

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, June 5, 2003.

Met at ten 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 Senator from Essex and Middlesex, Mr. Tarr, then led the Chair (Ms. Walsh), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Distinguished Guests.

The President in the Chair, there being no objection, the President handed the gavel to Senator O'Leary, who introduced, seated in the rear of the Chamber, his government class students at Massachusetts Maritime Academy. The students were observing the Senate session as part of their course work. They were the guests of Senator O'Leary.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Senator Hart, who introduced, seated in the Senate gallery, first grade students from St. Anne's School in Dorchester. They were the guests of Senator Hart.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Senator Wilkerson, who introduced, seated in the Senate gallery, students from the Winthrop School in Roxbury. They were the guests of Senators Wilkerson and Hart.

Petitions.

Mr. Morrissey presented a petition (accompanied by bill, Senate, No. 2007) of Michael W. Morrissey, A. Stephen Tobin, Bruce J. Ayers and Ronald Mariano (with the approval of the mayor and city council) for legislation relative to the issuance of pension funding bonds by the city of Quincy [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Public Service. Sent to the House for concurrence.**

Petitions were presented and referred, as follows:

By Ms. Creem, a petition (subject to Joint Rule 12) of Cynthia S. Creem for legislation relative to fiscal and economic security;

By Mr. O'Leary (by request), a petition (subject to Joint Rule 12) of Kenneth Moulton for legislation to authorize the town of Barnstable to provide financial reimbursement for personal injuries due to acts and omissions of town employees and officials;

By the same Senator (by request), a petition (subject to Joint Rule 12) of Kenneth Moulton for legislation to authorize the Commonwealth of Massachusetts to provide financial reimbursement for personal injuries due to acts and omissions of state employees; and

By the same Senator, a petition (subject to Joint Rule 12) of Robert A. O'Leary for legislation relative to a retirement buyback from the Plymouth county retirement system for Edward J. Murphy;
Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Report of a Committee.

By Ms. Chandler, for the committee on Housing and Urban Development, on petition, a Bill relative to the Department of Housing and Community Development (Senate, No. 700);
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

PAPERS FROM THE HOUSE.

Reports

Of the committee on Commerce and Labor, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 32) of Jarrett T. Barrios for legislation to further regulate credit counseling services,— and recommending that the same be referred to the committee on Banks and Banking.

Of the committee on Government Regulations, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 897) of Vincent Zarrilli relative to authorizing the Appeals Court to reinstate a certain unheard case of Vincent F. Zarrilli,— and recommending that the same be referred to the committee on the Judiciary.
Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Engrossed Bills.

Ms. Walsh in the Chair, 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 Acting President (Ms. Walsh) and laid before the Governor for his approbation, to wit:

Relative to the public schools of the city of Chelsea (see House, No. 2019); and

Establishing a sick leave bank for Francie R. Minder, an employee of the Department of Mental Retardation (see House, No. 3736, amended).

Resolutions.

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

Resolutions (filed by Mr. Joyce) “congratulating members of Engine 5 and Ladder 2 the Canton Fire Department upon receiving the 2003 Public Safety Award from the Knights of Columbus, Father John J. Flatley Council 2095 of Canton”;

Resolutions (filed by Mr. Joyce) “congratulating Kenneth N. Berkowitz on receiving the 2003 Public Safety Award from the Knights of Columbus, Father John J. Flatley Council 2095 of Canton”;

Resolutions (filed by Mr. McGee) “congratulating Swampscott Little League on the occasion of its fiftieth anniversary”;

Resolutions (filed by Mr. McGee) “congratulating Andy Holmes on 50 years as manager of the Swampscott Little League Indians”;

Resolutions (filed by Mr. McGee) “congratulating Al Duratti on 50 years as manager of the Swampscott Little League Yankees”;

Resolutions (filed by Mr. Shannon) “congratulating Daniel Joseph Paone on the happy occasion of his retirement”;

Resolutions (filed by Mr. Shannon) “congratulating Paul Francis Paone on the happy occasion of his retirement”;

Resolutions (filed by Mrs. Sprague) “honoring Elizabeth Marshak on her retirement after 23 years in education”; and

Resolutions (by Mr. Travaglini) “congratulating the volunteers and friends of the Boston Harbor Islands, Inc.”

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill relative to group insurance premiums for retired employees of the town of Webster (see House, No. 428, 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 Acting President (Ms. Walsh) and again laid before the Governor for his approbation.

Orders of the Day.

The President in the Chair, the Orders of the Day were considered, as follows:

The House Bill authorizing the Stoneham board of library trustees to appoint library personnel (House, No. 3714),— **was read a third time and passed to be engrossed, in concurrence.**

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Senator Brewer, who introduced, seated in the Senate gallery, John and Magi Bish, the parents of Molly Bish, Andrew Pryor, the father of Sarah Pryor and Robert Curley, the father of Jeffrey Curley, parents of missing and abused children. The parents were in the Chamber to observe the Senate enactment of Senate, No. 1631, “An Act setting apart May 25 as Missing Children’s Day”. Senator Brewer read the following prayer, distributed by the Molly Bish Foundation:

“Dear God,

Please bless the children of earth mine and all others, the precious angels in our midst. Send all darkness away from them.

Thank you God. AMEN.”

They were all the guests of Senator Brewer.

PAPER FROM THE HOUSE.

Engrossed Bill.

Mr. Brewer in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), an engrossed Bill providing for the annual observance of Missing Children’s Day (see Senate, No. 1631) (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 Acting President (Mr. Brewer) and laid before the Governor for his approbation.**

Orders of the Day.

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

Reorganization Plan No. 2 of 2003 to reform, restructure and revitalize higher education (printed in House, No. 3902),— was considered, the question being “shall this reorganization plan be approved?”.

After debate, at five minutes past two o’clock, P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the President declared a recess; and at twenty-six minutes before three o’clock P.M., the Senate reassembled, the President in the Chair.

At twenty-six minutes before three o’clock P.M., Mr. Lees doubted the presence of a quorum; and, a count of the Senate determined that a quorum was not present. Subsequently, at twenty-two minutes before three o’clock P.M., the President declared that a quorum was present; and the Senate proceeded with the business at hand.

Reorganization Plan No. 2 of 2003 to reform, restructure and revitalize higher education (printed in House, No. 3902),— was further considered.

Pending the main question of approval of the reorganization plan, Mr. Lees moved that the further consideration of this matter be postponed until Thursday, June 12; and, this motion was *negatived*, by a vote of 5 to 24.

Mr. Lees then moved for a call of the yeas and nays but an insufficient amount of members stood for the motion.

Mr. Lees then moved that further consideration of the matter be postponed until Tuesday, June 10.

The question on postponement was determined by a call of the yeas and nays at twenty-eight minutes before five o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 32) [**Yeas and Nays No. 48**]:

YEAS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 7.
Morrissey, Michael W.	

NAYS.

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
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.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 32.

The yeas and nays having been completed at twenty-six minutes before five o’clock P.M., the motion to postpone was *negatived*.

The main question, “shall this reorganization plan be approved?”,— was then considered.

The question on approval was then determined by a call of the yeas and nays at twenty-five minutes before five o’clock P.M., on motion of Ms. Wilkerson, as follows, to wit (yeas 6 — nays 33) [**Yeas and Nays No. 49**]:

YEAS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 7.

NAYS.

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.	Tolman, Steven A.
Jacques, Cheryl A.	Travaglini, Robert E
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian

McGee, Thomas M. Wilkerson, Dianne — **32.**
Melconian, Linda J.

ANSWERED “PRESENT”.

O’Leary, Robert A. — **1.**

The yeas and nays having been completed at twenty-two minutes before five o’clock P.M., Reorganization Plan No. 2 of 2003 was NOT approved.

Reorganization Plan No. 1 of 2003 relative to reforming, restructuring and revitalizing government (printed in House, No. 3901),— was considered, the main question being “shall this reorganization plan be approved?”,

After debate, Mr. Berry in the Chair, the question on approval was determined by a call of the yeas and nays, at sixteen minutes past five o’clock P.M., on motion of Ms. Wilkerson, as follows, to wit (yeas 7 — nays 32) [**Yeas and Nays No. 50**]:

YEAS.

Glodis, Guy W.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 7.
Lees, Brian P.	

NAYS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	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
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 32.

ABSENT OR NOT VOTING.

Moore, Richard T. — **1.**

The yeas and nays having been completed at twenty minutes past five o’clock P.M., Reorganization Plan No. 1 of 2003 was NOT approved.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:

The Senate Bill designating a portion of state highway Route 2 as the Johnny Appleseed Trail (Senate, No. 1621),— **was read a second time, and, after remarks, was ordered to a third reading.**

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

June 5, 2003.

Mr. Patrick Scanlan
Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk

On the roll call vote relative to House Bill No. 3901, I was absent as a result of my need to travel to Washington, D.C. to participate in a meeting of health committee chairs scheduled in Washington from June 5-8, 2003. Had I been present, I would have voted in the negative.

I would appreciate your assistance with the printing of this communication in the Senate Journal. Thank you for your assistance with this request.

Sincerely,
RICHARD T. MOORE,
State Senator,
Worcester and Norfolk District.

On motion of Mr. Havern, the above communication was ordered printed in the Journal of the Senate.

Order Adopted.

On motion of Mr. Havern,—

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 Mr. Lees, at twenty-seven minutes past five o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.