

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, December 4, 2003.

Met according to adjournment, at 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 Essex and Middlesex, Mr. Tarr, led the Chair (Ms. Walsh), members, guests and employees in recitation of the pledge of allegiance to the flag.

Communications.

A communication from Senator Dianne Wilkerson relative to a disclosure under the provisions of Chapter 268A of the General Laws (received Tuesday, December 2, 2003),— **was placed on file.**

A communication from Ronald Preston, Secretary of Health and Human Services, and Jennifer Davis Carey, Secretary of Elder Affairs, notifying the General Court (pursuant to the provisions of Chapter 67 of the Acts of 2003) that the costs of the Prescription Advantage plan are expected to exceed the fiscal year 2004 appropriation set forth within item 9110-1455, and the establishment of a cap thereto for January open enrollment at zero (received Monday, December 1, 2003),— **was placed on file.**

The following communications were severally placed on file:

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 Tuesday, October 21, 2003);

Communication from the Massachusetts Highway Department quarterly reports of certain expenditures (received Thursday, October 30, 2003);

Communication from Joseph E. Connarton, Executive Director, PERAC transmitting a copy of the Actuarial Valuation Report as of January 1, 2003 for the Massachusetts State Teachers' Retirement System (received Friday, October 31, 2003); and

Communication from the Western Massachusetts Correctional Alcohol Center relative to its plan of correction in response to an inspection of the Western Massachusetts Correctional Alcohol Center (received Friday, November 7, 2003).

Reports.

The following reports were severally read and placed on file:

A report of the Office of the Comptroller (under the provisions of Section 12 of Chapter 7A of the General Laws) submitting the Commonwealth of Massachusetts' Statutory Basis Financial Report for the fiscal year ending June 30, 2003 (received Thursday, October 30, 2003);

A report of the Department of Correction (under the provisions of Section 16 of Chapter 123A of the General Laws) relative to the Massachusetts Treatment Center for Sexually Dangerous Persons (received Friday, October 31, 2003); and

A report of the Massachusetts Convention Center Authority (under the provisions of Section 5(1) of Chapter 152 of the Acts of 1997) relative to contracts regarding the Boston Convention Center and Exhibition Center project entered into by said authority (received Wednesday, October 29, 2003).

The following reports were severally read and sent to the House for its information:

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Hampshire County Jail and House of Correction (received Wednesday, October 22, 2003);

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the Old Colony Correctional Center (received Thursday, November 6, 2003);

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the Ludlow/Hampden Correctional Center (received Thursday, November 6, 2003); and

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of Bridgewater State Hospital (received Monday, November 10, 2003).

Petitions.

Petitions were presented and referred as follows:

By Mr. Morrissey, a petition (accompanied by bill, Senate, No. 2167) of Michael W. Morrissey, Bruce J. Ayers, A. Stephen Tobin and Ronald Mariano (with the approval of the mayor and city council) for legislation to authorize the city of Quincy to establish funds to enhance streets and sidewalks and to oversee the Quarry Hills recreation complex [Local approval received]; and

By the same Senator, a petition (accompanied by bill, Senate, No. 2168) of Michael W. Morrissey, A. Stephen Tobin, Bruce J. Ayers and Ronald Mariano (with the approval of the mayor and city council) for legislation to authorize the city of Quincy to establish senior citizens safety zones [Local approval received];

**Severally, under Senate Rule 20, to the committee on Local Affairs and Regional Government
Severally sent to the House for concurrence.**

Reports of a Committee.

By Mr. McGee, for the committee on Criminal Justice, on petition, a Bill relative to the mandatory reporting of child abuse (Senate, No. 149); and

By the same Senator, for the same committee, on petition, a Bill further strengthening the mandatory reporting law (Senate, No. 215);

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

Committees Discharged.

Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

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

Of the Senate Order relative to authorizing, the joint committee on Public Service to make an investigation and study of certain Senate documents relative to public employees and other related matters (Senate, No. 2135);

And recommending that the same severally be referred to the Senate committee on Ethics and Rules.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Papers from the House.

A message from His Excellency the Governor recommending legislation relative to creating and protecting jobs, easing the unemployment insurance burden on employers and preserving the solvency of the trust fund (House, No. 4343),— **was referred, in concurrence, to the committee on Commerce and Labor.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4351) of Thomas J. O'Brien, Viriato Manuel deMacedo and Therese Murray (by vote of the town) for legislation to authorize the town of Plymouth to establish an impact fee by-law; and

Petition (accompanied by bill, House, No. 4352) of George N. Peterson, Jr., and Guy W. Glodis (by vote of the town) that the town of Grafton be authorized to release a conservation restriction on a certain parcel of land in said town;
Severally to the committee on Local Affairs and Regional Government.

A Bill relative to certain utility regulations (House, No. 1458,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Exempting the position of deputy chief of police in the town of Milford from the provisions of the civil service law (House, No. 3880,— on petition) [Local approval received]; and

Relative to the appointment of retired police officers as special police officers in the town of Fairhaven (House, No. 3978,— on petition) [Local approval received];
Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Donna M. Tansey, an employee of the Division of Employment and Training (see House, No. 4250), 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 3 to 0.
The bill was signed by the Acting President and sent to the House for enactment.

Resolutions.

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

Resolutions (filed by Mr. Hedlund) “commending Geoffrey E. Nothnagle, Jr. on receiving the Distinguished Citizen Award”; and

Resolutions (filed by Messrs. Travaglini, Rosenberg and Knapik, Ms. Melconian and Mr. Lees) “honoring Dr. David M. Bartley on the occasion of his retirement as President of Holyoke Community College.”

Papers from the House.

A Bill authorizing the town of Monroe to lease certain land (House, No. 3993, changed,— on petition) [Local approval received],— 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, in concurrence.

A Bill authorizing the town of Florida to lease certain land (House, No. 4163, changed,— on petition),— was read.

There being no objection, the rules were suspended, on motion of Mr. Tarr, 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. 4363) of Paul C. Demakis, J. James Marzilli, Jr., Matthew C. Patrick and Robert O'Leary relative to establishing a minimum energy efficiency standard for certain products;
Under suspension of Joint Rule 12, to the committee on Energy.

Petition (accompanied by bill, House, No. 4362) of Robert Spellane, other members of the General Court and others for legislation to establish a registered clinical exercise physiologist licensing board;
Under suspension of Joint Rule 12, to the committee on Health Care.

Engrossed Bills.

The following engrossed bills (all 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 speed limit for Sassaquin Avenue in the city of New Bedford (see House, No. 3741);

Relative to the Board of Health of the town of Tewksbury (see House, No. 4145); and

Establishing a sick leave bank for Donna M. Tansey, an employee of the Division of Employment and Training (see House, No. 4250).

Order Adopted.

On motion of Mr. Shannon,—

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.

Adjournment in Memory of Martin “Marty” McNamara.

The Senator from Worcester, Ms. Chandler, the Senator from Worcester and Middlesex, Mr. Antonioni, and the Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer moved that when the Senate adjourns today, it adjourn in the memory of Lancaster Call Firefighter Martin “Marty” McNamara.

Martin McNamara was killed in the line of duty last Saturday while fighting a house fire in Lancaster. He was a loving husband, a proud father, a compassionate brother, a loyal friend and a committed firefighter who gave the ultimate sacrifice. He leaves behind a wife and two children with the third on the way momentarily.

Accordingly, as a mark of respect to the memory of Martin McNamara at twelve minutes past eleven o'clock A.M., on motion of Mr. Pacheco, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.