

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, May 14, 2007.

Met at one minute 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.

Communications.

The following communications were severally received and placed on file:

Several communications were received from the Honorable Therese Murray, President of the Senate, announcing certain appointments to various special commissions, advisory boards and task forces, as follows:—

Senator Joan M. Menard has been appointed to the Special Task Force established (pursuant to Section 2 of Chapter 81 of the Acts of 2006) to study medical spas;

Senator Richard T. Moore as Senate representative (pursuant to Section 112 of Chapter 58 of the Acts of 2006) to negotiations with the federal government concerning the MassHealth demonstration waiver granted by the United States Department of Health and Human Services under section 1115(a) of the Social Security Act, as authorized by Chapter 203 of the Acts of 1996;

Senator Richard T. Moore (pursuant to Section 16M of Chapter 6A of the General Laws) to the MassHealth Payment Policy Advisory Council;

Senators Robert A. Antonioni (co-chair), Edward M. Augustus, Jr. and Joan M. Menard to the Special

Commission established (pursuant to Section 363 of Chapter 149 of the Acts of 2004, as extended by Section 156 of Chapter 122 of the Acts of 2006) to make an investigation and study of middle education in the Commonwealth;

Senator Edward M. Augustus, Jr. (pursuant to Section 4A of Chapter 15A of the General Laws) to the Robert H. Goddard Council on Science, Technology, Engineering and Mathematics Education. Senator John A. Hart, Jr. has been designated as co-chair of the Council, replacing Senator Steven C. Panagiotakos; Senators Dianne Wilkerson (co-chair), Stephen J. Buoniconti and Mark C. Montigny (pursuant to Section 1600 of Chapter 6A of the General Laws) to the Health Disparities Council;

Senators Thomas M. McGee and Edward M. Augustus, Jr. (pursuant to Section 7 of Chapter 23H of the General Laws) to the State Workforce Investment Board;

Senators Marian Walsh and Harriette L. Chandler to the Special Commission established (pursuant to Section 117 of Chapter 123 of the Acts of 2006) concerning the long-term sustainability of individual financial assets; and

Senator Pamela P. Resor (pursuant to Section 23 of Chapter 123 of the Acts of 2006) to the Performance Standards and Workforce Accountability Task Force.

The following Senators were appointed to serve on various standing committees established by the National Conference of State Legislatures:

Agriculture, Environment and Energy	Senator Pamela P. Resor
Budgets and Revenue	Senator Stephen C. Panagiotakos
Communications, Financial Services and Interstate Commerce	Senator Stephen J. Buoniconti
Education	Senator Robert A. Antonioni
Health	Senator Susan C. Fargo
Human Services and Welfare	Senator Karen E. Spilka
Labor and Economic Development	Senator John A. Hart, Jr.
Law and Criminal Justice	Senator Robert S. Creedon, Jr.
Legislative Effectiveness	Senator Stanley C. Rosenberg
Redistricting and Elections	Senator Edward M. Augustus, Jr.
Transportation	Senator Steven A. Baddour

The communications were placed on file.

Report.

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of M.C.I. Shirley Medium Security Facility (received Thursday, May 10, 2007),— was read and sent to the House for its information.

Petition.

Mr. Rosenberg presented a petition (accompanied by bill, Senate, No. 2237) of Stanley C. Rosenberg and Peter V. Kocot (with the approval of the mayor and the city council of Northampton) for legislation to authorize the city of Northampton to retain any issued annual or seasonal license in the event of a license revocation or forfeiture and that the city of Northampton may convert the five currently issued seasonal all alcohol licenses for the sale of all alcoholic beverages to be drunk on the premises to annual all alcohol licenses. [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.**
Sent to the House for concurrence.

Reports of Committees.

By Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, on Senate, Nos. 73 and 115 and House, No. 85, a Bill relative to welfare reform (Senate, No. 115, changed in section 8 by striking the words “2 years” in line 209, and inserting in place thereof the words “1 year” and by striking out lines 221 through 224 and inserting in place thereof the following paragraph: “Recipients meeting the following eligibility criteria shall be exempt from the provisions of section 2G, but subject to the provisions of sections 2H and 3 until such time as their eligibility status has been determined by the department to have changed and they no longer conform to the criteria that define the following exempt categories of assistance:(1) recipients with a child of record between the ages of 1 and 2 years: (2) recipients under the age of 20 attending high school full time under section 2C);
Referred under Joint Rule 1E, to the committee Health Care Financing.

By Mr. Downing, for the committee on Public Service, on petition (accompanied by bill, Senate, No. 1586), a Bill relative to the calculation of retiree colas (Senate, No. 2234);
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3741) of Cleon H. Turner and others relative to authorizing the Dennis Water District and MHC Old Chatham L.L.C. to exchange certain parcels of land (having been transmitted to the State Secretary, under the provisions of Chapter 3 of the General Laws, and returned by him with memorandum thereto);
Under suspension of Joint Rule 9, to the committee on municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4021) of Sarah K. Peake (by vote of the town) that the town of Harwich be authorized to establish a road betterment fund;
To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4004) of Antonio F. D. Cabral relative to the death benefit paid to beneficiaries upon the death of retired members of the New Bedford police department by the New Bedford Police Association (having been transmitted to the Secretary of State, under the provisions of Chapter 3 of the General Laws, and returned by him with memorandum relative thereto);
Under suspension of Joint Rule 9, to the committee on Public Service.

Reports

Of the committee on Consumer Protection and Professional Licensure, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 279) of Harold P. Naughton, Jr., relative to telecommunications professionals,— **and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy.**

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

Of the petition (accompanied by bill, House, No. 1235) of Lida E. Harkins and others relative to the disposition of certain property at Medfield State Hospital,— **and recommending that the same be referred to the committee on Bonding, Capital Expenditures and State Assets; and**

Of the petition (accompanied by bill, House, No. 1266) of Peter J. Koutoujian and Martin J. Walsh relative to the creation of family justice centers to assist victims of abuse in certain court jurisdictions,— **and recommending that the same be referred to the committee on the Judiciary.**

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

Of the petition (accompanied by bill, House, No. 2195) of J. James Marzilli, Jr., and others for legislation to establish a department of home and community-based services; and

Of the joint petition (accompanied by bill, House, No. 2245) of Brian A. Joyce and others for an investigation by a special commission (including members of the General Court) relative to the use of behavior modification techniques used in the Commonwealth;

And recommending that the same severally be referred to the committee on Children, Families and Persons with Disabilities.

Of the petition (accompanied by bill, House, No. 2039) of Bruce J. Ayers relative to deceptive actions perpetrated against elderly and disabled persons,— **and recommending that the same be referred to the committee on Elder Affairs.**

Of the House Bill relative to additional funds for the Spinal Cord Injury Trust Fund (House, No. 2084);

Of the House Bill establishing a commission to reduce health care administrative costs (House, No. 2119);

Of the House Bill controlling health care costs (House, No. 2197); and

Of the House Bill to provide coverage for hearing aids (House, No. 2239);

And recommending that the same severally be referred to the committee on Health Care Financing.

Of the petition (accompanied by bill, House, No. 2150) of Peter J. Koutoujian that the Department of Public Health be required to hold public hearings before the removal of publicly-funded beds under the jurisdiction of the Commonwealth,— **and recommending that the same be referred to the committee on Mental Health and Substance Abuse.**

Of the committee on , asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2047) of Garrett J. Bradley and another relative to authorizing the Teachers' Retirement System to grant creditable service to Maribeth Ahearn,— **and recommending that the same be referred to the committee on Public Service.**

Of the committee on Public Health, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2040) of Bruce J. Ayers relative to further regulating the transportation of

persons in wheelchairs in motor vehicles,— **and recommending that the same be referred to the committee on Transportation.**

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. Knapik) “commending the Reverend J. Gollan Root”: and

Resolutions (filed by Mr. Panagiotakos) “congratulating the Scottish Rite of Freemasonry, Valley of Lowell on its one hundred and fiftieth anniversary.”

Matter Taken Out of the Orders of the Day.

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

The Senate Bill establishing appointed positions of district clerk and district treasurer for the Bernardston Fire and Water District (Senate, No. 1198),— **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.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4023) of Richard J. Ross for legislation to establish a sick leave bank for Thomas A. Connolly, an employee of the Department of Correction,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Recess.

There being no objection, at sixteen minutes past eleven o'clock A.M., the Chair (Mr. Tolman) declared a recess; and at a quarter past one o'clock P.M., the Senate reassembled, Mr. Tolman in the Chair.

PAPER FROM THE HOUSE.

A Bill making appropriations for the fiscal year 2007 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4022, on House, No. 4020, in part),— **was read.**

There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Recess.

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

PAPER FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for the fiscal year 2007 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4022), 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.

Order Adopted.

On motion of Mr. Hedlund,—

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 Officer John "Jack" Georges of Dunstable.

The Senator from Middlesex, Mr. Panagiotakos, presented a request that when the Senate adjourns today, it do so in memory of Officer John "Jack" Georges of Dunstable.

John "Jack" Georges of Dunstable, a veteran Tyngsboro police officer, died unexpectedly on Tuesday, May 8. Mr. Georges was a veteran of the U.S. Marine Corps, serving as a gunnery sergeant and small arms specialist. After beginning his career as a police officer in Dunstable, Mr. Georges joined the Tyngsboro Police Department more than 20 years ago. His service to the Tyngsboro Police included 8 years as union steward. He was a member of the New England Police Benevolent Association and was past president of the International Brotherhood of Police Officers.

He was an active member of the community, volunteering and coaching youth soccer for the Groton-Dunstable teams. Mr. Georges was 48 years old.

Accordingly, as a mark of respect to the memory of Officer John "Jack" Georges of Dunstable, at five minutes before four o'clock P.M., on motion of Ms. Hedlund, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.