

**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, May 13, 2004.

Met at nineteen minutes past one o'clock P.M.

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

#### *Petitions.*

Mr. Morrissey presented a petition (accompanied by bill, Senate, No. 2345) of Michael W. Morrissey and Kathleen M. Teahan (by vote of the town) for legislation to provide for a strong town manager form of government in the town of Abington [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Local Affairs and Regional Government.**

**Sent to the House for concurrence.**

Ms. Creem presented a petition (subject to Joint Rule 12) of Cynthia S. Creem and Paul J. P. Loscocco for legislation to end the double taxation of attorney's fees,— **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. Murray, for the committee on Ways and Means, that the House Bill making appropriations for the fiscal year 2005 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4601),— ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2400;

[Estimated cost: Direct Appropriation: \$21,292,282,458;  
Retained Revenue Authorization: \$1,187,180,057;  
Total: \$22,479,462,515];

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

**Subsequently, Mr. Magnani for the said committee on Steering and Policy, reported that the matter be placed in the Orders of the Day for Wednesday, May 19, 2004.**

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition, a Bill providing for the transfer and preservation of certain interests in land held for natural resource purposes of the abolished counties (Senate, No. 146);

By Mr. Tolman, for the committee on Public Service, on petition, a Bill relative to the transfer of sick, personal or vacation time to State Trooper Mary T. McCauley of the Middlesex District Attorney's Office (Senate, No. 2229);

By the same Senator, for the same committee, on the recommitted petition, a Bill establishing a sick leave bank for Carole M. Lee, an employee of the Department of Social Services (Senate, No. 2230); and

By the same senator, for the same committee, on petition, a Bill establishing a sick leave bank for Thomas F. Sweeney, Jr., an employee of the Department of Correction (Senate, No. 2333);

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

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition, a Bill expanding the rights of employees in county employment (Senate, No. 139);

**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 filling vacancies in the city council of the city of Quincy (Senate, No. 2260) [Local approval received];

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

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

To protect charities and other organizations from identity theft (Senate, No. 159);

Requiring local approval for low level radioactive waste sites (Senate, No. 1264);

Authorizing the Department of Fisheries, Wildlife and Environmental Law Enforcement to issue motor vehicle citations (Senate, No. 1287); and

Relative to motor vehicle homicide (Senate, No. 2322); and

The House Bill authorizing Martha's Vineyard affordable housing covenants (House, No. 1510).

#### PAPERS FROM THE HOUSE.

A Bill relative to the terms of certain bonds to be issued by the Commonwealth (printed in House, No. 4285,— being a message from His Excellency the Governor),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

#### *Resolutions.*

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

Resolutions (filed by Mr. Glodis) “in recognition of the three hundred fiftieth anniversary celebration of Hassanamesit”;

Resolutions (filed by Mr. Magnani) “congratulating Rabbi Donald M. Splansky”;

Resolutions (filed by Messrs. Moore, Brewer, Havern, Hedlund, Knapik, Lees and Pacheco, Ms. Resor, Mrs. Sprague and Ms. Tucker) “on the occasion of the thirtieth anniversary of the Gun Owners’ Action League”;

Resolutions (filed by Messrs. Moore, Brewer, Havern, Hedlund, Knapik and Lees, Ms. Resor, Mr. Pacheco, Mrs. Sprague and Ms. Tucker) “honoring Michael D. Yacino”;

Resolutions (filed by Messrs. Nuciforo, and Barrios) “commending the Republic of China (Taiwan) on its contributions to promote world health”;

Resolutions (filed by Messrs. Nuciforo and Barrios) “supporting a Taiwan-U.S. Free Trade Agreement (TUFTA)”;

Resolutions (filed by Mrs. Sprague) “on the dedication of the World War II Veterans Trail”;

Resolutions (filed by Mr. Tarr) “honoring the Gloucester District Nurses of the Visiting Nurse Association Care Network”; and

Resolutions (filed by Ms. Walsh) “congratulating Joseph A. Medina on the occasion of his Court of Honor.”

#### PAPERS FROM THE HOUSE.

#### *Engrossed Bills.*

An engrossed Bill relative to the Dedham-Westwood Water District (see Senate, No. 1965, changed) (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 President and laid before the Governor for his approbation.**

An engrossed Bill relative to the taxation of certain property in the town of Belmont (see House, No. 3980, amended) (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 re-enacted and was signed by the President and again laid before the Governor for his approbation.**

An engrossed Bill relative to parking fines in the city of Haverhill (see House, No. 4210, amended) (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 re-enacted and was signed by the President and again laid before the Governor for his approbation.**

*Committee of Conference Report.*

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill to improve public health in the commonwealth (House, No. 4256, printed as amended) (*Amended by the Senate* striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2130, amended in section 1, in lines 190 to 193, inclusive, by striking out clause (6) and inserting in place thereof the following clause:

“(6) The business of tobacco farmer, manufacturer, importer, exporter, or wholesale distributor or tobacco products.”; in section 2, in lines 4 and 5, by inserting after the words “Restaurant Association” the words “; the Massachusetts Chamber of Commerce”, in line 6, by inserting after the word “Association” the words “; the Massachusetts Chamber of Commerce, the Massachusetts AFL-CIO”; and by inserting after section 2 the following section:

“SECTION 2A. Chapter 63 of the General Laws is hereby amended by inserting after section 31H the following section:—

Section 31I. A domestic or foreign corporation or corporate franchise shall be allowed a credit against its excise due under this chapter equal to 100 per cent of the costs incurred during any taxable year beginning on or after January 1, 2002, and ending on or before December 31, 2003, for the purchase and installation of mechanical ventilation systems and related heating and air conditioning systems; walls, door, glass, and other barriers; air ducts; plumbing, wiring, and gas lines; and any other materials used in the construction of designated smoking areas designed to reduce the presence of smoke in non-smoking areas, including any modifications to existing physical structures, as well as any costs incurred for labor and design in the construction of such designated smoking areas, used by the corporation or corporate franchise in the commonwealth and situated in the commonwealth during said period of time, pursuant to any board of health regulation, city ordinance, town bylaw, or any other municipal variance or exception.”), recommending that House recede from its non-concurrence with the Senate in its amendment and concur therein with a further amendment by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4690 and that the Senate concur in the further amendment,— came from the House, and was read.  
**There being no objection, the rules were suspended, to consider the matter forthwith.**

**Pending the question on acceptance of the report, in concurrence, Mr. Lees moved that the matter be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed without question until the next session,**

*Orders of the Day.*

The Orders of the Day were considered, as follows:

The Senate Bill relocating certain harbor lines in the Fairhaven and New Bedford harbors (Senate, No. 2170),— **was read a second time and ordered to a third reading.**

The Senate Bill relative to pilotage in Massachusetts (Senate, No. 2097),— **was considered; and it was ordered to a third reading.**

The Senate Bill relative to money laundering (Senate, No. 2291,— was read a second time.

After remarks, the question on ordering it to a third reading was determined by a call of the yeas and nays, at a half past one o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 524**]:

**YEAS.**

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.

Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O’Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela P.
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.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne —
McGee, Thomas M.	<b>39.</b>

**NAYS — 0.**

**The yeas and nays having been completed at twenty-six minutes before two o’clock P.M., the bill was ordered to a third reading.**

*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, on motion of Ms. Menard, and considered as follows:

The House Bill authorizing pronouncement of death by nurse practitioners (House, No. 1663) (having been previously postponed until Tuesday, June 1),— **was considered; and it was passed to be engrossed, in concurrence.**

*Orders of the Day.*

The Orders of the Day were further considered, as follows:

The Senate Bill relative to the crime of engaging in legal or medical running (Senate, No. 170),— was read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at thirteen minutes before two o’clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 525**]:

**YEAS.**

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O’Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela P.
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.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne —
McGee, Thomas M.	<b>39.</b>

**NAYS — 0.**

**The yeas and nays having been completed at nine minutes before two o'clock P.M., the bill was passed to be engrossed. Sent to the House for concurrence.**

The House Bill relative to the destruction, defacement or removal of veterans' commemorative flag holders (House, No. 2390) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

The question on passing it to be engrossed, in concurrence, was determined by a call of the yeas and nays, on motion of Mr. Lees, at eight minutes before two o'clock P.M., as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 526**]:

#### **YEAS.**

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela P.
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.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne —
McGee, Thomas M.	<b>39.</b>

**NAYS — 0.**

**The yeas and nays having been completed at five minutes before two o'clock P.M., the bill was passed to be engrossed, in concurrence.**

The Senate Bill relative to the worker' compensation exclusive remedy (Senate, No. 72, amended),— was considered.

Pending the question on passing the bill to be engrossed, Mr. Tolman moved that the bill be amended by substituting, in part, a "Bill to protect social workers" (Senate, No. 123).

**The amendment was adopted.**

**The bill (Senate, No. 123) was then read and referred, under Senate Rule 26, to the committee an Steering and Policy.**

**The bill (Senate, No. 72, amended) as amended, was again considered; and, on motion of Mr. Hart, the further consideration thereof was postponed until Thursday, May 27, 2004.**

The Senate Bill relative to municipal light plant department security deposits (Senate, No. 2211),— was considered, the main question being on ordering the bill to a third reading.

Mr. Pacheco moved that the pending amendment, adding after the words “ending December of the prior year,” the following text:— “No municipal light department, as defined in this section, shall realize and retain a profit based on this security deposit formulation. Any such profit shall be returned to the consumer in the form of a rate reduction.”,— be withdrawn; and there being no objection, the amendment was withdrawn.

**The bill was then ordered to a third reading.**

The Senate Bill relative to frozen desserts and frozen dessert mix (Senate, No. 586),— **was considered; and it was ordered to a third reading.**

The Senate Bill to extend the ban on assault weapons and further reduce gun violence in the Commonwealth (Senate, No. 2282), was considered, the main question being on ordering the bill to a third reading.

Pending the question on adoption of the amendments previously moved by Messrs. Brewer and Moore, striking out Sections 4, 5 and 6 and inserting in place thereof the following sections:—

“SECTION 4. Paragraph (1) of section 129B of said chapter 140, as so appearing, is hereby amended by striking out clauses (i) and (ii) and inserting in place thereof the following clauses:—

(i) has ever, in a court of the commonwealth, been convicted or adjudicated a youthful offender or delinquent child, both as defined in section 52 of chapter 119, for the commission of: (a) a felony; (b) a misdemeanor punishable by imprisonment for more than two years; (c) a violent crime as defined in section 121; (d) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment of more than one year may be imposed; (e) a violation of any law regulating the use, possession or sale of controlled substances, as defined in said section 1 of said chapter 94C; provided, however, that except for the commission of a violent crime or a felony involving the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition or a felony involving the use, possession or sale of controlled substances or the second or subsequent conviction of a felony or a misdemeanor punishable by imprisonment for more than two years, if the applicant has been so convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever is last occurring, not less than seven years immediately preceding such application, such applicant’s civil rights and ability to possess a rifle or shotgun or ammunition therefore shall be deemed to be fully restored in the commonwealth with respect to such conviction or adjudication and such conviction or adjudication shall not disqualify such applicant for a firearm identification card.

(ii) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of: (a) a felony; (b) a misdemeanor punishable by imprisonment for more than two years; (c) a violent crime as defined in section 121; (d) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment of more than one year may be imposed; (e) a violation of any law regulating the use, possession or sale of controlled substances, as defined in said section 1 of said chapter 94C; provided, however, that except for the commission of a violent crime or a felony involving the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition or a felony involving the use, possession or sale of controlled substances or the second or subsequent conviction of a felony or a misdemeanor punishable by imprisonment for more than two years, if the applicant has been so convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever is last occurring, not less than seven years immediately preceding such application, such applicant’s civil rights and ability to possess a rifle or shotgun or ammunition therefore shall be deemed to be fully restored in the commonwealth with respect to such conviction or adjudication and such conviction or adjudication shall not disqualify such applicant for a firearm identification card.

SECTION 5. Subsection (d) of said section 131 of said chapter 140, as so appearing, is hereby amended by striking out clause (i) and inserting in place thereof the following clause:—

(i) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of: (a) a felony; (b) a misdemeanor punishable by imprisonment for more than two years; (c) a violent crime as defined in section 121; (d) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment of more than one year may be imposed; (e) a violation of any law regulating the use, possession or sale of controlled substances, as defined in said section 1 of said chapter 94C; provided, however, that except for the commission of a violent crime or a felony involving the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition or a felony involving the use,

possession or sale of controlled substances or the second or subsequent conviction of a felony or a misdemeanor punishable by imprisonment for more than two years, if the applicant has been so convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever is last occurring, not less than seven years immediately preceding such application, such applicant's civil rights and ability to possess firearms shall be deemed to be fully restored in the commonwealth with respect to such conviction or adjudication and such conviction or adjudication shall not disqualify such applicant for a Class A or Class B license to carry firearms.

SECTION 6. Section 129B of chapter 140, as so appearing, is hereby amended by inserting after the word 'issue', in line 167, the following words:— provided, however, that if the cardholder applied for renewal before said card expired, such card shall remain valid for a period of 90 days after the stated expiration date on the card unless the renewal was denied.

SECTION 7. Said section 129B of said chapter 140, as so appearing, is hereby further amended by inserting after the word 'expired', in lines 201 and 215, in each instance, the following words:— , meaning after 90 days after the stated expiration date on the card.

SECTION 8. The first paragraph of paragraph (i) of section 131 of said chapter 140 of the General Laws, as so appearing in the 2002 Official Edition, is hereby amended by adding the following sentence:— For the purposes of provisions of section 10 of chapter 269, an expired license to carry firearms shall be deemed to be valid for a period not to exceed 90 days beyond the date of expiration, except that this provision shall not apply to any such license to carry firearms which has been revoked or relative to which a revocation is pending,

SECTION 9. Said section 131 of said chapter 140, as so appearing, is hereby further amended by inserting after the word 'issue', in line 230, the following words:— ; provided, however, that if the licensee applied for renewal before said license expired, such license shall remain valid for a period of 90 days after the stated expiration date on the license unless the renewal was denied.

SECTION 10. Said section 131 of said chapter 140, as so appearing, is hereby further amended by inserting after the word 'expired', in lines 280 and 293, in each instance, the following words:— meaning after 90 days after the stated expiration date on the license'."

Mr. Barrios moved to amend the amendment by inserting after Section 3 the following section:—

"SECTION 3A. Said section 121 of said chapter 140, as so appearing, is hereby further amended by inserting after the figure '(31)', in line 58, the following words:— , as appearing in such act on September 13, 1994"; and by striking out Section 4 and inserting in place thereof the following sections:—

"SECTION 4. Section 123 of said chapter 140, as so appearing, is hereby amended by striking out clause Sixteenth."

SECTION 4A. Chapter 140 of the General Laws is hereby amended by inserting after section 129C the following section:—

Section 129C½. Any person or entity that inherits an assault weapon or large capacity feeding device or is the beneficiary of a trust containing an assault weapon or a large capacity feeding device, from a person or entity that lawfully owned, possessed or controlled, such weapon or device on and after September 13, 1994, may sell, transfer or deliver the assault weapon or large capacity feeding device to a licensed dealer or to another if the transferee is legally permitted to purchase or take possession of such weapon or device. Such weapon or device may not be subsequently sold, transferred or delivered within the commonwealth to another person, except through inheritance, except to a licensed dealer who may transfer the weapon or device again only to another dealer without the commonwealth

Whoever violates this section shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment for not less than 1 year in the house of correction nor more than 10 years in state prison, or by both such fine and imprisonment.

SECTION 4B. The secretary of the executive office of public safety shall promulgate regulations requiring the criminal history systems board to designate and track inherited assault weapons and large capacity feeding devices and to maintain a database of such weapons and devices to further the purpose of section X.

SECTION 4C. Section 131M of chapter 140, as so appearing, is hereby amended by striking out the words 'that was not otherwise lawfully possessed on September 13th, 1994', in lines 2 and 3, and inserting in place thereof the following:— Except as provided in section 129C½"; and by striking out sections 5 and 6 and inserting in place thereof the following 4 sections:

"SECTION 5. Section 129B of chapter 140, as so appearing, is hereby amended by inserting after the word 'issue', in line 167, the following words:— provided, however, that if the cardholder applied for renewal before said card expired, such card shall remain valid for a period of 90 days after the stated expiration date on the card unless the renewal was denied.

SECTION 6. Said section 129B of said chapter 140, as so appearing, is hereby further amended by inserting after the word 'expired', in lines 201 and 215, in each instance, the following words:—, meaning after 90 days after the stated expiration date on the card.

SECTION 7. The first paragraph of paragraph (i) of section 131 of said chapter 140 of the General Laws, as so appearing in the 2002 Official Edition, is hereby amended by adding the following sentence:— For the purposes of provisions of section 10 of chapter 269, an expired license to carry firearms shall be deemed to be valid for a period not to exceed 90 days beyond the date of expiration, except that this provision shall not apply to any such license to carry firearms which has been revoked or relative to which a revocation is pending.

SECTION 8. Said section 131 of said chapter 140, as so appearing, is hereby further amended by inserting after the word "issue", in line 230, the following words:— ; provided, however, that if the licensee applied for renewal before said license expired, such license shall remain valid for a period of 90 days after the stated expiration date on the license unless the renewal was denied." **Pending the question on adoption of the further amendment (Barrios) to the pending amendment (Brewer-Moore), and pending the main question on ordering the bill to a third reading, on motion of Mrs, Sprague, the further consideration thereof was postponed until Thursday, May 27, 2004.**

The House Bill relative to the boundary line between the towns of Groton and Pepperell (House, No. 4334),— was considered, the main question being on ordering it to a third reading.

**On motion of Mr. Lees, the further consideration thereof was postponed until the next session.**

The Senate report of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1334) of Michael R. Knapik, Robert L. Hedlund, Brian P. Lees, Richard R. Tisei and other members of the General Court for legislation to authorize police officers to take certain actions outside their jurisdiction,— **was considered; and it was accepted.**

The pending motion, previously moved by Mr. Barrios, that the motion to reconsider the vote by which the message from His Excellency the Governor (accompanied by bill, House, No. 4679) at recommending legislation relative to the authorization of the Governor to request an extension of the stay in *Goodridge at al. v. Department of Public Health et al.*, *SJC-08660* had been referred to the committee on the Judiciary, be laid upon the table,— was considered; and it was *negatived*.

The Senate then reconsidered the vote by which it had referred the Governor's message (House, No. 4679) to the committee on the Judiciary.

The recurring question on concurring in the referral to the committee on the Judiciary was considered; and it was *rejected*. **The message was returned to the House for their consideration.**

#### PAPERS FROM THE HOUSE.

##### *Bills Returned with Recommendation of Amendment.*

A message from Her Honor the Lieutenant-Governor, Acting Governor returning with recommendation of amendment the engrossed Bill relative to the Jacob Sears Memorial Library (see House, No. 3746, amended) [for message, see House, No. 4723],— came from the House with endorsement that the House adopted the amendment (as recommended by the committee on Bills in the Third Reading) in the following form:

In Section 1 (as printed) by striking out the sentence contained in lines 3 and 4 and inserting in place thereof the following sentence:— "The 3 trustees, all of whom shall be residents as what is commonly known as Quivet Neck, in the town of Dennis, shall be elected by a vote of the residents of Quivet Neck."; by striking out the sentence contained in lines 15 and 16 (as engrossed),

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.

**The rules were suspended, on motion of Mr. O'Leary, and the House amendment was considered forthwith and adopted, in concurrence.**

**Sent to the House for re-enactment.**

##### *Engrossed Bill.*

An engrossed Bill relative to adjudicatory hearings of the Board of Registration in Medicine (see Senate, No. 2151, 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 President and laid before the Governor for his approbation.**

##### *Reports of a Committee.*



By Ms. Murray, for the committee on Ways and Means, that the Senate Bill authorizing the division of capital asset management and maintenance to lease certain property (Senate, No. 2234),— ought to pass, with amendments in section 2, by adding the following 2 sentences: “If for any reason the property ceases to be used solely for the purposes described in section 1, the commissioner, in consultation with the department of conservation and recreation, may terminate the lease, if the lease is terminated, the property shall revert to the commonwealth under the care and control of the department of conservation and recreation.”; in section 5, by adding the following sentence:— “The lease shall require the lessee to provide annual itemized statements to the commissioner of capital asset management and maintenance, or his designee, of the considerations identified in section 3 that are to be claimed by the lessee.”; by striking out section 6; and by inserting before the enacting clause the following emergency preamble:

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to authorize the lease of certain property to the city of Lynn, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

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

**The bill (Senate, No. 2234, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank (Senate, No. 2336),— ought to pass, with an amendment inserting before the enacting clause the following emergency preamble:—

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to establish a sick leave bank for a certain employee, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

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

**The bill (Senate, No. 2336, 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 establishing a sick leave bank for a certain employee of the Department of Mental Retardation.”**

**Sent to the House for concurrence.**

#### PAPER FROM THE HOUSE.

The Senate Bill relative to the definition of a veteran (Senate, No. 822, amended),— came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4533.

**The rules were suspended, on motion of Mr. Baddour, and the House amendment was considered forthwith and adopted, in concurrence.**

#### *Report 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 Marian Walsh for legislation concerning the definition of World War Two veteran.

**Senate Rule 36 was suspended, on motion of Ms. Walsh, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Human Services and Elderly Affairs. Sent to the House for concurrence.**

#### PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4724) of William G. Greene, Jr. and other members of the General Court relative to oil spill prevention and response in Buzzards Bay and other harbors and bays of the Commonwealth;

**Under suspension of Joint Rule 12, to the committee on Natural Resources and Agriculture.**

Petition (accompanied by bill, House, No. 4725) of Jeffrey Davis Perry, Shirley Gomes, Demetrius J. Atsalis and Thomas N. George that police officers employed in towns located in Barnstable County and the county of Nantucket be authorized to exercise police powers throughout said counties;

**Under suspension of Joint Rule 12, to the committee on Public Safety.**

Mr. Shannon 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 Election Laws be granted until Wednesday, May 5, 2004 the time within which to report on Senate documents numbered 341, 347 and 363 and House documents numbered 335, 882, 1264, 1265, 2229, 2588, 2946 and 3854,— **but objection was made thereto by Mr. Lees.**  
**The order was placed in the Orders of the Day for the next session, the question being on adoption.**

*Orders Adopted.*

On motion of Mr. Shannon,—

*Ordered*, That, notwithstanding the provisions of Senate Rule 38B, when the Senate adjourns on Monday next, it adjourn to meet again on Wednesday next at twelve o'clock noon.

On motion of Ms. Walsh,—

*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 Ms. Walsh, at eleven minutes before three o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.