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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, May 8, 2003.

Met at six minutes past one o'clock P.M. (Ms. Walsh 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 (Ms. Walsh), members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

The President in the Chair, during consideration of the Orders of the Day, there being no objection, the President introduced, seated in the rear of the Senate Chamber, the Blackstone Valley Regional Vocational Technical High School Varsity Basketball Team. Senator Moore then took the rostrum and recognized the team for being the recipient of the coveted Division III Sportsmanship Team Award in Massachusetts by the Massachusetts Alliance for Promotion of Sportsmanship. One player, Alex Stansky, was recognized for his special efforts. Despite having been diagnosed with cancer, he has continued to live his life to the fullest and participated as an active and vital team leader throughout the season. The team was accompanied by their coaches and were the guests of Senators Moore and Glodis.

Reports.

Ms. Walsh in the Chair, a report of the Division of Capital Asset Management and Maintenance (under the provisions of Section 40K of Chapter 7 of the General Laws) submitting a copy of the Commonwealth of Massachusetts Real Property Report for 2003 (received Tuesday, May 6, 2003),— **was placed on file.**

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 Cedar Junction (received Thursday, May 1, 2003),— **was read and sent to the House for its information.**

Petition.

Mr. O'Leary (by request), presented a petition (subject to Joint Rule 12) of Thomas A. DeRiemer for legislation relative to homeowners' associations,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3846) of Matthew C. Patrick (by vote of the town) that the town of Mashpee be authorized to convey certain conservation land to the affordable housing trust of said town,— **was referred, in concurrence, to the committee on Housing and Urban Development.**

Resolutions.

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

Resolutions (filed by Mr. Havern) “honoring Carole Gentile on the occasion of her retirement”;

Resolutions (filed by Mr. Hedlund) “congratulating the Cohasset Water Commission”;

Resolutions (filed by Mr. Moore) “congratulating the Bellingham High School ‘Blackhawks’”;

Resolutions (filed by Mr. Moore) “honoring the Sutton Memorial High School ‘Sammies’ Division III Boys Soccer Team on winning the 2002 Massachusetts Division III State Championship”;

Resolutions (filed by Mr. Shannon) “congratulating Nancy LeBlanc on her retirement from the Medford Public Schools”;

Resolutions (filed by Mrs. Sprague) “congratulating Jordan Leef of Sharon upon his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Mrs. Sprague) “congratulating Shyam Patel of Sharon upon his elevation to the rank of Eagle Scout.”

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill designating the Bay State Tartan as the official District Tartan of the Commonwealth (see House, No. 627) (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.**

Order Adopted.

On motion of Mr. Lees,—

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.

Recess.

There being no objection, at eight minutes past one o’clock P.M., the Chair (Ms. Walsh) declared a recess subject to the call of the Chair; and at a half past one o’clock P.M., the Senate reassembled, the President in the Chair.

Moment of Silence.

There being no objection, the President asked for a moment of silence to the memory of former State Senator Anna P. Buckley of Brockton, who recently passed away.

Anna Buckley was an outstanding Senator and a fine lady, who enriched the lives of everyone she came in contact with. She accomplished a great deal as a Senator in this Chamber, and fought hard for the people she served in the Brockton area, and throughout the Commonwealth. She did this with a great deal of ability, integrity, charm and grace. She will be truly missed by her family and her legion of friends.

Orders of the Day.

The Orders of the Day were considered, as follows:

The Senate bills

Relative to the annual observance of Jack Kerouac Day (Senate, No. 1666); and

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);

Were severally read a third time and passed to be engrossed.

Severally sent to the House for concurrence.

The Senate report of the committee on State Administration, 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,— **was considered; and it was accepted.**

Bills

Authorizing the town of Milton to grant certain licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 420);

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); and

Authorizing the city of Worcester to reinstitute an early retirement incentive program (House, No. 3813);
Were severally read a second time and ordered to a third reading.

The Senate Bill authorizing manufacturers of certain food products to import alcoholic beverages (printed as House, No. 697) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and, Ms. Menard in the Chair, after debate, was passed to be engrossed.**
Sent to the House for concurrence.

The Senate Bill amending the Upper Blackstone Water Pollution Abatement District (Senate, No. 1989),— **was read a third time and, after remarks, was passed to be engrossed.**
Sent to the House for concurrence.

The House Bill establishing a sick leave bank for Francie R. Minder, an employee of the Department of Mental Retardation (House, No. 3736),— **was read a third time and passed to be engrossed, in concurrence, with an amendment.**
Sent to the House for concurrence in the amendment previously adopted.

The Report of the committee on Ethics and Rules, recommending that the rules of the Senate be amended by inserting after Senate Rule 10A the following rule:

“10B. Interns and other temporary employees of the Senate, who are students at accredited educational institutions and who are employed by the Senate for not more than 6 months, may receive compensation from an educational institution or other non-profit organization under section 501(c)(3) of the Internal Revenue Code, according to that organization’s regular program of providing such compensation for temporary governmental or public service employment. A temporary employee’s Senate supervisor shall establish the employee’s state compensation, shall verify that the sum of the employee’s state compensation, if any, and any outside compensation that the employee is to receive under this rule would not exceed this total compensation, and shall file the written terms of the employee’s compensation with the Senate Personnel Office, where it shall be available for public inspection.” ,— was considered.

After remarks, the question on acceptance of the report was determined by a call of the yeas and nays, at seven minutes before two o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 20**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.

Magnani, David P. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne — 39.
Melconian, Linda J.

NAYS — 0.

The yeas and nays having been completed at three minutes before two o'clock P.M., the report of the committee was accepted.

The Senate Order (offered by Messrs. Brewer and Lees) which reads as follows:

“Ordered, That notwithstanding Senate Rule 27A, no amendment to the general appropriations bill, which seeks to increase appropriations in excess of \$100,000 shall be in order unless it is accompanied by a corresponding provision to decrease other items of appropriation in the bill by an equal or greater amount. This order shall apply to any amendment allocating funds within a line item for a particular purpose that would have the effect of allocating more funds than the line item contains. No provision to decrease appropriations shall diminish non-discretionary items.

No amendment to the general appropriation bill that seeks to increase revenues shall be in order if it specifically directs the appropriation, expenditure or deposit of the additional revenues.

The committee on Ways and Means may offer one or more amendments as substitutes for amendments to the general appropriations bill that seek to increase revenues, and said substitutes shall be considered amendments in the first degree.

No proposition on a subject different from the amendment under consideration shall be admitted under color of a redrafted or further amendment.”— was considered.

After debate, the question on adoption of the order was determined by a call of the yeas and nays, at eight minutes past two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 38 — nays 2) [**Yeas and Nays No. 21**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Jacques, Cheryl A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 38.

NAYS.

Joyce, Brian A. O'Leary, Robert A. — 2.

The yeas and nays having been completed at twelve minutes past two o'clock P.M., the order was adopted.

The President in the Chair, on motion of Mr. Tolman, at thirteen minutes past two o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.