

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, April 20, 2004.

Met at six minutes past eleven o'clock A.M. (Mr. Hart 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. Hart), members, guests and employees then recited the pledge of allegiance to the flag.

Petition.

Mr. Baddour presented a petition (subject to Joint Rule 12) of Steven A. Baddour and Michael A. Costello for legislation to establish a paid leave bank for a certain employee of the Department of Social Services, Jamie Richards,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Mr. Creedon, for the committee on the Judiciary, on petition (accompanied by bill, Senate, No. 883), an Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of a certain current Senate document relative to damages paid by the insurance companies in consumer protection cases (Senate, No. 2331);
Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Creedon, for the committee on the Judiciary, on petition, a Bill relative to the Massachusetts Commission Against Discrimination (Senate, No. 2281);
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Baddour, for the committee on Transportation, on petition, a Bill designating a certain bridge in the town of Barre as Private First Class Edward J. Cormier Memorial Bridge (Senate, No. 2280, changed in line 5, by striking out the words "Marine Corps." and inserting in place thereof the following "Army, 11th Armored Calvary");
Read and, under Senate Rule 26, referred to the committee on Steering and Policy.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4680) of Philip Travis, Patricia A. Haddad and Joan M. Menard (by vote of the town) that the licensing authority of the town of Swansea be authorized to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises to Buffington Mini Mart;
To the committee on Government Regulations.

Petition (accompanied by bill, House, No. 4681) of Robert A. DeLeo, Thomas G. Ambrosino (mayor), Kathi-Anne Reinstein, Robert E. Travaglini and Jarrett T. Barrios (with the approval of the city council) relative to the filling of vacancies in certain

offices in the city of Revere;

To the committee on Local Affairs and Regional Government.

Petition (accompanied by bill, House, No. 4682) of William Lantigua, David M. Torrisi, Susan C. Tucker and Barry R. Finegold (with the approval of the mayor and city council) for legislation to authorize Emil DeFusco to continue employment with the police department of the city of Lawrence, notwithstanding the maximum age requirements;

To the committee on Public Service.

A Bill to discontinue the planned conveyance of a certain parcel of land in the town of Sturbridge (printed as Senate, No. 2323,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Relative to campaign finance (House, No. 1268, changed,— on petition);

Relative to the Jacob Sears Memorial Library (House, No. 3746,— on petition);

Designating a certain traffic island in the city of Gloucester as the Paul Bergmann Memorial Traffic Island (House, No. 4284,— on petition); and

Relative to tips received by certain employees (House, No. 4431,— on House, No. 499);

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

Bills

Authorizing the city of Taunton to re-institute an early retirement program (House, No. 3871, amended,— on petition) [Local approval received];

Relative to the membership of the conservation commission of the town of Bourne (House, No. 4057,— on petition) [Local approval received];

Providing for a statement relative to veteran status on ballots for city of Brockton elections (House, No. 4337,— on petition) [Local approval received]; and

Relative to the establishment of the position of director of finance in the city of Revere (House, No. 4508,— 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. Lees) “congratulating Merle W. Safford, recipient of the 2004 Distinguished Citizen of the Year Award”; and

Resolutions (filed by Mr. Pacheco) “on the retirement of Julia S. Enroth-Whitlock.”

Report of a Committee.

Mr. Magnani, 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 designating the former administration building on Tewksbury Hospital in the town of Tewksbury as the Richard P. Morris Building (House, No. 4567).

There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill 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 designating the former administration building at Tewksbury Hospital as the Richard P. Morris Building.

PAPERS FROM THE HOUSE.

The House Bill providing for cigarette escrow compliance (House, No. 4327),— came from the House with the endorsement that the House had concurred in the Senate amendments in section 3, in line 25, inserting after the word “Agreement” the words “and any amendments thereto”, in line 28, inserting after the word “cigarette” the words “and any person, other than the consumer, required to pay the excise on cigarettes”, in line 41, inserting after the following: “94E” the following: “including any installment

payments which may be required under subsection (e) of section 4”, in lines 199 and 200, striking out the words “being held on behalf of the commonwealth” and inserting in place thereof the words “, exclusive of interest” and in line 233, inserting after the word “each” the words “sale or”, *with a further amendment*, by striking out the following: “By inserting after the word ‘cigarettes’, in line 28, the following words:— and any person, other than the consumer, required to pay the excise on cigarettes.”

The rules were suspended, on motion of Ms. Chandler, and the House amendment was considered forthwith and adopted, in concurrence.

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President and laid before the Governor for his approbation, to wit:

Relative to a certain bridge in the town of Amesbury (see Senate, No. 1853); and

Relative to the school committee of the city of Chelsea (see House, No. 4410).

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 Joan M. Menard and David B. Sullivan for legislation to establish a sick leave bank for Sally Lamarre.

Senate Rule 36 was suspended, on motion of Ms. Chandler, 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.

Sent to the House for concurrence.

Recess.

There being no objection, at eleven minutes past eleven o’clock A.M., the Chair (Mr. Hart) declared a recess subject to the call of the Chair; and, at fourteen minutes before two o’clock P.M., the Senate reassembled, Mr. Hart in the Chair.

PAPER FROM THE HOUSE.

Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill authorizing a change in land use in the town of Lakeville (see House, No. 4112, amended) [for message, see House, No. 4643],— came from the House with endorsement that the House refused to amend the bill.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

There being no amendment offered, the bill was returned to the House to be again enacted.

Resolutions.

The following resolution (having been filed with the Clerk) was considered forthwith and adopted, as follows:—

Resolutions (filed by Ms. Chandler and Ms. Creem) “addressing the section 8 crisis in the Commonwealth and urging the United States Department of Housing and Urban Development to restore the program’s funding.”

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (both of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President and laid before the Governor for his approbation, to wit:

Authorizing the Fitchburg Housing Authority to convey certain land (see House, No. 4242, amended); and

Extending the service of the incumbent Adjutant General (see printed in House, No. 4568).

Order Adopted.

On motion of Mr. Hedlund,—

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.

Recess.

There being no objection, at eleven minutes before two o'clock P.M., the Chair (Mr. Hart) declared a recess subject to the call of the Chair; and, at fourteen minutes past two o'clock P.M., the Senate reassembled, Mr. Hart in the Chair.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4686) of Thomas M. Petrolati relative to Representative districts in the General Court,— **came from the House referred, under suspension of Joint Rule 12, to the House committee on Rules; and the Senate concurred in the suspension of said joint rule.**

A Bill relative to Representative districts in the General Court (House, No. 4686,— on petition),— was read.
There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill relative to Representative districts in the General Court (see House, No. 4686), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 2 to 0.

The bill was signed by the Acting President and sent to the House for enactment.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President and laid before the Governor on Wednesday, April 21, 2004, for his approbation.

***Adjournment in Honor of Army National Guard's 1058th
Transportation Company.***

The Senator from Plymouth and Norfolk, Mr. Hedlund, moved that when the Senate adjourns today, it adjourn in honor of Army National Guard's 1058th Transportation Company based in Hingham. The company is returning home after a year of dedicated service to our country, serving just outside of Tikrit, Iraq.

Accordingly, as a mark of respect to the members of Army National Guard's 1058th Transportation Company at eleven minutes past three o'clock P.M., on motion of the same Senator, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.