

# Senate Journals

SENATE JOURNAL

OF THE

STATE OF TEXAS

FOR THE

SESSION OF 1890

COMMENCED AT 10 O'CLOCK A. M. ON MONDAY, JANUARY 13, 1890.

AND

ENDED AT 10 O'CLOCK A. M. ON FRIDAY, FEBRUARY 1, 1890.

BY

W. W. WOODRUFF, CLERK OF THE SENATE.

PRINTED BY

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AT THE

OFFICE OF THE CLERK OF THE SENATE,

THE STATE HOUSE, AUSTIN, TEXAS.

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

## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



*Tuesday, July 22, 2008.*

Met according to adjournment at one o'clock P.M. (Mr. Rosenberg in the Chair).

### *Communication.*

A communication from the Department of Public Health relative to a plan of correction submitted pursuant to inspection of the Western Massachusetts Regional Women's Correctional Center (received Thursday, July 17, 2008),— **was placed on file.**

### *Reports.*

The following reports were severally read and placed on file:

A report of the Health Care Security Trust Board of Trustees (pursuant to Section 4(h) of Chapter 29D of the General Laws) submitting its FY 2009 Budget Filing for the Health Care Security Trust Fund (received Tuesday, July 15, 2008); and

A report of the Department of Higher Education submitting its Quarterly Report on the Massachusetts, Science, Technology & Engineering Grant Fund (the STEM Pipeline Fund) (received Monday, July 21, 2008).

### *Petitions.*

Petitions were presented and referred, as follows:

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer for legislation to establish a sick leave bank for Maureen Wright, an employee with the Department of Mental Retardation; and

By Ms. Chandler, a petition (subject to Joint Rule 12) of Harriette L. Chandler and James J. O'Day for legislation to authorize the Division of Capital Asset Management to dispose of a certain parcel of land and buildings in the town of West Boylston;

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

### *Report of a Committee.*

By Mr. Downing, for the committee on Ethics and Rules, on Senate, No. 2632, in part, a "Bill relative to the

service of civil process" (Senate, No. 1022).

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

*Committees Discharged.*

Mr. Downing, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Municipalities and Regional Government to make an investigation and study of a certain current Senate document relative to various local affairs (Senate, No. 2813),— **and recommending that the same be referred to the Senate committee on Ethics and Rules.**

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

**PAPERS FROM THE HOUSE.**

Petitions were referred, in concurrence, as follows:

Joint petition (accompanied by bill, House, No. 4982) of John H. Rogers and Marian Walsh (by vote of the town) that the town of Norwood be authorized to grant an additional license for the sale of alcoholic beverages to Byblos Restaurant;

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

Petition (accompanied by bill, House, No. 4983) of Jeffrey Sánchez (with the approval of the mayor and city council) relative to the designation of polling places for voting precincts in the city of Boston;

**To the committee on Election Laws.**

Petition (accompanied by bill, House, No. 4984) of Robert P. Spellane (by vote of the town) that the town of Paxton be authorized to incur a certain amount of debt for the construction of a public safety complex for the police and fire departments of said town.

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

A report of the committee on Transportation, recommending that the Communication from the Executive Office of Transportation (under Section 7V of Chapter 90 of the General Laws) submitting proposed regulations by the Registry of Motor Vehicles (House, No. 4850) be placed on file,— **came from the House, accepted by the House.**

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

*Recess.*

There being no objection at one minute past one o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at twenty-two minutes past two 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.

*Resolutions.*

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

Resolutions (filed by Mr. Baddour) "recognizing the city of Newburyport as the birthplace of the United States Coast Guard"; and

Resolutions (filed by Messrs. Moore, Morrissey, Antonioni, Augustus, Brewer, Brown and Buoniconti, Ms. Creem, Ms. Chandler, Mr. Downing, Ms. Fargo, Mr. Hart and Ms. Jehlen, Messrs. Joyce, Knapik, Montigny, O'Leary, Pacheco and Panagiotakos, Ms. Resor, Mr. Rosenberg, Ms. Spilka, Messrs. Tarr and Tisei, Ms. Tucker and Ms. Wilkerson) "memorializing the Congress of the United States to increase funding for the Federal Low-Income Home Energy Assistance Program (LIHEAP)."

**PAPERS FROM THE HOUSE.**  
*Emergency Preamble Adopted.*

An engrossed Bill relative to early education and care (see House, No. 4706, 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 7 to 0.**

**The bill was signed by the President and sent to the House for enactment.**

*Engrossed Bill.*

An engrossed Bill establishing a sick leave bank for Mark Stanton, an employee of the Department of Public Health (see Senate, No. 2677) (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 President and laid before the Governor for his approbation.**

The House Bill providing for the elections of school committee members in the Southern Berkshire Regional School District (House, No. 4865, amended), **came from the House with an amendment striking out the emergency preamble.**

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

*Orders of the Day.*

The Orders of the Day were considered, as follows:

The House Bill relative to the interest rate to be charged upon apportioned betterment assessments for the Weweantic Sewer Project in the town of Wareham (House, No. 3985), **was read a second time and ordered to a third reading.**

The House Bill relative to the agreement among the states to elect the President by national popular vote (House, No. 4952), **was read a second time.**

**After remarks and pending the question on ordering the bill to a third reading, Mr. Tisei moved that the bill be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.**

The Senate Bill relative to dementia special care units in long-term care facilities (Senate, No. 425, amended), **was read a third time.**

**Pending the question on passing the bill to be engrossed, Mr. Pacheco moved that the bill be amended in section 1, in line 11, by inserting after the word "facilities" the following words:— "shall meet the criteria set forth under this section in order to provide such services".**

**The amendment was adopted.**

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-nine minutes past two o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 37 — nays 0*) [Yeas and Nays: No. 288]:

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.

Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Morrissey, Michael W.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone.	Panagiotakos, Steven C.
Downing, Benjamin B.	Petrucelli, Anthony
Fargo, Susan C.	Resor, Pamela
Galluccio, Anthony D.	Rosenberg, Stanley C.
Hart, John A., Jr.	Tolman, Steven A.
Spilka, Karen E.	Tucker, Susan C.
Tarr, Bruce E.	Walsh, Marian
Timilty, James E.	Wilkerson, Dianne — 37.
Tisei, Richard R.	
<b>NAYS — 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Marzilli, Jim	Moore, Richard T. — 2.

**The yeas and nays having been completed at twenty-seven minutes before two o'clock P.M., the bill (Senate, No. 425, amended) was passed to be engrossed. Sent to the House for concurrence.**

The Senate Bill further regulating fees for justices of the peace (Senate, No. 801) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Tisei moved that the bill be amended by adding the following section:—

“SECTION 3. Section 92 of chapter 41 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 13, and in lines 14 and 15, the words ‘two thousand five hundred dollars’ and inserting in place thereof, in each instance, the following figure:— \$25,000.”

**Pending the question on adoption of the amendment, Mr. Creedon arose to a point of order which, being stated, was that the amendment was beyond scope of the bill.**

**The President ruled that the point of order was well taken; and the amendment was laid aside.**

**The bill was then passed to be engrossed.**

**Sent to the House for concurrence.**

The Senate Bill relative to election day registration (Senate, No. 2807),— **was considered, the question being on passing the bill to be engrossed.**

**The pending motion, previously moved by Mr. Tisei, to lay the matter on the table was considered; and it was negatived.**

Mr. Tisei moved that the bill be amended in section 9, by striking out, in line 123, the word “is” and inserting in place thereof the following words:— “and 6 are”.

**After debate and pending the question on adoption of the amendment and pending the main question on passing the bill to be engrossed, Mr. Tarr moved that the bill be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.**

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows:

*Matter Taken Out of the Notice Section of the Calendar.*

There being no objection, the following matter was taken out of the Notice Section of the calendar and considered as follows:

The Senate Bill amending the charter for the town of Sandwich (Senate, No. 2680),— **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 amending the charter for the town of Sandwich"**.

**Sent to the House for concurrence.**

*Report of a Committee.*

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill to improve, promote and protect the oral health of the Commonwealth (Senate, No. 2478),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2819).**

**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.**

**After debate, the bill (Senate, No. 2819) was then ordered to a third reading and read a third time.**

Pending the question on passing the bill to be engrossed, Ms. Wilkerson moved that the bill be amended in section 7, in lines 78 to 80, by striking out the seventh sentence and inserting in place thereof the following sentence:— "Public health dental hygienists shall be directly reimbursed for services administered in a public health setting only by Medicaid or the commonwealth care health insurance program"; and by inserting after section 14 the following section:-

"SECTION 14A. The board of registration of dentistry shall establish guidelines pursuant to section 51 of chapter 112 of the General Laws within 6 months of the effective date of this act."

**The amendment was adopted.**

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at sixteen minutes past three o'clock P.M., on motion of Ms. Chandler, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 289**]:

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Morrissey, Michael W.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone.	Panagiotakos, Steven C.
Downing, Benjamin B.	Petrucelli, Anthony
Fargo, Susan C.	Resor, Pamela
Galluccio, Anthony D.	Rosenberg, Stanley C.

Hart, John A., Jr.	Tolman, Steven A.
Spilka, Karen E.	Tucker, Susan C.
Tarr, Bruce E.	Walsh, Marian
Timilty, James E.	Wilkerson, Dianne — 37.
Tisei, Richard R.	
<b>NAYS — 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Marzilli, Jim	Moore, Richard T. — 2.

The yeas and nays having been completed at twenty minutes past three o'clock P.M., the bill (Senate, No. 2819, printed as amended) was passed to be engrossed.  
**Sent to the House for concurrence.**

**PAPERS FROM THE HOUSE.**  
*Engrossed Bills.*

The following engrossed bills (both of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:  
 Authorizing the city known as the town of Amesbury to grant 2 additional licenses for the sale of all alcoholic beverage licenses to be drunk on the premises (see House, No. 4426, amended); and  
 Relative to early education and care (see House, No. 4706, amended).

*Matter Taken Out of the Notice Section of the Calendar.*

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

The Senate Bill authorizing the town of Kingston to install, finance and operate wind energy facilities (Senate, No. 2691),— 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.**

*Reports of Committees.*

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Gloria Phillips, an employee of the Department of Public Health (Senate, No. 2787, changed),— ought to pass.

**There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**  
**Sent to the House for concurrence.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Judith Sargent, an employee of the Department of Public Health (House, No. 4742),— ought to pass, with an amendment by inserting at the end thereof the following sentence:— “Sick leave bank days may not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department.”

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

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for David Catanzaro, an employee of the Trial Court (House, No. 4771),— ought to pass, with an amendment by inserting at the end thereof the following sentence:— “Sick leave bank days may not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court”.

**There being no objection, the rules were suspended, on motion of Ms. Jehlen, 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.**

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 ensuring consumer protection in life insurance contracts (Senate, No. 2640) (the committee on Ethics and Rules recommending that the bill be amended substituting a new draft with the same title (Senate, No. 2818).

There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time. Mr. Tolman in the Chair, after debate, the amendment recommended by the committee on Ethics and Rules was considered, and it was adopted.

The bill (Senate, No. 2818) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-nine minutes before four o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 290**]:

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Morrissey, Michael W.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone.	Panagiotakos, Steven C.
Downing, Benjamin B.	Petrucelli, Anthony
Fargo, Susan C.	Resor, Pamela
Galluccio, Anthony D.	Rosenberg, Stanley C.
Hart, John A., Jr.	Tolman, Steven A.
Spilka, Karen E.	Tucker, Susan C.
Tarr, Bruce E.	Walsh, Marian
Timilty, James E.	Wilkerson, Dianne — 37.
Tisei, Richard R.	



NAYS — 0.	
ABSENT OR NOT VOTING.	
Marzilli, Jim	Moore, Richard T. — 2.

**The yeas and nays having been completed at twenty-five minutes before four o'clock P.M., the bill (Senate, No. 2818) was passed to be engrossed. Sent to the House for concurrence.**

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 House Bill relative to site assignments (House, No. 4363) (the committee on Ethics and Rules recommending that the bill be amended striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2817).

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

**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.**

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 House Bill increasing coverage of nonprescription enteral formulas (House, No. 925).

**There being no objection, the rules were suspended, on motion of Ms. Spilka, 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 following report was laid before the Senate, the time within which the said committee was required to report having expired:

Of the committee on Economic Development and Emerging Technologies, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 2744) of Benjamin B. Downing for legislation to create green collar jobs training.

**On motion of Ms. Menard, the petition was recommitted to the Joint Committee on Economic Development and Emerging Technologies.**

The following report was laid before the Senate, the time within which the said committee was required to report having expired:—

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 2667) of Bruce E. Tarr and Bradford Hill (by vote of the town of Wenham) for legislation to amend Chapter 381 of the Acts of 2006, an act authorizing the town of Wenham to grant certain licenses for the sale of alcoholic beverages to be drunk on the premises.

**On motion of Mr. Tarr, the petition was recommitted to the Joint Committee on Consumer Protection and Professional Licensure.**

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 Edward M. Augustus, Jr., George N. Peterson, Jr. and Michael Goodwin for legislation to designate a portion of route 140 as the Donald R. "Doug" Keniston roadway.

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

**Sent to the House for concurrence.**

**PAPERS FROM THE HOUSE.**

A petition (accompanied by bill, House, No. 4998) of Anthony J. Verga and others that the Registrar of Motor Vehicles be authorized to issue special plates to the surviving spouses of veterans,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Transportation.**

*Engrossed Bill.*

An engrossed Bill establishing a board of water and sewer commissioners in the town of Plainville (see House, No. 4685) (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. Tolman) (having been appointed by the President, under the authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation.

The President in the Chair, a Bill providing for a certain exemption from the sales tax (House, No. 4995, amended,— on House, No. 4985).

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

Pending the question on ordering the bill to a third reading, Messrs. Tisei, Tarr, Knapik and Brown moved that the bill be amended by inserting at the end thereof the following:—

“SECTION 7. Chapter 64H of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 6 the following new section:—

Section 6A. The commissioner of revenue is hereby authorized and directed to annually designate, by July 15 of each calendar year, a two-day weekend in August during which no excise shall be imposed upon non-business sales at retail in the commonwealth of tangible personal property, as defined in section 1 of this chapter, but for the purposes of this section, tangible personal property shall not include telecommunications, gas, steam, electricity, motor vehicles, boats, meals, or any single item whose price is in excess of \$2,500.

For the days designated by the commissioner pursuant to the provisions of this section, a vendor in the commonwealth shall not add to the sales price or collect from any non-business purchaser an excise upon sales at retail of tangible personal property, as defined in section 1 of this chapter. The commissioner of revenue shall not require any vendor to collect and pay excise upon sales at retail of tangible personal property purchased on said designated days. Any excise erroneously or improperly collected during the designated days shall be remitted to the department of revenue. This section shall not apply to the sale of telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals, or any single item whose price is in excess of \$2,500.

When choosing the designated days, the commissioner shall take into consideration the observance of any religious and secular days of observation occurring therein; provided further, that the commissioner shall designate such days so as to maximize the economic benefit to the commonwealth.

Reporting requirements imposed upon vendors of tangible personal property, by law or by regulation, including, but not limited to, the requirements for filing returns required by chapter 62C of the General Laws, shall remain in effect for sales for the days designated by the commissioner.

On or before December 31 of each year, the commissioner of revenue shall certify to the comptroller the amount of sales tax forgone, as well as new revenue raised from personal and corporate income taxes and other sources, because of this act. The commissioner shall issue a report, detailing by fund the amounts under general and special laws governing the distribution of revenues under this chapter which would have been deposited in each fund, without this act.

The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary for the implementation of this act.

SECTION 8. Section 7 shall take effect on January 1, 2009.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at five minutes before five o'clock P.M., on motion of Mr. Tisei as follows, to wit (*yeas 5 — nays 32*) [**Yeas and Nays No. 291**]:

<b>YEAS.</b>	
Brown, Scott P.	Tisei, Richard R.
Knapik, Michael R.	Tucker, Susan C. — 5.
Tarr, Bruce E.	
<b>NAYS.</b>	
Antonioni, Robert A.	Joyce, Brian A.
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Morrissey, Michael W.
Buoniconti, Stephen J.	O'Leary, Robert A.
Candaras, Gale D.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Petrucelli, Anthony
Creem, Cynthia Stone	Resor, Pamela
Downing, Benjamin B.	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Galluccio, Anthony D.	Timilty, James E.
Hart, John A., Jr.	Tolman, Steven A.
Hedlund, Robert L.	Walsh, Marian
Jehlen, Patricia D.	Wilkerson, Dianne — 32.
<b>ABSENT OR NOT VOTING.</b>	
Marzilli, Jim	Moore, Richard T. — 2.

The yeas and nays having been completed at five o'clock P.M., the amendment was *rejected*.

Messrs. Knapik, Tisei, Tarr and Brown moved that the bill be amended by inserting at the end thereof the following:—

“SECTION 7. Notwithstanding any general or special law, rule regulation to the contrary, for taxable years 2007 and 2008, there shall be deducted from adjusted gross income in determining income: up \$800 cost of home heating oil, natural gas, propane, electricity, and wood deduction available single persons if taxpayer's is equal less than \$50,000, joint filers who qualify as a head household \$75,000.

- (a) The deductions may be used only for the cost of home heating oil, natural gas and propane purchased between November 1, 2007 and March 31, 2008.
- (b) Any taxpayer entitled to a deduction under this section may apply the deduction in taxable year 2007 for purchases made in 2007. If the taxpayer does not take the full \$800 deduction in taxable year 2007, the taxpayer may take the remainder in taxable year 2008 for purchases made in 2008 through March 31, 2008.
- (c) The commissioner of revenue shall promulgate rules and regulations necessary to implement this section. The commissioner shall also include in such rules and regulations eligibility provisions for a taxpayer who

owns a condominium or a cooperative dwelling and for whom such purchases are accounted for in a common area fee or special assessment against such costs as may be reasonably attributed to the percentage ownership share of the condominium or cooperative dwelling costs; and provided further, that the commissioner shall also include in such rules and regulations eligibility provisions for a taxpayer who rents a residential dwelling and for whom such purchases are accounted for in the rent and provisions that account for multiple renters in a residential dwelling. The department shall file a copy of any rules and regulations with the Clerks of the Senate and House of Representatives and with the joint committee on revenue.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-five minutes past five o'clock P.M., on motion of Mr. Knapik as follows, to wit (*yeas 9 — nays 28*) [Yeas and Nays No. 292]:

YEAS.	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Knapik, Michael R.	Tisei, Richard R.
Pacheco, Marc R.	Wilkerson, Dianne — 9.
Rosenberg, Stanley C.	
NAYS.	
Antonioni, Robert A.	Jehlen, Patricia D.
Augustus, Edward M., Jr.	Joyce, Brian A.
Baddour, Steven A.	McGee, Thomas M.
Berry, Frederick E.	Menard, Joan M.
Brewer, Stephen M.	Montigny, Mark C.
Buoniconiti, Stephen J.	Morrissey, Michael W.
Candaras, Gale D.	O'Leary, Robert A.
Chandler, Harriette L.	Panagiotakos, Steven C.
Credon, Robert S., Jr.	Petrucelli, Anthony
Creem, Cynthia Stone	Resor, Pamela
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Tolman, Steven A.
Galluccio, Anthony D.	Tucker, Susan C.
Hart, John A., Jr.	Walsh, Marian — 28.
ABSENT OR NOT VOTING.	
Marzilli, Jim	Moore, Richard T. — 2.

The yeas and nays having been completed at twenty-nine minutes past five o'clock P.M., the amendment was rejected.

The bill was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at twenty minutes before six o'clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (*yeas 31 — nays 6*) [Yeas and Nays No. 293]:

YEAS.	
Antonioni, Robert A.	Galluccio, Anthony D.

Baddour, Steven A.	Hart, John A., Jr.
Berry, Frederick E.	Joyce, Brian A.
Brewer, Stephen M.	Knapik, Michael R.
Brown, Scott P.	McGee, Thomas M.
Buoniconti, Stephen J.	Menard, Joan M.
Candaras, Gale D.	Montigny, Mark C.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Downing, Benjamin B.	Petrucelli, Anthony
Fargo, Susan C.	Rosenberg, Stanley C.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Wilkerson, Dianne — 31.
Tisei, Richard R.	
<b>NAYS.</b>	
Augustus, Edward M., Jr.	Pacheco, Marc R.
Hedlund, Robert L.	Resor, Pamela
Jehlen, Patricia D.	Walsh, Marian — 6.
<b>ABSENT OR NOT VOTING.</b>	
Marzilli, Jim	Moore, Richard T. — 2.

The yeas and nays having been completed at seventeen minutes before six o'clock P.M., the bill was passed to be engrossed, in concurrence (as corrected BTR).

*Orders of the Day.*

The Orders of the Day were further considered, as follows:

The Senate Bill providing for the registration of naturopathic doctors (Senate, No. 1321),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Pacheco moved that the bill be amended substituting a new draft entitled "An Act establishing a board of registration in naturopath" (Senate, No. 2820).

**This amendment was adopted.**

**The bill (Senate, No. 2820) was then passed to be engrossed.**

**Sent to the House for concurrence.**

*Order Adopted.*

On motion of Ms. Menard,—

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

On motion of Mr. Panagiotakos, at a quarter before six o'clock P.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.

## Chapter 376 of the Acts of 2008

### AN ACT RELATIVE TO CONSUMER PROTECTION IN LIFE INSURANCE CONTRACTS.

*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.** Chapter 175 of the General Laws is hereby amended by striking out section 186, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

Section 186. (a) No oral or written misrepresentation or warranty made in the negotiation of a policy of insurance by the insured or in his behalf shall be deemed material or defeat or avoid the policy or prevent its attaching unless such misrepresentation or warranty is made with actual intent to deceive, or unless the matter misrepresented or made a warranty increased the risk of loss.

(b) No oral or written misrepresentation or warranty as to the physical condition or health risks to the physical condition of the insured made in the negotiation of any policy of life or endowment insurance or annuity contract by the insured or on his behalf shall defeat or avoid the policy or prevent its attaching unless such misrepresentation or warranty is material and is made with actual intent to deceive or increased the risk of loss. For the purposes of this paragraph, a misrepresentation or warranty shall be deemed material if knowledge or ignorance of it would otherwise have influenced the insurer in making the contract at all, or in estimating the degree and character of the risk, or in fixing the rate of the premium.

**SECTION 2.** Section 186A of said chapter 175, as so appearing, is hereby amended by adding the following sentence:- In any court action based on a life insurance policy in which the good health of the insured at the time the policy becomes effective is at issue, there shall be a presumption that the insured was in good health if the insurer delivered the policy.

*Approved November 7, 2008*

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[General Court home page](#), or

[Commonwealth of Massachusetts home page](#).

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

## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

*Monday, April 28, 2008.*

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

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

#### *Distinguished Guests.*

There being no objection, the Chair (Mr. McGee) handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced the Senior Civics Class from Medfield High School. They were accompanied by their teacher, Mr. Richard Desorgher. The Senate welcomed them with applause and they withdrew from the Chamber.

#### *Report.*

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of M.C.I. Cedar Junction (received Thursday, April 24, 2008),— **was read and sent to the House for its information.**

#### *Petition.*

Mr. Tarr presented a petition (accompanied by bill, Senate, No. 2667) of Bruce E. Tarr and Bradford Hill (by vote of the town of Wenham) for legislation to amend Chapter 381 of the Acts of 2006, an act authorizing the town of Wenham to grant certain licenses for the sale of alcoholic beverages to be drunk on the premises [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.**  
**Sent to the House for concurrence.**

#### *Reports of Committees.*

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on Senate, Nos. 129

and 2184, a Bill to create environmental justice (Senate, No. 2572);  
 By Mr. Buoniconti, for the committee on Financial Services, on petition, a Bill relative to promoting a transparent, fair and equitable pricing structure in the insurance industry (Senate, No. 562);  
 By the same Senator, for the same committee, on petition, a Bill relative to prescription drug voice synthesizers (Senate, No. 564); and  
 By the same Senator, for the same committee, on petition, a Bill relative to increasing coverage for infertility treatments (Senate, No. 599);  
**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, a Bill to fully fund the parks and recreational facilities of the Commonwealth (Senate, No. 467);  
 By the same Senator, for the same committee, on petition, a Bill to limit the liability of the MWRA (Senate, No. 506);  
 By the same Senator, for the same committee, on petition, a Bill authorizing the Department of Conservation and Recreation to provide leases to yacht clubs on its property. (Senate, No. 527);  
 By the same Senator, for the same committee, on Senate, Nos. 479 and 540 and House, Nos. 744, 749, 754, 761, 762, 774, 834 and 890, a Resolve establishing a wildlife management commission (Senate, No. 540);  
 By the same Senator, for the same committee, on petition, a Bill to protect children from toxic toys (Senate, No. 545);  
 By the same Senator, for the same committee, on Senate, Nos. 482, 483 and 484 and House, Nos. 747, 756, 802 and 842, a Bill relative to the preservation of dairy farms (Senate, No. 2576);  
 By Mr. O'Leary, for the committee on Higher Education, on Senate, Nos. 729 and 735, a Bill to establish a higher education assistance pilot program (Senate, No. 2580);  
 By the same Senator, for the same committee, on Senate, No. 741 and House, No. 548, a Bill relative to American sign language and hard of hearing workforce solutions (Senate, No. 2582);  
 By the same Senator, for the same committee, on Senate, No. 2190 and the residue of House, No. 3989, a Bill relative to the Massachusetts College of Art and Design (Senate, No. 2642); and  
 By Ms. Tucker, for the committee on Housing, on petition (accompanied by bill, Senate, No. 755), a Bill relative to housing rights for victims of domestic violence, rape, sexual assault and stalking (Senate, No. 2574);  
**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill to enhance the management of problem wildlife (Senate, No. 487);  
 By the same Senator, for the same committee, on Senate, Nos. 523, 2075 and 2079 and House, No. 772, a Bill relative to mooring fee requirements (Senate, No. 2612);  
 By Mr. Buoniconti, for the committee on Financial Services, on Senate, No. 633 and House, No. 1072, a Bill ensuring consumer protection in life insurance contracts (Senate, No. 2640); and  
 By Mr. O'Leary, for the committee on Higher Education, on Senate, No. 719 and House, No. 1189, a Bill designating the Massachusetts community colleges collectively as Governor Foster Furcolo Community Colleges (Senate, No. 2581);  
**Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Mr. Downing, for the committee on Ethics and Rules, reported that the Senate Bill authorizing the conversion of the liquor liability joint underwriting association of Massachusetts into the liquor liability mutual insurance company (Senate, No. 573),— **ought to pass, with an amendment substituting a new draft entitled "An Act converting the Liquor Liability Joint Underwriting Association into the Hospitality Mutual Insurance Company"** (Senate, No. 2668).  
**Placed in the Orders of the Day for the next session for a second reading with the amendment pending.**

*Committees Discharged.*

Mr. Downing, for the committees on Rules of the two branches, acting concurrently, reported, asking to be



discharged from further consideration

Of the Senate Order relative to authorizing the joint committee on the Environment, Natural Resources and Agriculture to make an investigation and study of certain current Senate documents relative to environmental matters (Senate, No. 2593);

Of the Senate Order relative to authorizing the joint committee on Public Health to make an investigation and study of certain current Senate documents relative to public health (Senate, No. 2598);

Of the Senate Order relative to authorizing the joint committee on Financial Services to make an investigation and study of certain current Senate documents relative to insurance (Senate, No. 2614);

Of the Senate Order relative to authorizing the joint committee on Labor and Workforce Development to make an investigation and study of certain current Senate documents relative to labor and workforce development issues (Senate, No. 2615);

Of the Senate Order relative to authorizing the joint committee on Municipalities and Regional Government to make an investigation and study of certain current Senate documents relative to various local affairs issues (Senate, No. 2619);

Of the Senate Order relative to authorizing the joint committee on Consumer Protection and Professional Licensure to make an investigation and study of certain current Senate documents relative to consumer protection related issue in the Commonwealth (Senate, No. 2626); and

Of the Senate Order relative to authorizing the joint committee on Labor and Workforce Development to make an investigation and study of certain current Senate documents relative to labor and workforce development (Senate, No. 2658);

And recommending that the same severally be referred to the Senate committee on Ethics and Rules.

Mr. Downing, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Bill establishing a permanent commission on the social status of black males (Senate, No. 2182),— **and recommending that the same be referred to the Senate committee on Ethics and Rules.**

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

Mr. Galluccio, for the committee on Public Service, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1654) of Steven A. Tolman for legislation relative to retirement benefits for John G. Flores,— **and recommending that the same be referred to the Senate committee on Ways and Means.**

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

**Sent to the House for concurrence in the discharge of the joint committee.**

#### PAPERS FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to providing the terms of certain bonds to be issued by the Commonwealth to finance improvements to the Commonwealth's transportation system (House, No. 4698),— **was referred, in concurrence, to the committee on Bonding, Capital Expenditures and State Assets.**

A petition (accompanied by bill, House, No. 4704) of David M. Torrisi and Susan C. Tucker (with the approval of the mayor and city council) for legislation to require voters in the city of Lawrence to present certain identification at polling places,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Election Laws.**

A Bill establishing a sick leave bank for Marie Silva, an employee of the Department of Mental Retardation (House, No. 4567,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill increasing the number of licenses for the sale of wines and malt beverages in the city of Medford from fifteen to twenty-five (House, No. 4697,— on House, No. 4648) [Local approval received on House, No. 4648],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

A report of the House committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the House Bill relative to blood alcohol testing (House, No. 4915), and recommending that the same be referred to the committee on the Judiciary,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence, insomuch as relates to the reference to the joint committee.**

*Resolutions.*

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

Resolutions (filed by Mr. Buoniconti) “congratulating Nicholas J. DeAngelis on the occasion of his retirement”; and

Resolutions (filed by Mr. O’Leary) “congratulating Captain Henry F. Sears on the occasion of his retirement.”

*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 Brian A. Joyce, William C. Galvin and Marian Walsh for legislation to designate a certain education center on Chickatawbut Hill in Milton as the Norman Smith Environmental Education Center at Chickatawbut Hall.

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

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 Robert A. Antonioni and James B. Eldridge for legislation to authorize the appointment of James A. McNamara as a police officer in the town of Lancaster notwithstanding the maximum age requirement.

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

By Mr. Downing, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Gale Candaras for legislation to establish a sick leave bank for Alice Eldridge, an employee of the Department of Revenue.

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

By Mr. Downing, 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 for legislation to establish a sick leave for Karen Fowles, an employee of the Massachusetts Rehabilitation Commission.

**Senate Rule 36 was suspended, on motion of Mr. Tisei, 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.**

*Orders Adopted.*

Mr. Montigny presented an order, to wit:—

*Ordered,* That notwithstanding the provisions of Joint Rule 10, the Committee on Bonding, Capital Expenditures and State Assets be granted until May 21, 2008, within which time to make its final report on certain current Senate documents numbered 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 44, 47, 48, 49, 50, 51, 57, 58, 146, 470, 504, 514, 522, 727, 2020, 2153, 2176, 2219, 2361, 2392, 2411, 2420, 2439, 2470, 2474,

2550, 2589, 2626, and certain current House documents numbered 620, 625, 734, 785, 4664, 4669, 4670 and 4671, relative to bonding, capital expenditures and state assets.

**Under the rules, referred to the committees on Rules of the two branches, acting concurrently.**

**Subsequently, Mr. Downing, for the said committees, reported, recommending that the order ought to be adopted.**

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

**Sent to the House for concurrence.**

Mr. Montigny presented an order, to wit:—

*Ordered,* That notwithstanding the provisions of Joint Rule 10, the Committee on Bonding, Capital Expenditures and State Assets be granted until June 18, 2008, within which time to make its final report on certain current House documents numbered 4311, 4455, 4506, 4538 and 4561, relative to bonding, capital expenditures and state assets.

**Under the rules, referred to the committees on Rules of the two branches, acting concurrently.**

**Subsequently, Mr. Downing, for the said committees, 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.**

**Sent to the House for concurrence.**

Mr. Timilty presented an order, to wit:—

*Ordered,* That notwithstanding the provisions of Joint Rule 10, the joint committee on Public Safety and Homeland Security be granted until Thursday, May 15, 2008, within which time to make its final report on a certain current Senate document numbered 2117, relative to the security of rail facilities.

**Under the rules, referred to the committees on Rules of the two branches, acting concurrently.**

**Subsequently, Mr. Downing, for the said committees, 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.**

**Sent to the House for concurrence.**

Mr. Creedon presented an order, to wit:—

*Ordered,* That notwithstanding the provisions of Joint Rule 10 the committee on the Judiciary be granted until June 30, 2008, within which to make its final report on current Senate documents numbered 243, 783, 793, 795, 802, 811, 813, 814, 815, 816, 817, 821, 833, 836, 841, 842, 847, 855, 856, 863, 868, 870, 875, 891, 898, 902, 915, 939, 945, 948, 974, 980, 985, 992, 993, 994, 1018, 1034, 1035, 1043, 1044, 1849, 2193, 2194, 2195 and 2380, relative to related legal matters.

**Under the rules, referred to the committees on Rules of the two branches, acting concurrently.**

**Subsequently, Mr. Downing, for the said committees, reported, recommending that the order ought to be adopted.**

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

**Pending the question on adoption of the order, Mr. Creedon presented an amendment striking out the words "June 30, 2008" and inserting in place thereof the following words:— "Friday, May 30, 2008".**

**The amendment was adopted.**

**The order, as amended, was then adopted.**

**Sent to the House for concurrence.**

#### *Reports of Committees.*

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 to maintain short term objectives for students with disabilities (Senate, No. 311).

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

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 to establish collaborative drug therapy management (Senate, No. 420).

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

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing the Martha's Vineyard Housing Bank (Senate, No. 2546),— **ought to pass.**

**Mr. Timilty moved that the rules be suspended so that the matter be considered forthwith; but objection was made thereto by Mr. Knapik.**

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

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

**Placed in the Orders of the Day for the next session.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Resolve relative to the prevention of falls in the elderly community (Senate, No. 2331),— **ought to pass, with an amendment substituting, a new draft with the same title (Senate, No. 2669).**

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

**The bill (Senate, No. 2669) was then ordered to a third reading.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Deborah A. Jones, an employee of the Department of Mental Retardation (House, No. 4928),— **ought to pass.**

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

*Order Adopted.*

On motion of Mr. Petrucci,—

*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 the same Senator, at twenty-two minutes past eleven o'clock A.M., the Senate adjourned to meet on the following day at one o'clock P.M.