

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.



Wednesday, February 4, 2004.

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

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

Communication.

A communication from the Commissioner of Transitional Assistance (pursuant to line items 4408—1000 and 4403-2000 of the FY'04 budget) relative to projected FY'04 DTA budget deficiencies in EAEDC, TAFDC, and SSI (received Thursday, January 29, 2004),— **was placed on file.**

Report.

A report of the Middlesex District Attorney (under the provisions of Section 99R of Chapter 272 of the General Laws) relative to wiretap interceptions (received Friday, January 30, 2004),— **was placed on file.**

Petitions.

Mr. Brewer presented a petition (accompanied by bill, Senate, No. 2199) of Stephen M. Brewer and Brian Knuuttila (by vote of the town) for legislation to regulate, mobile home parks in the town of Winchendon (Local approval received),— **and the same was referred, under Senate Rule 20, to the committee on Local Affairs and Regional Government.**

Sent to the House for concurrence.

Petitions were presented and referred, as follows:

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey, Robert S. Creedon, Jr., Thomas M. McGee, Bruce J. Ayers and other members of the General Court for legislation relative to changing the interest on property tax deferment for seniors; and

By the same Senator, a petition (subject to Joint Rule 12) of Michael W. Morrissey, Robert S. Creedon, Jr., Thomas M. McGee, Bruce J. Ayers and other members of the General Court for legislation relative to fees for seniors filing with the tax appellate board;

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

Reports of Committees.

By Ms. Tucker, for the committee on Human Services and Elderly Affairs, on petition, a Bill to review the delivery of behavioral health services in the Commonwealth (printed as House, No. 1114);

By the same Senator, for the same committee, on petition, a Bill to protect assets of the spouse of a nursing home resident (printed as House, No. 2985);

By the same Senator, for the same committee, on petition, a Bill relative to the adult foster care program (printed as House, No. 3793); and

By Mr. Baddour, for the committee on Transportation, on Senate, No. 1900 and House, No. 1797, a Bill relative to the heating and ventilation of railroad cabs and for the provision of certain facilities at crew reporting stations (Senate, No. 1900);

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

By Mr. Baddour, for the committee on Transportation, on petition, a Bill designating the Woburn Regional Transportation center as the Anderson Regional Transportation Center (Senate, No. 1875);

Read and, under Senate Rule 26, referred to the committee on Steering and Policy.

By Mr. Baddour, for the committee on Transportation, ought NOT to pass:

On the petition (accompanied by bill, Senate, No. 1870) of Robert A. Havern and Michael A. Costello for legislation relative to the intermodal chassis roadability inspection program; and

On the petition (accompanied by bill, Senate, No. 1871) of Robert A. Havern and Michael A. Costello for legislation relative to the intermodal container safety program;

Severally referred, under Senate Rule 36, to the committee on Steering and Policy.

Ms. Melconian, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill relative to the Dighton Water District (House, No. 387).

Committee Discharged.

Mr. Baddour, for the committee on Transportation, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1896) of Charles E. Shannon, Susan C. Fargo, Dianne Wilkerson and Paul J. Donato for legislation relative to the use of child passenger restraints,— **and recommending that the same be referred to the committee on Public Safety.**

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

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Messages were referred, in concurrence, as follows:

Message from His Excellency the Governor recommending legislation relative to accelerating school building assistance payments to cities, towns, and regional school districts and increasing efficiencies in public construction projects (House, No. 4484);

To the committee on Education, Arts and Humanities.

Message from His Excellency the Governor recommending legislation relative to clarifying certain tax provisions and improving various activities of the Department of Revenue (House, No. 4485);

To the committee on Taxation.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4474) of Brian Knuuttila, Robert A. Antonioni and Emile J. Goguen (by vote of the town) relative to establishing a capital reserve account in the town of Ashby; and

Petition (accompanied by bill, House, No. 4475) of Cory Atkins and Susan C. Fargo (by vote of the town) relative to the residency requirement for the position of town manager in the town of Concord;
Severally to the committee on Local Affairs and Regional Government.

A Bill relative to the use of retired police officers by the town of Grafton (House, No. 3936,— 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 Health Care, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 147) of Bruce J. Ayers for an investigation by the Attorney General and the Department of Public Health of the liability for remediation of the negative effects caused by the manufacture and sale of lead based paint products; and

Of the petition (accompanied by bill, House, No. 3157) of Marie P. St. Fleur and other members of the House relative to the recovery of certain funds from manufacturers for expenses incurred in the removal of lead paint in the Commonwealth;

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

Of the committee on Taxation, asking to be discharged from further consideration of part of the petition (section 1) (accompanied by bill, House, No. 631) of John J. Binienda relative to the exemption of the sales tax on energy efficient appliances,— and recommending that the same be referred to the committee on Energy.

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

Resolutions.

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

Resolutions (filed by Ms. Melconian) “honoring the life of Rose E. Tazzini.”

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 relative to reporting certain medication errors (Senate, No. 599),— was read a second time and was amended, as previously recommended by the committee on Ways and Means, by inserting after the word “registrant,” in line 6, the following word:— “licensee”; by striking out, in line 7, the word “reregister” and inserting in place thereof the following word:— “register”; by inserting after the word “registrant” in lines 11, 15 and 17, each time it appears, the following word:— “, licensee”; by striking out, in line 23, the words “action of contract, or any other” and inserting in place thereof the following word:— “an”; and by adding the following section:—

“SECTION 2. This act shall take effect on July 1, 2004.”.

The bill (Senate, No. 599, amended) was then ordered to a third reading.

The Senate Bill relative to the safe administration of medications and legible prescriptions (Senate, No. 621),— was read a second time and was amended, as previously recommended by the committee on Ways and Means, in section 1, by striking out, in lines 1 to 3, inclusive, the words “executive office of health and human services, in conjunction with the department of public health and the board of registration in pharmacy,” and inserting in place thereof the following words: —“Betsy Lehman center for patient safety and medical error reduction”; by inserting after the word “Society”, in line 30, the following words:— “; the Massachusetts Dental Society”; by inserting after the word “commonwealth”, in line 36, the following words:— “; each of the dental schools located in the commonwealth”; in subsection (b), by adding the following sentence:— “The task force shall complete the development of its recommendations not later than December 15, 2004.”; in section 2, by striking out, in line 1, the words “task force” and inserting in place thereof the following words:— “Betsy Lehman center”; by inserting after the word “representatives”, in line 4, the following words:— “, the house and senate chairs of the joint committee on health care and the chairs of the house and senate committees on ways and means”; and by striking out, in line 4, the word “June 30” and inserting in place thereof the following word:— “December 31”.

The bill (Senate, No. 621, amended) was then ordered to a third reading.

The Senate Bill relative to the compensation and expenses of members of the Board of Registration in Medicine (Senate, No. 634),— **was read a second time and ordered to a third reading.**

Report of a Committee.

Mr. Baddour for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill providing MCAS options (Senate, No. 1994) (the committee on Ways and Means having recommended that the bill be amended by inserting in line 2, after the word “effects,” the following words:— “and feasibility”).

The rules were suspended, on motion of Ms. Murray, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 1994, amended) was then ordered to a third reading.

Petition.

On motion of Mr. Havern, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Ms. Fargo (accompanied by bill), of Susan C. Fargo and Shirley Owens-Hicks for legislation to clarify the procedures for municipalities and districts to accept statutes,— **and the same was referred to the committee on Local Affairs and Regional Government.**

Sent to the House for concurrence.

Reports of Committees.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Susan C. Tucker, Barry R. Finegold, Barbara A. L’Italien, Richard T. Moore and other members of the General Court for legislation to further regulate meetings of municipal boards.

Senate Rule 36 was suspended, on motion of Ms. Chandler, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Local Affairs and Regional Government.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Robert A. Havern for legislation relative to Marie Walsh.

Senate Rule 36 was suspended, on motion of Ms. Chandler, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Robert A. Havern for legislation to authorize the Massachusetts Teachers’ Retirement Board to recalculate pension benefits-paid to Marie Walsh.

Senate Rule 36 was suspended, on motion of Ms. Chandler, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael O’Connell for legislation relative to civil service police officers.

Senate Rule 36 was suspended, on motion of Ms. Chandler, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

Severally sent to the House for concurrence.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4491) of Eugene L. O’Flaherty, Jarrett T. Barrios, Vincent P. Ciampa, Edward G. Connolly and Timothy J. Toomey, Jr., for legislation to authorize the Trial Court to establish a sick leave bank for Sandra DelGaudio-Upton, an employee of said court;

Under suspension of Joint Rule 12, to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 4492) of Stephen J. Buoniconti and other members of the House that the Division of Capital Asset Management and Maintenance be authorized to transfer certain parcels of land located in the towns of Blandford, Russell and Granville to the water and sewer commission of the city of Springfield;
Under suspension of Joint Rule 12, to the committee on State Administration.

Order Adopted.

On motion of Mr. Rosenberg,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session.

Opinions of the Justices of the Supreme Judicial Court.

A communication from the Honorable the Justices of the Supreme Judicial Court on important questions of law with relation to “An Act relative to civil unions” (see [Senate, No. 2175](#)) [[for opinions, see Senate document numbered 2200](#)] (received in the office of the Clerk of the Senate on Tuesday, February 3, 2004, at nine minutes before two o'clock P.M.),— **was read and placed on file.**

On motion of Ms. Murray, at twelve minutes past eleven o'clock A.M., the Senate adjourned to meet on the following day at one o'clock P.M.
