

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, November 24, 2003.

Met at two minutes past eleven o'clock A.M. (Ms. Walsh 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. Knapik, led the Chair (Ms. Walsh), members, guests and employees in recitation of the pledge of allegiance to the flag.

Report.

A report of the Commission on Judicial Conduct (under the provisions of Section 4 of Chapter 211C) submitting its 2002 annual report (received Friday, November 21, 2003),— **was placed on file.**

Reports of Committees.

By Mr. Nuciforo, for the committee on Banks and Banking, on Senate, Nos. 12 and 26, an Order relative to authorizing the joint committee on Banks and Banking to make an investigation and study of certain Senate documents relative to late payment fees and mutual holding companies (Senate, No. 2153);

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

By Mr. Nuciforo, for the committee on Banks and Banking, on petition, a Bill protecting consumers from unsolicited loans (Senate, No. 9);

By Mr. Antonioni, for the committee on Education, Arts and Humanities, on petition, a Bill relative to speech-language and audiology services to special education students (Senate, No. 296);

By the same Senator, for the same committee, on petition, a Bill providing MCAS options (Senate, No. 1994);

By Mr. Moore, for the committee on Health Care, on petition (accompanied by bill, Senate, No. 493), a Bill providing for the registration of lactation consultants (Senate, No. 2154);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 526), a Bill relative to meningitis immunization awareness (Senate, No. 2155);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 572), a Bill establishing a center for nursing in Massachusetts (Senate, No. 2156);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 630), a Bill to establish collaborative drug therapy management to improve pharmaceutical care for patients in Massachusetts (Senate, No. 2158);

By the same Senator, for the same committee, on Senate, No. 525 and House, No. 3523, a Bill requiring college students immunization against meningococcal disease (Senate, No. 2159);

By the same Senator, for the same committee, on Senate, Nos. 527 and 528, a Bill relative to extremity magnetic resonance imagers (Senate, No. 2160);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 538), a Bill relative to the registration of non-resident and internet pharmacies (Senate, No. 2161); and

By the same Senator, for the same committee, on Senate, No. 570 and House, No. 2051, a Bill further regulating the sale and distribution of bottled water and certain other nonalcoholic beverages (Senate, No. 2162);

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

By Mr. Moore, for the committee on Health Care, on petition (accompanied by bill, Senate, No. 615), a Bill repealing certain antiquated laws pertaining to public health (Senate, No. 2157);

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition, a Bill relative to the Barnstable County charter (Senate, No. 143); and

By Ms. Resor, for the committee on Natural Resources and Agriculture, on petition, a Bill relative to the Dedham-Westwood Water District (Senate, No. 1965, changed in section 2 by striking out the words “clauses (i) to (vi) in line 5 and inserting in place thereof the words “clauses (1) to (6)”);

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

PAPERS FROM THE HOUSE.

Bills

Releasing certain land located in the town of Danvers from the operation of an agricultural preservation restriction (House, No. 1594,— on petition);

Providing for uniform regulatory standards for certain insurance companies (House, No. 2823,— on petition);

Relative to the disposition of certain state owned land in the city of Medford (House, No. 3076,— on petition); and

Relative to annuity contracts (House, No. 4193,— on House, No. 1685);

Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Bills

Relative to recall elections in the town of Bernardston (printed as Senate, No. 2011,— on petition) [Local approval received];

Validating the acts and proceedings at a certain town caucus in the town of Westhampton (House, No. 1712,— on petition) [Local approval received];

Authorizing the town of Southampton to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4162,— on petition);

Authorizing the town of Middleton to grant certain easements (House, No. 4196,— on petition) [Local approval received]; **Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Bills

Authorizing a public waterfront walkway to be exempted from the harbor line in the Charlestown Navy Yard in the city of Boston (House, No. 3857,— on petition); and

Designating a certain overpass in the town of Milton as the Private First Class Paul W. Curran Memorial Overpass (House, No. 4206,— on petition);

Were severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

Reports

Of the committee on Natural Resources and Agriculture, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 801) of William Francis Galvin and Angelo M. Scaccia for legislation to further regulate the price of milk; and

Of the petition (accompanied by bill, House, No. 2648) of Charles A. Murphy, Eric Turkington and Michael E. Festa relative to the milk control law;

And recommending that the same severally be referred to the committee on Commerce and Labor.

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Resolutions.

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

Resolutions (filed by Mr. Pacheco) “celebrating the ninetieth anniversary of the South Middleboro Grange, Number 337.”

PAPERS FROM THE HOUSE.

A Bill relative to the Board of Health of the town of Tewksbury (House, No. 4145,— on petition) [Local approval received],— was read.

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

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4332) of Thomas J. O’Brien, Therese Murray and Martin J. Walsh for legislation to establish a sick leave bank for Mary M. Putney, an employee of the Trial Court of the Commonwealth;

Under suspension of Joint Rule 12, to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 4333) of Paul K. Frost and Guy W. Glodis for legislation to authorize the Woodland Water District of Auburn to merge with the Auburn Water District;

Under suspension of Joint Rule 12, to the committee on Local Affairs and Regional Government.

Petition (accompanied by bill, House, No. 4334) of Robert S. Hargraves and Steven C. Panagiotakos (by vote of the towns) for legislation to establish the boundary line between the town of Groton and the town of Pepperell;

Under suspension of Joint Rules 12 and 9, to the committee on Local Affairs and Regional Government.

Petition (accompanied by bill, House, No. 4335) of Daniel E. Bosley (with the approval of the mayor and city council) that the Division of Capital Asset Management and Maintenance be authorized to convey certain parcels of land in the city of North Adams to said city;

Under suspension of Joint Rule 12, to the committee on State Administration.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill relative to the tax laws of the Commonwealth (see Senate, No. 2149, amended), 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 4 to 0.

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

Subsequently, the bill, which originated in the Senate, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President and laid before the Governor for his approbation.

Order Adopted.

On motion of Ms. Fargo,—

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

***Adjournment in Memory of Chief Warrant Officer-WC3
Kyran E. Kennedy.***

The Senator from Suffolk and Norfolk, Ms. Walsh, requested that when the Senate adjourns today, it adjourn in memory of Chief Warrant Officer-CW3 Kyran E. Kennedy of West Roxbury. Chief Warrant Officer Kennedy, a member of the US Army's 101st Airborne Division, died in Iraq, in the service of his country on November 7, 2003.

Accordingly, as a mark of respect to the memory of Chief Warrant Officer-CW3 Kyran E. Kennedy at twenty minutes past eleven o'clock A.M., on motion of Ms. Chandler, the Senate adjourned to meet again on Wednesday next at eleven o'clock A.M.