

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.

Wednesday, June 4, 2003.

Met according to adjournment at eleven o'clock A.M.

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

Distinguished Guests.

There being no objection, the President recognized, seated in the Gallery, students from Framingham who joined in reciting the Pledge of Allegiance. The President noted how lovely their voices were and relayed his hope that the students would acquire knowledge and an appreciation for the work that is done in the State House.

Communications.

The following communications were severally placed on file:

Communication from Stacey Parks Townsend, executive director, submitting the 2002 annual report of The Property and Casualty Initiative (received Friday, May 30, 2003); and

Communication from the Massachusetts Life Insurance Community Investment Initiative (under the provisions of Section 2G of Chapter 259 of the Acts of 1998) submitting its annual report for the year 2002 (received Monday, June 2, 2003).

Reports.

The following reports were severally read and sent to the House for its information:

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 the North Central Correctional Institution (received Monday, May 12, 2003);

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 the Dartmouth Women's Center (received Tuesday, May 13, 2003);

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 the Bristol County Jail and House of Correction (received Wednesday, May 14, 2003);

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 the MCI Shirley Medium Facility (received Thursday, May 22, 2003);

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 the Suffolk County Jail/Nashua Street (received Friday, May 23, 2003); and

A report of the Bureau of Special Investigations (under the provisions of Section 11(8) of Chapter 14 of the General Laws) submitting its report for the months of February, March and April 2003 (received Friday, May 30, 2003).

Petitions.

Ms. Fargo presented a petition (accompanied by bill, Senate, No. 2001) of Susan C. Fargo and David F. Gately, mayor, and others (with the approval of the mayor and city council) for legislation relative to retirees group health insurance premium contribution in the city of Waltham [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Public Service.**
Sent to the House for concurrence.

Petitions were presented and referred, as follows:

By Ms. Fargo, a petition (subject to Joint Rule 12) of Susan C. Fargo, Thomas M. Stanley and Peter J. Koutoujian for legislation to authorize the Division of Capital Asset Management and Maintenance to convey certain land in the city of Waltham;

By Mrs. Sprague, a petition (subject to Joint Rule 12) of Jo Ann Sprague, Cheryl A. Jacques and Mark J. Carron for legislation to authorize the state teachers' retirement board to grant creditable service to Marcia A. Lukon;

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

Reports of Committees.

Report of the Joint Committee on State Administration on Executive Reorganization Plans No. 1 of 2003 and No. 2 of 2003.

By Ms. Wilkerson, for the committee on State Administration, on Reorganization Plan Number 1 of 2003 (submitted by the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) relative to reforming, restructuring and revitalizing government (printed in House, No. 3901) [For Majority Report, see Senate, No. 2002; for Minority Report, see Senate, No. 2008],— reported, in accordance with a provision of Joint Rule 23A, recommending that said Reorganization Plan No. 1 “ought NOT to be approved”; and

By Ms. Wilkerson, for the committee on State Administration, on Reorganization Plan No. 2 of 2003 (submitted by the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) relative to reforming, restructuring and revitalizing higher education (printed in House, No. 3902) [For Majority Report, see Senate, No. 2003; for Minority Report, see Senate, No. 2008],— reported, in accordance with a provision of Joint Rule 23A, recommending that said Reorganization Plan Number 2 “ought NOT to be approved”.

Severally placed in the Orders of the Day for the next session, the question being, in each instance, “Shall this reorganization plan be approved?”.

By Mr. McGee, for the committee on Criminal Justice, on petition, a Bill to enhance the state DNA database (Senate, No. 187, changed in line 5, by striking out the words “one year or more” and inserting in place thereof the word “imprisonment”; and in line 6, by striking out the words “and any delinquent child”); and

By Mr. Barrios, for the committee on Public Safety, on Senate, Nos. 1293, 1365 and 1388 and House, Nos. 804, 1176, 2118, 2129, 2653, 2655, 3022 and 3567, a Bill relative to establishing a distinctive registration plate (Senate, No. 2006);

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

Ms. Jacques, 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

Punishing the failure to report certain fires (Senate, No. 1281);

To include call/volunteer firefighters on the Massachusetts Fire Training Council (Senate, No. 1291);

To include a call/volunteer firefighter on the Fire Service Commission (Senate, No. 1292);

Relative to parking for handicapped individuals and disabled veterans (Senate, No. 1301);

Relative to mutual aid agreements (Senate, No. 1342);

Relative to the punishment for sale and storage of fireworks (Senate, No. 1364);

Relative to the reporting of fires in schools (Senate, No. 1372);

Relative to the traffic rules on roads under the jurisdiction of the Metropolitan District Commission (Senate, No. 1394);

Providing for the collection of data relative to traffic stops and other police service (Senate, No. 1396);

Designating a portion of state highway Route 2 as the Johnny Appleseed Trail (Senate, No. 1621);

Declaring September 11th the official state day honoring all September 11, 2001 victims and heroes and promoting peace, unity and social action (Senate, No. 1636);

Providing that no other flag or pennant be flown higher than the American flag (Senate, No. 1676); and

Relative to designating a certain square in the town of Webster the Elks Memorial Square (Senate, No. 1889);

The Senate report of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, Senate No. 1357) of Richard T. Moore, Susan W. Pope and Bruce E. Tarr for legislation relative to the issuance of handicapped license plates by the Registrar of Motor Vehicles; and

The House report of the committee on Public Safety, ought NOT to pass, on so much of the recommendations of the Registry of Motor Vehicles (House, No. 76) as relates to handicap parking restrictions (accompanied by bill, House, No. 77).

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3877) of Christopher G. Fallon (with the approval of the mayor and city council) relative to the municipal election to be held in the city of Malden on November 4, 2003;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 3878) of Marie J. Parente and Richard T. Moore (by vote of the town) that the licensing authority of the town of Milford be authorized to issue a license for the sale of all alcoholic beverages to be drunk on the premises to Truffles Grille and Wine Bar, LLC;

To the committee on Government Regulations.

Petition (accompanied by bill, House, No. 3874) of Ruth B. Balser, Ellen Story and Deborah D. Blumer relative to medical interpreter services provided in physicians' offices;

To the committee on Health Care.

Petition (accompanied by bill, House, No. 3875) of Ruth B. Balser and other members of the General Court relative to providing financial protection for persons enrolled in health maintenance organizations; and

Petition (accompanied by bill, House, No. 3876) of Ruth B. Balser and other members of the General Court relative to establishing a health insurance rating bureau within the Division of Insurance;

Severally to the committee on Insurance.

Petition (accompanied by bill, House, No. 3879) of Harold P. Naughton, Jr., and James B. Eldridge (by vote of town) relative to establishing an animal control commission in the town of Lancaster;

To the committee on Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 3871) of James H. Fagan (with the approval of the mayor and city council) that the city of Taunton be authorized to re-institute an early retirement incentive program;

Petition (accompanied by bill, House, No. 3867) of Thomas P. Kennedy, Christine E. Canavan, Robert S. Creedon, Jr., and Geraldine Creedon (with the approval of the mayor and city council) relative to the payment of health insurance premiums for retirees of the city of Brockton;

Petition (accompanied by bill, House, No. 3868) of Peter W. Gubellini, Alice Hanlon Peisch, Cheryl A. Jacques, Cynthia S. Creem and others (by vote of the town) that the retirement board of the town of Wellesley be authorized to make a certain payment to Carol Calder, widow of George Calder;

Petition (accompanied by bill, House, No. 3869) of Peter W. Gubellini, Alice Hanlon Peisch, Cheryl A. Jacques, Cynthia S. Creem and others (by vote of the town) relative to authorizing the town of Wellesley to establish a post employment health insurance trust fund; and

Petition (accompanied by bill, House, No. 3880) of Marie J. Parente and Richard T. Moore (by vote of the town) relative to exempting the position of deputy chief of police in the town of Milford from the provisions of civil service law;
Severally to the committee on Public Service.

A Bill to protect federal transportation funding and strengthen drunk driving law (House, No. 3873, printed as amended,— on House, No. 2569),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Designating certain bridges and a park in the town of Billerica (House, No. 1036,— on petition); and

Providing for the first week of October to be designated as Massachusetts Safe Schools Week (House, No. 2887,— on petition);
Were severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

A Bill authorizing the town of Topsfield to issue a license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 1481,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

A report of the committee on Public Service, asking to be discharged from further consideration

Of part of the petition (section 2) (accompanied by bill, House, No. 1930) of J. James Marzilli, Jr., Theodore C. Speliotis, Susan C. Fargo and another relative to the investment of pension funds,— and recommending that the same be referred to the committee on Commerce and Labor;

Of part of the petition (section 3) (accompanied by bill, House, No. 1930) of J. James Marzilli, Jr., Theodore C. Speliotis, Susan C. Fargo and another relative to the investment of pension funds,— and recommending that the same be referred to the committee on the Judiciary;
Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Reports

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

Of the petition (accompanied by bill, House, No. 257) of Bruce J. Ayers relative to providing for an investigation by the Inspector General of leasing practices of the Massachusetts Water Resources Authority; and

Of the petition (accompanied by bill, House, No. 1019) of Frank M. Hynes, Robert L. Hedlund and Garrett J. Bradley for an appropriation of a certain sum of money for repairs and improvements to Lawson Tower, a historic landmark in the town of Scituate;

And recommending that the same severally be referred to the House committee on Ways and Means.

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence, insomuch as relates to the discharge of the joint committee.

A Bill authorizing the Stoneham board of library trustees to appoint library personnel (House, No. 3714,— on petition) [Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Mrs. Sprague, and the bill was read a second time and ordered to a third reading.

Order Adopted.

On motion of Ms. Resor,—

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

On further motion of Ms. Resor, at five minutes past eleven o'clock A.M., the Senate adjourned to meet on the following day at one o'clock P.M., in full formal session.