

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, March 11, 2004.

Met according to adjournment at eleven o'clock A.M. (Ms. Walsh in the Chair).

The Senator from Middlesex, Mr. Shannon, led the Chair (Ms. Walsh), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Communications.

A communication was received from the President announcing that, effective today, Senator David P. Magnani has resigned as a member and Senate Chairman of the Joint Committee on Public Service.

Additionally, Senator Magnani has been appointed Chairman of the Senate Committee on Steering and Policy.

A communication was received from the President announcing that, effective today, Senator Steven A. Tolman has been appointed to serve as Senate Chairman of the Joint Committee on Public Service.

A communication was received from the President announcing that, effective today, Senator Harriette L. Chandler has been appointed to serve as a member of the Senate Ways and Means Committee.

A communication was received from the Honorable Brian P. Lees, Senate Minority Leader, announcing the appointment of Senator Brian P. Lees (pursuant to the provisions of Section 60 of Chapter 121 of the Acts of 2003) to the International Trade Council Advisory Board.

Report.

A report of the Plymouth County Register of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and Section 2KKK at Chapter 29 of the General Laws) submitting its plan of expenditure from the County Registers Technological Fund (received Thursday, March 11, 2004),— **was placed on file.**

Petitions.

Petitions were presented and referred as follows:

By Mr. Morrissey, a petition (accompanied by bill, Senate, No. 2260) of Michael W. Morrissey, Bruce J. Ayers, Ronald Mariano and A. Stephen Tobin (with the approval of the mayor and city council) for legislation relative to filling vacancies in the city council of the city of Quincy [Local approval received]; and

By Mr. Rosenberg, a petition (accompanied by bill, Senate, No. 2261) of Stanley C. Rosenberg and Ellen Story (by vote of the town) for legislation relative to certain conservation land in the town of Amherst [Local approval received];
Severally, under Senate Rule 20, to the committee on Local Affairs and Regional Government.

By Mr. Morrissey, a petition (accompanied by bill, Senate, No. 2259) of Michael W. Morrissey, Bruce J. Ayers, Ronald Mariano and A. Stephen Tobin (with the approval of the mayor and city council) for legislation to authorize the city of Quincy to establish interest rates payable on deferred property taxes and water charges [Local approval received];

Under Senate Rule 20, to the committee on Taxation.

Severally sent to the House for concurrence.

Petitions were presented and referred, as follows:

By Mr. Lees (by request), a petition (subject to Joint Rule 12) of Ronald E. Harrell for legislation relative to funeral home expenses; and

By Ms. Walsh, a petition (subject to Joint Rule 12) of Marian Walsh for legislation concerning the World War Two bonus;
Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Antonioni, for the committee on Education, Arts and Humanities, on Senate, Nos. 284 and 308 and House, Nos. 1644, 2024, 2026 and 2214, an Order relative to authorizing the joint committee on Education, Arts and Humanities to make an investigation and study of certain Senate documents relative to school governance and after-school programs (Senate, No. 2257);

By Mr. Morrissey, for the committee on Government Regulations, on Senate, Nos. 393, 395, 398, 403, 404, 417, 423, 425, 426, 432, 442, 444, 445, 456, 461, 471, 476, 486 and 489, an Order relative to authorizing the joint committee on Government Regulations to make an investigation and study of certain Senate documents (Senate, No. 2249); and

By Mr. Moore, for the committee on Health Care, on Senate, Nos. 490, 507, 520, 531, 536, 554, 563, 573, 663 and 677, an Order relative to authorizing the joint committee on Health Care to make an investigation and study of certain Senate documents relative to long term care (Senate, No. 2256);

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 (accompanied by bill, Senate, No. 627), a Bill creating a special task force to make an investigation and study on issues related to the health care workforce (Senate, No. 2252);

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

By Mr. Antonioni, for the committee on Education, Arts and Humanities, on petition, a Bill providing for expanded access to vocational education (Senate, No. 270);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 238), a Bill establishing the Essex North Shore Agricultural and Technical School District (Senate, No. 2258);

By Mr. Moore, for the committee on Health Care, on petition, a Bill relative to medication technicians (Senate, No. 492);

By the same Senator, for the same committee, on petition, a Bill requiring notification by nursing homes, rest homes and long-term care facilities if certain health or safety concerns cannot be addressed (Senate, No. 532);

By the same Senator, for the same committee, on petition, a Bill to provide a home health visiting program (Senate, No. 539);

By the same Senator, for the same committee, on Senate, No. 546 and House, No. 2438, a Bill to provide timely access to emergency contraception (Senate, No. 546);

By the same Senator, for the same committee, on petition, a Bill to ensure prompt investigation of elder abuse and neglect reports (Senate, No. 562);

By the same Senator, for the same committee, on Senate, No. 576 and House, No. 1086, a Bill to create a nursing home advisory council (Senate, No. 576);

By the same Senator, for the same committee, on petition, a Bill to require the Division of Medical Assistance to reimburse hospitals for the costs of psychiatric patients on medical units (Senate, No. 579);

By the same Senator, for the same committee, on petition, a Bill ensuring providers receive reimbursement for inflationary cost increases (Senate, No. 582);

By the same Senator, for the same committee, on petition, a Bill relative to the establishment of a retained revenue account for the End of Life Commission (Senate, No. 584);

By the same Senator, for the same committee, on petition, a Bill establishing the health care mini-grant program (Senate, No. 590);

By the same Senator, for the same committee, on petition, a Bill authorizing health care professionals to negotiate with health care insurers and providing for the powers and duties of the Attorney General (Senate, No. 591);

By the same Senator, for the same committee, on petition, a Bill health care stabilization fund (Senate, No. 592);

By the same Senator, for the same committee, on petition, a Bill relative to the pediatric private duty nursing program (Senate, No. 594);

By the same Senator, for the same committee, on petition, a Bill further clarifying state licensing requirements for health plans offering coverage to senior citizens (Senate, No. 602);

By the same Senator, for the same committee, on petition, a Bill relative to patient and physician safety and protection (Senate, No. 604);

By the same Senator, for the same committee, on petition, a Bill to require the Division of Medical Assistance to provide adequate rate adjustments (Senate, No. 617);

By the same Senator, for the same committee, on petition, a Bill to preserve access to behavioral health services (Senate, No. 646);

By the same Senator, for the same committee, on petition, a Bill relative to the insurance partnership program (Senate, No. 659);

By the same Senator, for the same committee, on petition, a Bill relative to the registration of the occupational history of certain cancer patients (Senate, No. 667);

By the same Senator, for the same committee, on petition, a Bill relative to pre-screening for long term care services (Senate, No. 670);

By the same Senator, for the same committee, on petition, a Bill relative to prior authorization of prescription medications (Senate, No. 2224);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 580), a Bill to encourage and support the education and training of health professions students with respect to the screening, identification and referral of victims of domestic violence and sexual assault (Senate, No. 2250);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 603), a Bill relative to the modernization of optometric patient care (Senate, No. 2251);

By the same Senator, for the same committee, on Senate, No. 645 and House, No. 3759, a Bill relative to the review of health care rules and regulations (Senate, No. 2253);

By the same Senator, for the same committee, on Senate, No. 693 and House, No. 3788, a Bill to ensure adequate adult day health services (Senate, No. 2254); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1961), a Bill banning the sale of ephedra (Senate, No. 2255);

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

Ms. Melconian, for the committee on Steering and Policy, reported that the following matters be placed in the Orders of the Day for the next session:

The Senate Bill relative to the registration of podiatrists (Senate, No. 671); and

The House bills

Providing for the annual observance of Armenian-American Heritage Month (House, No. 2695); and

Relative to restrictive covenants (House, No. 3532).

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 Bill relative to a commission on health care disparities (senate, No. 2239);

Of the Senate 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); and

Of the senate 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 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.

Mr. Moore, for the committee on Health Care, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 647) of Michael W. Morrissey, Bruce J. Ayers and A. Stephen Tobin for legislation relative to the exposure of public safety officials to the AIDS virus and infectious hepatitis,— and recommending that the same be referred to the committee on Public Safety.

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

Sent to the House for concurrence.

Mr. Moore, for the committee on Health Care, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 513) of Cynthia S. Creem, Richard T. Moore, Cheryl A. Jacques, Julia Stern and Charles E. Shannon for legislation to require food service establishments to train staff in food allergies,— and recommending that the same be referred to the Senate committee on Ways and Means.

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

Sent to the House for concurrence in the discharge of the joint committee.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4551) of Cory Atkins and Susan C. Fargo (by vote of the town) relative to certain school construction projects in the town of Concord,— **was referred, in concurrence, to the committee on State Administration.**

Reports

Of the committee on Health Care, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 510) of Harriette L. Chandler, Richard T. Moore, Shirley Gomes and Robert A. O'Leary for legislation to ensure appropriate payment for temporary nursing pool services;

Of the petition (accompanied by bill, Senate, No. 523) of John A. Hart, Jr. and Martin J. Walsh for legislation that certain providers of medical services be reimbursed for inflationary cost increases;

Of the petition (accompanied by bill, Senate, No. 652) of Therese Murray, Thomas J. O'Brien, Brian A. Joyce and Susan C. Tucker for legislation relative to nurse wages;

Of the petition (accompanied by bill, House, No. 553) of Louis L. Kafka relative to capital reimbursements for nursing facilities;

Of the petition (accompanied by bill, House, No. 554) of Louis L. Kafka relative to rates of payment for temporary nursing pool services;

Of the petition (accompanied by bill, House, No. 2056) of Harriett L. Stanley relative to defining the term "nursing pool" and regulating the temporary employment of medical personnel in health care facilities; and

Of the petition (accompanied by bill, House, No. 3763) of Louis L. Kafka for legislation to include inflationary cost increases in determining reimbursements to certain health services providers;

And recommending that the same severally be referred to the House committee on Medicaid.

Of the petition (accompanied by bill, House, No. 3762) of Patricia D. Jehlen and other members of the General Court relative to establishing a prescription drug pricing program,— **and recommending that the same be referred to the House committee on Ways and Means.**

Of the committee on Public Service, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 2007) of Michael W. Morrissey, A. Stephen Tobin, Bruce J. Ayers and Ronald Mariano (with the approval of the mayor and city council) for legislation relative to the issuance of pension funding bonds by the city of Quincy;

Of the petition (accompanied by bill, Senate, No. 2052) of Marc R. Pacheco, James H. Fagan and Patricia A. Haddad (with the approval of the mayor and city council) for legislation relative to the issuance of pension funding bonds by the city of Taunton;

Of the petition (accompanied by bill, House, No. 3688) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the town of Hingham be authorized to issue certain pension obligation bonds;

Of the petition (accompanied by bill, House, No. 3855) of Thomas P. Kennedy, Robert S. Creedon, Jr., Geraldine Creedon and Christine E. Canavan (with the approval of the mayor and city council) relative to the issuance of pension funding bonds by the city of Brockton; and

Of the petition (accompanied by bill, House, No. 4404) of Deborah B. Goldberg, Frank I. Smizik, Cynthia S. Creem, Brian Paul Golden, Michael F. Rush, Jeffrey Sanchez and others (by vote of the town) that the town of Brookline be authorized to issue pension obligation bonds;

And recommending that the same severally be referred to the House committee On Long-Term Debt and Capital Expenditures. **Were severally considered forthwith, under senate Rule 36, and accepted, in concurrence, insomuch as relates to the discharge of the joint committee.**

Resolutions.

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

Resolutions (filed by Mr. Joyce) “congratulating Brendan Ray of East Bridgewater upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Knapik) “congratulating Brian P. Burns”; and

Resolutions (filed by Mr. Knapik) “congratulating Robert K. O’Neill, Ph.D. of Foxborough upon his elevation to the rank of Eagle Scout.”

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 modification of the form of property tax billing in the town of Belmont (House, No. 3981),— **was read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

Order Adopted.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith and adopted, in concurrence, to wit:

Ordered, That, notwithstanding the provisions of Joint Rule 10, joint standing committees and the committees on Rules of the two branches, acting concurrently be granted until Thursday, March 18, 2004, within which to make reports on matters referred to them; and be it further

Ordered, That, the provisions of this extension shall not be considered a suspension of Joint Rule 10 in the calculation of the number of suspensions permitted under the last sentence of said rule.

A petition (accompanied by bill, House, No. 4571) of Lida E. Harkins relative to the penalty for the theft of motor fuel,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Criminal Justice.**

Order Adopted.

On motion of Mr. Tisei,—

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 Ms. Resor, at three minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.