

**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, March 8, 2004.

Met at one minute past eleven o'clock A.M. (Mr. Panagiotakos in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Panagiotakos), members, guests and employees then recited the pledge of allegiance to the flag.

#### *Reports.*

The following reports were severally read and placed on file:

A report of the Educational Management Audit Council and Office of Educational Quality and Accountability (under the provisions of Section 55A of Chapter 15 of the General Laws) submitting a copy of its annual report (received Monday, March 1, 2004); and

A report from David P. Driscoll, Commissioner of Education (pursuant to section 128 of Chapter 140 of the Acts of 2003) submitting a progress report on the implementation of the special education reimbursement ("circuit breaker") program (received Tuesday, March 2, 2004).

#### *Petitions.*

Mr. Glodis presented a petition (accompanied by bill, Senate, No. 2248) of Guy W. Glodis and Paul K. Frost (by vote of the town) for legislation to authorize the town of Auburn to increase local room occupancy excise tax [Local approval received],—**and the same was referred, under Senate Rule 20, to the committee on Taxation. Sent to the House for concurrence.**

Petitions were presented and referred, as follows:

By Mr. Montigny, a petition (subject to Joint Rule 12) of Mark C. Montigny and William M. Straus for legislation to dedicate certain land in the town of Fairhaven for a memorial to Charles F. Albaugh;

By Mr. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore, Paul Kujawski and Jennifer M. Callahan for legislation relative to the disposition of easements or other interests in land in Uxbridge under the care and control of the department of conservation and recreation; and

By Ms. Resor, a petition (subject to Joint Rule 12) of Pamela P. Resor and Ralph S. Tyler for legislation to strengthen the protection of the Massachusetts "anti-slapp statute";

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

#### *Reports of Committees.*

By Mr. Hart, for the committee on Commerce and Labor, on Senate, Nos. 48 and 2081, an Order relative to authorizing the joint committee on Commerce and Labor to make an investigation and study of certain Senate documents relative to commerce in the Commonwealth (Senate, No. 2245); and

By Mr. Moore, for the committee on Health Care, on Senate, Nos. 496, 517, 518, 530, 534, 541, 555, 556, 564, 616, 653, 679, 688 and 1957, an order relative to authorizing the joint committee on Health Care to make an investigation and study of certain Senate documents relative to Medicaid (Senate, No. 2244);

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

By Mr. Moore, for the committee on Health Care, on petition, a Bill relative to expanded health care coverage (Senate, No. 680);

By the same Senator, for the same committee, on petition, a Bill to assure the safe, humane care of day surgery patients (Senate, No. 689);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 608), a Bill to protect Medicaid access to prescription medications (Senate, No. 2241); and

By the same Senator, for the same committee, on Senate, No. 639 and House, No. 2050, a Bill to protect patient safety in the delivery of health care services (Senate, No. 2242);

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

By Mr. Morrissey, for the committee on Government Regulations, on petition, a Bill protecting consumers against additional charges from new area codes (Senate, No. 446); and

By Mr. Moore, for the committee on Health Care, on petition, a Bill relative to the Division of Administrative Law Appeals (Senate, No. 581);

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

#### *Resolutions.*

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

Resolutions (filed by Mr. Barrios) “congratulating Frank Nuzzo”;

Resolutions (filed by Ms. Resor) “recognizing Irish-American Heritage Month”;

Resolutions (filed by Mrs. Sprague) “congratulating Alexander Stuart Gillmor of Foxborough upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mrs. Sprague) “congratulating Alexander Sims Knight of Foxborough upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mrs. Sprague) “congratulating George Arthur Law, III of Foxborough upon his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Mrs. Sprague) “congratulating Philip A. Wild.”

#### *Committee of Conference — Membership Change.*

The Chair (Mr. Panagiotakos) announced that the membership appointed to the conference committee on the House Bill to improve public health in the Commonwealth (House, No. 4256) at the previous session as Senators Fargo, Moore and Tisei was intended to be in the following order: Senators Moore, Fargo and Tisei. Senator Moore, being the Senate Chair of the committee on Health Care, being the lead Senate conferee.

**There being no objection, the Chair (Mr. Panagiotakos) announced the amended committee membership.**

#### *PAPERS FROM THE HOUSE.*

A Bill authorizing the town of Dedham to reimburse certain sewer fees paid in error (House, No. 4558,— on House, Nos. 3997 and 3998) [Local approval received on House, Nos. 3997 and 3998],— was read.

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

#### *Engrossed Bill.*

An engrossed Bill authorizing the town of Belmont to designate a checkoff on its tax bill for the town's general fund (see House, No. 3979) (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.**

A petition (accompanied by bill, House, No. 4567) of James R. Miceli and Barry R. Finegold for legislation to designate a certain building at the Tewksbury State Hospital as the Richard P. Morris Building,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on State Administration.**

*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 Linda J. Melconian, Sheila A. Pecor and Richard T. Moore for legislation to authorize negligence per se for vehicular homicide while driving with a suspended or revoked license.

**Senate Rule 36 was suspended, on motion of Mr. Lees, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Criminal Justice.**

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 Susan C. Fargo for legislation to authorize and direct the Teachers' Retirement Board to grant creditable service to Suzanna Szeto.

**Senate Rule 36 was suspended, on motion of Mr. Lees, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Severally 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 on Thursday 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. Lees, at seven minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.