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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, May 17, 2007.

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

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

Petition Returned by State Secretary.

A communication was received from the Secretary of State on the Senate petition of Michael R. Knapik and Michael F. Kane (accompanied by bill) for legislation relative to restricting the authority of the Holyoke Power and Electric Company and the Holyoke Water Power Company (having been transmitted, under the provisions of Joint Rule 9 and Section 5 of Chapter 3 of the General Laws, to the Secretary of State), stating that the petitioners had failed to file proof of notice of publication with the Secretary's office.

Under the provisions of Joint Rule 9, the petition was placed on file.

Petitions.

Petitions were presented and referred as follows:

By Mr. Brewer, a petition (accompanied by bill, Senate, No. 2240) of Stephen M. Brewer (by vote of the town) for legislation to authorize the town of Ashburnham to grant an additional license for the sale of alcoholic beverages to be drunk off the premises;

Under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.

By Mr. Tisei, a petition (accompanied by bill, Senate, No. 2241) of Richard R. Tisei, Thomas M.

McGee and Michael E. Festa (with the approval of the mayor and city council) for legislation relative to the disability retirement of Neil Sullivan, a firefighter for the city of Melrose [Local approval received]; **Under Senate Rule 20, to the committee on Public Service. Severally sent to the House for concurrence.**

Reports of Committees.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House 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),— ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 3; and by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is immediately to make appropriations for the fiscal year beginning July 1, 2007, and to make certain changes in law, each of which is immediately necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

[Estimated cost — Direct Appropriation:	\$25,275,287,321
Retained Revenue Authorization:	\$1,402,217,382
Total:	\$26,677,504,703]

(having been filed in the office of the Clerk of the Senate on Wednesday, May 16, 2007, at two minutes before one o'clock P.M.);

Referred, under Senate Rule 26, to the committee on Ethics and Rules.
Subsequently, Ms. Menard, for the said committee on Ethics and Rules, reported that the matter be placed in the Orders of the Day for Wednesday, May 23, 2007.

By Mr. O'Leary, for the committee on Higher Education, on Senate, No. 715 and House, No. 1183, a Bill relative to the Salem State College Assistance Corporation (Senate, No. 715);
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 authorizing the boards of selectmen of Dukes county to designate members of the advisory board (Senate, No. 1179) [Local approval received];
Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

Orders of the Day.

Ms. Menard, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:
The House Bill authorizing the town of Wellesley to convey a certain parcel of land (printed in House, No. 3748).

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. 327) of Patricia D. Jehlen, Carl M.

Sciortino, Jr. for legislation relative to energy efficient construction,— **and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy.**
Under Senate Rule 36, the report was considered forthwith and accepted.
Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4037) of Sarah K. Peake and Robert A. O'Leary (by vote of the town) relative to establishing a community housing council in the town of Provincetown;
To the committee on Housing.

Petition (accompanied by bill, House, No. 4036) of Sarah K. Peake (by vote of the town) that the town of Wellfleet be authorized to issue bonds for the cost of reconstructing a seawall in the harbor of said town;
To the committee on Municipalities and Regional Government.

Bills

Authorizing the transfer of certain land to the city of Boston (House, No. 53,— on petition); and
Relative to written majority authorization cards, petitions and other written evidence of collective bargaining results (House, No. 2465,— on Senate, No. 1620);
Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

A Bill authorizing the town of Chatham to lease certain buildings (House, No. 3952,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Reports

Of the committee on Economic Development and Emerging Technologies, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 247) of Stephen M. Brewer, Edward M. Augustus, Jr., Christine E. Canavan, James E. Timilty and other members of the General Court for legislation relative to faxing, **and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure.**

Of the petition (accompanied by bill, House, No. 354) of Brian S. Dempsey for legislation to allow collection agencies to accept assignment of debts,— and recommending that the same be referred to the committee on Financial Services.

Of the petition (accompanied by bill, Senate, No. 256) of Brian A. Joyce, Stephen M. Brewer, Michael R. Knapik, Gale D. Candaras and other members of the General Court for legislation to improve the extended care career ladders initiative;

Of the petition (accompanied by bill, Senate, No. 260) of Mark C. Montigny, Harriette L. Chandler, Christine E. Canavan and Robert M. Koczera for legislation relative to the extended care career ladder program;

Of the petition (accompanied by bill, Senate, No. 266) of Marc R. Pacheco for legislation to clarify employer sanctions for improper expenditure of withholdings or deductions from wages;

Of the petition (accompanied by bill, Senate, No. 269) of Steven A. Tolman for legislation to make the members of limited liability companies liable for violations of the payment of wages statute; and

Of the joint petition (accompanied by bill, House, No. 355) of Lewis G. Evangelidis and Stephen M. Brewer relative to the posting of orders and rules by the Department of Economic Development;

And recommending that the same severally be referred to the committee on Labor and Workforce Development.

Of the petition (accompanied by resolve, House, No. 382) of Thomas M. Stanley and others for an investigation by a special commission (including members of the General Court) relative to the misclassification and misdiagnosis of former residents of the Fernald State School,— **and recommending that the same be referred to the committee on Mental Health and Substance Abuse.**

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

Resolutions.

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

Resolutions (filed by Mr. Havern) “congratulating Charles A. Winchester on his retirement”;

Resolutions (filed by Mr. Pacheco) “congratulating Paul S. Crosby upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Pacheco) “on the occasion of the fiftieth wedding anniversary of Anthony and Marguerite Martin”;

Resolutions (filed by Mr. Pacheco) “on the dedication of the new addition to the Council on Aging in the town of Dighton in honor of Alice Perry Souza”;

Resolutions (filed by Messrs. Tarr, Antonioni, Barrios, Brewer, Downing and Hedlund) “recognizing National Safe Boating Week, May 19 to May 25, 2007”;

and Resolutions (filed by Mr. Tisei) “honoring Elia Marnik.”

Reports of Committees.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to the Salem State College Assistance Corporation (Senate, No. 715),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2242).**

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

The bill (Senate, No. 2242) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

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, Lewis G. Evangelidis, Stephen M. Brrewer, Harold P. Naughton, Jr and other members of the General Court for legislation to authorize the Wachusett Regional School District to borrow money for the cleanup of oil contamination and related costs.

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 Education.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill designating a bridge in the city of Methuen as the Corporal David M. Vincente Bridge (House, No. 3446,— on petition),— **was read.**

There being no objection, the rules were suspended, on motion, of Mr. Knapik, and the bill was

A Bill relative to the maximum age restriction for police officers for the city of Boston (House, No. 4016,— on petition) [Local approval received],— **was read.**

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, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act relative to the maximum age requirements for police officers in the city of Boston".

Recess.

There being no objection, at ten minutes past eleven o'clock A.M., the Chair (Mr. Havern) declared a recess; and at twenty-three minutes before one o'clock P.M., the Senate reassembled, Mr. Havern in the Chair.

PAPER FROM THE HOUSE.

The House Bill relative to the maximum age requirements for police officers for the city of Boston (House, No. 4016),— came from the House amended as follows: by adding the following section: "SECTION 2. This act shall take effect upon its passage."

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

Recess.

There being no objection, at twenty-two minutes before one o'clock P.M., the Chair (Mr. Havern) declared a recess; and at thirteen minutes past one o'clock P.M., the Senate reassembled, Mr. Havern in the Chair.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill relative to the maximum age requirement for police officers for the city of Boston (see House, No. 4016) (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. Havern) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Brown,—

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 the same Senator, at fourteen minutes past one o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.

A.I.M. TO CONGRESS & MASS. LEGISLATURE: WORKERS' RIGHTS AT RISK (6-20-07)

A.I.M.

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June 20, 2007

A.I.M. TO CONGRESS & MASS. LEGISLATURE: WORKERS' RIGHTS AT RISK

Boston, Mass. - Richard Lord, President of Associated Industries of Massachusetts (A.I.M.), an employer association of more than 7,600 Bay State businesses and institutions that collectively employ more than 650,000 employees issued the following statement outlining A.I.M.'s strong opposition to H.R.800/S.1041- The Employee Free Choice Act, currently before the U.S. Senate and H.2465 - An Act Relative to Written Majority Cards currently before the Massachusetts Senate.

The U.S. Senate is expected to vote as early this Wednesday, June 20th, on H.R.800/ S.1041, the so-called "Employee Free Choice Act." The legislation if approved would take away workers' rights to vote on union representation by replacing government supervised secret ballot elections for union representation with a public card-signing system. In addition the Massachusetts Senate may also act on a similar bill H.2465 that was already approved by the House of Representatives. A.I.M. has written to members of the Massachusetts Congressional Delegation, and has testified in a public hearing before the members of the General Court strongly opposing the measures for a number of reasons.

Under current labor law, any labor organization that seeks to represent a group of employees must first demonstrate employee interest in the union. They do so by collecting signed authorization cards from employees. Using these cards, the union may then petition the National Labor Relations Board (NLRB) to hold elections to determine whether employees want to be represented by the particular union. An NLRB election must take place within 60 days and afford equal time for both the employer and the union organizers to make presentations. The NLRB also administers the election, and all votes cast by employees are by secret ballot. According to the 2005 NLRB Annual Report, unions won over 50% of all contested elections.

Passage of the "Employee Free Choice Act" and/or similar state legislation would effectively eliminate the NLRB supervised election process, instead permitting labor organizations that have obtained a majority (however narrow) of employees through signed authorization cards to present the cards to the employer and establish themselves as the employees' representative. This situation is troubling, since NLRB case law is full of examples where the use of card checks have been challenged on grounds of coercion, misrepresentation, forgery, fraud, peer pressure, and promised benefits. The elimination of the secret ballot would, in A.I.M.'s view, only cast doubt on the legitimacy of organizing activity, and threaten the freedom of American workers.

Congressional support for the measure seems contradictory in light of the fact that the AFL-CIO took a strong stand on this very issue in 1998 when it filed a court brief in support of retaining the secret ballot for elections. In 2001, 16 Democratic members of Congress in a letter to a Mexican state government stressed the need and importance of "the secret ballot to ensure that workers are not intimidated into voting for a union they might not otherwise choose."

Finally, the proof that the proposed bill is about tilting a balanced system in favor of union power, at the expense of workers rights, is revealed by its treatment of the flip side of unionization - decertification elections. Under the current bill, the full process that is eliminated for certification remains in place for decertification: an election by secret ballot in which workers are able to hear and weigh arguments on both sides before voting on whether or not to decertify their union.

As a result of these and other concerns we have about the "Employee Free Choice Act" as well as H.2465, Associated Industries of Massachusetts strongly opposes legislation that seeks to eliminate the great tradition of using the secret ballot in the workplace, and will work with employers and business in Massachusetts and nationally to retain the use of the secret ballot in unionization activities.

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