

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, April 17, 2003.

Met at two minutes past eleven o'clock A.M. (Mr. Berry in the Chair).

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

Distinguished Guest.

There being no objection, the Chair (Mr. Berry) introduced Jenna Berkowitz, a student at Whitinsville Christian School in Whitinsville. Jenna was participating in the Job Shadow program at her school and was shadowing Senator Richard Moore throughout the day. She was the guest of Senator Moore.

Petition.

Mr. Hart presented a petition (subject to Joint Rule 12) of John A. Hart, Jr. for legislation to authorize a land transfer between the Metropolitan District Commission-South Boston Power Station and the Massachusetts Bay Transportation Authority,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Ms. Wilkerson, for the committee on State Administration, on petition (accompanied by bill, Senate, No. 1655), a Bill relative to a state agency office space procurement study (Senate, No. 1973);

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

By Mr. O'Leary, for the committee on Energy, on petition, a Bill to promote an energy efficient state government (Senate, No. 373);

By Ms. Wilkerson, for the committee on State Administration, on petition, a Bill authorizing the Metropolitan District Commission and the city of Worcester to take or acquire land and interests in land in the Nashua River Basin (Senate, No. 1639);

By the same Senator, for the same committee, on petition, a Bill providing for a memorial and archive in the State House for the Massachusetts Legislator's Association commemorating former members of the Great and General Court (Senate, No. 1660);

By the same Senator, for the same committee, on petition, a Bill relative to authorizing the commissioner of the Division of Capital Asset Management and Maintenance to convey easements for the transmission of natural gas over lands formerly under the control of the county of Essex in the town of Middleton and the cities of Peabody and Salem to Maritimes & Northeast Pipeline, L.L.C. (Senate, No. 1678); and

By the same Senator, for the same committee, on petition, a Bill relative to skateboarding, inline skating and freestyle bicycling (Senate, No. 1702);

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 relative to the manufacture of food products (printed as House, No. 697);

By Ms. Wilkerson, for the committee on State Administration, on petition, a Bill designating a portion of state highway Route 2 as the Johnny Appleseed Trail (Senate, No. 1621);

By the same Senator, for the same committee, on petition, a Bill setting apart May 25 as Missing Children's Day (Senate, No. 1631);

By the same Senator, for the same committee, on petition, a Bill declaring September 11th the official state day honoring all September 11, 2001 victims and heroes and promoting peace, unity and social action (Senate, No. 1636);

By the same Senator, for the same committee, on petition, a Bill relative to the annual observance of Jack Kerouac Day (Senate, No. 1666);

By the same Senator, for the same committee, on petition, a Bill conforming the date for observance of public employee appreciation day in the Commonwealth with the national observance of public service recognition week (Senate, No. 1668); and

By the same Senator, for the same committee, on petition, a Bill providing that no other flag or pennant be flown higher than the American flag (Senate, No. 1676);

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

Ms. Jacques, 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 Senate report of the committee on Steering and Policy, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1699) of Charles E. Shannon and Emma Krane for legislation to designate the Boston Cream doughnut as the official doughnut of the Commonwealth.

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to providing for an accelerated transportation development and improvement program for the Commonwealth (House, No. 3811),— **was referred, in concurrence, to the committee on Transportation.**

A petition (accompanied by bill, House, No. 3812) of Stephen P. LeDuc and Pamela P. Resor (with the approval of the mayor and city council) for legislation to provide for the appointment of a city councilor in the city of Marlborough,— **was referred, in concurrence, to the committee on Public Service.**

Bills

Establishing a sick leave bank for Francie R. Minder, an employee of the Department of Mental Health (House, No. 3736,— on petition); and

Relative to the compensation of certain members of the General Court (House, No. 3743,— on petition) (Representatives Petersen of Marblehead and Demakis of Boston of the committee on Public Service dissenting);

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

A report of the committee on Public Safety, ought NOT to pass, on so much of the recommendations of the Registry of Motor Vehicles (House, No. 76) as relates to handicap parking restrictions (accompanied by bill, House, No. 77),— **was referred, under Senate Rule 36, to the committee on Steering and Policy.**

Reports.

A report of the committee on Commerce and Labor, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 124) of Steven A. Tolman, Bruce E. Tarr, Charles E. Shannon, Susan C. Fargo and Brian A. Joyce for legislation to prohibit the distribution of unsolicited electronic mail, and recommending that the same be referred to the House committee on Science and Technology,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence, insomuch as relates to the discharge of the joint committee.**

Reports

Of the committee on Criminal Justice, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3125) of Philip Travis and Kathleen M. Teahan for legislation to provide a penalty for the attempted production or production of a living organism with human or predominantly human genetic constitution through cloning,— and recommending that the same be referred to the committee on Health Care.

Of the committee on Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1934) of Andrea F. Nuciforo, Jr. and William Smitty Pignatelli (by vote of the town) for legislation to authorize the town of Lee to enter into contracts for construction, operation and maintenance, lease and modification of its water and wastewater treatment facilities,— and recommending that the same be referred to the committee on State Administration.

Were severally 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. Brewer) “honoring Robert Rogers Janasiewicz”;

Resolutions (filed by Ms. Creem) “congratulating Terry Kwan for her continued commitment to improving the educational system in the town of Brookline”;

Resolutions (filed by Mr. Knapik) “honoring Harry Rock”;

Resolutions (filed by Mr. Pacheco) “congratulating Joshua D. Randall upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Panagiotakos) “congratulating Steven L. Hahn for his service as Head of School at Lawrence Academy in Groton from 1984 to 2003”; and

Resolutions (filed by Mr. Panagiotakos) “congratulating William M. Polk for his service as Headmaster at Groton School in Groton from 1978 to 2003.”

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3815) of Thomas M. Menino, Brian P. Wallace, Kevin G. Honan and Dianne Wilkerson for legislation to establish the Washington Street business improvement district in the city of Boston;
Under suspension of Joint Rules 7B and 9, to the committee on Commerce and Labor.

Petition (accompanied by bill, House, No. 3816) of Bradley H. Jones, Jr., and George N. Peterson, Jr., that cities and towns be authorized to increase the density of property zoned for residential usage to provide additional affordable housing units; and

Petition (accompanied by bill, House, No. 3817) of Bradley H. Jones, Jr., and George N. Peterson, Jr., for legislation to further regulate certain restrictions on development or building permits under zoning ordinances in cities and towns;
Severally, under suspension of Joint Rule 12, to the committee on Housing and Urban Development.

Petition (accompanied by bill, House, No. 3818) of John J. Binienda and other members of the General Court for legislation to authorize the Trial Court to establish a sick leave bank for Natasha Searcy, an employee of said court;
Under suspension of Joint Rule 12, to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 3819) of Bradley H. Jones, Jr., and George N. Peterson, Jr., relative to the protection of wetlands under certain ordinances or by-laws in cities and towns;
Under suspension of Joint Rule 12, to the committee on Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 3820) of Robert S. Hargraves for legislation to regulate the use of mobile phones by operators of motor vehicles;
Under suspension of Joint Rule 12, to the committee on Public Safety.

Petition (accompanied by bill, House, No. 3821) of Brian S. Dempsey relative to providing for workforce reduction through an early retirement incentive program for certain employees of former counties;

Petition (accompanied by bill, House, No. 3822) of James B. Eldridge and Pamela P. Resor for legislation to authorize the Department of Correction to establish a sick leave bank for John Nourse, an employee of said department; and

Petition (accompanied by bill, House, No. 3823) of Kevin J. Murphy, Thomas A. Golden, Jr., David M. Nangle and Steven C. Panagiotakos for legislation to authorize the Department of Social Services to establish a sick leave bank for Ceylin Guillermo, an employee of said department;

Severally, under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 3824) of Edward Sonn and Cory Atkins relative to the taxation of trusts; and

Petition (accompanied by bill, House, No. 3825) of Paul C. Demakis and other members of the General Court for legislation to require combined taxable income reporting of certain corporations;

Severally, under suspension of Joint Rule 12, to the committee on Taxation.

Petition (accompanied by bill, House, No. 3826) of Robert F. Fennell and Steven Myles Walsh that students and employees of North Shore Community College in the city of Lynn be authorized to use parking facilities of the Massachusetts Bay Transportation Authority;

Under suspension of Joint Rule 12, to the committee on Transportation.

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 Alex Poulos for legislation to provide for an investigation and study by a special commission relative to the U.S.S. Massachusetts.

Senate Rule 36 was suspended, on motion of Mr. Moore, 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. Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Rosenberg,—

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

Adjournment in Memory of Joseph M. Tinsley.

Ms. Chandler moved that when the Senate adjourns today, it adjourn in memory of Joseph M. Tinsley of Worcester. Mr. Tinsley served as mayor of the city of Worcester in 1971, 1973, 1984 and 1985 and served ten terms on the Worcester City Council. Mr. Tinsley passed away on Monday, April 7, 2003, at the age of 87. Mr. Tinsley was a devoted husband and father.

Accordingly, as a mark of respect to the memory of Joseph M. Tinsley, at nine minutes past eleven o'clock A.M., on motion of Mr. Tisei, the Senate adjourned to meet on Tuesday next at eleven o'clock A.M.