

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.

Thursday, July 15, 2004.

Met at four 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 Plainridge Racecourse (under the provisions of Section 2 of Chapter 128 of the General Laws) submitting copies of contracts for incoming signals (received Wednesday, July 14, 2004),— **was placed on file.**

Reports of a Committee.

By Ms. Creem, for the committee on Taxation, on the recommitted petition, a Bill authorizing a tax abatement filing for Old Colony Stationary (Senate, No. 1786);

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

By Ms. Creem, for the committee on Taxation, on the recommitted petition, a Bill to authorize the city of Quincy to establish interest rates payable on deferred property taxes and water charges (Senate, No. 2259) [Local approval received];

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

Resolutions.

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

Resolutions (filed by Mr. Baddour) “congratulating Roger Shaheen on the occasion of his eighty-fourth birthday.”

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

July 15, 2004.

Mr. William Welch
Clerk of the Massachusetts Senate

State House, Room 334
Boston, MA 02133

Dear Mr. Clerk:

Due to a long standing scheduling conflict, I was unable to attend a portion of the July 14th formal session and I was therefore unable to be present for 5 roll call votes taken on the following bills:

1. House Bill #4444 - Agreeing to Amendment — Provision of Health Insurance
2. House Bill #4972 - Transportation Bond Emergency Preamble
3. Senate Bill #1148 - Carlisle Land Taking
4. House Bill #4090 - North Andover
5. House Bill #3847 - North Andover

Had I been present, I would have voted in the affirmative on all five of these matters. I respectfully request this correspondence be read into the record at the next Session. Thank you for your assistance in this matter.

Sincerely,
STEVEN C. PANAGIOTAKOS,
First Middlesex District.

On motion of Ms. Murray, the above communication was ordered printed in the Journal of the Senate.

Reports of Committees.

By Ms. Creem, for the committee on Taxation, on the recommitted petition, a Bill authorizing the town of Lincoln to regulate certain property tax exemption eligibility requirements for the elderly (Senate, No. 2018) [Local approval received].

The bill was read. There being no objection, the rules were suspended on motion of Mr. Shannon, the bill was read a second time, ordered to a third reading, read a third time, and was passed to be engrossed.

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition, a Bill authorizing the town of Randolph to establish a town charter (Senate, No. 2393) [Local approval received].

The bill was read. There being no objection, the rules were suspended on motion of Mr. Moore, the bill was read a second time, ordered to a third reading, read a third time, and was passed to be engrossed.

PAPERS FROM THE HOUSE.

A Bill authorizing the city of Salem to issue two additional licenses for the sale of wines and malt beverages (House, No. 4897,— on House, No. 4811) [Local approval received on House, No. 4811],— was read.

There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the city of Salem to grant 2 additional licenses for the sale of wines and malt beverages.”

A Bill authorizing certain borrowing by the town of Tewksbury (House, No. 4965) [Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Engrossed Bill.

An engrossed Bill restructuring the transportation system of the Commonwealth (see House, No. 4972) (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.**

Emergency Preamble Adopted.

An engrossed Bill relative to the Board of Education (see House, No. 4903), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency pramble,— 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 6 to 0.

The bill was signed by the President and sent to the House for enactment.

Engrossed Bill.

An engrossed Bill establishing a department of early education and care (see House, No. 4904) (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 re-enacted and was signed by the President and again laid before the Governor for his approbation.**

Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to appropriations for 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 (see House, No. 4919) as relates to section 264 of the General Appropriation Bill [for message, see Attachment T of House, No. 4901],— came from the House with the endorsement that the House had *rejected* the amendment (as approved by committee on Bills in the Third Reading) and had adopted a further amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4974.

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 Senate then *rejected* the amendment recommended by His Excellency the Governor.

The House amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4974,— **was then considered and it was adopted, in concurrence (as corrected BTR). Sent to the House for re-enactment.**

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to appropriations for 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 (see House, No. 4920) as relates to section 268 of the General Appropriation Bill [for message, see Attachment U of House, No. 4901],— came from the House with the endorsement that the House had *rejected* the amendment (as approved by committee on Bills in the Third Reading) and had adopted a further amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4973.

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 Senate then *rejected* the amendment recommended by His Excellency the Governor.

The House amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4973,— **was then considered and it was adopted, in concurrence (as corrected BTR). Sent to the House for re-enactment.**

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to appropriations for 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 (see House, No. 4921) as relates to section 269 of the General Appropriation Bill [for message, see Attachment V of House, No. 4901],— came from the House with the endorsement that the House had *rejected* the amendment (as approved by committee on Bills in the Third Reading) and had adopted a further amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4975.

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 Senate then *rejected* the amendment recommended by His Excellency the Governor.

The House amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4975,— **was then considered and it was adopted, in concurrence (as corrected BTR). Sent to the House for re-enactment.**

A Bill establishing a citizen review board (House, No. 4969,— on House, No. 2853),— was read.

Ms. Murray moved that the rules be suspended so that the matter may be considered forthwith; **but objection was made thereto by Mr. Tisei.**

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

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Carole M. Lee, an employee of the Department of Social Service (see Senate, No. 2230), 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 7 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill relative to School Building Assistance (see House, No. 4977), 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 7 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill relative to School Building Assistance (see House, No. 4978), 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 7 to 0.

The bill was signed by the President and sent to the House for enactment.

Engrossed Bill.

An engrossed Bill relative to the health and safety on public construction projects (see House, No. 2367) (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. Tolman,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday 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. Tolman, at twenty-nine minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.