

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, July 19, 2007.

Met at six minutes past eleven o'clock A.M.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Communication.

The following communication was read and placed on file to wit:

A communication from the Honorable Richard R. Tisei, Senate Minority Leader, announcing the appointment of Mr. Stephen Ryan, General Counsel and Government Affairs Director of the Massachusetts Association of Realtors, to the Special Commission established (pursuant to Section 84 of Chapter 61 of the Acts of 2007) to make an investigation and study of homeowners insurance.

Reports of Committees.

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on petition, a Bill authorizing the partial release of certain land in Easthampton from the operation of an agricultural preservation restriction (Senate, No. 42);

By the same Senator, for the same committee, on petition, a Bill relative to the disposition of easements for the construction and operation of utilities over conservation and recreation lands in the town of Blackstone (Senate, No. 45);

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 543 and House, No. 855, a Bill relative to establishing a water infrastructure finance commission (Senate, No. 2292);

By Mr. Moore, for the committee on Health Care Financing, on petition, a Bill concerning the use of

telemedicine to promote efficiency in the delivery of health care services (Senate, No. 680) (Estimated cost — more than \$100,000); and

By the same Senator, for the same committee, on petition, a Bill to establish the executive office of health and secretary of health (Senate, No. 684) (Estimated cost — more than \$100,000);

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

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill relative to the recorking of wine (Senate, No. 198);

By Mr. Moore, for the committee on Health Care Financing, on petition, a Bill to establish collaborative drug therapy management (Senate, No. 420) (Estimated cost — less than \$100,000); and

By Mr. Downing, for the committee on Public Service, on petition, a Bill increasing the minimum age for appointment as a university of Massachusetts police officer (Senate, No. 1639);

Severally 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 Timothy R. Grabarz and Thomas E. Cady from the maximum age requirement for appointment as a police officer in the town of Raynham (Senate, No. 1621) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill exempting Jonathan M. Robertson from the maximum age requirements for applying for civil service appointment as firefighter in the town of Milford (Senate, No. 2252) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill exempting Antonio F. Dinis from the maximum age requirements for applying for civil service appointment as police officer in the town of Milford (Senate, No. 2253) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill exempting Alcino Fernandes from the maximum age requirements for applying for civil service appointment as police officer in the town of Milford (Senate, No. 2254) [Local approval received];

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

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4164) of Christine E. Canavan and Geraldine Creedon (with the approval of the mayor and city council) that the city of Brockton be authorized to convey certain land to the housing authority of said city for construction of affordable housing;

Joint petition (accompanied by bill, House, No. 4165) of Geoffrey D. Hall and Steven C. Panagiotakos (by vote of the town) for legislation to authorize the transfer of a portion of conservation land in the town of Westford to the council on aging for expansion of the Cameron Senior Center of said town;

Petition (accompanied by bill, House, No. 4166) of Barbara A. L'Italien and others (by vote of the town) for legislation to increase the membership of the board of selectmen of the town of Georgetown;

Petition (accompanied by bill, House, No. 4167) of Michael F. Rush (with the approval of the mayor and city council) relative to the issuance of permits for the erection of garages in the first fire zone, so-called, in the city of Boston; and

Petition (accompanied by bill, House, No. 4168) of Michael F. Rush (with the approval of the mayor and city council) relative to increasing to one thousand dollars the maximum amount that may be imposed by fines for violation of ordinances in the city of Boston;

Severally to the committee on Municipalities and Regional Government.

Resolutions.

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

Resolutions (filed by Ms. Jehlen, Mr. Brown, Ms. Spilka and Ms. Tucker) "honoring Kathleen M. Dennehy for 31 years of service in the Department of Correction"; and Resolutions (filed by Ms. Murray) "commemorating the observance of 'Performance Recognition Day'."

Communications.

The Clerk read the following communications:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, ROOM 213B, BOSTON 02133-1053

July 17, 2007.

Mr. William F. Welch, Clerk
Massachusetts Senate
The State House
Boston, MA 02133

Dear Mr. Clerk:

I regret that I was unable to attend today's Senate session due to illness. Had I been present, I would have voted in the affirmative for S. 2261, H. 4144, and H. 3753. I respectfully request that the contents of this letter be printed in the Senate Journal.

Very truly yours,
GALE D. CANDARAS,
State Senator,
1st Hampden and Hampshire District.

On motion of Mr. Tisei, the above communication was ordered printed in the Journal of the Senate.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

July 18, 2007.

Mr. William Welch
Clerk of the Massachusetts Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

During the formal Senate session on Tuesday July 17, 2007 I had a prior scheduled appointment with the Governor, and therefore was not present for the roll call votes on Senate No. 2261, House No. 4144, and House No. 3753.

Had I been present, I would have voted in the affirmative on all three matters.

I would appreciate your assistance with the printing of this communication in the Senate Journal. Thank you for your assistance with this request.

Sincerely,
STANLEY C. ROSENBERG,
State Senator,
Hampshire and Franklin District.

On motion of Ms. Resor, the above communication was ordered printed in the Journal of the Senate.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

July 18, 2007.

Mr. William Welch, Clerk
Massachusetts State Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

On Tuesday July 17, I was away from the State House due to a scheduling conflict and I was therefore unable to participate in three roll call votes.

Had I been present, I would have voted in the affirmative to enact the following two bills:

H. 4144, An Act Relative to the Protection of Personal Information; and
H. 3753, An Act Relative to Authorizing the Town of Norwood to Convey Certain Park Land to the Karsten Company for Residential Housing Purposes.

In addition, I would have voted in the affirmative to engross S.2261, An Act to Improve Juror Service,

I am respectfully requesting that a copy of this letter be printed in the Senate Journal. Thank you in advance for your assistance in this matter.

Sincerely,
CYNTHIA STONE CREEM,
State Senator,
1st Middlesex and Norfolk.

On motion of Ms. Resor, the above communication was ordered printed in the Journal of the Senate.

Matters Taken Out of the Orders of the Day.

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

The Senate Bill 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 (Senate, No. 2166),— **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 establishing the position of municipal hearing officer to conduct hearings of violation notices issued in the city of Somerville in accordance with Section 21D of Chapter 40 of the General Laws”.**
Sent to the House for concurrence.

The Senate Bill relative to health inspectors of the city of Somerville (Senate, No. 2168),— **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 amending the charter of the city of Somerville (Senate, No. 2169),— **was read a second time.**

Pending the question on ordering the bill to a third reading, Ms. Jehlen moved that the bill be amended, in section 2, in the second paragraph, by inserting after the word “waterworks” the following words:—
“; an operations manager of waterworks; a 311 director”.

The amendment was **adopted.**

The bill (Senate, No. 2169, amended) was then 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 further regulating the department of public works of the city of Somerville”.

Sent to the House for concurrence.

The Senate Bill pertaining to off-duty work details or special details performed by public employees in the city of Somerville (Senate, No. 2170),— 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 authorizing increased fees for special details performed by public employees in the city of Somerville”.

Sent to the House for concurrence.

At nineteen minutes past eleven o’clock A.M., Mr. Panagiotakos doubted the presence of a quorum; and, a count of the Senate determined that a quorum was not present.

Subsequently, at twenty-four minutes past eleven o’clock A.M., the President declared that a quorum was present; and the Senate proceeded with the business at hand.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to written majority authorization cards, petitions and other written evidence of collective bargaining results (House, No. 2465, amended),— ought to pass, with an amendment in section 2, by adding the following sentence:— “As used in this paragraph, the term ‘employer’ shall not include a health care facility, a nonprofit institution or a vendor who contracts with or receives funds from the commonwealth or a political subdivision thereof to provide social, protective, legal, medical, custodial, rehabilitative, respite, nutritional, employment, educational, training or other similar services to the commonwealth or a political subdivision thereof”.

There being no objection, the rules were suspended, on motion of Mr. Tolman, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

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 President and laid before the Governor for his approbation, to wit:

Relative to the Newton Community Development Authority and the Newton Housing Authority (see Senate, No. 1162);

Relative to the investment of trust funds for the city of Newton (see House, No. 3951);

Authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4049); and

Changing the name of the Massachusetts College of Art to the Massachusetts College of Art and Design (see House, No. 4088).

Recess.

At twenty-three minutes before twelve o'clock noon, the President declared a recess for the purpose of attending a Joint Session of the Two Houses.

Joint Session of the Two Houses to Honor Nobel Prize Laureate Dr. Craig C. Mello.

At four minutes past one o'clock P.M., the two Houses met in

JOINT SESSION

and were called to order by the Honorable Therese Murray, President of the Senate.

Order Adopted.

On motion of Mr. Hart,—

Ordered, That a committee be appointed to consist of members of the Senate and House of Representatives to wait upon His Excellency the Governor and inform him that the two branches are now in Convention and request the honor of his presence.

Senators Rosenberg, O'Leary and Hedlund were appointed to the committee on the part of the Senate.

Representatives Bosley of North Adams, Haddad of Somerset and Rogeness of Longmeadow were appointed to the committee on the part of the House.

Subsequently, Mr. Rosenberg for the committee reported that His Excellency the Governor would immediately attend upon the Joint Session.

The committee was discharged.

Soon after His Excellency the Governor, Deval L. Patrick, came into the Joint Session under the escort of the Sergeant-at-Arms.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

The National Anthem was sung by 11-year Amy DeSilva of Dartmouth.

The President, Governor and Speaker of the House then each briefly addressed the Joint Session, paying tribute to Nobel Prize recipient Craig C. Mello, PhD., the Blais University Chair in Molecular Medicine at the University of Massachusetts Medical School.

Remarks of Nobel Prize Laureate Dr. Craig C. Mello.

Thank you, thank you all.

I can't tell you how deeply honored I am to be here, for many reasons, but most importantly, I want to thank you for what you do for us in the academic world here in Massachusetts.

I was doing research for today and I looked on the website for the Nobel Prize to see how many residents of Massachusetts have been recognized with that prize. It turns out that something like 67 Nobel Prizes have gone to this state. For comparison, the Soviet Union only garnered 12, during its existence.

And I was thinking about, why is that? What is it that makes science work, not just science but other areas as well; but what brings that kind of recognition to a small state like Massachusetts?

What it is, is the environment that you all help to create. That you policy makers, members of government, both here in the state and also of course in the federal level, have done to facilitate our work and to make it possible. Without your investment in us, it just wouldn't be possible. So whatever we can do for you to further that mission for you, please ask. I know I can speak for all my colleagues at the University of Massachusetts and other institutions here in the great state.

We recognize what you do for us and I really applaud you. This is really your prize as well.

There's much more work to do as we heard today from the earlier talks. I'm sure many of you in this room have loved ones who are sick or need help. I certainly experienced that everyday, as my own 7-year old is a type one diabetic. She's doing well, thank goodness. Thanks to molecular genetics and molecular biology, she has human insulin that she can use to maintain her health.

Now, as you know, it is an investment in education at the state level that has returns in the form of discoveries. Discoveries that we make lead to new industries, great jobs, and indeed, new medicines for people not only in this state but throughout the world.

Thinking more about these past several months has really been a whirlwind for me. In fact, I was a member of a group of 8 laureates this year, 6 of whom were U.S. citizens. In fact, the United States swept the prize in science; chemistry, physics and medicine prizes were all received by U.S. citizens. It was just an incredible experience to get to know these other individuals and to have our opportunity to celebrate discovery together in Stockholm.

I just want to say a little bit about what each of those colleagues did. Ed Phelps, the economist recognized with the prize this year worked on putting human expectations into models for macro-economics, really amazing work.

Roger Kornberg worked out at the molecular level the process of gene expression. George Smoot and John Mather worked out an amazing satellite that mapped the background radiation from the Big Bang and through their work we're able to put an age on the universe at 13.7 billion years.

And of course, Andrew Fire and myself. Together we were recognized for our work on RNA

interference, gene silencing by double stranded RNA; and the Governor can explain that to you probably better than I can, but I'll do my best to just give you insight into what that really means.

RNA is just a form of genetic information. As you all know, the genome sequence was recently deciphered for the human, as well as for many other organisms, including plants and animals. The genome, being the DNA sequence of the human, has all the information or most of the information for making a human; and that information is now in our computers. We can search it, we can look up genes and find differences and learn how those differences correlate with disease. It's a really interesting thing, you all are familiar with Google and these search engines, they allow us to type in a few letters of a genetic code, and the search query will find a specific gene that we might be interested in. It's almost as if it will allow you to find the address of the restaurant you want to go to.

It turns out that living things invented something very much like that — a Google search engine for the genome. And what it is is RNAi. RNA interference is a mechanism that is very much like that.

So we have in our cells, every cell of our body we have a little machine, many of them actually, these little proteins that can take a small piece of genetic code and use that information, just a few words, not even the whole sentence, and find the gene and the sequences related to that, that exist in the cell. It allows the cell to organize all of that incredible amount of information that's packed into every cell of our body. Without it, none of us would be here.

It's been around for billions of years. And yet, it was only discovered 8 years ago, in large part, here in the state of Massachusetts. And I'll tell you, without my colleague Andrew Fire, I certainly wouldn't be here. I don't want to take away any of his contribution which was made in Baltimore, the nice state of Maryland.

But again, let's just get back to a little bit of what it's been like for me. I'd have to say, one of the things that I like to tell people is that I work on a worm in my laboratory. And one of the greatest things about how the Nobel Prize has changed my life, people always ask that, is my neighbors instead of getting interested in something else when I tell them I work on a worm actually listened.

I think there's a real lesson there. It really was brought home to me as I was with my colleagues over there in Stockholm and we were asked by reporters, "What does your work have to do with the 'Big Bang'?" They were sitting around, celebrating these great scientific discoveries, and they asked Andrew and I, how does RNAi relate to the Big Bang. That's a tough one, I'll tell you. It took us a little while to come up with an answer.

There's actually a really interesting answer to that question. It has something to do with the fact that we are related to worms. I'll just give you a little bit of the story that goes with that.

The Big Bang occurred about 13.7 billion years ago and during that explosion that brought the universe into existence. This has probably never been said in this chamber before. Basically, the heat condensed into hydrogen, hydrogen fueled the first generation of stars for the first 9 billion years or so of the universe's existence. Those stars, during their existence, generated carbon, nitrogen, the other heavier atoms that make up our bodies, and those stars, like our star will someday, exploded and basically smeared our carbon atoms all over the universe, all over space. And our star then form from the remnants of those earlier stars and our planet; and about 4 billion years ago, about a third of the age of the universe, life arose on this planet. And those living things experienced all kinds of struggles and hard times; believe me, just like we do nowadays. But over the course of those years, recordings like RNA is evolved. And just to put it in perspective, RNA interference, the mechanism that exists in our cells for this searching function, is found in plants, fungi, not just worms, organisms that are very diverse, but the basic mechanism is very highly conserved, the way our cells work, very highly conserved.

These model systems like *C. elegans*, this elegant little worm; *C. elegans* have garnered 5 Nobel prizes already. Because it's such a simple organism and yet the underlying biological mechanisms are so well conserved. We've learned a lot from these simpler systems and one of the things that we've learned is not only do we have a deep history as living things but we have a very deep future potentially as well. So we have the potential as biological organisms to go on and on, and as all of you know we need to work hard to develop sustainable technology that will allow us to do that. So, as I said in my story there, we've experienced bad times and good times as a species during our evolution, we're fortunate to live in this wonderful state during very good times as it happens. In medicine we really are poised to make great discoveries and great advances. With the genome sequence for the first time, we are understanding, not only our connection to all other living things on the planet, but the mechanisms of disease are now being understood at the genetic level. And with RNAi and other great tools that are being developed, we have an opportunity to intervene in those diseases at the genetic level to turn off genes involved in those diseases, to create new therapies that will have tremendous effects, I think on, not only our citizens, but people throughout the world.

Now during good times like the times we are experiencing, it's important to invest. We have great opportunities. We really need to invest in science now, because there will be hard times ahead. We have an uncertain future and one of the best ways to prepare for those uncertainties ahead is to invest. Science, as you all know, is extremely important, not just biomedical but across the board. We need to invest in education; Pre-K to 12, right through higher education. I'm extremely passionate about that, and I hope that we can work together to improve our already great educations in this state.

So, when I received the prize, I was invited to Washington, and I went down there to tell this story to the President. I wrote the President a letter explaining that this was discovered. That RNAi was discovered to work in humans during his administration. I wanted to convey to them the excitement and the opportunity, but unfortunately as you all know, Washington is really focused elsewhere; we have other issues and the state really, I think, needs to pick up on this opportunity to continue to advance medical research. Despite the unprecedented advances that I described to you, this federal government has been unable to continue support and invest in research, so it's imperative for us to do so at the state level in order to keep ourselves on the forefront as we have been. It's not only imperative for lots of good reasons that would affect business in the state and so on, but we really can make a difference in people's lives through the development of new medicines. The researchers and the doctors, the academic institutions like my own at UMass and even some of the private institutions here in Boston, our smaller neighbors here can make a difference. We are now designing advanced therapies that are tailored to the genetics of individual people.

Those kinds of therapies are not attractive, frankly, to big firms. They don't necessarily have a big enough market for them. So academics really need to play a more and more important role in the development of medicines that are tailored to individuals and can have a tremendous life saving impact on those individuals; and we're ready, we're willing, we just need your support to really realize this tremendous potential that's been unlocked for us, in recent years.

With your support, truly great discoveries will be made in this state; life saving discoveries that will affect people's lives throughout the world. In the process, we will create jobs for the state. You are making an investment in a really fantastic industry for the state and this investment will pay back.

I look forward to working closely with all of you. I'm deeply honored and just thrilled to be here today. I can't say enough how this historic moment for me to be here and to get this opportunity to tell you how passionate I am about being able to do something to give back to this great state that made my life, made my research possible; that gave me a place to do my work in Worcester, Massachusetts, at the medical school where we really built a fantastic, exciting team. It's just been a thrill for me to have that

opportunity.

I thank you all and I hope that if there's anything I can do, that you'll call on me to come and get to work because we have a lot ahead of us and it's just amazing to think of what we can accomplish together. And if there are any questions, I will welcome them.

Thank you all.

His Excellency the Governor then withdrew from the Chamber, under the escort of the Sergeant-at-Arms.

On motion of Mr. Rodrigues of Westport, at eight minutes before two o'clock P.M., the Joint Session adjourned.

At thirteen minutes before three o'clock P.M., the Senate reassembled, the President in the Chair.

At thirteen minutes before three o'clock P.M., Mr. Tisei doubted the presence of a quorum; and, a count of the Senate determined that a quorum was not present.

Subsequently, at eight minutes before three o'clock P.M., the President declared that a quorum was present; and the Senate proceeded with the business at hand.

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 Frederick E. Berry for legislation to provide parental discretion in classroom placement of multiple birth children.

Senate Rule 36 was suspended, on motion of Mr. Pacheco, 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.

Emergency Preamble Adopted.

An engrossed Bill improving juror service (see Senate, No. 2261, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 10 to 0.**

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

Engrossed Bill.

An engrossed Bill to reduce the reliance on property taxes through municipal health care (see House, No. 4110, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

After remarks, the question on passing the bill to be enacted was determined by a call of the yeas and nays, at two minutes before three o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 34 —*

nays 0) [Yeas and Nays No. 67]:

YEAS.

Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	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.	Petrucelli, Anthony
Credon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Hart, John A., Jr.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Wilkerson, Dianne —

34.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Menard, Joan M.
Havern, Robert A.	Walsh, Marian — 4.

The yeas and nays having been completed at two minutes past three o'clock P.M., the bill was passed to be enacted and it was signed by the President and laid before the Governor for his approbation.

Engrossed Bill — Land Taking for Conservation Etc.

An engrossed Bill authorizing the town of Wellesley to convey a certain parcel of land (see House, No. 3954, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at three minutes past three o'clock P.M., as follows, to wit (yeas 34 — nays 0) [Yeas and Nays No. 68]:

YEAS.

Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Montigny, Mark C.

Baddour, Steven A.	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.	Petrucelli, Anthony
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Hart, John A., Jr.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Wilkerson, Dianne —
	34.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Menard, Joan M.
Havern, Robert A.	Walsh, Marian — 4.

The yeas and nays having been completed at five minutes past three o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President 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 President and laid before the Governor for his approbation, to wit:
 Relative to municipal real estate tax notices (see Senate, No. 1691); and
 To reduce the stress on local property taxes through enhanced pension fund investment (see House, No. 4125, amended).

Order Adopted.

On motion of Mr. Hart,—

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 Ms. Chandler, at seven minutes past three o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.

SENATE SESSION - THURSDAY, JULY 19, 2007

CONVENES: The Senate convened at 11:06 am, Senate President Murray presiding.

DOC'S DENNEHY: The Senate adopted a Jehlen resolution recognizing Kathleen Dennehy for 31 years of service at the Department of Correction.

PERFORMANCE RECOGNITION DAY: The Senate adopted a Murray resolution on the topic.

CANDARAS COMMUNICATION: The Senate agreed to print in the journal a Candaras communication explaining her absence from Tuesday's session due to an illness and that she would have voted in favor of three bills that were advanced by roll call votes.

CREEM COMMUNICATION: The Senate agreed to print in the journal a Creem communication explaining that she would have voted in favor of three bills had she attended Tuesday's formal session.

ROSENBERG MET WITH GOVERNOR TUESDAY: The Senate agreed to print in the journal a Rosenberg communication explaining how he would have voted on roll calls he missed Tuesday due to a previously scheduled meeting with the governor.

SOMERVILLE - HEARING OFFICER: The Senate ordered to third reading and engrossed S 2166 to create a municipal hearing officer to conduct hearings in Somerville.

SOMERVILLE - HEALTH INSPECTORS: The Senate ordered to third reading and engrossed S 2168 health inspectors in Somerville.

SOMERVILLE - REGULATING THE DPW: The Senate adopted a Jehlen amendment and ordered to third reading and engrossed S 2169 regulating the DPW in Somerville.

SOMERVILLE - HIGHER FEES FOR DETAILS: The Senate ordered to third reading and engrossed S 2170 authorizing increased fees for off-duty work details performed by public employees in Somerville.

QUORUM DOUBTED: Sen. Panagiotakos doubted the presence of a quorum at 11:19 am. Sen. Murray said a quorum is not present and asked the court officers to lock the doors and call the members.

UNION ELECTIONS BILL: The clerk announced that the Ways and Means Committee had recommended that H 2465 relative to written majority authorization cards, petitions and other written evidence of collective bargaining results, should pass with an amendment.

The House suspended rules to take up the bill immediately.

The Senate adopted the Ways and Means amendment.

Question came on ordering the bill to third reading.

Sen. Tisei said the amendment changes the scope of the bill. Could we get an explanation?

Sen. Panagiotakos said this bill is the bill passed last year by the Legislature that was vetoed by the governor. It allows for the formation of unions through the signing of majority authorization cards. The amendment says this applies to public employees and quasi-public employees. This refines the bill to make sure it's strictly for those areas, not private employment or private non-profit.

Sen. Tisei said thanks for the explanation. When this bill came before us I was somewhat troubled with the version that passed the House from a legal and practical standpoint. The amendment deals with a lot of legal concerns people could have and it certainly narrows the scope of the bill and makes it a little more palatable. I do have some concerns concerning the traditional role of secret ballots. Our country was built sort of on the whole concept of secret ballots. I hope we're not going down a slippery slope where future elections will be dealt with by cards instead of secret ballots. When collective bargaining agreements come up, hopefully we will continue to have secret ballots. This is a better bill coming out of the Senate than it was coming in and I guess this is just going to move along.

Sen. Tolman said I can understand some of the concerns. What this bill does is if you have the majority of the people with

you, you then can go bargain. Under the current system, the abuses we have seen in corporate America and the challenges of inappropriate conduct by the employer in many ways is eliminating. No more legal issues. In respect to secret ballots, this is a bonafide and very appropriate and fair way to allow people to organize and to bargain collectively and that's all this is. This is not a benefit for labor. This is a benefit for workers. This is a great piece. I'd like to see it go a bit farther. Unfortunately we were not able to do that. We cannot confuse this with the secret ballot. This is on the up and up.

Sen. O'Leary said this puts us in the right direction. We voted favorably on it last year. It's not often we get a chance to do a good thing twice. We are establishing a system that encourages unions to step up and do what needs to be done in America to allow unions to organize in a way that is fair. The idea that secret ballots have always been part of American history is inaccurate. We use open ballots here in the Senate to elect our leadership. We are fairly comfortable with that. If it's good enough for the Senate, it's good enough for organized labor. This is part of a national trend. We know what's happened to labor unions over several decades. As organized labor has lost ground, middle class America has lost ground. There have been attacks that have been fairly strong at the national level on union organizing.

Bill ordered to third reading and engrossed, with each vote taken by voice vote.

NEWTON - COMMUNITY DEVELOPMENT: The Senate enacted S 1162 relative to the Newton Community Development Authority and the Newton Housing Authority.

NEWTON - INVESTMENTS: The Senate enacted H 3951 relative to the investment of trust funds by the city of Newton.

WESTBOROUGH - ALCOHOL: The Senate enacted H 4049 authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises.

MASSART NAME CHANGE: The Senate enacted H 4088 changing the name of the Massachusetts College of Art to the Massachusetts College of Arts and Design.

COFFEE WATER AND PASTRIES IN MURRAY'S OFFICE: Sen. Murray encouraged senators to visit her office between now and 12 o'clock.

RECESSES: The Senate recessed at 11:37 am, intending to return at 12:45 pm to go to the House for a joint session.

Senators gathered in the chamber at 12:45 pm. At 12:57 pm, Senate President Murray, in the well with the members, said "You ready everybody?" Senators lined up and headed out of the chamber and over to the House.

RETURNS: The Senate returned at 2:48 pm, Sen. Murray presiding.

QUORUM DOUBTED: Sen. Tisei doubted the presence of a quorum. Sen. Murray said a quorum was not present. She instructed the court officers to close the doors and call the members.

QUORUM PRESENT: At 2:52 pm, Sen. Murray declared a quorum was present.

BERRY BILL: A new Berry bill was admitted and sent to the Committee on Education.

JUROR SERVICE: By a standing vote of 10-0, the Senate attached an emergency preamble to S 2261 (amended) improving juror service.

MUNICIPAL HEALTH INSURANCE (GIC) BILL: Question came on enacting H 4110 to reduce the reliance on property taxes through municipal health care.

Sen. Tisei said I know we overwhelmingly approved this, but also that there were changes made to the bill. Could we have an explanation on how the bill changed?

Sen. Downing said the major changes to the bill have been in the makeup of the commission. There will no longer be a non-voting member from a regional school district. There will be local representation joining immediately. There will be no barrier as there was in the House version. After 45,000 members join, we will add another two representatives. Amendments we had for providers to exercise the option for the GIC were not all that necessary so we receded. It's a good bill, a good compromise and one we can move forward on.

Sen. Tisei said you have done an excellent job bringing this bill from committee to fruition. I have a problem with the naming of this bill. We are giving communities hope that there is going to be tremendous savings. Not every community is going to

be able to take advantage of this.

Sen. Murray read the title of the bill again.

Sen. Tisei said we took up a bill earlier titled relative to written majority card authorization that should have been called an act to get rid of the secret ballot.

Sen. Murray said is the senator talking about a different bill.

Sen. Tisei said I am talking about what is in a name. Not every community is going to be able to take advantage of this. Residents are getting whopped with tax increases. Whether they will get relief is a different story. But this is a great idea that the governor had. He put together a very solid proposal and we are pleased to support him.

Sen. Tisei requested a roll call and there was support.

BY A ROLL CALL VOTE OF 34-0, BILL ENACTED

WELLESLEY LAND CONVEYANCE: Question came on re-enacting H 3954 authorizing the town of Wellesley to convey a certain parcel of land. The constitution requires a roll call.

BY A ROLL CALL VOTE OF 34-0, BILL RE-ENACTED

MUNICIPAL REAL ESTATE TAX NOTICES: The Senate enacted S 1691 relative to municipal real estate tax notices.

MUNICIPAL PENSION BILL: The Senate enacted H 4125 to provide property tax relief through enhanced pension fund investment.

ADJOURNS: The Senate adjourned at 3:07 pm to meet next at 11 am Monday in an informal session.

- END -

DISCLAIMER: Bill texts and histories are available at www.state.ma.us/legis/legis.htm. All votes are voice votes, unless otherwise noted. Bills ordered to third reading have been given initial approval. To engross a bill is to pass it and send it to the other branch. The last of three votes taken on bills that reach the governor's desk is the vote on enactment. So, it's third reading (initial approval), engrossment (passage) and enactment. The News Service coverage of legislative debate is an accurate summary of remarks, not a verbatim transcript.

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