

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.

Tuesday, February 17, 2004.

Met at two minutes past eleven o'clock A.M. (Mr. Rosenberg in the Chair).

The Senator from Essex and Middlesex, Mr. Tarr, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer and Brian Knuuttila for legislation relative to a retirement buy back from the Massachusetts Teachers' Retirement System for Cynthia Whittington; and

By Mr. Moore (by request), a petition (subject to Joint Rule 12) of Shirley J. Smith for legislation to encourage water conservation by private investor-owned water supply companies;

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

Reports of Committees.

By Mr. Moore, for the committee on Health Care, on petition (accompanied by bill, Senate, No. 2145), a Bill for a caring Commonwealth; defining the health care policy of the Commonwealth; Health Care Policy Council established (Senate, No. 2217);

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

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on Senate, No. 1149 and House, No. 4061, a Bill relative to municipalities' revolving funds (Senate, No. 1149);

By the same Senator, for the same committee, on petition, a Bill relative to the term of certain serial loans issued by cities, towns and districts (Senate, No. 1156);

By the same Senator, for the same committee, on petition, a Bill relative to cities and towns borrowing outside their debt limit (Senate, No. 1161); and

By the same Senator, for the same committee, on petition, a Bill relative to the Cherry Valley sewer district 2000-2001 project (Senate, No. 2102);

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

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition (accompanied by bill, Senate, No. 1155), a Bill authorizing the town of Hull to lease Nantasket Pier and to borrow money for the construction of a certain marine facility for a term not to exceed 30 years (Senate, No. 2214) [Local approval received on Senate, No. 1155];

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1154), a Bill authorizing the town of Hull to lease Pemberton Pier (Senate, No. 2215) [Local approval received on Senate, No. 1154]; and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2168), a Bill authorizing the city of Quincy to establish senior citizen safety zones (Senate, No. 2216) [Local approval received on Senate, No. 2168];
Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to modernizing the Commonwealth's transportation system (House, No. 4507),— **was referred, in concurrence, to the committee on Transportation.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4498) of David L. Flynn, Christine E. Canavan and Geraldine Creedon (by vote of the town) that the town of Easton be authorized to pay a certain unpaid bill to Northeast Reclamation Corp.;

Petition (accompanied by bill, House, No. 4508) of Thomas A. Ambrosino (mayor), Robert A. DeLeo, Kathi-Anne Reinstein, Robert E. Travaglini and Jarrett T. Barrios (with the approval of the mayor and city council) for legislation to create the position of director of finance in the city of Revere; and

Petition (accompanied by bill, House, No. 4509) of Robert F. Fennell (with the approval of the mayor and city council) for legislation to make certain changes within the department of inspectional services in the city of Lynn;
Severally to the committee on Local Affairs and Regional Government.

Petition (accompanied by bill, House, No. 4499) of Mary Jane Simmons and Robert A. Antonioni (with the approval of the mayor and city council) that the city of Leominster be authorized to grant an abatement on a certain parcel of property known as the John B. McLaughlin Field;
To the committee on Taxation.

Bills

Providing for the annual observance of World War II Commemoration Day (House, No. 1201,— on petition);

Providing for the annual observance of Armenian-American Heritage Month (House, No. 2695,— on petition)

Relative to restrictive covenants (House, No. 3532,— on petition); and

Relative to the appointment of public safety officers (House, No. 4218,— on House, No. 2511);
Were severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

A Bill authorizing the town of Raynham to establish an account to be known as the betterment reserve fund (House, No. 4075,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Committee of Conference.

The House Bill to improve public health in the Commonwealth (House, No. 4256, printed as amended),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2130, amended in section 1, in lines 190 to 193, inclusive, by striking out clause (6) and inserting in place thereof the following clause:

“(6) The business of tobacco farmer, manufacturer, importer, exporter, or wholesale distributor or tobacco products.”; in section 2, in lines 4 and 5, by inserting after the words “Restaurant Association” the words “, the Massachusetts Chamber of Commerce”, in line 6, by inserting after the word “Association” the words “, the Massachusetts Chamber of Commerce, the Massachusetts AFL-CIO”; and by inserting after section 2 the following section:

“SECTION 2A. Chapter 63 of the General Laws is hereby amended by inserting after section 31H the following section:—

Section 31I. A domestic or foreign corporation or corporate franchise shall be allowed a credit against its excise due under this chapter equal to 100 per cent of the costs incurred during any taxable year beginning on or after January 1, 2002, and ending on

or before December 31, 2003, for the purchase and installation of mechanical ventilation systems and related heating and air conditioning systems; walls, door, glass, and other barriers; air ducts; plumping, wiring, and gas lines; and any other materials used in the construction of designated smoking areas designed to reduce the presence of smoke in non-smoking areas, including any modifications to existing physical structures, as well as any costs incurred for labor and design in the construction of such designated smoking areas, used by the corporation or corporate franchise in the commonwealth and situated in the commonwealth during said period of time, pursuant to any board of health regulation, city ordinance, town bylaw, or any other municipal variance or exception.”), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Koutoujian of Newton, Kaprielian of Watertown and Peterson of Grafton had been appointed the committee on the part of the House.

Mr. Moore moved that the rules be suspended to consider the matter forthwith, but objection was made thereto by Mr. Tarr.

The matter was then laid aside.

Resolutions.

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

Resolutions (filed by Mr. Knapik) “congratulating Attorney Richard J. Kos, recipient of the Polish American Congress of Western Massachusetts Achievement Award.”

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 House Bill authorizing the town of North Andover to discontinue a certain public way (House, No. 3911),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Order Adopted.

On motion of Mr. Tarr,—

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 Maureen E. Scibelli of Agawam.

The Senator from Essex and Middlesex, Mr. Tarr, moved that when the Senate adjourns today, it adjourn in memory of Maureen E. Scibelli, mother of Andrew J. Scibelli and his wife; the Senator from Hampden, Ms. Melconian, who died at her home in Agawam on Thursday. Mrs. Scibelli was beloved by many and upon her retirement from the Massachusetts Criminal Justice Training Council was honored by the police chiefs of Massachusetts. She was a member of the Agawam Democratic Town Committee and an officer of the Italian Women’s Club. She was active in promoting the good of her community for many years. She was instrumental in the development of the Linda J. Melconian Charity Golf Tournament to Benefit Battered Women and was involved in local and national political campaigns. We send our condolences to her family and friends; she will be missed by many.

Accordingly, as a mark of respect to the memory of Maureen E. Scibelli of Agawam, at six minutes past eleven o’clock A.M., on motion of Mr. Moore, the Senate adjourned to meet again on Thursday next at eleven o’clock A.M.