

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, October 7, 2004.

Met at five minutes past eleven o'clock A.M. (Mr. Tolman in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

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

Distinguished Guests.

There being no objection, the Chair (Mr. Tolman) introduced, seated in the Senate gallery, the eighth-grade class of the Plymouth Community Intermediate School. Along with their teachers and chaperones, they were the guests of Senator Murray. There being no objection, the Chair (Mr. Tolman) introduced Julie Durvin, a member of the Social Democratic Party in Northern Ireland. Ms. Durvin is seeking a seat in the National Legislature in Belfast. She was the guest of Senator Hedlund.

Communication.

A communication from the Department of Public Health relative to corrective measures taken pursuant to inspection of the Plymouth County Correctional Facility (received Wednesday, October 6, 2004),— **was read and sent to the House for its information.**

Reports.

The following reports were severally read and placed on file:

A report of the Commissioner of Insurance (under the provisions of Sections 4A and 4B of chapter 175 of the General Laws) relative to the current state of the homeowners insurance market in the Commonwealth (received Friday, October 1, 2004); A report of the Economic Stabilization Trust (under the provisions of Section 14 of Chapter 23D of the General Laws) relative to the Trust's activities over the past year (received Monday, October 4, 2004); and A report of the Merrimack Valley Regional Transit Authority (under the provisions of Chapter 161B of the General Laws) submitting its annual report for fiscal year 2004 (received Tuesday, October 5, 2004).

Petition.

Mr. Hart presented a petition (subject to Joint Rule 12) of John A. Hart, Jr. for legislation relative to civil service and firefighters,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Report of a Committee.

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 Senate Bill relative to evidence of negligence in motor vehicle homicide (Senate, No. 2484).

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at the annual town meeting and special town meeting of the town of Rockland (House, No. 5101),— **was referred, in concurrence, to the committee on Local Affairs and Regional Government.**

A petition (accompanied by bill, House, No. 5102) of Shirley Gomes and Robert A. O’Leary (by vote of the town) relative to the charter of the town of Harwich,— **was referred, in concurrence, to the committee on Local Affairs and Regional Government.**

A Bill relative to creditable service for service rendered as a school nurse (House, No. 4677, amended,— on House, No. 1751),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Relative to pre-marital testing (House, No. 75,— on Senate, No. 501 and House, Nos. 75 and 1279; and

Relative to certain unsigned circulars and posters (House, No. 1078,— on petition) (Senators Shannon and Brown and Representative Eldridge of Acton, of the committee on Election Laws, dissenting);
Were severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

A Bill establishing an affordable housing trust fund in the town of Wellfleet (House, No. 4776,— on petition) [Local approval received],— **was 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 severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Joyce) “congratulating Stephen O. Bickerton”;
Resolutions (filed by Mr. Knapik) “in honor of National Magic Week”; and
Resolutions (filed by Mr. Lees) “on the occasion of the participation of American International College in intercollegiate football for over 70 years.”

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill authorizing cities, towns and regional districts to send certain information to registered voters (see Senate, No. 2221), 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.

Report 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 Pamela P. Resor, Karen Spilka, Therese Murray, Anne M. Gobi and other members of the General Court for legislation to create the military family relief fund.

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.

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:

Providing for an exemption for water charges of certain elderly persons (see House, No. 3001, amended); and
Relative to town meeting members in the town of Framingham (see House, No. 5063).

Recess.

There being no objection, at a quarter past eleven o'clock A.M., the Chair (Mr. Tolman) declared a recess subject to the call of the Chair; and, at ten minutes past one o'clock P.M., the Senate reassembled, Mr. Tolman in the Chair.

PAPERS FROM THE HOUSE.

Engrossed Bills.

An engrossed Bill validating the results of the annual town elections held in the town of Falmouth on May 18, 2004 (see Senate, No. 2410) (which originated in the Senate), **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.**

The following engrossed bills (the first of which originated in the Senate), 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:

Authorizing cities, towns and regional districts to send certain information to registered voters (see Senate, No. 2221); and
Relative to disability insurance (see House, No. 5018).

Order Adopted.

On motion of Mr. Hedlund,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of the same Senator, at twelve minutes past one o'clock P.M., the Senate adjourned to meet on the following Tuesday at eleven o'clock A.M.