

**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.



At a General Court of the Commonwealth of Massachusetts, held on the first Wednesday, being the seventh day of January, in the year two thousand and four, and the two hundred and twenty-eighth of the independence of the United States of America, a quorum of the members of the Senate, elected for a term of two years at an election held on Tuesday next after the first Monday of November in the year 2002, assembled at fourteen minutes past eleven o'clock A.M., in the Senate Chamber, and were called to order by the Honorable Robert E. Travaglini, President of the Senate.

At the request of the Senate President, the members, employees and guests joined him in reciting the Pledge of Allegiance to the flag.

### *Election of a Clerk.*

Mr. Moore moved that the Senate proceed to the election of a Clerk and that the President cast one ballot for William F. Welch of Milford as Clerk of the Senate; but objection was made thereto by Mr. Lees.

Mr. Lees then moved that the election of a clerk be determined by a call of the yeas and nays; and, the question on the election of a clerk was determined by a call of the yeas and nays, at seventeen minutes past eleven o'clock A. M., as follows, to wit (yeas 34 — nays 0) [**Yeas and Nays No. 417**]:

### YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.

McGee, Thomas M.      Tucker, Susan C.  
Montigny, Mark C.      Walsh, Marian — 34.

NAYS — 0.

**ABSENT OR NOT VOTING.**

Creem, Cynthia Stone      Menard, Joan M.  
Hedlund, Robert L.      Wilkerson, Dianne —  
5.  
Melconian, Linda J.

**The yeas and nays having been completed at twenty-three minutes past eleven o'clock A.M., William F. Welch of Milford was elected Clerk of the Senate.**

Mr. Welch was then qualified by taking the oaths and affirmations as prescribed by the Constitution and also the following oath, which was administered by the President:

*“Whereas, You, WILLIAM F. WELCH, are chosen Clerk of the Senate of the Commonwealth of Massachusetts, you do swear that you will truly enter all the votes and orders thereof, and in all things relating to your office that you will act faithfully and impartially accordingly to the best of your skill and judgement. So help you God.”*

A message was received from the House, by a special committee thereof, announcing that the House had convened and was ready to proceed to business.

*Order Adopted.*

On motion of Mr. Berry,—

*Ordered*, That a committee be appointed to inform the House of Representatives that the Senate is now assembled and ready to proceed to business; and that William F. Welch of Milford had been elected Clerk of the Senate.

Senators Chandler, Glodis, McGee, Tucker and Sprague were appointed the committee.

**Subsequently, Ms. Chandler, for the committee appointed by the Senate to inform the House that the Senate was ready to proceed to business, reported that it had attended to its duty. The committee was discharged.**

*Order Adopted.*

On motion of Ms. Walsh,—

*Ordered*, That a committee of members of the Senate and the House of Representatives be appointed to wait upon His Excellency the Governor, Mitt Romney, Her Honor, Kerry Healey, the Lieutenant-Governor, and the Honorable Council and inform them that the two branches of the General Court are now assembled and ready to proceed to business; and that William F. Welch of Milford had been appointed Clerk of the Senate.

Senators Brewer, Fargo, Magnani, Nuciforo, O’Leary, Resor and Tisei were appointed on the part of the Senate.

**Sent to the House for concurrence.**

Subsequently, the order was returned with the endorsement that the House had concurred and that Representatives Peterson of Grafton, Hill of Ipswich, Kaufman of Lexington, Teahan of Whitman, Correia of Fall River, Rushing of Boston and Blumer of Framingham, were appointed on the part of the House.

**Mr. Brewer, for the committee, afterwards reported that it had attended to its duty and the committee was discharged.**

*Distinguished Guest.*

There being no objection, the President introduced Kristofer Hart, a senior at East Longmeadow High School. Kris was attending the session, with Senator Brian P. Lees, in conjunction with the Shadow Community Leaders program of the Career Center at

East Longmeadow High School. An ardent golfer, Kris intends to practice that art when he matriculates in college next year. He was the guest of Senator Lees.

*Order Adopted.*

On motion of Mr. Berry,—

*Ordered*, That the Clerk begin printing a Journal of the Senate, as authorized by Senate Rule 6, and that the daily reading thereof be dispensed with; that, under authority of Section 10 of Chapter 5 of the General Laws, such number of copies of the journal of the entire session as the committee on Ethics and Rules shall determine be printed and bound with customary appendices and an index; and that a certified copy thereof be deposited with the Secretary of the Commonwealth as the Official Journal of the Senate.

*Resolutions.*

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

Resolutions (filed by Mr. Glodis) “recognizing January 17, 2004 as ‘Scott Speicher Day’ ”;

Resolutions (filed by Ms. Tucker) “congratulating Police Chief John Mackey on the occasion of his retirement from the Tewksbury Police Department”; and

Resolutions (filed by Ms. Walsh) “congratulating Brian T.S. Feldman on the occasion of his Court of Honor.”

*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 Stanley C. Rosenberg, Andrea F. Nuciforo, Jr., Thomas M. Petrolati, John W. Scibak and other members of the General Court for legislation to establish the Hampshire County Regional Housing Authority.

**Senate Rule 36 was suspended, on motion of the same Senator, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Housing and Urban Development.**

**Sent to the House for concurrence.**

*Matter Taken Out of the Orders of the Day.*

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

The Senate Bill authorizing the development of a regional education, training and skills alliance center in the city of Taunton (Senate, No. 1686), — was read a second time. The pending amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2177),— was considered.

Ms. Walsh in the Chair, after remarks, pending the adoption of the new draft, Mr. Pacheco moved that the new draft be amended by striking out section 9 and inserting in place thereof the following section:—

“SECTION 9. There shall be an education and training collaborative, the mission of which shall be to work in conjunction with the Taunton Development Corporation in developing the regional education, training and skills alliance center. The collaborative shall consist of 8 members, who shall include: the presidents of Bridgewater State College, University of Massachusetts at Dartmouth, Massasoit Community College and Bristol Community College, or their respective designees; the commissioner of mental retardation, or his designee; a representative of the Taunton Development Corporation; a representative of the education community to be designated by the Massachusetts Teachers Association; and a representative of labor designated by the president of the Massachusetts AFL-CIO. The powers and duties of the education and training collaborative shall include, but not be limited to, program development and administration of all employment, education, and training activities at the education, training and skills alliance center.”

The amendment was adopted.

The pending Ways and Means new draft (Senate, No. 2177, amended) was further considered and was adopted, as amended. The bill was then ordered to a third reading and read a third time.

After further remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at five minutes before twelve o'clock noon, on motion of Mr. Lees, as follows, to wit (yeas 34 — nays 0) [**Yeas and Nays No. 418**]:

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Montigny, Mark C.	Walsh, Marian — 34.

NAYS — 0.

ABSENT OR NOT VOTING.

Creem, Cynthia Stone	Menard, Joan M.
Hedlund, Robert L.	Wilkerson, Dianne — 5.
Melconian, Linda J.	

**The yeas and nays having been completed at five minutes before twelve o’clock noon, the bill was passed to be engrossed.**

**Sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

*Engrossed Bill.*

An engrossed Bill establishing a betterment fund in the town of Spencer (see House, No. 1326) (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 and was signed by the Acting President (Ms. Walsh) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation.**

A Bill relative to the municipal light board of the town of Marblehead (House, No. 4107, changed,— on petition) [Local approval received], — was read.

**There being no objection, the rules were suspended, on motion of Mr. Hart, 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. 4414) of Phyllis Sands and another relative to prescription fees by veterinarians;  
**Under suspension of Joint Rule 12, to the committee on Health Care.**

Petition (accompanied by bill, House, No. 4415) of William G. Greene, Jr. and other members of the General Court relative to the posting of fish advisories;  
**Under suspension of Joint Rule 12, to the committee on Natural Resources and Agriculture.**

*Order Adopted.*

Mr. Panagiotakos offered the following order, to wit:

*Ordered*, That a convention of the two branches be held at seven o'clock P.M., on Thursday, January 15, 2004 for the purpose of receiving such communication as the Governor, Mitt Romney may be pleased to make to them, relating to the concerns of the Commonwealth.

The question on adoption of the order was determined by a call of the yeas and nays, at one minute past twelve o'clock noon, on motion of Mr. Lees, as follows, to wit (yeas 34 — nays 0) [**Yeas and Nays No. 419**]:

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Montigny, Mark C.	Walsh, Marian — 34.

NAYS — 0.

ABSENT OR NOT VOTING.

Creem, Cynthia Stone	Menard, Joan M.
Hedlund, Robert L.	Wilkerson, Dianne — 5.
Melconian, Linda J.	

**The yeas and nays having been completed at three minutes past twelve o'clock noon, the order was adopted.**

**Sent to the House for concurrence.**

*Order Adopted.*

On motion of Mr. Lees,—

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

On motion of Mr. Berry, at seven minutes past twelve o'clock noon, the Senate adjourned to meet on the following day at eleven o'clock A.M.