

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 6, 2003.

Met at two minutes past eleven o'clock A.M. (Mr. Moore in the Chair).

The Chair (Mr. Moore), members, guests and employees then recited the pledge of allegiance to the flag.

Petitions.

Mr. Rosenberg presented a petition (accompanied by bill, Senate, No. 2104) of Stanley C. Rosenberg (by vote of the town) for legislation relative to the unemployment compensation fund in the town of Gill [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Local Affairs and Regional Government. Sent to the House for concurrence.**

Petitions were presented and referred, as follows:

By Mr. Baddour (by request), a petition (subject to Joint Rule 12) of James Thivierge for legislation to improve the health care system in Massachusetts;

By Mr. Lees, a petition (subject to Joint Rule 12) of Brian P. Lees and Mary S. Rogeness for legislation to exempt the position of chief of police in the town of East Longmeadow from the civil service law; and

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey for legislation to authorize the Department of Revenue to make a refund to David Wellman;

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

Reports of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate bills

To authorize the Department of Environmental Management and the Division of Fisheries and Wildlife to acquire conservation restrictions in and to lands owned by the cities of New Bedford and Taunton and the towns of Freetown, Lakeville, Middleborough and Rochester (Senate, No. 1229) ,— ought to pass, with an amendment, in section 1, by striking out, in lines 1 to 3, inclusive, the words “division of fisheries and wildlife, within the department of fisheries, wildlife and environmental law enforcement, and/or” and inserting in place thereof the following words:— “department of fish and game and”; and by striking out, in line 28, the words “division of fisheries and wildlife and/or” and inserting in place thereof the following words:— “department of fish and game or”; and

Authorizing the Department of Environmental Management to take or acquire conservation restrictions in and to lands of the city of Leominster (Senate, No. 1619),— ought to pass, with an amendment, in section 1, by striking out, in line 9, the words: “The

division shall not” and inserting in place thereof the following words:— “Neither the division nor the department shall”; **Severally referred, under Senate Rule 26, to the committee on Steering and Policy.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4204) of Brian Knuuttila and Robert A. Antonioni (with the approval of the mayor and city council) for legislation to place certain positions in the school department of the city of Gardner under the civil service law,— **was referred, in concurrence, to the committee on Public Service.**

A Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement in a certain parcel of land in the town of Grafton (House, No. 263,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Resolutions.

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

Resolutions (filed by Messrs. Joyce, Pacheco and Morrissey, Ms. Menard, Mr. Hedlund, Mrs. Sprague and Mr. Creedon) “honoring Old Colony Hospice for 25 years of distinguished service”; and

Resolutions (filed by Ms. Menard) “honoring the First Congregational Church of Rochester on the occasion of its three hundredth anniversary.”

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 credit union boards of directors (Senate, No. 13),— **was read a second time and ordered to a third reading.**

The Senate Bill authorizing the town of Lunenburg to establish a capital improvement trust fund and a bond and note proceeds investment fund (Senate, No. 1144),— was read a second time.

Mr. Antonioni presented an amendment, striking out section 3.

The amendment was adopted.

The bill (Senate, No. 1144, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

The Senate Bill authorizing the town of Lunenburg to convey a certain parcel of land to Erling Hanson and Lucy Hanson in exchange for certain land (Senate, No. 1952),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the town of Lunenburg to convey a certain parcel of land”. Sent to the House for concurrence.**

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to the commitment of sexually dangerous persons (Senate, No. 1005),— ought to pass, with amendments, in section 2, by inserting after the figure “265”, in line 7, the second time it appears, the following words:— “with intent to commit a violation of section 13B, 13F, 13H, 22, 22A, 23, 24 or 24B of said chapter 265”; by striking out, in line 13, the words “marriage or”; and by inserting after the figure “272”, in line 14, the following words:— “involving a person under the age of 21”.

There being no objection, the rules were suspended, on motion of Ms. Wilkerson, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 1005, amended) was then ordered to a third reading.

PAPER FROM THE HOUSE.

A Bill authorizing the town of Dracut to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3922,— 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.

Ms. Tucker presented an amendment by striking out, in line 3, the words “Alan R. Mancotte d/b/a L’l Peach Food Store” and inserting in place thereof the following words:—”Li’l Peach of Mammoth Rd., Dracut., Inc.”.

The amendment was adopted.

The bill, as amended, was 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 town of Dracut to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises."

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 Robert L. Hedlund for legislation relative to the charter school tuition cap.

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

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 R. Knapik, Brian P. Lees Robert L. Hedlund, JoAnn Sprague and other members of the General Court for legislation to reduce the application fee for firearm identification cards for the possession of chemical mace and pepper spray.

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

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 Kevin Mahar for legislation to exempt certain income of retirees from state income tax.

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

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4212) of James E. Vallee and Cheryl A. Jacques (by vote of the town council) relative to municipal construction projects in the city of Franklin,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on State Administration.**

A petition of Thomas N. George and other members of the General Court for legislation to further regulate the delivery by pharmacists or other providers of oxygen to residential patients in the Commonwealth,— came from the House, under suspension of Joint Rule 12, referred to the committee on Health Care.

The question came on concurring in the suspension of Joint Rule 12, but objection was made thereto by Mr. Moore. Under the rules, placed in the Orders of the Day for the next session.

Order Adopted.

On motion of Ms. Wilkerson,—

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

On motion of Mrs. Sprague, at ten minutes past eleven o'clock A.M., the Senate adjourned to meet on the following day at one o'clock P.M., in a full formal session.