

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, October 4, 2004.

Met at four minutes past eleven o'clock A. M. (Mr. Rosenberg 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 Hampden and Hampshire, Mr. Lees, then led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Communication.

A communication was received from the President of the Senate announcing the appointments of Senators Susan C. Fargo, Pamela P. Resor, Susan C. Tucker, Marian Walsh and Harriette L. Chandler to the Special Commission established (pursuant to Item 4512-0200 of Chapter 149 of the Acts of 2004) relative to eliminating cervical cancer in the Commonwealth (received in the Office of the Clerk of the Senate on Friday, October 1, 2004).

The communication was placed on file.

Reports.

The following reports were severally read and placed on file:

A report of the Division of Unemployment Assistance (under the provisions of Section 14F of Chapter 151A of the General Laws, as most recently amended by Section 6 of Chapter 142 of the Acts of 2003) relative to the condition of the Unemployment Insurance Trust Fund for August 2004 (received Wednesday, September 29, 2004);

A report of the University of Massachusetts Medical School (under the provisions of Section (43)f of Chapter 75 of the General Laws) submitting the annual report of the Massachusetts Biologic Laboratories for fiscal year 2004 (received Wednesday, September 29, 2004); and

A report of the Group Insurance Commission (under the provisions of Section 21 of Chapter 32A of the General Laws) submitting its annual report on vendor quality improvement activities (received Wednesday, September 29, 2004).

Reports of Committees.

By Mr. Morrissey, for the committee on Government Regulations, on the recommitted petition (accompanied by bill, Senate, No. 2451), a Bill authorizing the town of Millbury to grant an additional license for the sale of alcoholic beverages to be drunk on the premises (Senate, No. 2493) [Local approval received on Senate, No. 2451];

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 matter be placed in the Orders of the Day for the next session:

The House Bill relative to the civil commitment process for persons with mental illness (House, No. 3170).

Resolutions.

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

Resolutions (filed by Ms. Chandler) “congratulating the Massachusetts Aging Services Association on the occasion of its fiftieth annual meeting”;

Resolutions (filed by Messrs. Havern, Shannon and Tisei) “honoring Representative Carol A. Donovan on the occasion of her retirement from the Massachusetts House of Representatives”;

Resolutions (filed by Messrs. Knapik and Lees and Ms. Melconian) “recognizing National Latino Aids Awareness Day”; and
Resolutions (filed by Mr. Moore) “honoring the Knitters Club of Hopedale as ‘Givers’ through the ‘Hugs from Hopedale’ Project.”

Reports of Committees.

By Ms. Murray, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town of Bridgewater (House, No. 5033) ought to pass, with amendments, in section 1, in the introductory paragraph, in the first sentence, by striking out the word “shall,” and inserting in place thereof the following words:—“may, notwithstanding section 40H of chapter 7 of the General Laws or any general or special law to the contrary”; by inserting after the second sentence the following sentence:—“The exact boundaries of the parcel shall be determined by the commissioner in consultation with the armory commission after completion of a survey”; and by adding the following 2 sections:—

“SECTION 2. The grantees of the easement shall assume all costs associated with any engineering, surveys, appraisals, deed preparation and other expenses deemed necessary by the commissioner to execute the conveyance authorized in section 1.

SECTION 3. No instruments conveying, by or on behalf of the commonwealth, the easement described in section 1 shall be valid unless the instrument provides that the easement shall be used solely for the purposes described in said section 1. The easement instrument shall include a clause which shall state that in the event that the easements cease to be used by Bridgewater Knights of Columbus No. 488 for the purposes described in section 1 at any time, the easement shall revert to the commonwealth under the control of and for use by the division of capital asset management and maintenance upon such terms and conditions as the commissioner may determine. Should the easements revert to the commonwealth, any further disposition of the easements shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws and the prior approval of the general court.”.

There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

By Mr. Brewer, for the committee on Natural Resources and Agriculture, on petition, a Bill relative to the water supply protection trust (Senate, No. 2488).

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

Sent to the House for concurrence.

Matters Taken out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered, as follows:

The Senate Bill relative to the Community Development Authority in the city of Marlborough (Senate, No. 2440),— was read a second time.

Pending the question on ordering the bill to a third reading, Ms. Resor presented an amendment, adding at the end thereof the following section:

“SECTION 2. Section 1 shall not effect the terms of the current Members of the Community Development Authority of the city of Marlborough as of the effective date of this act.

The amendment was adopted.

The bill (Senate, No. 2440, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

The House Bill relative to disability insurance (House, No. 5018),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5100) of Patrick Szymkowski relative to the appointment of guardians ad litem by the Probate Court to investigate custody proceedings involving children and domestic relations matters,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.**

Engrossed Bills.

The following engrossed bills (both 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:

Establishing a sick leave bank for a certain employee of the Department of Social Services (see House, No. 4841); and

Authorizing the town of Norwood to lease certain land (see House, No. 4847, amended).

An engrossed Bill relative to the charter of the city of Lawrence (see House, No. 4959, amended) (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 Acting President and again laid before the Governor for his approbation.**

An engrossed Bill validating the special town election held in the town of Goshen (see House bill printed in House, No. 4244) (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, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President and laid before the Governor for his approbation.**

Order Adopted.

On motion of Mr. Knapik,—

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. Lees, at sixteen minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.