

**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, August 6, 2007.

Met at three minutes past eleven o'clock A.M. (Mr. Tolman in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

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

#### *Distinguished Guest.*

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

#### *Petition.*

Mr. Montigny presented a petition (subject to Joint Rule 12) of Mark C. Montigny, C. Samuel Sutter, Robert M. Koczera, James E. Timilty and other members of the General Court for legislation to amend the dangerousness statute,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Reports of Committees.*

By Ms. Fargo, for the committee on Public Health, on petition, a Bill relative to volunteer physicians (Senate, No. 1248);  
By the same Senator, for the same committee, on petition, a Bill relative to the compensation and expense to members of the board of registration of medicine (Senate, No. 1263);

By the same Senator, for the same committee, on petition, a Bill to protect patients from breakthrough seizures (Senate, No. 1296); and

By the same Senator, for the same committee, on petition, a Bill balancing the physician license renewal cycle (Senate, No. 1298);

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

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition (accompanied by bill, Senate, No. 2244), a Bill relative to revising the composition and duties of the Quinebaug and Shetucket Rivers Valley Heritage District and Commission (Senate, No. 2310); and

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on a message from His Excellency the Governor (accompanied by bill, Senate, No. 13), a Bill relative to establishing the Commonwealth Corps (Senate, No. 2301);  
**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Ms. Fargo, for the committee on Public Health, on petition, a Bill to include an additional authorized abbreviation for acupuncture license (Senate, No. 1301);

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

*Committee Discharged.*

Ms. Fargo, for the committee on Public Health, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1230) of Patricia D. Jehlen for legislation to protect children from lead poisoning; and

Of the petition (accompanied by bill, Senate, No. 1231) of Patricia D. Jehlen for legislation to protect children from lead poisoning;

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

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

**Severally sent to the House for concurrence.**

**PAPERS FROM THE HOUSE.**

Petitions were referred, in concurrence, as follows:

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

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

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

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

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

**To the committee on Public Service.**

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

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

Petition (accompanied by bill, House, No. 4197) of Timothy J. Toomey, Jr. (with the approval of the city council) relative to authorizing the city of Cambridge to place liens on real property located in said city for non-payment of local charges, fees or fines;

**To the committee on Revenue.**

**Bills**

Authorizing the conveyance of a certain parcel of land in the city of Boston (House, No. 4185,— on House, Nos. 64 and 4066); Authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to Sullivan McLaughlin, Inc. (House, No. 4186,— on House, No. 65); and

Establishing a sick leave bank for Savina J. Whitney, an employee of the Department of Social Services (House, No. 4192,— on petition);

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

**Bills**

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

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

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

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

**Reports**

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

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

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

*Appointments Received from the House.*

Notice was received from the House announcing the following appointments:

That Representative Polito of Shrewsbury has been appointed by the Minority Leader to the board of trustees established (under

Section 4 of Chapter 61 of the Acts of 2007) for the Commonwealth Covenant Fund;  
That Representative Smola of Palmer has been appointed by the Minority Leader the Acts of 2007) to make an investigation and study of the Commonwealth's liability for paying retiree health care and other non-pension benefits;  
That Representative Peterson of Grafton has been appointed by the Minority Leader to the special task force established (under Section 83 of Chapter 61 of the Acts of 2007) to examine existing policies, procedures and programs and make recommendations to reduce and prevent incidents of campus violence;  
That Representative Rogeness of Longmeadow had been appointed by the Women and Minority Leader to the special commission established (under Section 85 of Chapter 61 of the Acts of 2007) to make an investigation and study of the accessibility and quality of doctors who specialize in the care of women in Berkshire, Franklin, Hampden and Hampshire counties; and  
That Representative Perry of Sandwich had been appointed by the Minority Leader to the special commission established (under Section 87 of Chapter 61 of the Acts of 2007) to study the existing level of services offered by the Department of Correction, county jails and houses of correction.

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—  
Resolutions (filed by Ms. Spilka, Mr. Brewer, Ms. Chandler, Mr. Havern, Ms. Jehlen, Ms. Menard, Messrs. Montigny, Moore, O'Leary, Pacheco and Panagiotakos, Ms. Resor, Messrs. Rosenberg, Tarr, Tisei, Tolman and Ms. Tucker) "honoring Elmer C. Bartels for 30 years of outstanding public service."

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

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

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

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

The engrossed Bill establishing a sick leave bank for John J. Bish, an employee of the East Brookfield Division of the District Court Department (see Senate, No. 2285, amended) (which on Monday, July 30, 2007, had been laid before the Governor for his approbation), was returned to the Senate Clerk by the Governor on Thursday, August 2, 2007 at seven minutes before two o'clock A.M., with a message recommending an amendment.

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

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

#### *Reports of Committees.*

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Harriette L. Chandler and Lewis G. Evangelidis for legislation to authorize the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town of Holden

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

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael W. Morrissey, Robert A. O'Leary, Benjamin B. Downing, James E. Timilty and other members of the General Court for legislation to advance residential clean heat and power efficiency.

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

**Severally sent to the House for concurrence.**

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

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

An engrossed Bill establishing a sick leave bank for Donna Towner, an employee of the Trial Court Department (see House, No. 4114), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 3 to 0.

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

**Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.**

**The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Tolman) and laid before the Governor for his approbation.**

An engrossed Bill relative to the regional school budget process (see House, No. 586, changed), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 3 to 0.

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

**Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.**

**The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Tolman) and laid before the Governor for his approbation.**

*Engrossed Bills.*

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

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

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

*Order Adopted.*

On motion of Mr. Knapik,—

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

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

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

Accordingly, as a mark of respect to the memory of those who lost their lives at the tragic Interstate 35W bridge collapse, at twenty-two minutes before twelve o'clock noon, on motion of Ms. Spilka, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.