

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, May 10, 2007.

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

Petition.

Ms. Resor presented a petition (accompanied by bill, Senate, No. 2233) of Pamela P. Resor and James B. Eldridge (by vote of the town of Harvard) for legislation relative to property tax exemptions for registered affordable accessory apartments in the town of Harvard used as affordable housing [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Revenue.**
Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill authorizing the town of Wellesley to convey a certain parcel of land (printed in House, No. 3748,— being a message from His Excellency the Governor),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill authorizing the town of Wellesley to convey a certain parcel of land (House, No. 3954,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Notice was received from the House announcing the following appointment:

That Representative Ross of Wrentham has been appointed by the Minority Leader to the Special Commission (established pursuant to Chapter 305 of the Acts of 2006) established relative to long-term care options for disabled adults.

Recess.

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

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

Distinguished Guests.

There being no objection, the Chair (Mr. Rosenberg) handed the gavel to Mr. Brewer for the purpose of an introduction. Mr. Brewer introduced Michelle Gallien who was accompanied to the Chamber by her mother Doreen. Michelle is a dedicated Special Olympic athlete from the town of Athol. She recently earned a gold medal as well as a silver medal last July at the Special Olympic National Games. Later this summer Michelle will travel to Nashville to train with Team USA in anticipation of competing in the World Games in China in October.

There being no objection, the Chair (Mr. Rosenberg) handed the gavel to Mr. Joyce for the purpose of an introduction. Mr. Joyce introduced Representative Stephanie Sharp, a state representative from Kansas who was visiting Massachusetts for a biotech conference. Representative Sharp signed the book and withdrew from the Chamber.

Resolutions.

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

- Resolutions (filed by Mr. Augustus) "commending Robert M. Sullivan for his life in public education";
- Resolutions (filed by Mr. Baddour) "on the two-hundredth birthday of John Greenleaf Whittier";
- Resolutions (filed by Ms. Fargo) "on the retirement of Dr. Richard Moser";
- Resolutions (filed by Ms. Menard) "observing May 16, 2007 as Unsung Heroines Day in Massachusetts"; and
- Resolutions (filed by Ms. Resor) "honoring the Massachusetts Disabled Persons Protection Commission for their 20 years of outstanding service."

Communication.

The Clerk read the following communication:

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

May 9, 2007.

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

Dear Mr. Clerk:

On Tuesday, May 1, 2007 I was absent from the Senate Chambers during formal session to attend to a matter of significant importance related to an informational hearing of the Joint Committee on Mental Health and Substance Abuse. During my absence from the chamber, I missed a roll call vote relative to Senate Bill 2222 Resolutions Forecasting the Amount of Tax Revenue for Fiscal Year 2008.

Had I been present, I would have voted in the affirmative on S-2222.

I would respectfully request that this letter be published in the Senate Journal as part of the official record for Tuesday, May 1, 2007. Thank you in advance for your assistance in this matter.

Sincerely,
DIANNE WILKERSON,
Senator,
Second Suffolk District.

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

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Authorizing the town of Lunenburg to exchange certain land (Senate, No. 1145);

Authorizing the town of Middleborough to deposit certain tax payments received into its land acquisition fund (Senate, No. 1187);

Authorizing the town of Middleborough to convey town-owned conservation land in exchange for other land to be used as conservation and recreation land (Senate, No. 1188);

Creating the city of Taunton's economic development fund (Senate, No. 1192);

Relative to Chapter VII of the general by-laws of the town of Essex (Senate, No. 1201);

Authorizing the town of North Reading to convey and acquire land (House, No. 1954); and

Authorizing the town of North Reading to convey and acquire land (House, No. 1955);

Were severally read a second time and ordered to a third reading.

The Senate Bill relative to the Charlton water and sewer commission's water supply (Senate, No. 1153),— was read a second time and ordered to a third reading. There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was 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 water supply connections in the town of Charlton".

Sent to the House for concurrence.

The Senate Bill relative to the Charlton water and sewer commission (Senate, No. 1152),— **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. Brewer moved to amend the bill in section 1, by adding the following sentence:— "In exercising its discretion under this section, the Commission shall consider matters involving the capacities and capabilities of the town's wastewater treatment plant, sewerage and other infrastructure and equipment, and the desirability of prioritizing connections for commercial and residential properties within the original planned service area, as well as those with on-site septic systems that are in failure or at risk of failing."

The amendment was **adopted.**

The bill, as amended, was then ordered to a third reading. The rules were suspended, on motion of Mr. Brewer, and the bill was 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 sewer connections in the town of Charlton".

Sent to the House for concurrence.

The Senate Bill further regulating the placement of certain children (Senate, No. 75),— **was read a third time**

and, after remarks, was passed to be engrossed.
Sent to the House for concurrence.

The Senate Bill establishing the public libraries fund (Senate, No. 2232),— **was read a third time.**
After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at eleven minutes before two o'clock P.M., on motion of Mr. Augustus, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 16**] :

YEAS.

Antonioni, Robert A.	Knapik, Michael R.
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	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.	Resor, Pamela
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Spilka, Karen E.
Downing, Benjamin Brackett	Tarr, Bruce E.
Fargo, Susan C.	Timilty, James E.
Hart, John A., Jr.	Tisei, Richard R.
Havern, Robert A.	Tolman, Steven A.
Hedlund, Robert L.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 38.

NAYS — 0.

The yeas and nays having been completed at seven minutes before two o'clock P.M., the bill was passed to be engrossed.
Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill relative to the sale of land by the Massachusetts Water Resources Authority (see Senate, No. 2179, 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 9 to 0.**

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

A report of the committee on Consumer Protection and Professional Licensure, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 229) of Christopher G. Fallon for