

**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.

*Tuesday, March 21, 2006.*

Met at two minutes past eleven o'clock A.M. (Ms. Wilkerson in the Chair).

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

#### *Report.*

A report of the State Office of Minority and Women Business Assistance (under the provisions of Chapter 193 of the Acts of 2004) submitting its Annual Affirmative Marketing Report to the Legislature (received Monday, March 20, 2006),— was placed on file.

#### *Reports of Committees.*

By Mr. Antonioni, for the committee on Education, on Senate, Nos. 299, 300, 313, 317, 321, 328, 333, 348, 351, 352, 355, 356, 361, 370, 371 and 2130, an Order authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to educational issues (Senate, No. 2429) [Local approval received on Senate, No. 2130]; and By Mr. Creedon, for the committee on the Judiciary, on Senate, Nos. 69, 266, 826, 827, 828, 830, 835, 840, 842, 847, 856, 861, 867, 875, 887, 891, 896, 898, 900, 901, 906, 907, 908, 909, 915, 930, 932, 934, 936, 938, 945, 946, 947, 953, 954, 955, 960, 961, 962, 964, 965, 967, 968, 969, 972, 973, 980, 981, 1001, 1006, 1007, 1009, 1014, 1015, 1021, 1026, 1027, 1034, 1039, 1040, 1041, 1042, 1045, 1048, 1049, 1051, 1052, 1054, 1061, 1063, 1080, 1135, 2198, 2221 and 2222, an Order authorizing the joint committee on the Judiciary to make an investigation and study of certain current Senate documents relative to issues concerning the courts of the Commonwealth and the practice of law (Senate, No. 2435);

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

By Ms. Tucker, for the committee on Elder Affairs, on petition, a Bill requiring the Commonwealth to implement a program to purchase prescription drugs from Canada when such purchases become legal under federal law (Senate, No. 400);  
By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2098), a Bill requiring pharmacies to inform the Department of Public Health of medication dispensing errors (Senate, No. 2434);  
By Ms. Fargo, for the committee on Public Health, on petition, a Bill relative to provide for the payment of a one-time bonus to health care providers for the implementation of medical error reduction technology (Senate, No. 1283);  
By the same Senator, for the same committee, on Senate, Nos. 1310 and 1311, a Bill studying the health effects of toxic mold (Senate, No. 1311);  
By the same Senator, for the same committee, on petition, a Bill establishing a task force within the Department of Public Health to examine concerns regarding hysterectomies (Senate, No. 1318); and  
By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1321), a Bill relative to a patients' right to know of the re-use of certain medical devices manufactured for a single use (Senate, No. 2433);  
**Read and, under Joint Rule 1E, referred to the committee on Health Care Financing.**

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition, a Bill authorizing a governmental body to enter into contracts for the operation and maintenance, lease or sale and modification of water storage and treatment facilities and wastewater treatment facilities, collection and distribution systems, sewers and pump stations (Senate, No. 1774);

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

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill further regulating home improvement contracts (Senate, No. 248);

By Mr. Antonioni, for the committee on Education, on Senate, No. 296 and House, No. 1047, a Bill relative to the improvement of early literacy skills for at risk children (Senate, No. 2430);

By the same Senator, for the same committee, on Senate, Nos. 288, 301 and 367 and House, Nos. 1029, 1067, 1068, 1109 and 1181, a Bill promoting safe schools (Senate, No. 2431);

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition, a Bill to promote alternative dispute resolution (Senate, No. 1733);

By the same Senator, for the same committee, on petition, a Bill waiving construction permit fees to promote accessibility (Senate, No. 1743); and

By Mr. Morrissey, for the committee on Telecommunications, Utilities and Energy, on the recommitted petition, a Bill relative to the Massachusetts Municipal Wholesale Electric Company (Senate, No. 1816);

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

By Mr. Timilty, for the committee on Municipalities and Regional Government, on petition, a Bill relative to the rights of municipalities abutting sites of proposed solid waste facilities (Senate, No. 1170);

By the same Senator, for the same committee, on Senate, No. 1173 and House, No. 2669, a Bill relative to the removal or transportation of trash (Senate, No. 1173);

By the same Senator, for the same committee, on petition, a Bill relative to the licensure of animal control officers (Senate, No. 1190);

By Mr. Morrissey, for the committee on Telecommunications, Utilities and Energy, on petition, a Bill relative to entry on premises to examine gas and electric meters (Senate, No. 1807);

By the same Senator, for the same committee, on Senate, No. 1809 and House, No. 3306, a Bill relative to municipal light plants (Senate, No. 1809); and

By the same Senator, for the same committee, on petition, a Bill relative to the inspection and certification of air tanks on utility high voltage circuit breakers (Senate, No. 2079);

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

By Mr. Antonioni, for the committee on Education, on petition, a Bill authorizing certain terms for borrowing by the town of Hopkinton for construction of school buildings to meet growing enrollment (Senate, No. 2070) [Local approval received];

By Mr. Creedon, for the committee on the Judiciary, on petition, a Bill relative to illegal dumping and the imposition of court order fines in the city of Brockton (Senate, No. 2325) [Local approval received]; and

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition, a Bill releasing certain land in Amherst from the operation of an agricultural preservation restriction (Senate, No. 2359) [Local approval received];

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

By Mr. Buoniconti, for the committee on Senate Ethics and Rules, that the Senate bills

Relative to the Massachusetts Water Resources Authority employees' retirement system (Senate, No. 1501); and

Relative to the Essex Regional Retirement System (Senate, No. 2263);

**Severally ought to pass.**

**Severally placed in the Orders of the Day for the next session.**

#### *Committees Discharged.*

Mr. Buoniconti, 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 Higher Education to make an investigation and study of a certain current Senate and House document relative to higher education (Senate, No. 2409);

Of the Senate Order relative to authorizing the joint committee on Public Safety and Homeland Security to make an investigation and study of certain current Senate documents relative to public safety and homeland security (Senate, No. 2407); and

Of the Senate Order relative to authorizing the joint committee on Revenue to make an investigation and study of certain current Senate documents relative to revenue (Senate, No. 2410);

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

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

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—  
Resolutions (filed by Ms. Cream) “congratulating Commander Harvey Weiner for being honored by the Department of Massachusetts Jewish War Veterans.”

*Reports of a Committee.*

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

The Senate Bill relative to the intermunicipal agreements (Senate, No. 1174).

**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.**

The Senate Bill relative to corporate credit unions (Senate, No. 2286).

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

The Senate Bill relative to the conversion by a Massachusetts-chartered credit union to a federal charter (printed as House, No. 2982).

**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.**

The House Bill relative to the special education needs of children with autism spectrum disorder (House, No. 1123).

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

**PAPER FROM THE HOUSE.**

A petition (accompanied by bill, House, No. 4772) of Jennifer L. Flanagan and others for legislation to authorize the Department of Mental Health to establish teen drop-in centers,— was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Children and Families.

There being no objection, at six minutes past eleven o'clock A.M., the Chair (Ms. Wilkerson), declared a recess subject to the call of the Chair; and, at two minutes past one o'clock P.M., the Senate reassembled, Ms. Wilkerson in the Chair.

*Reports of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill regulating gift cards, gift certificates and electronic wage cards (Senate, No. 2214),— ought to pass, with an amendment substituting a new draft entitled “An Act prohibiting excessive fees on gift certificates and gift cards” (Senate, No. 2442).

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

**The bill (Senate, No. 2442) was then ordered to a third reading.**

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Denise Gamache, an employee of the Department of Revenue (Senate, No. 2248),— ought to pass, with an amendment in section 1, by adding the following sentence:— “Whenever Ms. Gamache terminates employment with the commonwealth or requests to dissolve the sick leave bank, the remaining days in the sick leave bank shall be transferred to the extended leave bank.”.

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

**The bill (Senate, No. 2248, amended) was then ordered to a third reading.**

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill regarding choice of long-term care settings (Senate, No. 2273),— ought to pass.

**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.**

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill to establish standards for long-term care insurance (Senate, No. 2285),— ought to pass.

**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.**

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Ellen E. Briggs, an employee of the Trial Court (House, No. 4634),— ought to pass.

**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.**

*Order Adopted.*

On motion of Mr. Tarr,—

*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 five minutes past one o'clock P.M., the Senate adjourned to meet on the following day at one o'clock P.M.