

**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.

Wednesday, April 30, 2003.

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

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

#### *Communication.*

A communication from Robert J. Garvey, Hampshire sheriff, submitting a plan of correction for the Hampshire County Jail and House of Correction (received Tuesday, April 22, 2003),— **was placed on file.**

#### *Reports.*

The following reports were severally read and placed on file:

A report of the Massachusetts Port Authority (under the provisions of Chapter 313 of the Acts of 2003) relative to the Central Garage Expansion Project (received Friday, April 18, 2003);

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of MCI Norfolk (received Wednesday, April 23, 2003);

A report of the Division of Employment and Training (under the provisions of Chapter 233 of the Acts of 1983) submitting it's quarterly report on the condition of the Commonwealth's Unemployment Insurance Trust Fund (received Monday, April 28, 2003); and

A report of the Massachusetts Turnpike Authority (under the provisions of Chapter 87 of the Acts of 2000) relative to the status of the Central Artery/Tunnel Project (received Tuesday, April 29, 2003).

#### *Petition.*

Ms. Murray presented a petition (subject to Joint Rule 12) of Therese Murray for legislation relative to a retirement buyback for Albert E. Todino from the Barnstable County Retirement System,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Report of a Committee.*

Ms. Murray, for the committee on Ways and Means, that the House Bill relative to the compensation of certain members of the General Court (House, No. 3743),— ought to pass;

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

**Subsequently, Ms. Jacques, for the said committee on Steering and Policy, reported that the matter be placed in the Orders of the Day for the next session.**

*Committee Discharged.*

Ms. Murray, for the committee on Ways and Means, reported, asking to be discharged from further consideration of the Senate Bill to promote an energy efficient state government (Senate, No. 373),— and recommending that the same be recommitted to the committee on Energy.

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

**Sent to the House for concurrence in the reference to the joint committee.**

PAPERS FROM THE HOUSE.

A Bill authorizing the town of Middleborough to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3723,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

A petition (accompanied by bill, House, No. 3839) of Timothy P. Murray (mayor), Thomas R. Hoover (city manager), John J. Binienda, Vincent A. Pedone, James B. Leary, Robert Spellane and John P. Fresolo (with the approval of the city council) relative to provisional employees in the city of Worcester,— **was referred, in concurrence, to the committee on Public Service.**

*Resolutions.*

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

Resolutions (filed by Mrs. Sprague) “on the occasion of the retirement of Kathleen Mary MacIvor.”

*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 Robert A. O’Leary, Frank M. Hynes, Stephen Kulik and J. James Marzilli, Jr. for legislation to phase out the so-called Quinn bill and establish educational requirements for new police hires.

**Senate Rule 36 was suspended, on motion of Mr. Knapik, 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.**

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 Robert A. O’Leary, Michael W. Morrissey and Matthew C. Patrick for legislation to impose a local excise tax on all passenger ferry trips.

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

**Severally sent to the House for concurrence.**

*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 designating the Bay State Tartan as the official Commonwealth of Massachusetts district tartan (House, No. 627),— **was read a second time and ordered to a third reading.**

*Reports of Committees.*

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to public employees serving in the armed forces of the United States (Senate, No. 1525),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 1985).

**There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.**

**The bill (Senate, No. 1985) was then ordered to a third reading.**

By Mr. Brewer, for the committee on Ethics and Rules, on the message of His Excellency the Governor, a Bill relative to the election of members of the Board of Selectmen in the town of Charlton (printed in Senate, No. 1983).

**The bill was read. There being no objection, the rules were suspended, on motion of Mr. Knapik, 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.**

PAPERS FROM THE HOUSE.

A Bill making an appropriation for fiscal year 2003 to provide for supplementing a certain existing appropriation and for certain other activities and projects (House, No. 3833,— on House, No. 2021, in part),— was read.

**There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time and ordered to a third reading.**

A Bill relative to the appointment of a city councilor in the city of Marlborough (House, No. 3812,— on petition) [Local approval received],— was read.

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

*Order.*

Mr. Brewer, for the committee on Ethics and Rules, reports, under the provisions of Senate Rule 13A, the following procedural order:

*Ordered*, That notwithstanding any rules to the contrary, the Senate shall give full consideration up to and including its final enactment to the House Bill relative to the compensation of certain members of the General Court (House; No. 3743), currently in the notice section of the Calendar. The Senate shall consider the bill timely for debate for the session to be held on Thursday, May 1, 2003. The bill will then be read a second time, ordered to a third reading and read a third time. At which point the bill will be up for amendment and debate but all other motions delaying immediate action will be considered out of order. After the bill has been passed to be engrossed in the Senate and returned from the House, votes on an emergency preamble and final passage will be considered forthwith, in each instance. No motions to delay the votes will be considered proper in either instance.

**Placed first in the Orders of the Day for the next session as a special assignment. The question being on adoption of the order.**

*Order Adopted.*

On motion of Mr. Knapik,—

*Ordered*, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in full formal session.

On motion of Mr. Knapik, at sixteen minutes past eleven o'clock A.M., the Senate adjourned to meet again tomorrow at one o'clock P.M.