

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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, March 29, 2007.

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

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

Petitions.

Petitions were presented and referred as follows:

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 2165) of Patricia D. Jehlen and Timothy J. Toomey, Jr. (with the approval of the mayor and board of aldermen) for legislation to amend the charter of the city of Somerville to provide for an operations manager of waterworks and 311 director [**Local approval received**];

By the same Senator, a petition (accompanied by bill, Senate, No. 2166) of Patricia D. Jehlen and Timothy J. Toomey, Jr. (with the approval of the mayor and board of aldermen) for legislation to create a municipal hearing officer to hear appeals of violation notices issued in the city of Somerville in accordance with G.L.C., 40 SS 21D [**Local approval received**];

By the same Senator, a petition (accompanied by bill, Senate, No. 2168) of Patricia D. Jehlen, Timothy J. Toomey, Jr. and Carl M. Sciortino, Jr. (with the approval of the mayor and board of aldermen) for legislation relative to health inspectors of the city of Somerville [**Local approval received**]; and

By the same Senator, a petition (accompanied by bill, Senate, No. 2169) of Patricia D. Jehlen, Carl M. Sciortino, Jr. and Timothy J. Toomey, Jr. (with the approval of the mayor and board of aldermen) for legislation amend the charter of the city of Somerville [**Local approval received**];

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 2170) of Patricia D. Jehlen and Timothy J. Toomey, Jr. (with the approval of the mayor and board of aldermen) for legislation to pertain to off-duty work details or special details performed by public employees in the city of Somerville [**Local approval received**]; and

By the same Senator, a petition (accompanied by bill, Senate, No. 2172) of Patricia D. Jehlen and Timothy J. Toomey, Jr. (with the approval of the mayor and board of aldermen) for legislation to authorize the Somerville Retirement Board to purchase or lease property, facilities and equipment [**Local approval received**];
Severally, under Senate Rule 20, to the committee on Municipalities and Regional Government.

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 2167) of Patricia Jehlen, Carl M. Sciortino, Jr. and Timothy J. Toomey (with approval of mayor and city council) for legislation to establish a project mitigation contribution ("linkage") program for open space and historic preservation in the city of Somerville [**Local approval received**]; and

By the same Senator, a petition (accompanied by bill, Senate, No. 2171) of Patricia D. Jehlen, Carl M. Sciortino, Jr. and Timothy J. Toomey, Jr. (with approval of mayor and city council) for legislation to authorize the establishment of a municipal open space and historic preservation trust fund in the city of Somerville [**Local approval received**];
Severally, under Senate Rule 20, to the committee on Tourism, Arts and Cultural Development.
Severally sent to the House for concurrence.

Petitions were presented and referred, as follows:

By Mr. Berry, a petition (subject to Joint Rule 12) of Frederick E. Berry for legislation relative to provide parent discretion in classroom placement of multiple birth children;

By Mr. Creedon, a petition (subject to Joint Rule 12) of Robert Creedon for legislation to clarify the review of actions of the chief justice for administration and management;

By the same Senator, a petition (subject to Joint Rule 12) of Robert Creedon for legislation to improve juror service;

By the same Senator, a petition (subject to Joint Rule 12) of Robert Creedon for legislation relative to the community preservation trust fund;

By Ms. Creem, a petition (subject to joint Rule 12) of Cynthia S. Creem, Alice H. Peisch and Scott P. Brown for legislation relative to certain easements held by the Commonwealth of Massachusetts and the Massachusetts Water Resources Authority in the town of Wellesley;

By Mr. Downing, a petition (subject to Joint Rule 12) of Benjamin B. Downing, Brian A. Joyce, James E. Timilty, Denise Provost and other members of the General Court for legislation to provide for an investigation and study by a special commission relative to the recruitment and retention of college graduates and skilled workers for the Commonwealth's workforce;

By the same Senator, a petition (subject to Joint Rule 12) of Benjamin B. Downing, Jay R. Kaufman, Richard R. Tisei, Bradley H. Jones, Jr. and other members of the General Court for legislation to further regulate the appointment of police officers;

By Ms. Menard, a petition (subject to Joint Rule 12) of Joan M. Menard for legislation relative to child care providers;

By Mr. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore, Lida E. Harkins, Susan C. Fargo, Benjamin B. Downing and other members of the General Court for legislation to encourage private support for public schools; and

By Mr. Timilty, a petition (subject to Joint Rule 12) of James E. Timilty and Louis L. Kafka for legislation relative to the rights of certain residents of mobile homes in the town of Foxborough;

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

Report of a Committee.

By Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill further regulating access to birth certificates (Senate, No. 63);

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

Committee Discharged.

Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 102) of Richard T. Moore for legislation to require immunization of children against human pampilloma virus,— **and recommending that the same be referred to the committee on Health Care Financing.**

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 providing the terms of certain bonds to be issued by the Commonwealth (House, No. 3966),— **was referred, in concurrence, to the committee on Bonding, Capital Expenditures and State Assets.**

Petitions were referred, in concurrence, as follows:

Joint petition (accompanied by bill, House, No. 2532) of Charles A. Murphy and Robert A. Havern (by vote of the town) for legislation to authorize the town of Burlington to issue additional license for the sale of all alcoholic beverages to be drunk on the premises;

To the committee on Consumer Protection and Professional Licensure.

Joint petition (accompanied by bill, House, No. 2363) of Charles A. Murphy and Robert A. Havern (by vote of the town) for legislation to exempt the positions of police and fire chiefs in the town of Burlington from the civil service law;

To the committee on Public Service.

A joint petition (accompanied by bill, House, No. 3787) of Cleon H. Turner and Robert A. O'Leary relative to the Jacob Sears Memorial Library,— **was referred, in concurrence, under suspension of Joint Rule 9, to the committee on Tourism, Arts and Cultural Development.**

Reports

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

Of the petition (accompanied by bill, Senate, No. 514) of Brian A. Joyce for legislation relative to the Ponkapaog golf course,— **and recommending that the same be referred to the committee on Bonding, Capital Expenditures and State Assets.**

Of the petition (accompanied by bill, House, No. 717) of Bruce J. Ayers relative to providing for an income tax credit for families caring for relatives at home who are elderly or victims of Alzheimer's disease,— **and recommending that the same be referred to the committee on Elder Affairs.**

Of the petition (accompanied by bill, House, No. 718) of Bruce J. Ayers relative to real estate tax exemptions for persons sixty-five years of age or older,— **and recommending that the same be referred to the committee on Revenue.**

Of the petition (accompanied by bill, House, No. 716) of Bruce J. Ayers and Michael W. Morrissey relative to

the penalty for the improper use of handicapped parking spaces; and

Of the committee on Health Care Financing, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1154) of Paul J. P. Loscocco and others relative to the financing of operating expenses of the Central Artery Project, so-called, in the city of Boston;

And recommending that the same severally be referred to the committee on Transportation. 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 appointment:

That Representative Eldridge of Acton has been appointed by the Speaker to the Special Commission (established pursuant to Section 117 of Chapter 123 of the Acts of 2006) for the purpose of studying and making recommendations concerning the development of financial assets as a way to ensure that all people in the state of Massachusetts achieve long-term, sustainable economic security and self-sufficiency and enjoy economic opportunity.

Resolutions.

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

Resolutions (filed by Mr. Barrios) “honoring Shirley Owens-Hicks for over twenty years of service in the House of Representatives”;

Resolutions (filed by Ms. Fargo) “in recognition of Doris Donovan on being named the 2007 Waltham Women’s Alliance ‘Woman of the Year’ ”;

Resolutions (filed by Mr. Hart) “recognizing Robert Paul ‘Elliott’ Powers on the occasion of his seventy-fifth birthday”;

Resolutions (filed by Mr. Joyce) “commending Lieutenant Robert Devine of the Stoughton Police Department”;

Resolutions (filed by Mr. Moore) “congratulating Laurie Martinelli for her years of health care advocacy”;

Resolutions (filed by Mr. Pacheco) “congratulating Zachary M. Card upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Pacheco) “congratulating Paul M. Kelly, Jr. upon his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Mr. Pacheco) “congratulating Michael Varraso upon his elevation to the rank of Eagle Scout.”

Reports of Committees.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to the conveyance of a certain parcel of land in the town of Grafton (House, No. 3745, amended),— **ought to pass;**

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

By Mr. Tolman, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Frederick E. Berry for legislation to establish a sick leave bank for Yaniris Cabrera, an employee of the Trial Court.

Senate Rule 36 was suspended, on motion of Mr. Tarr, 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. Tolman, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stephen J. Buoniconti and Joyce A. Spiliotis for legislation to prohibit

discrimination against physical therapists and physical therapist assistants in securing medical malpractice insurance.

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

By Mr. Tolman, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Benjamin B. Downing and Denis E. Guyer for legislation relative to the enforcement of decisions by the appellate tax board.

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

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill authorizing the town of South Hadley to grant additional alcoholic beverages licenses (House, No. 3752, changed,— on petition),— was read [Local approval received].

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

A petition (accompanied by bill, House, No. 3967) of Byron Rushing and others for legislation to establish the Massachusetts Commission Against Discrimination within the office of Administration and Finance,— was referred, in concurrence, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

Order Adopted.

On motion of Ms. Wilkerson,—

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.

On motion of Mr. Tarr, at two minutes past twelve o'clock noon, the Senate adjourned to meet on the following Monday at eleven o'clock A.M.

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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 councillor 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. Balsler, 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 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 in 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.

PAPER FROM THE HOUSE.

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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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.
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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.
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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 to 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.

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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, August 30, 2007.

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

Communication.

A communication from the Honorable Richard R. Tisei, Senate Minority Leader, announcing the appointment of Richard Smith, Chief of Police for the town of Wakefield, to the special commission established to study the existing levels of services offered to reduce recidivism rates (pursuant to Section 87 of Chapter 61 of the Acts of 2007),— **was placed on file.**

Report.

A report of the Commission on the Status of Woman (under the provisions of Section 66 of Chapter 3 of the General Laws) submitting its annual report for fiscal year 2007 (received Monday, August 27, 2007),— **was placed on file.**

Reports of Committees.

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition, a Bill relative to brain aneurysm awareness month (Senate, No. 1870);

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

By Mr. Downing, for the committee on Public Service, on petition, a Bill exempting Brian J. Donoghue of Norwood from the maximum age requirements for appointment as a firefighter in the town of Norwood (Senate, No. 2257) [Local approval received];

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

Petition.

On motion of Mr. Moore, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Ms. Menard, (accompanied by bill) of Joan M. Menard and William M. Straus for legislation to establish a sick leave bank for Kathryn McGaffey, an employee of the Department of Social Services,— **and the same was referred to the committee on Public Service.**
Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4227) of Daniel E. Bosley for legislation to establish a creative economy council within the Executive Office of Housing and Economic Development;

Under suspension of Joint Rule 12, to the committee on Economic Development and Emerging Technologies.

Petition (accompanied by bill, House, No. 4228) of Daniel E. Bosley and others for legislation to designate Norman Rockwell as the official artist of the Commonwealth;

Under suspension of Joint Rule 12, to the committee on Tourism, Arts and Cultural Development.

Matter Taken Out of the Orders of the Day.

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

The House Bill relative to certain disability retirement for Thomas Kamataris (House, No. 4077),— 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 relative to retirement benefits for Thomas Kamataris".

PAPERS FROM THE HOUSE.

A Bill designating a certain parcel of land in the town of Canton as the Clyde S. Pushard Field (House, No. 750,— on petition),— 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.

The Senate Bill further regulating access to birth certificates (Senate. No. 63, amended),— came from the House passed to be engrossed, in concurrence with an amendment in section 1, by adding the following paragraph:

"(c) Any child of a deceased parent who was adopted shall have the rights enumerated in this section"; and inserting after section 2 the following section:

"SECTION 3. Paragraph (h) of section 13 of said chapter 46, as appearing in the 2006 Official Edition, is hereby amended by striking out the eleventh sentence and inserting in place thereof the following 2 sentences:- If the original record has been amended following adoption in accordance with this section, the clerk or state registrar shall issue information contained in the original record only upon receipt of an order of the probate court for the county in which said adoption was granted or in accordance with section 2B, or in the case of an adoption granted outside the commonwealth, upon order of the probate court for the county in which said birth occurred or in accordance with said section 2B, instructing said clerk or state registrar to release the information contained in such original record. Evidence contained in the adoption record of a parent's willingness to provide information about her identity to the adopted person shall in extraordinary circumstances, be considered sufficient evidence to warrant the granting of an order for release of the information contained in the birth

certificate registered prior to adoption.

Senate Rule 36 was suspended, on motion of Mr. Brewer, and the House amendment was considered forthwith.

Mr. Berry presented a motion that the Senate concur with the House amendment with a further amendment striking out in section 1 the following paragraph (inserted by amendment by the House):—

“(c) Any child of a deceased parent who was adopted shall have the rights enumerated in this section”; and in section 2 by adding the following:—

Section 2C. If an adopted person is deceased, his child, if 18 years or older, or such child’s parent or guardian if such child is less than 18 years of age, shall be eligible to apply for the information his adopted parent would have access to under section 2B and to participate in the adoption contact information registry pursuant to section 31.”

The motion prevailed and the Senate concurred in the House amendment with the further amendment. Sent to the House for concurrence in the further amendment.

Engrossed Bills.

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

Further regulating access to birth certificates (see Senate, No. 63, amended);

Relative to elections in the city of Lowell in 2007 (see Senate, No. 2323); and

Designating a certain bridge in the town of Freetown as the Joseph F. Simmons, Jr. bridge (see House, No. 3643, changed).

Order Adopted.

On motion of Mr. Tarr,—

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

Adjournment in Memory of Army Specialist Jeremy Bouffard.

The Senator from Berkshire, Hampshire and Franklin, Mr. Downing, presented a request that when the Senate adjourns today, it do so in memory of Army Specialist Jeremy Paul Bouffard of Middlefield.

Army Specialist Jeremy Paul Bouffard, a 21 year old graduate of Gateway Regional High School, was an infantry scout with the 25th Infantry Division stationed in Iraq. Bouffard’s helicopter went down after completing a mission in the northern province of Tamim. Bouffard was known to his friends and family as a kind young man who chose to serve out of a sense of honor and commitment to the nation.

Army Specialist Bouffard is survived by his wife, Amanda, son Caleb Matthew, parents Paula and Stephen, and sisters, Therese, Molly, and Maegan.

Accordingly, as a mark of respect to the memory of Army Specialist Jeremy Bouffard of Middlefield, at two minutes past one o’clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Tuesday next at eleven o’clock A.M.