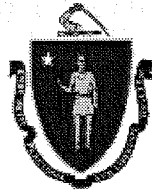


NOTICE: - While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **not** been proofread against the events of the session for this day. All information 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, April 12, 2007.

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

Communication.

A communication from the Joint Committee on Housing (under the provisions of Joint Rule 1) relative to rules of procedure for said committee for the 2007-2008 legislative session (received Monday, April 9, 2007),— **was placed on file.**

Petitions.

Ms. Resor presented a petition (accompanied by bill, Senate, No. 2208) of Pamela P. Resor and James B. Eldridge (by vote of the town of Shirley) for legislation to authorize the Middlesex Retirement Board to grant a certain pension to James Charles Mickel [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Public Service. Sent to the House for concurrence.**

Petitions were presented and referred, as follows:

By Mr. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore, Stephen M. Brewer, Todd M. Smola, Geraldo Alicea and other members of the General Court for legislation to revise the composition and duties of the Quinebaug and Shetucket Rivers Valley Heritage District and Commission; and

By Mr. Morrissey (by request), a petition (subject to Joint Rule 12) of Francis J. Derwin for legislation to provide that no other flag or pennant be flown higher than the American flag;

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

Reports of Committees.

By Mr. O'Leary, for the committee on Higher Education, on petition (accompanied by bill, Senate, No. 708), a Bill relative to making provisions for the management and operation of the Wallace Civic Center and Planetarium in the city of Fitchburg (Senate, No. 2209);

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

By Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill further regulating the placement of certain children (Senate, No. 75); and

By Mr. Creedon, for the committee on the Judiciary, on petition, a Bill establishing a sick leave bank for Yaniris Cabrera, an employee of the Trial Court (Senate, No. 2181);

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

By Mr. Brewer, for the committee on Veterans and Federal Affairs, on petition, a Bill relative to the director of a state operated veterans' cemetery (Senate, No. 2125);

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

By Mr. Timilty, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the town of Lunenburg to exchange certain land (Senate, No. 1145) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to the Newton Community Development Authority and the Newton Housing Authority (Senate, No. 1162) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill creating the city of Taunton's economic development fund (Senate, No. 1192) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill relative to Chapter VII of the general by-laws of the town of Essex (Senate, No. 1201) [Local approval received];

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

Committees Discharged.

Mr. Panagiotakos, for the committee on Ways and Means, reported, asking to be discharged from further consideration of the Senate Bill relative to public library construction (Senate, No. 2176),— **and recommending that the same be referred to the committee on Bonding, Capital Expenditures and State Assets.**

Under Senate Rule 36, the report was considered forthwith and accepted.

Sent to the House for concurrence in the reference to the joint committee.

Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 224) of Pamela P. Resor for legislation relating to warranty periods for sales of cats and dogs,— **and recommending that the same be referred to the committee on Community Development and Small Business;**

Of the petition (accompanied by bill, Senate, No. 204) of Michael W. Morrissey for legislation relative to the licensing of telecommunications professionals; and

Of the petition (accompanied by bill, Senate, No. 237) of Richard R. Tisei for legislation relative to the qualification of inspectors of wire and assistant inspectors of wire employed by a city or town;

And recommending that the same severally be referred to the committee on Telecommunications, Utilities and Energy;

Of the petition (accompanied by bill, Senate, No. 227) of James E. Timilty for legislation relative to education requirements for Class 2 motor vehicle licensees,— **and recommending that the same be referred to the committee on Transportation;**

Mr. Baddour, for the committee on Transportation, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 2075) of Michael W. Morrissey for legislation relative to mooring permits assigned to entities for rental or leasing purposes;

Of the petition (accompanied by bill, Senate, No. 2079) of Robert A. O'Leary for legislation relative to mooring fee requirements;

And recommending that the same severally be referred to the committee on Environment, Natural Resources and Agriculture;

Of the petition (accompanied by bill, Senate, No. 2096) of Bruce E. Tarr for legislation to deter the operation of a motor vehicle while intoxicated,— **and recommending that the same be referred to the committee on the Judiciary;**

Of the petition (accompanied by bill, Senate, No. 2068) of Mark C. Montigny for legislation to establish a primary seat belt law,— **and recommending that the same be referred to the committee on Public Safety and Homeland Security; and**

Of the petition (accompanied by bill, Senate, No. 2052) of Cynthia S. Creem, James E. Timilty and Martha Walz for legislation to establish a tax credit for employer-sponsored ridesharing benefits,— **and recommending that the same be referred to the committee on Revenue.**

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

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Bills

Establishing a sick leave bank for Frances Berghaus, an employee of the Department of Correction (House, No. 3758,— on petition); and

Establishing a sick leave bank for Dennis McNamara, an employee of the Department of Fish and Game (House, No. 3940,— on petition);

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

A Bill relative to civil service examinations for appointment as police officers (House, No. 2666,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill authorizing the town of Franklin to grant an additional liquor license for the sale of wine and malt beverages not be drunk on the premises (House, No. 3962, amended,— on House, No. 2026) [Local approval received on House, No. 2026],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Reports

Of the committee on Education, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 315) of John A. Hart, Jr. for legislation relative to veterans' siblings;

Of the petition (accompanied by bill, Senate, No. 318) of Robert A. Havern for legislation to establish a loan

repayment fund;

Of the petition (accompanied by bill, House, No. 512) of Alice Hanlon Peisch for legislation to restrict the Massachusetts Higher Education Consortium from charging a fee for providing qualified bidders with electronic bid information;

Of the petition (accompanied by bill, House, No. 546) of Tom Sannicandro and others that the Board of Education be required to provide Braille and electronic material to visually impaired students;

Of the petition (accompanied by bill, House, No. 548) of Tom Sannicandro and others relative to a grant program for deaf and sign language studies in the higher education colleges of the Commonwealth; and

Of the petition (accompanied by bill, House, No. 563) of Stephen Stat Smith and Matthew C. Patrick for legislation to prohibit educational institutions from imposing surcharges on credit card payments;

And recommending that the same severally be referred to the committee on Higher Education.

Of the petition (accompanied by bill, House, No. 390) of Bruce J. Ayers for legislation to allow local housing authorities access to criminal records of tenants and prospective tenants,— **and recommending that the same be referred to the committee on the Judiciary.**

Of the petition (accompanied by bill, House, No. 489) of Peter J. Koutoujian and Jennifer M. Callahan relative to the public health impact of commercialism in schools,— **and recommending that the same be referred to the committee on Public Health.**

Of the petition (accompanied by bill, House, No. 409) of Robert K. Coughlin and Timothy P. Cahill that the Treasurer and Receiver-General of the Commonwealth be authorized to establish retirement plans for employees of non-profit organizations;

Of the petition (accompanied by bill, House, No. 420) of Mark V. Falzone relative to protecting the rights of custodial and other non-teaching employees of school districts; and

Of the joint petition (accompanied by bill, House, No. 591) of Martin J. Walsh and others relative to the resolution of school labor disputes;

And recommending that the same severally be referred to the committee on Public Service.

Of the committee on Election Laws, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 679) of David M. Nangle for legislation to require the publication of deaths by next of kin in local newspapers in the Commonwealth,— **and recommending that the same be referred to the committee on Public Health.**

Of the committee on Health Care Financing, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1126) of Robert Correia and others for legislation to increase the personal care allowance of residents of long-term care facilities,— **and recommending that the same be referred to the committee on Elder Affairs.**

Of the committee on Revenue, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 3037) of J. James Marzilli, Jr., and Peter V. Kocot relative to the use of surplus state land in the development of solar and wind power generating facilities,— **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. 2974) of Louis L. Kafka relative to unsolicited credit cards, checks, and vouchers by mail,— **and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure.**

Of the petition (accompanied by bill, House, No. 3040) of James R. Miceli for legislation to provide higher

education tuition waivers for certain adopted students,— **and recommending that the same be referred to the committee on Higher Education.**

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 Ms. Chandler) “commending Evelyn Lawler for her distinguished public service”;

Resolutions (filed by Mr. Knapik) “congratulating Ted and Maria Perez, recipients of the 2007 Greater Westfield Chapter of the American Red Cross Outstanding Community Spirit Award”;

Resolutions (filed by Mr. Knapik) “congratulating Manfred Rosenkranz on being named 2007 Business Person of the Year.”

Resolutions (filed by Mr. Knapik) “congratulating Bruce A. Yarber”;

Resolutions (filed by Mr. Montigny) “honoring Armand ‘Skip’ Becotte for his lifetime service to the Massachusetts Lions Club”;

Resolutions (filed by Mr. O’Leary) “congratulating Keith A. Bergman on the occasion of his retirement”; and

Resolutions (filed by Mr. Rosenberg) “congratulating and honoring David Portiz for receiving the prestigious Prudential Spirit of Community Award.”

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to transfer and exchange land with the Nye Family of America Assoc. Inc. held for conservation/recreation purposes (Senate, No. 52, changed),— **ought to pass, with an amendment substituting a new draft entitled “An Act authorizing the Division of Capital Asset Management and Maintenance to exchange land held for conservation and recreation purposes with the Nye Family of America Association, Inc.”** (Senate, No. 2210).

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. 2210) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Jacqueline C. Russo, an employee of the Department of Housing and Community Development (Senate, No. 1614),— **ought to pass.**

There being no objection, the rules were suspend, on motion of Mr. Tarr, and the bill 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.

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (all of which originated in the House), 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. Hart) and laid before the Governor for his approbation, to wit:

Relative to the Swansea Water District (see House, No. 2031, amended);

authorizing the town of South Hadley to grant an additional alcoholic beverage license (see House, No. 3752, changed); and

Establishing a sick leave bank for Antoinette Romes, an employee of the Department of Transitional Assistance (see House, No. 3941, 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 John H. "Jack" Leary of West Roxbury.

The Senator from Suffolk and Norfolk, Ms. Walsh, presented a request that when the Senate adjourns today, it do so in memory of John H. "Jack" Leary of West Roxbury.

Mr. Leary passed away on Saturday after a distinguished lifetime of service to the Commonwealth and its citizens. As Chief Probation Officer, Jack worked selflessly for the Probation Department in the South Boston Division of the Boston Municipal Courts, and was a dedicated champion of troubled youths and individuals fallen on trying times. He will not be forgotten, and the lives he saved will carry on his legacy of compassion and service.

Accordingly, as a mark of respect to the memory of John H. "Jack" Leary of West Roxbury, at twenty-seven minutes past eleven o'clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.