

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 10, 2004.

Met at one minute past eleven o'clock A.M. (Mr. Brewer in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Senator from Plymouth and Norfolk, Mr. Hedlund, led the Chair (Mr. Brewer), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Communication.

A communication from the Secretary of Public Safety (under the provisions of Chapter 228 of the Acts of 2000) submitting a copy of the Massachusetts Racial and Gender Profiling Study prepared by Northeastern University (received Thursday, May 6, 2004),— **was placed on file.**

Reports of Committees.

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition, a Bill establishing the Berkshire county commission on the status of women (Senate, No. 142);

By the same Senator, for the same committee, on petition, a Bill authorizing the towns of Dennis and Brewster to grant conservation restrictions to certain land in said towns to the department of conservation and recreation (Senate, No. 2196) [Local approval received];

By Ms. Creem, for the committee on Taxation, on the recommitted petition, a Bill exempting certain boat sales by pilots from taxation (Senate, No. 2099); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2180), a Bill relative to the town of Lenox and the reimbursement of local room occupancy taxes (Senate, No. 2344) [Local approval received on Senate, No. 2180];
Severally 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 petition, a Bill relative to employment contracts for town accountants and city auditors (Senate, No. 1153); and

By the same Senator, for the same committee, on petition, a Bill relative to the election of town officials (Senate, No. 1166);
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 Senate, No. 2317 and House, No. 4650, a Bill relative to the position of appointed treasurer/collector in the town of Pembroke (Senate, No. 2317) [Local approval received on Senate, No. 2317 and House, No. 4650];

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

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

The Senate bills

Relative to certain proceedings relating to corporations (Senate, No. 950);

To prohibit the use of certain liability waivers as against public policy (Senate, No. 956);

Relative to registered land instruments procured by falsification of corporate office-holding (Senate, No. 983);

Relative to the First Amendment rights of judges (Senate, No. 1000);

Allowing the solemnization of marriage by a judicial officer (Senate, No. 1003);

Relative to attorney's lien for fees (Senate, No. 1999);

Relative to prepaid legal services (Senate, No. 2285); and

The House Bill relative to consumer and merchant protection (House, No. 492).

Committee Discharged.

Mr. Brewer, for the committee on Ethics and Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Public Service to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents relative to public employees and other related matters (Senate, No. 2135), reports, in part, asking to be discharged from further consideration of the Senate petition (accompanied by bill, Senate, No. 1456) of Guy W. Glodis for legislation relative to a retirement buy back from the State Board of Retirement,— and recommending that the same be recommitted to the committee on Public Service.

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

PAPERS FROM THE HOUSE.

A message from Her Honor the Lieutenant-Governor, Acting Governor recommending legislation relative to assist elders and the disabled in accessing transitional assistance program Medicare drug benefits (House, No. 4712),— **was referred, in concurrence, to the committee on Health Care.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4706) of Thomas N. George and Robert O'Leary (by vote of the town) that the town of Yarmouth be authorized to make certain conveyances of wellfield land; and

Petition (accompanied by bill, House, No. 4707) of Thomas N. George and Robert O'Leary (by vote of the town) that the town of Yarmouth be authorized to lay out a public way over certain wellfield land;

Severally to the committee on Local Affairs and Regional Government.

The following communications were severally referred, in concurrence, to wit:

Communication from the Commissioner of Banks (under Section 2(31) of Chapter 167F of the General Laws) submitting proposed regulations permitting state-chartered banks to exercise certain powers granted to national banking institutions (House, No. 4700); and

Communication from the Commissioner of Banks (under Section 6A of Chapter 171 of the General Laws) submitting a summary of proposed regulations for the implementation of federal credit union parity (House, No. 4701);

Severally to the committee on Banks and Banking.

Bills

Authorizing the Department of Revenue to make a certain refund (House, No. 3101,— on petition);

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Plainville (House, No. 4201,— on House, No. 3961);

Making appropriations for the fiscal year 2005 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4601, printed as amended,— on House, No. 1, in part); and

Authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the town of Webster (House, No. 4711,— on House, No. 4576);

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

A Bill replacing the existing harborline and to establish a new harborline in Gloucester Harbor (House, No. 4265,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

A report of the committee on Local Affairs and Regional Government, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4024) of Colleen M. Garry for legislation to further regulate the posting of public notices of meetings of municipal governmental bodies, and recommending that the same be referred to the House committee on Ways and Means,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence, insomuch as relates to the discharge of the joint committee.**

Resolutions.

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

Resolutions (filed by Mr. Berry) “honoring Dr. Walter L. Harrison”;

Resolutions (filed by Messrs. Knapik, Moore and Nuciforo) “memorializing the Congress of the United States to make the Republic of Poland eligible for the United States Department of State’s Visa Waiver Program”;

Resolutions (filed by Mr. McGee) “celebrating the seventy-fifth anniversary of the Saugus Lions Club”;

Resolutions (filed by Messrs. Moore and Glodis) “congratulating the town of Sutton on the occasion of its three hundredth anniversary”;

Resolutions (filed by Mr. Pacheco) “congratulating Margaret McGee Dorsey on the occasion of her one hundredth birthday”;

Resolutions (filed by Mr. Pacheco) “commending the Middleboro Skilled Care Center”;

Resolutions (filed by Mrs. Sprague) “congratulating Adrena Nevart Altoonian of Medfield upon her receiving the Gold Award”;

Resolutions (filed by Mrs. Sprague) “congratulating Brittany Lerin Burke of Medfield upon her receiving the Gold Award”;

Resolutions (filed by Mrs. Sprague) “congratulating Katherine Ann Lamie of Medfield upon her receiving the Gold Award”;

Resolutions (filed by Mrs. Sprague) “congratulating Marigny Leigh Mulock of Medfield upon her receiving the Gold Award”;

Resolutions (filed by Mrs. Sprague) “congratulating Kelly Anne Quinn of Medfield upon her receiving the Gold Award”;

Resolutions (filed by Mrs. Sprague) “congratulating Meghan Tucker Scheld of Medfield upon her receiving the Gold Award.”

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Sheila Mahan, an employee of the Trial Court (see House, No. 4481), 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 4 to 0.**
The bill was signed by the Acting President and sent to the House for enactment.

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 and laid before the Governor for his approbation, to wit:

Relative to certain separate accounts (see House Bill, printed as Senate, No. 850);

Relative to damages for harmed assistance animals (see House, No. 2829);

Authorizing the modification of the form of property tax billing in the town of Belmont (see House, No. 3981); and

Authorizing the town of Norfolk to establish a department of public works (see House, No. 4313).

Bills Returned with Recommendations of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to parking fines in the city of Haverhill (see House, No. 4210) [for message, see House, No. 4693],— came from the House with endorsement that the House adopted the amendment (as recommended by the committee on Bills in the Third Reading) in the following form:

By striking out section 1 and inserting in place thereof the following section:

“SECTION 1. Notwithstanding section 20A½ of chapter 90 of the General Laws or any other general or special law to the contrary, the city of Haverhill may establish by ordinance, fines for parking violations. The fines shall not exceed \$25 if paid within 21 days; not more than \$35 if paid after 21 days but before the parking clerk reports the violation to the registrar of motor vehicles; and not more than \$50 after the violation has been reported to the registrar.”.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Ms. Chandler, and the House amendment was considered forthwith and adopted, in concurrence.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to the taxation of certain property in the town of Belmont (see House, No. 3980) [for message, see House, No. 4698],— came from the House with endorsement that the House adopted the amendment (as recommended by the committee on Bills in the Third Reading) in the following form: In section 1 (as printed) by inserting after the word “described”, in line 5, the word “within”.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Ms. Fargo, and the House amendment was considered forthwith and adopted, in concurrence.

Severally sent to the House for re-enactment.

Order Adopted.

Mr. Tolman presented the following order, to wit:

Ordered, That in conformity with the provisions of Senate Rule 27A, and the special orders previously adopted by the Senate in regards to Senate amendments to the General Appropriation Bill, all amendments will be filed electronically into the office of the Clerk of the Senate by 5:00 P.M., on Friday, May 14, 2004.

There being no objection, the order was considered forthwith, and it was adopted.

Recess.

There being no objection, at nine minutes past eleven o’clock A.M., the Chair (Mr. Brewer) declared a recess subject to the call of the Chair; and, at nineteen minutes past four o’clock P.M., the Senate reassembled, the President in the Chair.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Sheila Mahan, an employee of the Trial Court (see House, No. 4481) (which originated in the House),— **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President 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 tomorrow at eleven o’clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of the same Senator, at twenty minutes past four o'clock P.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.