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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, June 30, 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.

Reports.

A report of the Executive Office of Environmental Affairs (under the provisions of Section 38 of Chapter 236 of the Acts of 2002) relative to the potential ecological impacts on the Cape and Islands Ocean Sanctuary, and the seabed or subsoil thereof, from wind energy facilities located in waters within or outside Commonwealth's coastal zone (received Thursday, June 26, 2003),-- **was placed on file.**

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 Bristol County Jail (received Tuesday, June 24, 2003); and

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 House of Correction at South Bay (received Tuesday, June 24, 2003).

Reports of Committees.

By Mr. Nuciforo, for the committee on Banks and Banking, on Senate, Nos. 5, 10, 19, 20, 21, 23 and 25, an Order relative to authorizing the joint committee on Banks and Banking to make an investigation and study of certain current Senate documents relative to banking fees (Senate, No. 2027);

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Creedon, for the committee on the Judiciary, on petition, a Bill establishing a sick leave bank for Sharon Melvin-James, an employee of the Trial Court of the Commonwealth (Senate, No. 1958);

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

By Mr. Nuciforo, for the committee on Banks and Banking, on petition, a Bill relative to execution of certain mortgage-related instruments (Senate, No. 6);

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

By Mr. Nuciforo, for the committee on Banks and Banking, ought NOT to pass:

On the petition (accompanied by bill, Senate, No. 12) of Thomas M. McGee, Robert F. Fennell and Steven M. Walsh for legislation relative to late payment fees on open end credit accounts;

On the petition (accompanied by bill, Senate, No. 18) of Charles E. Shannon, Carol A. Donovan, David P. Linsky and Brain A. Joyce for legislation relative to banking fees; and

On the petition (accompanied by bill, Senate, No. 22) of Marian Walsh for legislation to provide for consent and full disclosure in bank deposits held in trust for another;

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

Committees Discharged.

Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Order relative to authorizing the joint committee on Energy to make an investigation and study of Senate document numbered 383, relative to handling fees (Senate, No. 2023);

Of the Senate Order relative to authorizing the joint committee on Energy to make an investigation and study of Senate document numbered 381, relative to the clean environment fund (Senate, No. 2024);

Of the Senate Order relative to authorizing the joint committee on Health Care to make an investigation and study of Senate document numbered 690, relative to prescription drug prices for Medicare patients (Senate, No. 2025); and

Of the Senate Order relative to authorizing the joint committee on Health Care to make an investigation and study of Senate documents numbered 524, 537, 574, 662, 673 and 676, relative to controlled substances (Senate, No. 2026);

And recommending that the same severally be referred to the Senate committee on Ethics and Rules.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Papers from the House

A Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Fall River (House, No. 3831,-- on House, No. 1017),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill concerning the conveyance of certain park land in the town of Yarmouth (printed in House, No. 3899,— being a message from His Excellency the Governor),-- **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

Resolutions.

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

Resolutions (filed by Mr. Rosenberg) “celebrating the occasion of the two hundred and fiftieth anniversary of the town of Greenfield”; and

Resolutions (filed by Mr. Shannon) “congratulating Charles ‘Skeets’ Scioli on the happy occasion of his ninetieth birthday.”

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 Richard T. Moore, Peter J. Koutoujian, Mark C. Montigny, Harriette L. Chandler and other members of the General Court for legislation for a caring Commonwealth; defining the health care policy of the Commonwealth; Health Care Policy Council established.

Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Health Care.

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 W. Morrissey, Robert L. Hedlund and Bruce E. Tarr for legislation to preserve fishing rights in the Commonwealth.

Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Natural Resources and Agriculture.

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 Marc R. Pacheco, Steven A. Baddour, Mark C. Montigny, Steven C. Panagiotakos and other members of the General Court for legislation relative to the creation of a Big Dig cost recovery commission.

Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was

suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Severally sent to the House for concurrence.

Paper from the House

A petition (accompanied by bill, House, No. 3934) of Kathleen M. Teahan and other members of the House relative to uncompensated care pools for acute care hospitals,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Health Care.**

Recess.

There being no objection, at nine minutes past eleven o'clock A.M., the President declared a recess subject to the call of the Chair; and at four minutes before three o'clock P.M., the Senate reassembled, the President in the Chair.

Distinguished Guests.

There being no objection, the President handed the gavel to the Senator from Essex and Middlesex, Mr. Tarr, who introduced, seated in the rear of the Chamber, Mark and Betty Monroe of Rowley. Mark and Betty Monroe were instrumental in the passage of the so-called "per se" bill. The couple lost both their sons, Justin and Tyler, to a drunk driver. Since that tragedy, the Monroes have led the fight for the legislation to combat drunk driving on the roads of the Commonwealth. They were the guests of Senator Tarr.

Paper from the House

Committee of Conference Report.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill to protect federal transportation funding and strengthen drunk driving laws (House, No. 3873, printed as amended) (*amended by the Senate* striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2013; and inserting before the enacting clause the following emergency preamble:

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to avoid the loss of life and the loss of federal highway aid funds pursuant to the federal Transportation Equity Act, 23 U.S.C. section 163, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."), reports a "Bill to protect federal transportation funding and strengthen drunk driving laws" (House, No. 3929).

The report was considered forthwith, read and accepted, in concurrence.

Recess.

Mr. Brewer in the Chair, there being no objection, at two minutes past three o'clock P.M., the Chair (Mr. Brewer) declared a recess subject to the call of the Chair; and at twenty-six minutes past four o'clock P.M., the Senate reassembled, Mr. Moore in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Papers from the House

Emergency Preamble Adopted.

An engrossed Bill to protect federal transportation funding and strengthen drunk driving laws (see House, No. 3929), 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 2 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:

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

Validating action taken by the Martha's Vineyard Refuse Disposal and Resource Recovery District (see House, No. 1539); and

To protect federal transportation funding and strengthen drunk driving laws (see House, No. 3929).

Order Adopted.

On motion of Mr. McGee,—

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.

On motion of Mr. Hedlund, at a quarter before five o'clock P.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.