

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.

Monday, May 3, 2004.

Met at one minute past eleven o'clock A.M.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Report.

A report of the Division of Unemployment Assistance (under the provisions of Section 14F of Chapter 151A of the General Laws, as most recently amended by Section 6 of Chapter 142 of the Acts of 2003) relative to the condition of the Unemployment Insurance Trust Fund for March 2004 (received Tuesday, April 27, 2004),— **was placed on file.**

Petitions.

Ms. Resor presented a petition (accompanied by bill, Senate, No. 2339) of Pamela P. Resor and James B. Eldridge (by vote of the town) for legislation relative to the Still River Village Wastewater Management District in the town of Harvard [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Natural Resources and Agriculture.**

Sent to the House for concurrence.

Mr. Nuciforo presented a petition (subject to Joint Rule 12) of Andrea F. Nuciforo, Jr. for legislation to direct the State Board of Retirement to pay certain retirement benefits to the surviving spouse and children of Gerald D. Downing,— **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. Melconian, for the committee on Science and Technology, that the Senate Bill relative to posting employment opportunities (Senate, No. 105); and

The House Bill relative to the standard for commercially used weights and measures devices (House, No. 27);

Severally ought to pass.

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

Mr. Magnani, 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 bills

Relocating certain harbor lines in the Fairhaven and New Bedford harbors (Senate, No. 2170); and

Relative to money laundering (Senate, No. 2291).

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to the authorization of the Governor to request an extension of the stay in Goodridge, et al. v. Department of Public Health, et al., SJC-08860 (House, No. 4679),— **was referred, in concurrence, to the committee on the Judiciary.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4695) of Christopher J. Donelan and Stanley C. Rosenberg (with the approval of the town council) that the town of Greenfield be authorized to grant an additional license for the sale of alcoholic beverages to James Burke d/b/a Harper Package Store;

To the committee on Government Regulations.

Petition (accompanied by bill, House, No. 4696) of Eugene L. O’Flaherty (with the approval of the city council) that the city of Chelsea be authorized to grant tax exemptions to certain owners of real property in said city;

To the committee on Taxation.

Resolutions.

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

Resolutions (filed by Mr. Antonioni) “congratulating Alexander Michael Fielder upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Lees) “congratulating the Western New England College School of Business on the accreditation of its Bachelor’s and Master’s programs”;

Resolutions (filed by Ms. Menard, Messrs. Baddour, Barrios, Berry, Brewer, and Brown, Ms. Chandler, Mr. Creedon, Ms. Creem, Ms. Fargo, Messrs. Glodis, Havern, Hedlund, Joyce, Knapik, Lees, McGee, and Magnani, Ms. Melconian, Messrs. Montigny and Moore, Ms. Murray, Messrs. Nuciforo, O’Leary, Pacheco and Panagiotakos, Ms. Resor, Messrs. Rosenberg and Shannon, Mrs. Sprague, Messrs. Tarr, Tisei, and Tolman, Ms. Tucker, Ms. Walsh and Ms. Wilkerson) “on the occasion of the Second Annual Multiple Myeloma Research Foundation’s Race for Research”;

Resolutions (filed by Messrs. Moore and Brewer) “on the retirement of Albert Cournoyer”; and

Resolutions (filed by Ms. Tucker) “congratulating Thomas Caffrey, Esq.”

Matters Taken out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered, as follows:

The Senate Bill relative to retirees’ group health insurance premium contributions in the city of Waltham (Senate, No. 2001) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill relative to the Massachusetts Credit Union Share Insurance Corporation. (Senate, No. 2267),— **was read a second time and ordered to a third reading.**

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 relative to tips received by certain employees (House, No. 4431).

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

Order Adopted.

Mr. Brewer presented the following order, to wit:

Ordered, that, notwithstanding Rule 27A or any other rule to the contrary, all amendments offered by members to the general appropriation bill as reported by the Committee on Ways and Means shall be second-reading amendments, but further amendments in the third degree to such amendments shall be in order. After the bill as amended is ordered to a third reading, the question shall immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the Committee on Bills in the Third Reading. All other provisions of Rule 27A and of other rules shall continue to apply.

There being no objection, the order was considered forthwith, and it was adopted.

PAPERS FROM THE HOUSE.

House Order.

The President requested that the rules be suspended to consider the following House Order (approved by the committees on Rules of the two branches, acting concurrently):

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on State Administration be granted until Friday, May 28, 2004 in which to make its final report on Senate documents numbered 1622, 1623, 1625, 1627, 1628, 1632, 1633, 1634, 1635, 1640, 1642, 1644, 1645, 1646, 1647, 1648, 1650, 1656, 1657, 1658, 1659, 1662, 1663, 1664, 1669, 1670, 1673, 1674, 1677, 1680, 1682, 1689, 1690, 1695, 1696, 1697, 1703, 1704, 1705, 1706, 1707, 1708, 1978, 2084 and 2233 and House documents 42, 51, 52, 53, 54, 55, 259, 260, 261, 262, 264, 448, 449, 451, 615, 616, 617, 618, 622, 842, 1018, 1200, 1202, 1203, 1204, 1205, 1206, 1207, 1209, 1242, 1376, 1377, 1378, 1380, 1381, 1382, 1384, 1385, 1387, 1587, 1589, 1590, 1591, 1766, 1768, 1770, 1940, 1941, 1942, 2154, 2155, 2159, 2363, 2366, 2368, 2529, 2531, 2532, 2534 2692, 2694, 2697, 2698, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2889, 2890, 3077, 3239, 3240, 3437, 3438, 3440, 3441, 3442, 3443, 3444, 3446, 3447, 3592, 3593, 3595, 3698, 3699, 3702, 3703, 3704, 3803, 3897, 4113, 4168, 4192, 4212, 4268, 4269, 4335, 4384, 4442, 4492, 4530, 4531, 4551, 4576 and 4596, relative to the administration of the Commonwealth,— **but objection was made thereto by Mr. Knapik**
The order was placed in the Orders of the Day for the next session, the question being on adoption.

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 President and laid before the Governor for his approbation, to wit:

Relative to the retirement and health benefits of certain elected officials of the town of Richmond (see House, No. 4236); and

Designating the former administration building at Tewksbury Hospital as the Richard P. Morris Building (see House, No. 4567).

Order Adopted.

On motion of Ms. Chandler,—

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

Adjournment in Memory former Senator Robert L. Cawley.

Ms. Walsh requested that when the Senate adjourns, it adjourn in memory of former Senator Robert L. Cawley of West Roxbury. Mr. Cawley served in the Massachusetts Senate from 1969 until 1972 and as the Director of Senate Personnel from 1972 until his retirement in September of 2000. Mr. Cawley also served as a member of the House of Representatives from 1963 until 1968. Mr. Cawley, a veteran of the Korean War, was a recipient of the Purple Heart. Mr. Cawley also taught at Newbury Junior College and Quincy College and after his retirement was elected to the Massachusetts State Board of Retirement. He is survived by his wife Patricia, his sons Christopher and Robert, his daughters Suzanne and Laura and seven grandchildren.

Accordingly, as a mark of respect to the memory of former Senator Robert L. Cawley at seven minutes past eleven o'clock A.M., on motion of Mr. Knapik, the Senate adjourned to meet again tomorrow at one o'clock P.M.