

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 22, 2004.

Met at five 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.

Distinguished Guest.

The Chair (Mr. Hart) handed the gavel to Senator Tolman who introduced his daughter Siobhan Tolman. Siobhan was participating in the Take Your Daughter to Work Day.

Petitions.

Mr. Hart in the Chair, petitions were presented and referred, as follows:

By Mr. Brown, a petition (subject to Joint Rule 12) of Scott P. Brown for legislation to authorize the Department of Mental Retardation of the Commonwealth to establish a sick leave bank for Augustine Tengbeh, an employee of the said department;

By Mr. Lees, a petition (subject to Joint Rule 12) of Brian P. Lees for legislation to direct the State Retirement Board to retire Robert Emmet Fitzgerald; and

By Ms. Walsh, a petition (subject to Joint Rule 12) of Marian Walsh for legislation concerning the definition of World War Two veteran;

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

Reports of Committees.

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition (accompanied by bill, Senate, No. 1150), an Order relative to authorizing the joint committee on Local Affairs and Regional Government to make an investigation and study of a certain current Senate document relative to preferred parking spaces (Senate, No. 2334);

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

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition, a Bill relative to assistant assessors in cities and towns (Senate, No. 1179);

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

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition, a Bill relative to certain conservation land in the town of Amherst (Senate, No. 2261) [Local approval received];

Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

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 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),— and recommending that the same be referred to the Senate committee on Ethics and Rules.

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

PAPERS FROM THE HOUSE.

A Bill relative to retirement rights of school committee appointees (House, No. 3960,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

Bills

Exempting certain positions in the city of Westfield from the civil service law (printed as Senate, No. 1928,— on petition) [Local approval received];

Relative to certain health premium payments made by the town of Mashpee (House, No. 4085, — on petition) [Local approval received]; and

Relative to the boundary line between the towns of Groton and Pepperell (House, No. 4334,— on petition) [Local approval received];

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Marguerite McWhinnie, an employee of the Trial Court of the Commonwealth (see Senate, No. 2198, amended), 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 3 to 0.

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

Resolutions.

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

Resolutions (filed by Mr. Knapik) “congratulating Sergeant First Class James J. Duggan for his distinguished military service in support of Operation Enduring Freedom”; and

Resolutions (filed by Ms. Melconian, Messrs. Tolman, Havern and McGee, Ms. Wilkerson, Mr. Barrios, Mrs. Sprague, Mr. O’Leary, Ms. Chandler, Messrs. Nuciforo and Berry, Ms. Murray, Ms. Tucker, Messrs. Shannon and Moore, Ms. Fargo and Mr. Lees) “on the occasion of the Day of Remembrance for the Armenian Genocide of 1915 to 1923.”

Reports 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 Senate Bill merging the South Sagamore water district with the Bourne water district (Senate, No. 2226).

There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time.

Ms. Murray presented an amendment in section 3, by striking out the first sentence and inserting in place thereof the following sentence:— “Section 1 shall take effect on July 1, 2004, if accepted before that date at a meeting of the Bourne water district at which persons constituting the water district as established by this act shall be entitled to vote.”; and by adding the following section:—

“SECTION 4. Section 2 of this act shall take effect upon its passage.”

The amendment was adopted.

The bill (Senate, No. 2226, amended) was then ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act relative to the South Sagamore Water District and the Bourne Water District.”.

Sent to the House for concurrence.

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 relative to the Jacob Sears Memorial Library (House, No. 3746).

There being no objection, the rules were suspended, on motion of Mr. Tolman, and the bill was read a second time.

Mr. O'Leary presented an amendment, adding the following section:—

“SECTION 2. This act shall take effect upon its passage.”

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPER FROM THE HOUSE.

A Bill relative to the election of town meeting members and validating the actions taken at certain town meetings held in the town of South Hadley (printed in House, No. 4380, changed,— being a message from His Excellency the Governor),— was read.

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

Report of a Committee.

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition, a Bill clarifying the powers and duties of the Charlton Water and Sewer Commission (Senate, No. 2222) [Local approval received].

The bill was read. There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill relative to the taxation of certain property in the town of Belmont (see House, No. 3980) (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.**

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 Marc R. Pacheco and David L. Flynn for legislation relative to motor vehicle traffic safety at Bridgewater State College.

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

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 Marian Walsh for legislation concerning the World War Two bonus.

Senate Rule 36 was suspended, on motion of Mr. Tolman, 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.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4689) of J. Michael Ruane relative to the Salem Retirement Board,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Marguerite McWhinnie, an employee of the Trial Court of the Commonwealth (see Senate, No. 2198, amended) (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.

Order Adopted.

On motion of Mr. Tolman,—

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