

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, January 8, 2004.

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

Communications.

A communication was received from the Honorable Brian P. Lees, Minority Leader of the Senate, announcing the appointment of Senator Bruce E. Tarr to fill a vacancy on the special commission (established under Section 138 of Chapter 12 of the General Laws, as most recently amended by Section 12 of Chapter 55 of the Acts of 2003) to investigate, study and make legislative recommendations on the adequacy and efficiency of laws and regulations governing public construction projects.

A communication was received from William F. Welch, Clerk of the Senate, informing the Senate that he had appointed Michael D. Hurley of South Boston as Assistant Clerk of the Senate.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Hedlund, a petition (subject to Joint Rule 12) of Robert L. Hedlund for legislation relative to the transfer of sick, personal or vacation time to State Trooper Mary T. McCauley of the Middlesex District Attorneys Office;

By the same Senator, a petition (subject to Joint Rule 12) of Robert L. Hedlund for legislation relative to antique auto registration fees;

By Mr. O'Leary, a petition (subject to Joint Rule 12) of Robert A. O'Leary for legislation relative to fish restoration projects; and

By Mr. Panagiotakos, a petition (subject to Joint Rule 12) of Steven C. Panagiotakos, Colleen M. Garry, David M. Nangle, Thomas A. Golden, Jr. and other members of the General Court for legislation to establish the University of Massachusetts Lowell development assistance corporation;

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

Reports of Committees.

By Mr. Barrios, for the committee on Public Safety, that the recommitted House Bill relative to police mutual aid agreements (House, No. 593),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2184).

Referred, under Senate Rule 26, to the committee on Steering and Policy.

By Mr. Glodis, for the committee on Insurance, on petition, a Bill relative to managed care contracts with home health agencies (Senate, No. 860);

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

By Mr. Glodis, for the committee on Insurance, on petition, a Bill to ensure fairness in homeowner insurance policies (Senate, No. 898);

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

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Shirley Morrow, an employee of the Department of Mental Retardation (House, No. 4322, on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Authorizing the town of Dighton to establish a special fund (House, No. 455,— on petition) [Local approval received]; and

Relative to a change in land use in the town of Lakeville (House, No. 4112,— on petition) [Local approval received];

Were severally 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. Brewer) “recognizing the week of January 11 to 17, 2004 as Snowmobile Safety Week”; and

Resolutions (filed by Mr. Morrissey) “recognizing Pete Zoia.”

Communications.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

January 7, 2004.

Mr. William Welch, *Clerk*
Massachusetts State Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

Earlier today I was unable to be present in the Senate Chamber for the Senate roll call vote relative to the election of the Senate Clerk. Had I been present I would have voted in the affirmative.

I respectfully request that this letter be published in the Senate Journal as part of the official record for Wednesday, January 7th, 2004, as the Clerk is extremely worthy of this honor. Thank you in advance for your assistance in this matter.

Sincerely,

ROBERT L. HEDLUND,
State Senator,
Plymouth/Norfolk District.

On motion of Mr. Moore, the above communication was ordered printed in the Journal of the Senate.

The Clerk read the following communication:

OFFICE OF THE MAJORITY WHIP
MASSACHUSETTS SENATE
STATE HOUSE, ROOM 215, BOSTON 02133

January 7, 2004.

Mr. William Welch
Massachusetts Senate Clerk
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

On Wednesday January 7th, 2004, I was away from the State House due to family matters. I was therefore unable to be present for the following three (3) roll call votes:

- The election of William F. Welch as Clerk of the Senate;
- The engrossment of Senate Bill 1686; and
- The order relative to joint session of the two branches for purpose of hearing the State of the State on Thursday, January 15th.

Had I been present, I would have voted in the affirmative on all three of these matters. I respectfully request that this letter be printed in the Senate Journal as part of the official record for January 7th, 2004. Thank you for your assistance in this matter.

Sincerely,

JOAN M. MENARD,
State Senator.

On motion of Mr. O'Leary, the above communication was ordered printed in the Journal of the Senate.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill providing for the annual observance of myositis awareness day (see House, No. 3970) (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 and laid before the Governor for his approbation.**

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 House Bill authorizing the town of Westwood to issue licenses for the sale of all alcoholic beverages and wine and malt beverages to be drunk on the premises (House, No. 4361),— **was read a second time, 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 Westwood to grant licenses for the sale of all alcoholic beverages and wines and malt beverages to be drunk on the premises".**

Order Adopted.

On motion of Mr. O'Leary,—

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.

On motion of Mr. Tarr, at nine minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.