

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.

Tuesday, January 20, 2004.

Met at seven 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 Hampden and Hampshire, Mr. Knapik, then led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Engrossed Bill — Laid Before Governor.

An engrossed Bill relative to property tax classification in cities and towns (see House, No. 4434, amended) (which originated in the House), having been passed to be enacted and signed by the President on Thursday, January 15, 2004,— **was laid before the Governor for his approbation on Friday, January 16, 2004.**

Petitions.

Petitions were presented and referred, as follows:

By Mr. Hedlund, a petition (subject to Joint Rule 12) of Robert L. Hedlund, Garrett J. Bradley, Frank M. Hynes, Scott P. Brown and other members of the General Court for legislation to establish the crime of peeping or peering into dwelling houses;

By Mr. Tolman, a petition (subject to Joint Rule 12) of Steven A. Tolman, Jarrett T. Barrios, Stephen M. Brewer, Robert L. Hedlund and other members of the General Court for legislation relative to prior authorization of prescription medications; and

By Ms. Wilkerson, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to require forfeiture of vehicles used in solicitation of prostitution, an act of prostitution, or an act of lewdness;

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

Committee Discharged.

Ms. Murray, for the committee on Ways and Means, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 671) of Charles E. Shannon, Emile J. Goguen, Martin J. Walsh, Paul J. Donato and other members of the General Court for legislation relative to the definition of podiatry,— and recommending that the same be recommitted to the committee on Health Care.

Under Senate Rule 36, the report was considered forthwith and accepted.

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) relative to voting precincts in the town of Amherst (House, No. 4421),— **was referred, in concurrence, to the committee on Election Laws.**

A petition (accompanied by bill, House, No. 4416) of Arthur J. Broadhurst and Steven A. Baddour (with the approval of the mayor and city council) relative to housing for persons fifty-five years of age or older on the former Ashford School in the city known as the town of Methuen,— **was referred, in concurrence, to the committee on Housing and Urban Development.**

A report of the committee on Human Services and Elderly Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2137) of Robert A. Havern and Jay R. Kaufman for legislation to provide for retirement benefits earned by individuals employed for five years or longer in work shops for the training and employment of blind persons, and recommending that the same be referred to the committee on Public Service,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Resolutions.

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

Resolutions (filed by Mr. Joyce) “congratulating Robert V. Andrews”;

Resolutions (filed by Mr. Joyce) “congratulating Martin Badoian”;

Resolutions (filed by Mr. Joyce) “congratulating William C. Gilbert, Jr. of East Bridgewater upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Joyce) “congratulating Ronald D. ‘Butch’ Pasquarosa, Sr.”;

Resolutions (filed by Mr. Pacheco) “congratulating the Cranberry Country Chamber of Commerce”;

Resolutions (filed by Ms. Resor, Mr. Barrios, Ms. Chandler, Ms. Creem, Ms. Fargo, Messrs. Glodis, Hedlund, Joyce, McGee, Ms. Melconian, Messrs. Montigny, Nuciforo, Pacheco, Panagiotakos, Tolman, Ms. Tucker, Ms. Walsh and Ms. Wilkerson) “recognizing January as Stalking Awareness Month”;

Resolutions (filed by Ms. Walsh) “congratulating Brian E. Pastore on the occasion of his Court of Honor”; and

Resolutions (filed by Ms. Walsh) “congratulating Christopher M. Walsh on the occasion of his Court of Honor.”

Communications.

The Clerk read the following communication:

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

January 9, 2004.

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

Dear Mr. Clerk:

On Wednesday, January 7, 2004, due to an obligation to chair the public hearing of the Special Commission on Public Construction in Gardner Auditorium, I missed three roll call votes.

Had I been present, I would have voted in the affirmative on the three roll call votes ordered on January 7, 2004. These roll call votes were number 417, pertaining to the election of the Senate Clerk; number 418, pertaining to the engrossment of land taking legislation for the city of Taunton; and number 419, pertaining to convening both houses in a joint session for the Governor’s “State of the State” address on January 15, 2004.

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

Sincerely,
DIANNE WILKERSON,
Senator,
Second Suffolk District.

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

The Clerk read the following communication:

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

January 15, 2004.

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

Dear Mr. Clerk:

Due to a long standing scheduling conflict, I was unable to attend a portion of the January 15th formal session and I was therefore unable to be present for 5 roll call votes taken on the following overrides:

House Bill 4328 — Economic Stimulus Bill:

1. Section 70 — Mass. Tech Park Corp
2. Section 71 — Emerging Technology Fund
3. Section 73 — Technology and Engineering Grant Fund
4. Section 74 — Massachusetts Research Matching Fund

House Bill 4302 — Fiscal Relief:

5. Section 4 — Nashoba Associated Boards of Health

Had I been present, I would have voted in the affirmative on all five of these matters. I respectfully request this correspondence be read into the record at the next Session. Thank you for your assistance in this matter.

Sincerely,
STEVEN C. PANAGIOTAKOS,
First Middlesex District.

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

Report of a Committee.

Ms. Melconian, 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 House Bill validating the proceedings of the annual town meeting in the town of Palmer (printed in House, No. 4141).

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in 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 House Bill authorizing the town of Southamptton to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4162),-- **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 Southamptton to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises".**

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill relative to Ponders Hollow Road in the city of Westfield (see Senate, No. 1157) (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 and was signed by the Acting President and laid before the Governor for his approbation.**

Petition.

On motion of Mr. Shannon, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Creedon, (accompanied by bill) of Robert S. Creedon, Jr. for legislation relative to the Massachusetts Commission Against Discrimination,— **and the same was referred to the committee on the Judiciary.**
Sent to the House for concurrence.

Reports 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 Brian A. Joyce for legislation to authorize the sale of certain land in the town of Milton to Alexis W. Blood. **Senate Rule 36 was suspended, on motion of Mr. Knapik, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration.**

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 Steven A. Tolman, Richard T. Moore, Thomas M. McGee and other members of the General Court for legislation relative to certain payments for victims. **Senate Rule 36 was suspended, on motion of Mr. Knapik, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Taxation.**
Severally sent to the House for concurrence.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4447) of Anne M. Gobi and other members of the House for legislation to authorize the stay of surcharges under the motor vehicle insurance laws until the final disposition of appeals,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Insurance.**

Order Adopted.

On motion of Mr. Knapik,—

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 the same Senator, at twenty-nine minutes past eleven o'clock A.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.