

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.

Tuesday, June 1, 2004.

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

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

Communication.

A communication from Wonderland Greyhound Park, Inc. (under the provisions of Section 2 of Chapter 128C of the General Laws) submitting copies of Simulcasting Contracts entered into by Wonderland (received Thursday, May 20, 2004),— **was placed on file.**

Reports.

The following reports were severally read and placed on file:

A report of the Division of Unemployment Assistance (under 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 April 2004 (received Monday, May 17, 2004); and

A report of the Massachusetts Turnpike Authority (under the provisions of Section 9 of Chapter 87 of the Acts of 2000) relative to the status of the CA/T Project (received Monday, May 17, 2004).

The following reports were severally read and sent to the House for its information:

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 the Bristol County Jail and House of Correction (received Tuesday, May 18, 2004);

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 the Bristol County Jail, Ash Street Facility (received Tuesday, May 18, 2004);

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 the Dartmouth Women's Center (received Tuesday, May 18, 2004);

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 the Essex County Correctional Alternative Center (received Thursday, May 20, 2004);

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 the Essex County Correctional Facility (received Thursday, May 20, 2004);

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 the Plymouth County Correctional Facility (received Friday, May 21, 2004);

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 the Souza-Baranowski Correctional Center (received Friday, May 21, 2004);

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 M.C.I. Concord (received Friday, May 21, 2004); and

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 Friday, May 21, 2004).

Reports of Committees.

By Mr. McGee, for the committee on Criminal Justice, on petition (accompanied by bill, Senate, No. 2324), an Order relative to authorizing the joint committee on Criminal Justice to make an investigation and study of a certain Senate document relative to vehicular homicide (Senate, No. 2363) (Representatives Paulsen of Belmont, Buoniconti of West Springfield and Hillman of Sturbridge dissenting);

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

By Mr. Tolman, for the committee on Public Service, on the recommitted petition, a Bill relative to a retirement buy back from the state board of retirement (Senate, No. 1456, changed by inserting, in line 2, after the word "contrary," the following words:—"and upon acceptance by the executive and legislative authorities of the city of Worcester, the regional school district committee of Assabet Valley Regional Voc-Tech and the regional school district committee of Montachusett Voc-Tech,");

By Ms. Wilkerson, for the committee on State Administration, on petition (accompanied by bill, Senate, No. 2084), a Bill directing the Division of Capital Asset Management and Maintenance to convey certain parcels of land in the towns of Hopkinton and Westborough (Senate, No. 2364); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2233), a Bill authorizing the sale of certain land in the town of Milton (Senate, No. 2365);

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

By Mr. Joyce, for the committee on Election Laws, on petition, a Bill relative to campaign reporting (Senate, No. 347) (Senator Shannon dissenting);

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

Committee 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 Local Affairs and Regional Government to make an investigation and study of certain Senate documents relative to municipal matters (Senate, No. 2357); and

Of the Senate Order relative to authorizing the joint committee on Local Affairs and Regional Government to make an investigation and study of certain Senate documents relative to municipal matters (Senate, No. 2359);

And recommending that the same severally be referred to the Senate committee on Ethics and Rules.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Resolutions.

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

Resolutions (filed by Mr. Pacheco) "honoring Dr. Ronald P. Gerhart."

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 authorizing the town of Harvard to employ Peter E. Warren as fire chief for two years after his sixty-fifth birthday (Senate, No. 1930),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill relative to voting precincts in the town of Amherst (Senate, No. 2040),— was read a third time.
There being no objection, at the request of Mr. Rosenberg, the bill was recommitted to the Joint Committee on Election Laws.
Sent to the House for concurrence.

The House Bill authorizing the city of Taunton to re-institute an early retirement program (House, No. 3871),— was read a third time.

Mr. Pacheco presented an amendment, striking out section 4 and inserting in place thereof the following section:

“SECTION 4. Notwithstanding section 116 of chapter 46 of the acts of 2003, the executive authority, in consideration of the benefits conferred in this act, shall negotiate to agreement any payment due to the employees for accrued vacation time, unused sick leave, and other payments to employees usually made at the time of retirement in accordance with chapter 150E. Notwithstanding the negotiation referenced in this section, payments shall be made over a period of 5 years. Any payments due, as provided in this section, shall commence, at the earliest, on July 1, 2005.”

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

The House Bill protecting the wages and tips of certain employees (House, No. 4431),— came from the House with the endorsement that the House had concurred in the Senate amendments, *with further amendments* striking out proposed section 4; and striking out the title and inserting in place thereof the following title: “An Act relative to protection for certain employees.”
The rules were suspended, on motion of Mr. Knapik, and the House amendment was considered forthwith and adopted, in concurrence, as corrected BTR.

A petition (accompanied by bill, House, No. 4765) of Brian Knuuttila, Emile J. Goguen and Robert A. Antonioni for legislation to authorize the Trial Court Department to establish a sick leave bank for Melissa J. Cornell, an employee of said court,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.**

Order Adopted.

On motion of Mr. Knapik,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday 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 ten minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.