws, ought NOT to pass, on the petition (accompanied by proposal, Senate, No. 453) of Richard T. Moore, Jarrett T. Barrios, Bradford Hill, Thomas A. Golden, Jr. and other members of the General Court for legislation to establish an independent redistricting commission and criteria for redistricting for congressional districts;

Referred, under Senate Rule 36, to the committee on Ethics and Rules.

#### Committee Discharged.

Mr. Moore, for the committee on Health Care Financing, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 667) of Mark C. Montigny and Steven A. Tolman for legislation relative to restoring health benefits to eligible legal immigrants,-- and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities.

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

Sent to the House for concurrence.

#### PAPERS FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to reducing gun violence (House, No. 3991),-- was referred, in concurrence, to the committee on the Judiciary.

#### Bills

Authorizing the town of North Reading to convey and acquire land (House, No. 1954,-- on petition) [Local approval received]; and

Authorizing the town of North Reading to convey and acquire land (House, No. 1955,-- on petition) [Local approval received];

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

#### Resolutions.

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

Resolutions (filed by Mr. Baddour, Ms. Resor, Mr. Tarr and Ms. Tucker) "congratulating June Black on the occasion of being awarded the 2007 Congressman John Joseph Moakley Award for exemplary public service";

Resolutions (filed by Messrs. Brewer and Antonioni) "congratulating Thomas G. O'Brien and the success of 'Johnny O' Night in the Fight Against ALS";

Resolutions (filed by Mr. Morrissey) "on the occasion of the retirement of Dana J. Kelly"; and

Resolutions (filed by Mr. Pacheco) "congratulating Matthew P. Camara upon his elevation to Eagle Scout";

#### Reports of Committees.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill further regulating access to birth certificates (Senate, No. 63),-- ought to pass with an amendment inserting after the enacting clause the following section:--

"SECTION 1. Clause Twenty-sixth of section 7 of chapter 4 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after subclause (p) the following subclause:--

(q) Adoption contact information and indices therefore of the adoption contact registry established by section 31 of chapter 46";

In section 1, as printed, by striking out, in line 8, the word "of" and inserting in place thereof the following word:-- "or";

In section 1, as printed, by striking out, in line 10, the words "biological parent or parents listed on the initial birth certificate" and inserting in place thereof the following words:-- "parent or parents listed on the birth certificate prior to adoption";

In section 4, as printed, in line 24, by striking out the word "birth"; and

In section 4, as printed, in line 26, by striking out the words "original birth record" and inserting in place thereof the following words:-- "birth certificate registered prior to adoption";

In section 5, as printed, by striking out, in line 28, the words "SECTION 31. (a) Section 31." and inserting in place thereof the following words:-- "Section 31. (a)"; and

In section 5, as printed, by striking out lines 37 to 39.

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

The bill (Senate, No. 63, amended) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill to continue the safe placement of newborn infants (Senate, No. 2177) ,-- ought to pass, with an amendment in section 1, by striking out, in line 10, the words "the act's" and inserting in place thereof the following words:-- "this section's";

In section 1, by striking out, in lines 13, 15, 17 and 19, the word "act" and inserting in place thereof, in each instance, the following word:-- "section";

In section 1 by striking out, in line 29, the number "2010" and inserting place thereof the following number:-- "2008"; and

By striking out sections 2 and 3 and inserting in place thereof the following section:--

"SECTION 2. Sections 2 and 3 of chapter 227 of the acts of 2004 are hereby repealed."

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. 2177, amended) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Yaniris Cabera, an employee of the Trial Court (Senate, No. 2181),-- ought to pass.

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

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 relative to volunteers at state parks (Senate, No. 786).

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

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Dennis McNamara, an employee of the Department of Fish and Game (see House, No. 3940, 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 enacted and was signed by the Acting President (Mr. McGee) and laid before the Governor for his approbation.

Recess.

There being no objection, at fourteen minutes past eleven o'clock A.M., the Chair (Mr. McGee) declared a recess subject to the call of the Chair; and, at twenty-one minutes before twelve o'clock noon, the Senate reassembled, Mr. McGee in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted.

An engrossed Bill authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to a certain property in the town of Sharon (see Senate, No. 2212), 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 2 to 0.

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

An engrossed Bill authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to a certain property in the town of Foxborough (see Senate, No. 2213), 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. McGee) and sent to the House for enactment.

Order Adopted.

On motion of Mr. Tisei,--

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. Timilty, at sixteen minutes before twelve o'clock noon, the Senate adjourned to meet again tomorrow at one o'clock P.M.

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MA S. Jour., 5/1/2007

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Massachusetts Senate Journal, 5/1/2007

Massachusetts Senate Journal, May 1, 2007

Tuesday, May 1, 2007

Massachusetts Senate

2007 Regular Session

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.

JOURNAL OF THE SENATE.

Tuesday, May 1, 2007:

Met at two minutes past one o'clock P.M. (Mr. Havern in the Chair).

Communication.

A communication was received from the Honorable Therese Murray, President of the Senate, announcing the following changes in membership of joint committees:

Senator Steven Tolman has resigned from the second position of the committee on Health Care Financing and has been replaced by Senator Marc R. Pacheco.

Senator Benjamin B. Downing has been appointed to the previously vacant second position on the committee on Higher Education.

The communication was placed on file.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Antonioni (by request), a petition (subject to Joint Rule 12) of Larry Fontaine for legislation to further regulate the licensing of hawkers and peddlers; and

By Mr. Downing, a petition (subject to Joint Rule 12) of Benjamin B. Downing, Peter V. Kocot, Edward M. Augustus, Jr., John W. Scibak and other members of the

General Court for legislation to create a tax incentive for renewable energy technology jobs creation;

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

Committee Discharged.

Mr. Antonioni, for the committee on Education, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 305) of Gale D. Candaras, Bruce E. Tarr, James E. Timilty, Michael R. Knapik and other members of the General Court for legislation relative to school safety,-- and recommending that the same be referred to the committee on Public Safety and Homeland Security.

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

Sent to the House for concurrence.

#### PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3992) of Kay Khan and others (with the approval of the mayor and board of aldermen) that certain resident aliens of the city of Newton be authorized to vote in local elections of said city,-- was referred, in concurrence, to the committee on Election Laws.

A Bill making appropriations for the fiscal year 2008 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4001,-- on House, No 1, in part),-- was read and, under Senate Rule 27, referred to the committee on Ways and Means.

There being no objection, at three minutes past one o'clock P.M., the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and, at twenty-seven minutes past one o'clock P.M. the Senate reassembled, the President in the Chair.

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

#### Orders of the Day.

The Orders of the Day were considered, as follows:

The Senate Bill establishing a sick leave bank for Yaniris Cabrera, an employee of the Trial Court (Senate, No. 2181) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time and passed to be engrossed.

Sent to the House for concurrence,

The Senate Bill further regulating access to birth certificates (Senate, No. 63,

amended), -- was read a third time and, after remarks, was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to volunteers at state parks (Senate, No. 786), -- 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 nineteen minutes before two o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 38 -- nays 0) [Yeas and Nays No. 13]:

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 twelve minutes before two o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.



The Senate Bill to continue the safe placement of newborn infants (Senate, No. 2177, amended),-- was read a third time.

Pending the question on passing the bill to be engrossed, on motion of Mr. Tisei, the further consideration thereof was postponed until Monday, July 2.

The message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill further regulating the Massachusetts Commission Against Discrimination (see House, No. 3967, changed) [for message, see House, No. 3979],-- was considered, the main question being on rejecting the Governor's amendment and accepting the House amendment striking out section 3.

The pending motion, previously moved by Mr. Tisei, to lay the matter on the table was considered; and, there being no objection, on motion of the same Senator, the motion to lay the matter on the table was withdrawn.

After remarks, the Governor's amendment was rejected.

After further remarks, the question on concurring in the House amendment was determined by a call of the yeas and nays, at one minute before two o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 35 -- nays 0) [Yeas and Nays No. 14]:

YEAS.

Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	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.
Joyce, Brian A.	Wilkerson, Dianne -- 35.
Knapik, Michael R.	

NAYS -- 0.

ANSWERED "PRESENT".

Walsh, Marian -- 1.

ABSENT OR NOT VOTING.

Barrios, Jarrett T.                      Jehlen, Patricia D. -- 2.

The yeas and nays having been completed at five minutes past two o'clock P.M., the House amendment was adopted.

Resolutions.

Resolutions (filed by Mr. Panagiotakos) "forecasting the amount of tax revenue for Fiscal Year 2008 (Senate, No. 2222)", -- were read.

After remarks, the question on adoption of the resolutions was determined by a call of the yeas and nays, at fourteen minutes past two o'clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (yeas 36 -- nays 0) [Yeas and Nays No. 15]:

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.
Joyce, Brian A.	Walsh, Marian-- 35.

NAYS -- 0.

ABSENT OR NOT VOTING.

Jehlen, Patricia D.                      Wilkerson, Dianne-- 2.

The yeas and nays having been completed at eighteen minutes past two o'clock P.M., the resolutions were adopted.

Matters Taken Out of the Notice Section of the Calendar.

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

The Senate Bill relative to the Newton Community Development Authority and the Newton Housing Authority (Senate, No. 1162),-- 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.

The Senate Bill authorizing the town of Middleborough to use a portion of town-owned land for purposes other than water supply protection and storage (Senate, No. 1189),-- 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.

The Senate Bill relative to property owned by the Boys and Girls Club of Brockton, Inc. (Senate, No. 2175),-- 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.

The House Bill establishing the Marlborough 2010 Corporation (House, No. 2029),-- was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

The House Bill authorizing the town of Franklin to grant an additional liquor license for the sale of wine and malt beverages not be drunk on the premises (House, No. 3962, amended),-- was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the city known as the town of Franklin to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises".

Orders Adopted.

Mr. Brewer offered the following order:

Ordered, That, conformably to the provisions of Article XLVIII(48) (as amended by Article LXXXI) (81) of the Amendments to the Constitution, a joint session of the two Houses be held on Wednesday, May 9, 2007, at one o'clock P.M., for the purpose of considering proposals for amendments to the Constitution.

Insofar as applicable, the special rules of procedure, in effect in the preceding General Court shall govern said joint session, and any further joint sessions called for the purpose of considering amendments to the Constitution.

There being no objection, the rules were suspended, on motion of the same Senator, and the order was considered forthwith and adopted.

Sent to the House for concurrence.

Mr. Moore 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 amendment by Article LXXXI) of the Amendments to the Constitution, to consider the following proposals:

Proposal for a legislative amendment to the Constitution increasing the term of the General Court from two to four year (see Senate, No. 21), with reference to which the committee on Election Laws has reported, recommending that said amendment ought NOT to pass (Senator Spilka and Representatives Atsalis of Barnstable and Rogeness of Longmeadow dissenting);

Proposal for a legislative amendment to the Constitution establishing an independent redistricting commission and criteria redistricting for state House, Senate, and Councillor districts (see Senate, No. 22), with reference to which the committee on Election Laws has reported, recommending that said amendment ought NOT to pass (Senators Augustus, Spilka and Brown and Representatives Eldridge of Acton, Rogeness of Longmeadow and Frost of Auburn dissenting); and

Proposal for a legislative amendment to the Constitution relative to emergency appointments of elected officials (see Senate, No. 23), with reference to which the committee on Election Laws has reported, recommending that said amendment ought to pass (Senator Creedon dissenting).

There being no objection, the rules were suspended, on motion of the same Senator, and the order was considered forthwith and adopted.

#### PAPERS FROM THE HOUSE.

#### Engrossed Bills.

The following engrossed bills (both 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 President and laid before the Governor for his approbation, to wit:

Authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to a certain property in the town of Sharon (see Senate, No. 2212); and

Authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to a certain property in the town of Foxborough (see Senate, No. 2213).

A petition (accompanied by bill, House, No. 4005) of Christopher G. Fallon for legislation to require certain courses on religion to be taught in the public high schools in the Commonwealth,-- was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Education.

Report of a Committee.

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 relative to the Wareham fire district (Senate, No. 1186).

There being no objection, the rules were suspended, on motion of Ms. Fargo, 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 the Wareham Fire District".

Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Havern,--

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 John J. Pasquarello.

The Senator from Middlesex, Ms. Jehlen, moved that when the Senate adjourns today, it adjourn in memory of John J. Pasquarello of Cambridge.

Accordingly, as a mark of respect to the memory of John J. Pasquarello, at twenty-nine minutes before three o'clock P.M., on motion of Ms. Chandler, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.

MA S. Jour., 5/1/2007

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MA S. Jour., 7/26/2007

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Massachusetts Senate Journal, 7/26/2007

Massachusetts Senate Journal, July 26, 2007

Thursday, July 26, 2007

Massachusetts Senate

2007 Regular Session

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.

JOURNAL OF THE SENATE.

Thursday, July 26, 2007.

Met at seven 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.

Report of a Committees.

By Mr. Moore, for the committee on Health Care Financing, that the Senate Bill to prevent falls among older adults (Senate, No. 422), -- ought to pass [Estimated cost -- more than \$100,000];

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

By Mr. Moore, for the committee on Health Care Financing, on petition, a Bill establishing the nursing and allied health trust fund (Senate, No. 674) [Estimated cost -- \$0]; and

By Mr. Baddour, for the committee on Transportation, on petition, a Bill relative to child passenger safety (Senate, No. 2018);

Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

Resolutions.

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

Resolutions (filed by Messrs. Augustus and Brewer, Ms. Chandler and Mr. Moore) "honoring the premiere of the 'Borinqueneers', a documentary film about the All-Puerto Rican sixty-fifth infantry regiment";

Resolutions (filed by Messrs. Brewer and Moore) "congratulating Richard M. Mangion on the occasion of his retirement from Harrington Memorial Hospital";

Resolutions (filed by Mr. Brewer) "recognizing Reverend Paul Samuelson and Diane Samuelson for their endless dedication to the 4-H community";

Resolutions (filed by Mr. Downing) "congratulating President and Chief Executive Officer William R. Wilson, Jr. on the occasion of his retirement from the Berkshire Visitors Bureau"; and

Resolutions (filed by Mr. Panagiotakos) "honoring Congressman Martin T. Meehan for his outstanding service to the United States of America and the citizens of the Commonwealth of Massachusetts."

Order Adopted.

Mr. Buoniconti offered the following order, to wit:

Ordered, That a special committee of the Senate to consist of Senate members of the committee on Financial Services be appointed to investigate and study the transition to managed competition in the Massachusetts private passenger automobile insurance market. The Senate Chair of the committee on Financial Services shall chair the special committee.

Under the rules, referred to the committee on Ethics and Rules.

Subsequently, Ms. Menard for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

Motion to Reconsider.

Mr. Panagiotakos presented a motion that the Senate reconsider the vote by which, at a previous session, had passed to be engrossed the Senate Bill relative to employer assisted housing and responsible lending (Senate, No. 2299, printed as amended); and, there being no objection, the motion prevailed.

The same Senator presented an amendment that the bill be amended in section 10, in section 3 of the proposed chapter 255F of the General Laws, 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 the 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 application."

The amendment was adopted.

The recurring question on passing the bill, as amended, to be engrossed was then considered; and the bill was again engrossed, with the amendments. [For text of Senate amendments, see Senate, No. 2299, printed as amended, amended.]

Sent to the House for concurrence.

#### PAPER FROM THE HOUSE.

A joint petition (accompanied by bill, House, No. 4183) of Barry R. Finegold and Susan C. Tucker for legislation to establish a sick leave bank for Colleen Hannon, an employee of the Middlesex County Division of the Juvenile Court,-- was referred, in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.

#### Matters Taken Out of the Orders of the Day.

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

The Senate Bill exempting Antonio F. Dinis from the maximum age requirements for applying for civil service appointment as police officer in the town of Milford (Senate, No. 2253),-- 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 authorizing the appointment of Antonio F. Dinis as a police officer in the town of Milford notwithstanding the maximum age requirements".

Sent to the House for concurrence.

The Senate Bill exempting Alcino Fernandes from the maximum age requirements for applying for civil service appointment as police officer in the town of Milford (Senate, No. 2254),-- 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 authorizing the appointment of Alcino Fernandes as a police officer in the town of Milford notwithstanding the maximum age requirements".

Sent to the House for concurrence.

The Senate Bill exempting Jonathan M. Robertson from the maximum age requirements for applying for civil service appointment as firefighter in the town of Milford (Senate, No. 2252),-- 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 authorizing the appointment of Jonathan M. Robertson as a firefighter in the town of Milford

notwithstanding the maximum age requirements".

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill relative to property owned by the Boys and Girls Club of Brockton, Inc. (see Senate, No. 2175) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. Havern) and laid before the Governor for his approbation.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill regarding compliance with the streamlined sales and use tax agreement, so-called (Senate, No. 1757),-- ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Moore, 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 regarding compliance with the streamlined sales and use tax agreement".

Sent to the House for concurrence.

Recess.

There being no objection, at ten minutes before twelve o'clock noon, the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and, at seven minutes past five o'clock P.M., the Senate reassembled, 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).

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (both 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. Tolman) and laid before the Governor for his approbation, to wit:

Relative to volunteers at state parks (see Senate, No. 786); and

Prohibiting internet hunting (see Senate, No. 860, amended).

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to security freezes and notification of data breaches (see House, No. 4144) [for message, see House, No. 4181],-- came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:--

"In Section 16, in subsection 2, of the proposed chapter 93H of the General Laws, by striking out, in paragraph (b), the first sentence and inserting in place thereof the following sentence: "The supervisor of records, with the advise and consent of the information technology division to the extent of its jurisdiction, to set information technology standards under paragraph (d) of section 4A of chapter 7, shall establish rules or regulations designed to safeguard the personal information of residents of the commonwealth that is owned or licensed.".

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Tarr, and the Governor's amendment was considered forthwith and adopted, in concurrences, (as corrected BTR).

Sent to the House for re-enactment.

Emergency Preamble Adopted.

An engrossed Bill relative to the management and operation of the Wallace Civic Center and Planetarium in the city of Fitchburg (see Senate, No. 2209, 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 2 to 0.

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

Order Adopted.

On motion of Mr. Tarr,--

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, in a full formal session.

On motion of the same Senator, at nineteen minutes past six o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.

MA S. Jour., 7/26/2007

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# UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



## JOURNAL OF THE SENATE.

*Monday, August 6<sup>th</sup> 2007.*

Met at three minutes 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.

### *Distinguished Guest.*

There being no objection, the Chair (Mr. Tolman) introduced, Robert McCarthy, a 3rd grade student visiting from the state of Florida. Robert is the great great grandson of baseball legend Babe Ruth.

### *Petition.*

Mr. Montigny presented a petition (subject to Joint Rule 12) 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,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

### *Reports of Committees.*

By Ms. Fargo, for the committee on Public Health, on petition, a Bill relative to volunteer physicians (Senate, No. 1248);

By the same Senator, for the same committee, on petition, a Bill relative to the compensation and expense to members of the board of registration of medicine (Senate, No. 1263);

By the same Senator, for the same committee, on petition, a Bill to protect patients from breakthrough seizures (Senate, No. 1296); and  
 By the same Senator, for the same committee, on petition, a Bill balancing the physician license renewal cycle (Senate, No. 1298);  
**Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.**

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition (accompanied by bill, Senate, No. 2244), a Bill relative to revising the composition and duties of the Quinebaug and Shetucket Rivers Valley Heritage District and Commission (Senate, No. 2310); and  
 By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on a message from His Excellency the Governor (accompanied by bill, Senate, No. 13), a Bill relative to establishing the Commonwealth Corps (Senate, No. 2301);  
**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Ms. Fargo, for the committee on Public Health, on petition, a Bill to include an additional authorized abbreviation for acupuncture license (Senate, No. 1301);  
**Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

*Committee Discharged.*

Ms. Fargo, for the committee on Public Health, reported, asking to be discharged from further consideration  
 Of the petition (accompanied by bill, Senate, No. 1230) of Patricia D. Jehlen for legislation to protect children from lead poisoning; and  
 Of the petition (accompanied by bill, Senate, No. 1231) of Patricia D. Jehlen for legislation to protect children from lead poisoning;  
**And recommending that the same severally be referred to the committee on the Judiciary.**  
**Under Senate Rule 36, the reports were severally considered forthwith and accepted.**  
**Severally sent to the House for concurrence.**

**PAPERS FROM THE HOUSE.**

Petitions were referred, in concurrence, as follows:

Joint petition (accompanied by bill, House, No. 4194) of Eric Turkington and Robert A. O'Leary (by vote of the town) for legislation to authorize the town of Tisbury to issue licenses for the sale of wine and malt beverages to restaurants;

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

Joint petition (accompanied by bill, House, No. 4195) of Susan Williams Gifford and Marc R. Pacheco (by vote of the town) for legislation to authorize the town of Wareham to establish a community events fund from certain proceeds of the room occupancy tax and the parking meter fund;

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

Petition (accompanied by bill, House, No. 4196) of Susan Williams Gifford (by vote of the town) that the town of Wareham be authorized to make certain salary payments to Gary Lopes, an employee of said town and a member of the armed forces;

**To the committee on Public Service.**

Petition (accompanied by bill, House, No. 4198) of Sarah K. Peake (by vote of the town) relative to the awarding of contracts for the development of certain land in the town of Chatham;

**To the committee on State Administration and Regulatory Oversight.**

Petition (accompanied by bill, House, No. 4197) of Timothy J. Toomey, Jr. (with the approval of the



city council) relative to authorizing the city of Cambridge to place liens on real property located in said city for non-payment of local charges, fees or fines;

**To the committee on Revenue.**

#### Bills

Authorizing the conveyance of a certain parcel of land in the city of Boston (House, No. 4185,— on House, Nos. 64 and 4066);

Authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to Sullivan McLaughlin, Inc. (House, No. 4186,— on House, No. 65); and  
Establishing a sick leave bank for Savina J. Whitney, an employee of the Department of Social Services (House, No. 4192,— on petition);

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

#### Bills

Authorizing the town of Natick to enter into a certain lease agreement (House, No. 3968,— on petition) [Local approval received];

Authorizing the town of Natick to borrow a certain sum of money (House, No. 3969,— on petition) [Local approval received]; and

Relative to an additional liquor license in the city of Salem (House, No. 4148,— on House, No. 4070) [Local approval received];

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

#### Reports

Of the committee on Public Health, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 937) of James B. Eldridge and others relative to the disclosure of certain information by the Disabled Persons Protection Commission,— **and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities.**

Of the committee on Financial Services, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3926) of James B. Eldridge and others relative to the licensing of providers of prepaid services plans,— **and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure.**

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

#### *Appointments Received from the House.*

Notice was received from the House announcing the following appointments:

That Representative Polito of Shrewsbury has been appointed by the Minority Leader to the board of trustees established (under Section 4 of Chapter 61 of the Acts of 2007) for the Commonwealth Covenant Fund;

That Representative Smola of Palmer has been appointed by the Minority Leader (the Acts of 2007) to make an investigation and study of the Commonwealth's liability for paying retiree health care and other non-pension benefits;

That Representative Peterson of Grafton has been appointed by the Minority Leader to the special task force established (under Section 83 of Chapter 61 of the Acts of 2007) to examine existing policies, procedures and programs and make recommendations to reduce and prevent incidents of campus violence;

That Representative Rogeness of Longmeadow had been appointed by the Women and Minority Leader to the special commission established (under Section 85 of Chapter 61 of the Acts of 2007) to



make an investigation and study of the accessibility and quality of doctors who specialize in the care of women in Berkshire, Franklin, Hampden and Hampshire counties; and  
That Representative Perry of Sandwich had been appointed by the Minority Leader to the special commission established (under Section 87 of Chapter 61 of the Acts of 2007) to study the existing level of services offered by the Department of Correction, county jails and houses of correction.

*Resolutions.*

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

Resolutions (filed by Ms. Spilka, Mr. Brewer, Ms. Chandler, Mr. Havern, Ms. Jehlen, Ms. Menard, Messrs. Montigny, Moore, O'Leary, Pacheco and Panagiotakos, Ms. Resor, Messrs. Rosenberg, Tarr, Tisei, Tolman and Ms. Tucker) "honoring Elmer C. Bartels for 30 years of outstanding public service."

*Engrossed Bills Returned by Governor With Recommendation of Amendment.*

The engrossed Bill relative to volunteers at state parks (see Senate, No. 786) (which on Thursday, my 26, 2007, had been laid before the Governor for his approbation), was returned to the Senate Clerk by the Governor on Thursday, August 2, 2007 at seven minutes before two o'clock A.M., with a message recommending an amendment.

The message (Senate, No. 2311) was read and the Senate proceeded to reconsider the bill, in accordance with the provisions of Article LVI of the Amendments to the Constitution.

**Pending action thereon, the bill was referred to the committee on Bills in the Third Reading, on motion of Mr. Knapik.**

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) (which on Monday, July 30, 2007, had been laid before the Governor for his approbation), was returned to the Senate Clerk by the Governor on Thursday, August 2, 2007 at seven minutes before two o'clock A.M., with a message recommending an amendment.

The message (Senate, No. 2312) was read and the Senate proceeded to reconsider the bill, in accordance with the provisions of Article LVI of the Amendments to the Constitution.

**Pending action thereon, the bill was referred to the committee on Bills in the Third Reading, on motion of Ms. Spilka.**

*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 Harriette L. Chandler and Lewis G. Evangelidis for legislation to authorize the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town of Holden [**Local approval received**].

**Senate Rule 36 was suspended, on motion of Mr. Knapik, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Bonding, Capital Expenditures and State Assets.**

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 Michael W. Morrissey, Robert A. O'Leary, Benjamin B. Downing, James E. Timilty and other members of the General Court for legislation to advance residential clean heat and power efficiency.

**Senate Rule 36 was suspended, on motion of Mr. Knapik, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Telecommunications, Utilities and Energy. Severally sent to the House for concurrence.**

**PAPERS FROM THE HOUSE.**

*Emergency Preambles Adopted; Engrossed Bills Enacted.*

An engrossed Bill establishing a sick leave bank for Donna Towner, an employee of the Trial Court Department (see House, No. 4114), 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.**

An engrossed Bill relative to the regional school budget process (see House, No. 586, changed), 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.**

*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 (Mr. Tolman) and laid before the Governor for his approbation, to wit:

Establishing appointed positions of district clerk and district treasurer for the Bernardston Fire and Water District (see Senate, No. 1198); and

Authorizing the town of Tisbury to incur debt for the purpose of removing overhead utilities and replacing the same with underground facilities (see House, No. 1996).

*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.

*Adjournment in Memory of the Victims of the Minnesota Bridge Disaster of August 1, 2007.*

Senate President Therese Murray moves that when the Senate adjourns today it do so in recognition of the tragic Interstate 35W bridge collapse in the State of Minnesota on Wednesday, August 1. We remember especially those who lost their lives: Julia Blackhawk, Paul Eickstadt, Sherry Engebretsen, Patrick Holmes, and Artemio Trinidad-Mena and those who have not yet been identified. Our hearts go out to their families and friends in this time of grief, and also to all those who are hospitalized and injured. We acknowledge with deep appreciation the emergency, rescue, and recovery workers and the many volunteers in Minneapolis who have responded quickly and willingly, and urge for their continued safety as they go about the difficult tasks ahead. Our thoughts are also with Governor Pawlenty, Mayor Rybak, the Minnesota Congressional Delegation, and the Minnesota State Legislature as they work to help Minnesota recover and rebuild from this historic catastrophe.

Accordingly, as a mark of respect to the memory of those who lost their lives at the tragic Interstate 35W bridge collapse, at twenty-two minutes before twelve o'clock noon, on motion of Ms. Spilka, 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, November 8, 2007.*

Met at two minutes past eleven o'clock A.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).

The Senator from Plymouth and Norfolk, Mr. Hedlund, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

### *Communications.*

The following communications were severally received and placed on file:

A communication was received from the Honorable Richard R. Tisei, Senate Minority Leader, announcing his appointment of Senator Bruce E. Tarr to serve as a member of the Electronic Health Records Task Force established (pursuant to Chapter 130 of the Acts of 2007) within the Office of Health and Human Services;

A communication from the Honorable Michael W. Morrissey under the provisions of Chapter 268A; and

A communication from the Board of Higher Education (under the provisions of Section 7 of Chapter 150E of the General Laws) submitting a copy of a request for an appropriation to fund a Collective Bargaining Agreement executed by and between the Board of Higher Education and the Massachusetts Teachers Association/NEA acting on behalf of the Massachusetts State College Association (MSCA) (received Tuesday, November 6, 2007).

### *Reports.*

The following reports were severally read and placed on file:

A report of the Executive Office of Transportation (pursuant to line items 6000-0100 and 6010-0001 of the General Appropriation Act for Fiscal Year 2008 and Chapter 87 of the Acts of 2000 submitting various reports (received Friday, November 2, 2007);

A report of the Division of Unemployment Assistance (under the provisions of Section 14F of Chapter 151A of the General Laws) submitting information on the UI Trust Fund balance as of September 30, 2007, revised outlook for the private contributory account for 2007 through 2011 and tables that compare the Massachusetts Trust Fund as of June 30, 2007 to the balances of other States (received Friday, November 2, 2007);

A report of the Merrimack Valley Regional Transit Authority (under the provisions of Chapter 161B of the General Laws) submitting its annual report for fiscal year 2007 (received Wednesday, November 7, 2007); and

A report of the Human Resources Division (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting a listing of Civil Service public safety police promotional lists that have been revoked by the Personnel Administrator as of November 1, 2007 (received Wednesday, November 7, 2007).

The following reports were severally read and sent to the House for its information:

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 the I.C.E. Facility (received Monday, October 22, 2007);

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 the Dartmouth Jail and House of Correction (received Monday, October 22, 2007); and

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 the Dartmouth Women's Center (received Monday, October 22, 2007).

#### *Petition.*

Mr. Rosenberg presented a petition (accompanied by bill, Senate, No. 2400) of Stanley C. Rosenberg and Peter V. Kocot (with the approval of the mayor and city council) for legislation relative to the investment of trust funds for the city of Northampton [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Municipalities and Regional Government. Sent to the House for concurrence.**

#### *Reports of Committees.*

By Ms. Fargo, for the committee on Public Health, on petition, a Bill relative to safe work hours for physicians in training and protection of patients (Senate, No. 1247);

By the same Senator, for the same committee, on petition, a Bill relative to volunteer dentistry (Senate, No. 1323); and

By the same Senator, for the same committee, on petition, a Bill to establish a statewide environmental illness incidence registry (Senate, No. 2202);

**Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.**

By Mr. Petrucci, for the committee on Municipalities and Regional Government, on petition, a Bill relative to the appointment of town managers (Senate, No. 1204);

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

By Mr. Petruccelli, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the city of Quincy to establish a neighborhood stabilization fund (Senate, No. 2160) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill approving the conveyance of property by the county of Nantucket (Senate, No. 2224) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill authorizing the town of Rockland to establish a school building capital trust fund (Senate, No. 2264) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill to amend the representative town meeting procedures in the town of Randolph (Senate, No. 2305) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill authorizing the town of Templeton to exchange a parcel of conservation land for a larger parcel to be held for conservation purposes (Senate, No. 2318) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill authorizing the town of Hopedale to acquire certain property for municipal purposes (Senate, No. 2321) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to property tax exemptions in the town of Swampscott (Senate, No. 2324) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to the membership of the conservation commission of the town of Carver (Senate, No. 2326) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill establishing a special fund in the town of Brimfield (Senate, No. 2328, changed in line 6, by striking out the word "excluding" and inserting in place thereof the word "including"; and in line 13, by striking out the number "213" and inserting in place thereof the number "23") [Local approval received];

By the same Senator, for the same committee, authorizing the city of Lowell to pay a certain court judgment (Senate, No. 2329) [Local approval received];

By Mr. Galluccio, for the committee on Public Service, on petition, a Bill authorizing the certification and eligibility as firefighters in the city of Taunton (Senate, No. 2154) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to provision of health insurance to surviving spouses of long-term employees of the town of Wareham (Senate, No. 2157) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to the group insurance program of the town of Boxborough (Senate, No. 2297) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to Gary J. Lopes, Jr., an employee of the town of Wareham (Senate, No. 2333) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill providing for the establishment of a strong fire chief in the town of Georgetown (Senate, No. 2343) [Local approval received];

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

*Committee Discharged.*

Mr. Panagiotakos, for the committee on Ways and Means, reported, asking to be discharged from further consideration of the Senate Bill relative to the negotiation of taxes under a tax increment financing) (TIF) (Senate, No. 1788),— **and recommending that the same be referred to the Senate committee on Senate Ethics and Rules.**

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

**PAPERS FROM THE HOUSE.**

A Bill establishing a sick leave bank for Sharon Easter, an employee of the Department of Correction (House, No. 4209, amended,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

#### Bills

Relative to investments of dental service corporations (House, No. 1042,— on petition);  
 Authorizing the Dennis Water District to convey certain land (House, No. 3741,— on petition); and  
 Relative to the Grafton and South Grafton water districts (House, No. 4241,— on petition);  
**Were severally read and, under Senate Rule 26, referred to the committee on Senate Ethics and Rules.**

#### Bills

Authorizing the town of West Boylston to convey certain open space land (House, No. 4120,— on petition); [Local approval received];  
 Authorizing the town of Needham to construct and maintain a common sewer through land acquired for conservation purposes (House, No. 4121,— on petition) [Local approval received];  
 Relative to the town manager in the town of North Andover (House, No. 4138,— on petition); [Local approval received];  
 Authorizing the city of Fitchburg to convey a certain parcel of land in the city of Fitchburg for watershed purposes (House, No. 4216,— on petition) [Local approval received]; and  
 Exempting Kevin Farragher from the maximum age requirement for appointment as a firefighter in the town of North Andover (House, No. 4143,— on petition) [Local approval received];  
**Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

#### *Resolutions.*

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

Resolutions (filed by Mr. Brown) “on the eightieth anniversary of the Wayland Garden Club”;

Resolutions (filed by Mr. Galluccio) “recognizing the relief efforts provided by the American Red Cross to the citizens of the Dominican Republic suffering from the devastating effects of Hurricane Noel”;

Resolutions (filed by Ms. Murray and Mr. O’Leary) “congratulating the Honorable Joseph J. Reardon on the occasion of his retirement”;

Resolutions (filed by Mr. Pacheco) “congratulating Thomas J. Souza on the occasion of his retirement”; and

Resolutions (filed by Ms. Wilkerson) “congratulating Doctor J. Keith Motley on his inauguration as the eighth Chancellor of the University of Massachusetts at Boston.”

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

##### *Emergency Preamble Adopted.*

An engrossed Bill relative to public safety at reproductive health care facilities (see Senate, No. 1353, 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 2 to 0.**

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

**enactment.**

An engrossed Bill establishing a sick leave bank for Dorothy Lafratta, an employee of the Department of Transitional Assistance (see House, No. 4249), 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 2 to 0.

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

*Report of a Committee.*

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

The Senate Bill establishing the nursing and allied health trust fund (Senate, No. 674).

**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. Sent to the House for concurrence.**

**PAPERS FROM THE HOUSE.***Committee of Conference.*

The House Bill relative to health care access (House, No. 4310),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment In section 1, in proposed section 160 of chapter GA, striking out subsection (b) and inserting in place thereof the following subsection:

“(b) The council shall consist of 39 members and shall be comprised of: (i) 3 members of the house of representatives, 1 of whom shall be designated as co-chair by the speaker, and 3 members of the senate, 1 of whom shall be designated as co-chair by the president; (ii) the secretary of health and human services, who shall serve ex-officio, the commissioner of public health, who shall serve ex-officio, the director of multicultural health in the department of public health, who shall serve ex-officio, the director of Medicaid, who shall serve ex-officio, or their designees; (iii) 8 persons from communities disproportionately affected by health disparities, 4 of whom shall be appointed by the speaker of the house and 4 of whom shall be appointed by the senate president; and (iv) 21 persons to be appointed by the co-chairs, 2 of whom shall be experts in health disparities from foundations or academic institutions and 1 from each list of nominees to be submitted by each of the following organizations: the American Cancer Society, Massachusetts Division, Inc.; the American Heart Association, Massachusetts Affiliate, Inc.; Massachusetts General Hospital; Brigham and Women’s/Faulkner Hospitals, Inc.; Dana Farber Cancer Institute, Inc.; the Massachusetts League of Community Health Centers, Inc.; the Massachusetts Medical Society; the Massachusetts Hospital Association; the office of the Attorney General; the Boston public health commission, established in chapter 147 of the acts of 1995; the health department of the city of Springfield; the health department of the city of Worcester; the Massachusetts’ School Nurse Organization, Inc.; the Massachusetts Association of Public Health Nurses, Inc.; the Massachusetts Association of Health Plans, Inc.; Blue Cross Blue Shield of Massachusetts, Inc.; the Program to Eliminate Health Disparities at the Harvard School of Public Health; the Boston Medical Center Corporation; and the Massachusetts Public Health Association.”;

In section 3A, by striking out the words “would fail to qualify” and inserting in place thereof the



words: “last qualified”;

By inserting after section 4 the following section:

“SECTION 4A. Subsection.(b) of section 21 of said chapter 62C, as so appearing, is hereby amended by adding the following clause:—

(23) the disclosure of information contained in a return filed pursuant to this chapter to the commonwealth health insurance connector authority solely to process appeals and conduct outreach to uninsured taxpayers or to the division of health care finance and policy solely to determine if a taxpayer who claimed a religious exemption used the Health Safety Net Trust Fund or to the executive office of health and human services solely to verify MassHealth coverage.”;

By inserting after section 6 the following section:

“SECTION 6A. Section 12 of chapter 62E of the General Laws, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:

Notwithstanding any general or special law to the contrary, the commissioner may disclose any information in this chapter to the commonwealth health insurance connector authority solely to processing appeals and conduct outreach to uninsured taxpayers or to the division of health care finance and policy solely to determine if a taxpayer who claimed a religious exemption used the Health Safety Net Trust Fund or to the executive office of health and human services solely to verify MassHealth coverage.”;

By inserting after section 15 the following section

“SECTION 15A. Said eighth paragraph of said section 23 of said chapter 118E, as so appearing, is hereby further amended by inserting after the first sentence the following sentence:— Upon request from the department of revenue, the division shall make information received from holders of health insurance information available to said department to determine whether a parson’ is covered by’ insurance as required by chapter 111M.”;

In section 26A, by striking out the words “would fail to qualify” and inserting in place thereof the following words:— “last qualified”;

In section 26B, by striking out the words “would fail to qualify” and inserting in place thereof the following words:— “last qualified”;

By striking out sections 26C to 26E, inclusive, and inserting in place thereof the following 6 sections:

“SECTION 26C. Chapter 176A of the General Laws is hereby amended striking out section 82, inserted by section 53 of chapter 58 of the acts of 2006.

SECTION 26D. Said chapter 176A is hereby further amended inserting after section 8AA the following section:—

Section BBB. Any subscription certificate under a group nonprofit hospital service agreement, except certificates which provide stand-alone dental services, supplemental coverage to Medicare or other governmental programs, that is delivered, issued or renewed in the commonwealth, shall provide, as benefits to all group members having a principal place of employment within the commonwealth, coverage to persons under 26 years of age or for 2 years after the end of the calendar year in which such persons last qualified as dependents under 26 U.S.C. 106, whichever occurs first.

SECTION 26E. Chapter 176B of the General Laws is hereby amended striking out section 4Z, inserted by section 56 of chapter 58 of the acts of 2000.

SECTION 26F. Said chapter 176 is hereby further amended inserting after section 4AA the following section:

Section 4BB. Any subscription certificate under an individual or group medical service agreement, except certificates that provide stand-alone dental services, that is delivered or issued or renewed in this commonwealth, shall provide, as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, coverage to persons under 26 years of age or for 2 years after the end of the calendar year in which such persons last qualified as dependents under 26 U.S.C. 106, whichever occurs first.

SECTION 26G. Chapter 176G of the General Laws is hereby amended striking out section 4R, inserted by section 58 of chapter 58 of the acts of 2006.

SECTION 26H. Said chapter 176G is hereby further amended inserting after section 4S the following section:—

Section 4T. A health maintenance contract, excluding contracts for stand-alone dental services, shall provide coverage to persons under 26 years of age or for 2 years after the end of the calendar year in which such persons last qualified as dependents under 26 U.S.C. 106, whichever occurs first.”;

By striking out section 28A;

By striking out section 29, and inserting in place thereof the following section:—

“SECTION 29. Chapter 58 of acts of 2006 is hereby amended by striking out section 136 and inserting in place thereof the following section:

Section 136. The website established under Section 16L of Chapter 6A of the General Laws shall be operational and shall include links to other websites that display comparative cost and quality information no later than September 1, 2007. The website shall include comparative cost information by facility, clinician or physician group practice, such as cost information for obstetrical services, physician office visits, high-volume elective surgical procedures, high-volume diagnostic tests, and high-volume therapeutic procedures, no later than March 1, 2008. Cost information shall include data such as the average payment made on behalf of insured patients for each service or category of service received by each facility, clinician or physician practice. Payment data as collected from the individual insurers shall not be deemed public record except as displayed on the website and/or as otherwise dictated by regulations duly promulgated by the Council.”).

**On motion of Mr. Hedlund the Senate insisted on its amendment and appointment a committee of conference; and Senators Moore, Panagiotakos and Tarr were appointed on the part of the Senate.**

**The bill was returned to the House endorsed accordingly.**

*Engrossed Bill.*

An engrossed Bill designating a certain bridge in the town of Southampton as the Southampton Veterans Memorial Bridge (see Senate, No. 2066) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4351) of David Paul Linsky and others that the Division of Capital Asset Management and Maintenance be authorized to lease to the town of Natick a portion of property of the National Guard Armory located in said town;

**Under suspension of Joint Rule 12, to the committee on Bonding, Capital Expenditures and State Assets.**

Joint petition (accompanied by bill, House, No. 4352) of Cheryl A. Coakley-Rivera and Karen E. Spilka for legislation to authorize the Department of Social Services to maintain certain information for the protection of children in compliance with the federal “Adam Walsh and Safety Act”; and Joint petition (accompanied by bill, House, No. 4353) of Cheryl A. Coakley-Rivera and Karen E. Spilka relative to compliance by the Commonwealth with federal regulations for child and family services and the placement of foster children;

**Severally, under suspension of Joint Rule 12, to the committee on Children, Families and Persons with Disabilities.**

Petition (accompanied by bill, House, No. 4354) of James E. Vallee for legislation to designate a certain ice rink in the town of Franklin as the Staff Sergeant Robert Pirelli Veterans Memorial Rink;  
**Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.**

Petition (accompanied by bill, House, No. 4355) of Steven J. D'Amico and others (by vote of the town) relative to an exchange of land for water supply purposes in the town of Swansea;  
**Under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.**

Joint petition (accompanied by bill, House, No. 4356) of Frank T. Smizik and Pamela P. Resor for legislation to regulate the tax imposed on the sale of certain pesticides in the Commonwealth;  
**Under suspension of Joint Rule 12, to the committee on Revenue.**

Petition (accompanied by bill, House, No. 4357) of Jeffrey Davis Perry relative to the issuance of motor vehicle registration plates to veterans;  
**Under suspension of Joint Rule 12, to the committee on Transportation.**

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There being no objection, at eight minutes past eleven o'clock A.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at sixteen minutes before twelve o'clock noon, the Senate reassembled, Mr. Rosenberg in the Chair.

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

##### *Emergency Preamble Adopted.*

An engrossed Bill relative to property tax classification in cities and towns (see House, No. 3119, changed and 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 DXVII 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. Rosenberg) and sent to the House for enactment.

##### *Engrossed Bills.*

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

Relative to public safety at reproductive health care facilities (see Senate, No. 1353, amended);  
 Exempting Brian J. Donoghue from the maximum age requirements for appointment as a firefighter in the town of Norwood (see Senate, No. 2257);

Relative to the financing of a contract termination charge incurred by the town of Norwood (see Senate, No. 2277); and

Establishing a sick leave bank for Dorothy Lafratta, an employee of the Department of Transitional Assistance (see House, No. 4249).

##### *Committee of Conference.*

The House Bill protecting and preserving home ownership (House, No. 4306, amended), — came from the House with the endorsement that the House had NON-concurred in the Senate amendment

(striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2382), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Mariano of Quincy, Torrissi of North Andover and Gifford of Wareham had been appointed the committee on the part of the House.

**On motion of Mr. Hedlund, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Tucker, Buoniconti and Brown were appointed on the part of the Senate.**

**The bill was returned to the House endorsed accordingly.**

*Petition.*

On motion of Mr. Tisei, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Buoniconti (by request), (accompanied by bill) of Thomas Mitchell for legislation relative to nonconforming structures,— **and the same was referred to the committee on Housing. Sent to the House for concurrence.**

*Report of a Committee.*

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

The Senate Bill balancing the physician license renewal cycle (Senate, No. 1298).

**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.**

**Sent to the House for concurrence.**

*Report of a Committee.*

By Mr. Augustus, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by the Governor to the engrossed Bill relative to volunteers at state parks (see Senate, No. 786) [for message, see Senate, No. 2311],— reported, that the amendment recommended by the Governor be considered in the following form:

SECTION 1. The general hereby court finds that volunteer activities and events serve an important public purpose and assist in the enhancement, preservation and improvement of the park system and that a program is required to help foster and assist in the stewardship of department of conservation and recreation properties through encouraging volunteer activities and partnerships with nonprofit organizations.

SECTION 2. Chapter 21 of the General Laws is hereby amended by inserting after section 17D the following section:—

Section 17G. (a) For the purposes of this section, “nonprofit organization” and “volunteer” shall have the same meaning as used in 42 U.S.C. 14505.

(b) The department of conservation and recreation may cosponsor and participate in an event or activity on department property with a nonprofit organization at which the nonprofit organization may be allowed to charge, or solicit or receive donations of, funds at the event or activity, if the event or activity furthers a public purpose of the department and the funds are used and expended by the nonprofit organization or department only for supporting or improving a facility or program of the department. The nonprofit organization shall report to the department and provide an appropriate annual accounting of the funds and expenditures therefrom,

(c) To encourage and further public participation in stewardship to educate, promote, clean, maintain or improve facilities of the department of conservation and recreation, the department may enter into

agreements with nonprofit organizations regarding volunteers participating in the stewardship on department property.

(d) The department shall establish guidelines, requirements and standards, which it shall post on its website for public review, for: (1) authorizing and registering volunteers to provide stewardship services; (2) delegating direction, control, safety and supervision of the volunteers to the nonprofit organization; and (3) developing accounting and reporting procedures as required in subsection (b). Volunteers, while acting within the scope of volunteer responsibilities for the department or the nonprofit organization under delegated authority from the department, shall be public employees within the meaning of chapter 258, but indemnification shall not be authorized under section 9 of said chapter 258. In a civil action involving a volunteer who is a public employee pursuant to this section, the department may assert a defense or limitation on liability that the volunteer could have asserted, as a volunteer, under federal or state law.

The report was accepted.

The Chair (Mr. Rosenberg) stated that under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

**On motion on Mr. Tisei, the Senate then rejected the Governor's amendment.**

**Mr. Antonioni presented an amendment to the engrossed bill by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2402.**

**The amendment was adopted.**

**Sent to the House for its action.**

*Recess.*

There being no objection, at five minutes before twelve o'clock noon, the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at seventeen minutes before two o'clock P.M., the Senate reassembled, Mr. Rosenberg in the Chair.

**PAPERS FROM THE HOUSE.**

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Rhea Lindstet, an employee of the Department of Revenue (see House, No. 4286), 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 2 to 0. The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.**

The Senate Bill relative to the annual observance of Leopoldville Disaster Remembrance Day (Senate, No. 1873),— came from the House passed to be engrossed, in concurrence with an amendment by inserting after the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the annual observance of Leopoldville Disaster Remembrance Day, 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. Hedlund, and the House amendment was considered forthwith and adopted, in concurrence.**

*Engrossed Bill.*

An engrossed Bill relative to property tax classification in cities and towns (see House, No. 3119, changed and 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 enacted and was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.

*Resolutions.*

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

Resolutions (filed by Mr. Brewer) “recognizing and supporting the troops and their mission.”

**PAPERS FROM THE HOUSE.**

*Engrossed Bill.*

An engrossed Bill establishing a sick leave bank for Rhea Lindstet, an employee of the Department of Revenue (see House, No. 4285) (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 enacted and was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.

A Bill making an appropriation for the fiscal year 2008 to provide supplemental funding for a low income home energy assistance program (printed in House, No. 4332,— being a message from His Excellency the Governor),— **was read.**

**Mr. Petruccelli moved to suspend the rules so the matter could be taken up forthwith; but objection was made thereto by Mr. Hedlund.**

**Under Senate Rule 27, the bill was referred to the committee on Ways and Means.**

*Order Adopted.*

On motion of Mr. Hedlund,—

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

On motion of the same Senator, at eight minutes past two o'clock P.M., the Senate adjourned to meet on the following Tuesday at one o'clock P.M.

## Chapter 78 of the Acts of 2007

### AN ACT IMPROVING JUROR SERVICE.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to improve forthwith juror service, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**SECTION 1.** Section 4 of chapter 234A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 1, the words "As of the date of receipt of the juror summons, any" and inserting in place thereof the following word:- Any.

**SECTION 2.** Said section 4 of said chapter 234A, as so appearing, is hereby further amended by striking out, in line 52, the word "calendar".

**SECTION 3.** Section 16 of said chapter 234A, as so appearing, is hereby amended by striking out, in lines 5 to 8, inclusive, the words "Such list shall be randomly shuffled by the office of the jury commissioner and stored as a data processing file on a magnetic tape or disk. After the random shuffling of the master juror list has occurred" and inserting in place thereof the following:- The office of the jury commissioner shall randomly shuffle the names that appear on the master juror list and store the list as a data processing file. After the random shuffling of the names that appear on the master juror list has occurred.

**SECTION 4.** Said section 16 of said chapter 234A, as so appearing, is hereby further amended by striking out, in line 16, the word "calendar".

*Approved August 2, 2007.*

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General Court home page, or

Commonwealth of Massachusetts home page.

Date: Thu, 8 May 2008 21:01:53 -0500 (CDT) [10:01:53 PM EDT]

From: westlaw@westlaw.com

To: tera@bu.edu

Reply-To: west.support@thomson.com

Subject: Westlaw Results : MA S. JOUR., 11/19/2007

1 unnamed [text/plain] 14.30 KB

MA S. Jour., 11/19/2007

FOR EDUCATIONAL USE ONLY Page 1

Massachusetts Senate Journal, 11/19/2007

Massachusetts Senate Journal, November 19, 2007

Monday, November 19, 2007

Massachusetts Senate

2007 Regular Session

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.

JOURNAL OF THE SENATE.

Monday, November 19, 2007.

Met according to adjournment at eleven o'clock A.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).

The Senator from Norfolk, Bristol and Middlesex, Mr. Brown, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Reports of Committees.

By Ms. Jehlen, for the committee on Elder Affairs, on petition (accompanied by resolve, Senate, No. 398), a Resolve creating a special commission on institutional long term care services (Senate, No. 2417); and

By Mr. Baddour, for the committee on Transportation, on petition, a Resolve relative to driver impairment (Senate, No. 2043);

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

By Mr. Baddour, for the committee on Transportation, on petition, a Bill relative to co-sureties (Senate, No. 2020);

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



By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill relative to rates of pilotage (Senate, No. 515);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 541), a Bill to reduce carbon dioxide emissions through participation in the regional greenhouse gas initiative (Senate, No. 2422);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 534), a Bill relative to the Massachusetts Global Warming Solutions Act (Senate, No. 2423);

By Mr. Galluccio, for the committee on Public Service, on petition, a Bill authorizing the Teachers' Retirement Board to include additional compensation in calculating the retirement allowance of Nancy Swanson (Senate, No. 1431);

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Thomas D'Intinosanto, an employee of the Department of Mental Retardation (Senate, No. 2349); and

By Mr. Baddour, for the committee on Transportation, on petition (accompanied by bill, Senate, No. 2025), a Bill relative to vehicle license cost recovery fees (Senate, No. 2416);

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

By Mr. Galluccio, for the committee on Public Service, on petition (accompanied by bill, Senate, No. 1618), a Bill authorizing the Dukes County contributory retirement system to grant certain retirement benefits (Senate, No. 2421);

By Mr. Baddour, for the committee on Transportation, on petition, a Bill relative to the inspection of new cars (Senate, No. 2046); and

By the same Senator, for the same committee, on petition, a Bill increasing the punishment for drag racing (Senate, No. 2083);

Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

By Mr. Galluccio, for the committee on Public Service, on petition, a Bill permitting the reinstatement of Roger B. Cataldo to the police department of the town of Southwick (Senate, No. 1529) [Local approval received];

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

#### PAPERS FROM THE HOUSE.

#### Bills

Establishing a task force within the Department of Education to examine hygienic procedures pertaining to band instruments (House, No. 413,-- on petition);

Providing for the disposition of certain property at Medfield State Hospital (House, No. 4214,-- on House, No. 1235);

Authorizing the sale of a certain parcel of land in the city of Waltham to said city (House, No. 4342,-- on House, Nos. 59 and 4203);

Authorizing the transfer of the former Fisher Hill Reservoir in the town of Brookline (House, No. 4343,-- on House, No. 3942 and 4205); and

Relative to green communities (House, No. 4373, printed as amended,-- on House, Nos. 3965 and 4365).

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

#### Bills

Relative to eligibility for cooperative housing corporations (House, No. 1224,-- on petition);

Relative to the Old Kings Highway District (House, No. 1997,-- on petition); and

Designating May 24 as Phenylketonuria Awareness Day (House, No. 3174,-- on petition);

Were severally read and, under Senate Rule 26, referred to the committee on Senate Ethics and Rules.

#### Bills

Relative to the change from conservation use to general municipal use of a portion of the property known as Ridge Hill Reservation in the town of Needham (House, No. 4122,-- on petition) [Local approval received];

Authorizing a retirement allowance for Leo Senecal (House, No. 4139,-- on petition) [Local approval received];

Authorizing the town of Weston to grant a license for the sale of wine at a food store (House, No. 4177,-- on House, No. 4093) [Local approval received]; and

Authorizing the town of Foxborough to grant three additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4300,-- on House, No. 4134) [Local approval received];

Were severally 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 appointments:

That Representative Murphy of Lowell has been appointed by the Speaker of the House to the Special Task Force (under Section 83 of Chapter 61 of the Acts of 2007) to examine existing policies, procedures and programs and make recommendations to reduce and prevent incidents of campus violence; and

That Ms. Helen Corbett has been re-appointed by the Speaker of the House to the Special Commission (under Section 66 of Chapter 3 of the General Laws) on the status of women.

#### Reports of Committees.

By Mr. Downing, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of James E. Timilty, Richard J. Ross, Edward M. Augustus, Jr. and Scott P. Brown for legislation relative to aggravated 911 non-emergency calls.

Senate Rule 36 was suspended, on motion of Ms. Fargo, 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 Mr. Downing, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of James E. Timilty, Brian A. Joyce and Louis L. Kafka for legislation to establish a sick leave bank for Lealdon Langley, an employee of the Department of Environmental Protection.

Senate Rule 36 was suspended, on motion of Ms. Fargo, 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.

Severally sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to the retirement allowance for certain teachers (Senate, No. 1557),-- ought to pass.

There being no objection, the rules were suspended, on motion of Ms. Fargo, 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 further regulating the granting of temporary licenses for the sale of wines at auctions (Senate, No. 2405),-- ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Moore, 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 relative to the Randolph Public Library (Senate, No. 2396),-- ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Petruccelli, 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 ensuring a fair and reasonable administrative process (Senate, No. 2415),-- ought

to pass.

Mr. Moore moved to suspend the rules to consider the matter forthwith; but objection was made thereto by Mr. Brown.

Under Senate Rule 26, referred to the committee on Ethics and Rules.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Lynda Graham Meho, an employee of the Department of Public Health (House, No. 4304),-- ought to pass.

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

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 authorizing the town of Rockland to establish a school building capital trust fund (Senate, No. 2264),-- was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Morrissey presented an amendment inserting after the word "meeting", in line 11, the following words:-- "any principal".

This amendment was adopted.

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

Sent to the House for concurrence.

#### PAPERS FROM THE HOUSE.

A Bill relative to certain conservation land in the town of Amherst (printed as Senate, No. 2247,-- on petition) [Local approval received],-- was read.

There being no objection, the rules were suspended, 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, in concurrence.

The Senate Bill allowing for the continued use of state-owned property for fishing, boating and tourism purposes on the Congamond Lakes in the town of Southwick (Senate, No. 2248),-- came from the House passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4338.

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

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 authorizing the city of Quincy to establish a neighborhood stabilization fund (Senate, No. 2160),-- was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Morrissey presented an amendment substituting a new draft with the same title (Senate, No. 2424).

This amendment was adopted.

The bill (Senate, No. 2424) was then passed to be engrossed.

Sent to the House for concurrence.

#### PAPERS FROM THE HOUSE.

#### Emergency Preamble Adopted.

An engrossed 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 (see Senate, No. 2210), 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 4 to 0.

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

#### 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 (Mr. Rosenberg) and laid before the Governor for his approbation, to wit:

Authorizing the town of Tyngsborough to establish a recreation fields fund (see Senate, No. 2291); and

Authorizing the city of Salem to grant an additional liquor license for the sale of wines and malt beverages not to be drunk on the premises (see House, No. 4274).

An engrossed Bill relative to volunteers at state parks (see Senate, No. 786, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the Acting President (Mr. Rosenberg) and again laid before the Governor for his approbation.

A Bill authorizing the town of Falmouth to install, finance and operate wind energy facilities (House, No. 3769,-- on petition) [Local approval received],-- was read.

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

Order Adopted.

On motion of Ms. Fargo,--

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. Tarr, at twenty-three minutes before twelve o'clock noon, the Senate adjourned to meet on the following day at one o'clock P.M.

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