

**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 10, 2004.

Met at eight minutes past eleven o'clock A.M. (Mr. Moore 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 (Mr. Moore), members, guests and employees then recited the pledge of allegiance to the flag.

#### *Petition.*

Mr. Havern presented a petition (subject to Joint Rule 12) of Robert A. Havern for legislation relative to electronic public records,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### Papers from the House.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4772) of Daniel E. Bosley (by vote of the town) for legislation to provide for recall elections for office holders in the town of Rowe; and

Petition (accompanied by bill, House, No. 4773) of James B. Eldridge, Harold P. Naughton, Jr. and Robert A. Antonioni (by vote of the town) that the town of Lancaster be authorized to place all five offices of the finance committee on the 2005 ballot;  
**Severally to the committee on Election Laws.**

Petition (accompanied by bill, House, No. 4774) of Michael A. Costello and Steven A. Baddour (by vote of the town) that the licensing authority of the town of Amesbury be authorized to issue additional licenses for the sale of all alcoholic beverages to be drunk on the premises;  
**To the committee on Government Regulations.**

Petition (accompanied by bill, House, No. 4775) of Cory Atkins and Susan C. Fargo (by vote of the town) relative to establishing the Concord Housing Development Corporation; and

Petition (accompanied by bill, House, No. 4776) of Shirley Gomes and Robert A. O'Leary (by vote of the town) that the town of Wellfleet be authorized to establish an affordable housing trust fund;  
**Severally to the committee on Housing and Urban Development.**

Petition (accompanied by bill, House, No. 4777) of Cory Atkins and Susan C. Fargo (by vote to the town) that the town of Concord be authorized to establish a post-retirement group insurance trust fund;

**To the committee on Insurance.**

Petition (accompanied by bill, House, No. 4778) of Cory Atkins and Susan C. Fargo (by vote of the town) relative to the construction of sewer system extensions in the town of Concord;

Petition (accompanied by bill, House, No. 4779) of James B. Eldridge, Harold P. Naughton, Jr. and Robert A. Antonioni (by vote of the town) that certain employment contracts be granted by the town of Lancaster;

Petition (accompanied by bill, House, No. 4780) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to the historic commission of the town of Provincetown;

Petition (accompanied by bill, House, No. 4781) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to the board of assessors of the town of Provincetown;

Petition (accompanied by bill, House, No. 4782) of Kevin J. Murphy, David M. Nangle, Thomas A. Golden, Jr. and Steven C. Panagiotakos (with the approval of the mayor and city council) that the city of Lowell be authorized to pay a certain unpaid bill to Munis;

Petition (accompanied by bill, House, No. 4783) of Thomas J. O'Brien, Virato Manuel deMacedo and Therese Murray (by vote of the town) that the town of Plymouth be authorized to regulate the parking of vehicles in the downtown-waterfront district of the town of Plymouth;

Petition (accompanied by bill, House, No. 4784) of Susan W. Pope and Scott P. Brown (by vote of the town) that the town of Wayland be authorized to establish the position of town administrator;

Petition (accompanied by bill, House, No. 4785) of David M. Torrisci, Barbara A. L'Italien, Bruce E. Tarr and Steven A. Baddour (by vote of the town) relative to opening and closing of town meeting warrants in the town of North Andover;

Petition (accompanied by bill, House, No. 4786) of David M. Torrisci, Barbara A. L'Italien, Bruce E. Tarr and Steven A. Baddour (by vote of the town) relative to the membership of the board of health of the town of North Andover;

Petition (accompanied by bill, House, No. 4787) of David M. Torrisci, Barbara A. L'Italien, Bruce E. Tarr and Steven A. Baddour (by vote of the town) relative to the publication of summaries of the town meeting warrants in the town of North Andover;

Petition (accompanied by bill, House, No. 4788) of David M. Torrisci, Barbara A. L'Italien, Bruce E. Tarr and Steven A. Baddour (by vote of the town) that the town of North Andover be authorized to grant a certain easement to Massachusetts Electric Company and Comcast of Massachusetts; and

Petition (accompanied by bill, House, No. 4789) of David M. Torrisci, Barbara A. L'Italien, Bruce E. Tarr and Steven A. Baddour (by vote of the town) for legislation to authorize the town of North Andover to grant an easement on a certain parcel of land to Massachusetts Electric Company;

**Severally to the committee on Local Affairs and Regional Government.**

Petition (accompanied by bill, House, No. 4790) of Michael F. Rush, Anthony Petruccelli, Brian P. Wallace and Martin J. Walsh (with the approval of the mayor and city council) for legislation to grant retirement credit to certain reinstated teachers employed in the school department of the city of Boston;

Petition (accompanied by bill, House, No. 4791) of Martin J. Walsh (with the approval of the mayor and city council) relative to reduction of rank for members of the fire department in the city of Boston;

Petition (accompanied by bill, House, No. 4803) of Paul C. Casey, Richard R. Tisei and Carol A. Donovan (by vote of the town) for legislation to exempt the position of town hall custodian of the town of Stoneham from the civil service law;

**Severally to the committee on Public Service.**

Petition (accompanied by bill, House, No. 4792) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to property tax exemptions for rental properties restricted as affordable housing in the town of Wellfleet; and

Petition (accompanied by bill, House, No. 4793) of Cory Atkins and Susan C. Fargo (by vote of the town) relative to real estate tax exemptions for elderly persons in the town of Concord;

**Severally to the committee on Taxation.**

A Bill relative to the Winchendon District Court (House, No. 2638,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

#### Bills

Authorizing the town of Bellingham to establish certain revolving funds (House, No. 4015,— on petition) (Local approval received);

Authorizing the certification and eligibility as firefighters in the city of Taunton (House, No. 4186,— on petition) [Local approval received];

Relative to the discontinuance of a portion of Dock Lane in the city of Beverly (House, No. 4189,— on petition) [Local approval received];

Relative to the appointment of retired police officers in the city of Fitchburg (House, No. 4617,— on petition) [Local approval received]; and

Providing for filling vacancies in the office of mayor, city councillor-at-large, ward councillor and school committee member of the city of Revere (House, No. 4681,— on petition) [Local approval received];

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

#### *Motion to Reconsider.*

Mr. Nuciforo moved that the Senate reconsider the vote by which, at the preceding session, it had passed to be engrossed the Senate Bill relative to attorney's lien for fees (Senate, No. 2384).

**Pending the question on reconsideration, on further motion of the same Senator, the further consideration thereof was postponed until the next session.**

#### *Resolutions.*

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

Resolutions (filed by Mr. Brewer) “honoring the Fraternal Order of Eagles of Massachusetts”;

Resolutions (filed by Mr. Brewer) “congratulating William Lempart on the occasion of his retirement”;

Resolutions (filed by Mr. Brewer) “congratulating Cecilia Zajk on the occasion of her retirement”;

Resolutions (filed by Mr. Moore) “memorializing the Congress of the United States to reject any recommendations from the President's Commission to base postal service on profit seeking motives or to cut services to any American community”;

Resolutions (filed by Mr. Morrissey) “recognizing Doctor William G. Compton on the occasion of his retirement”;

Resolutions (filed by Mr. Tisei) “congratulating Leo and Elvira Spadafora on the occasion of their eightieth birthdays”;

Resolutions (filed by Ms. Wilkerson) “honoring Gwendolyn Blackburn”;

Resolutions (filed by Ms. Wilkerson) “congratulating Pastor William Dorsey.”

#### *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 and considered, as follows:

The House Bill authorizing the town of Bellingham to establish a compensated absence fund (House, No. 4102),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

#### Papers from the House.

#### *Engrossed Bills.*

An engrossed Bill validating the actions taken at the special town election held by the town of New Salem (see House Bill, printed in House, No. 4515) (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, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President and laid before the Governor for his approbation.**

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

To improving public health in the Commonwealth (see House, No. 4256, printed as amended); and

Relative to the Department of Inspectional Services in the city of Lynn (see House, No. 4509).

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4833) of William Francis Galvin, Michael J. Rodrigues and John A. Hart, Jr., for legislation to make certain changes in the business corporation laws;

**Under suspension of Joint Rule 12, to the committee on Commerce and Labor.**

Petition (accompanied by bill, House, No. 4832) of Ellen Story, Stephen Kulik, John W. Scibak, Peter V. Kocot, Christopher J. Donelan and Stanley C. Rosenberg for legislation to authorize the University of Massachusetts at Amherst to enter into mutual aid agreements with municipal police departments;

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

*Order Adopted.*

On motion of Mr. Nuciforo,—

*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 Mrs. Sprague, at thirteen minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.