

**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.

Monday, June 14, 2004.

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

#### *Reports.*

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 Berkshire County House of Correction and Jail (received Thursday, June 10, 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 Franklin County Jail and House of Correction (received Thursday, June 10, 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 Norfolk (received Thursday, June 10, 2004).

#### *Petitions.*

Petitions were presented and referred as follows:

By Mr. Havern, a petition (accompanied by bill, Senate, No. 2388) of Robert A. Havern (by vote of the town) for legislation relative to the town meeting of the town of Burlington [Local approval received];

**Under Senate Rule 20, to the committee on Local Affairs and Regional Government.**

By Mr. Morrissey, a petition (accompanied by bill, Senate, No. 2387) of Michael W. Morrissey, A. Stephen Tobin, Bruce J. Ayers and Ronald Mariano (with the approval of the mayor and city council) for legislation to exempt Councilor Leo Kelly from M.G.L. Chapter 268A, Section 20, municipal employees financial interests [Local approval received];

**Under Senate Rule 20, to the committee on Public Service.**

**Severally sent to the House for concurrence.**

Mr. Tarr presented a petition (subject to Joint Rule 12) of Bruce E. Tarr, Jonathan Blodgett, Essex County District Attorney, Steven A. Baddour, Bradford Hill and Robert F. Fennell for legislation to reduce the furnishing or procuring of alcohol to a minor by an adult,— **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. Fargo, for the committee on Local Affairs and Regional Government, on petition, a Bill protecting the Nashua River Basin (Senate, No. 2347) [Local approval received];

**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 the recommitted petition, a Bill further regulating meetings of municipal boards (Senate, No. 2247);

**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 authorizing the city of Quincy to establish an affordable housing trust fund (Senate, No. 2337) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill providing for a strong town manager form of government in the town of Abington (Senate, No. 2345) [Local approval received];

**Severally 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 social workers (Senate, No. 123);

Expanding the rights of employees in county employment (Senate, No. 139);

Relative to employment contracts for town accountants and city auditors (Senate, No. 1153); and

Relative to the election of town officials (Senate, No. 1166); and

The House Bill replacing the existing harborline and to establish a new harborline in Gloucester Harbor (House, No. 4265).

*Committees 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 the Judiciary to make an investigation and study of a certain Senate document relative to medical assistance (Senate, No. 2370),— and recommending that the same be referred to the Senate committee on Senate Ethics and Rules.

**Under Senate Rule 36, the report was considered forthwith and accepted.**

Papers from the House.

Petitions were referred in concurrence, as follows:

Petition (accompanied by bill, House, No. 4809) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the town of Hingham be authorized to grant a license for the sale of alcoholic beverages to be drunk on the premises to Linden Ponds Inc.;

Petition (accompanied by bill, House, No. 4810) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the town of Hingham be authorized to grant licenses for the sale of alcoholic beverages at Sea Chain LLC in the Hingham Shipyard; and

Petition (accompanied by bill, House, No. 4811) of J. Michael Ruane (with the approval of the mayor and city council) that the licensing authority of the city of Salem be authorized to issue additional licenses for the sale of wine and malt beverages not to be drunk on the premises;

**Severally to the committee on Government Regulations.**

Petition (accompanied by bill, House, No. 4812) of Peter J. Larkin, Andrea F. Nuciforo Jr., William Smitty Pignatelli and Shaun P. Kelly (with the approval of the mayor and city council) relative to amending the charter of the City of Pittsfield by deleting the commissioner of public health;

Petition (accompanied by bill, House, No. 4813) of James R. Miceli, Barry R. Finegold and Susan C. Tucker (by vote of the town) that the town of Tewksbury be authorized to issue bonds and notes for the costs of remediation of the Sutton Brook disposal site; and

Petition (accompanied by bill, House, No. 4814) of Daniel K. Webster (by vote of the town) that the town of Pembroke be authorized to borrow certain sums of money for costs related to the withdrawal of the Silver Lake Regional School District;

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

Petition (accompanied by bill, House, No. 4815) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the retirement board of the town of Hingham be authorized to grant certain creditable service to Glenn Shaw;

Petition (accompanied by bill, House, No. 4816) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the position of superintendent of streets of the town of Hull be exempt from provisions of the civil service law; and

Petition (accompanied by bill, House, No. 4817) of Robert J. Nyman and Robert S. Creedon, Jr. (by vote of the town) for legislation to place certain members of the fire department of the town of Hanover under the civil service law;

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

Petition (accompanied by bill, House, No. 4818) of Viriato Manuel deMacedo, (by vote of the town) that the town of Plymouth be authorized to lease certain land;

Petition (accompanied by bill, House, No. 4819) of Viriato Manuel deMacedo (by vote of the town) that the town of Plymouth be authorized to lease certain land for the construction of a parking facility; and

Petition (accompanied by bill, House, No. 4820) of Thomas J. O'Brien, Viriato Manuel deMacedo and Therese Murray (by vote of the town) that the airport commission of the town of Plymouth be authorized to lease certain parcels of land located at the airport in said town;

**Severally to the committee on State Administration.**

Petition (accompanied by bill, House, No. 4821) of Stephen Kulik and Stanley C. Rosenberg (by vote of the town) relative to certain real estate tax exemptions for the Brick House Community Resource Center Inc. in the town of Montague;

**To the committee on Taxation.**

*Resolutions.*

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

Resolutions (filed by Mr. Joyce) “congratulating Theodore Rubin”;

Resolutions (filed by Mr. Knapik) “honoring the Reverend Robert Enoch Villani”;

Resolutions (filed by Mr. Morrissey) “congratulating Costanzo R. and Patricia A. DeVito on the occasion of their fiftieth wedding anniversary”;

Resolutions (filed by Messrs. Morrissey and Creedon) “on the retirement of Chief Richard L. Franey of the Abington Police Department”;

Resolutions (filed by Ms. Murray, Messrs. Brown, Lees, Nuciforo and O’Leary, Ms. Resor, Mrs. Sprague and Ms. Tucker) “recognizing combat veteran dog handlers and their dogs”;

Resolutions (filed by Mr. Pacheco) “congratulating Anthony Michael Walsh upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Shannon) “on the retirement of Michael A. DeVita”;

Resolutions (filed by Mr. Shannon) “on the retirement of Michael R. Scotti”; and

Resolutions (filed by Ms. Wilkerson) “honoring Principal Brenda L. Jones.”

*Communication.*

The Clerk read the following communication:

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

June 10, 2004.

*Senate Clerk*  
William Welch  
Room 335, State House  
Boston, MA 02133

Dear Mr. Clerk,

Due to an out of town conference I missed roll call votes during the Wednesday, June 9, 2004 Senate Session. If I had been present, I would have voted yes on the following roll call votes.

S956, Liability Waivers, Ordered to a Third Reading

S2322, Motor Vehicle Homicide, Ordered to a Third Reading

S2286, Reckless Driving, Adopted Brewer amendment

Section 16 of H4330 (Supp), Veto Override of Assignment of Attorneys

Section 49 of H4330, Veto Override of Payroll Deduction Clarifying Language

Section 120 of H4330, Veto Override of Island Health Plan for Martha's Vineyard

H4296, Authorize Salisbury to Appeal to Appellate Tax Board, Veto Override

S1940, Southwick Easement, Enacted

H4129, Braintree Land Taking, Enacted

H4597, Sandwich Conservation Restrictions, Enacted

S2070, Tewksbury Easement, Enacted

S2226, South Sagamore Water District, Enacted

H3999, Harvard Land conveyance, Enacted

S2377, Sagamore Rotary, Bourne Land, Engrossed

Thank you for your consideration of this request.

Sincerely,  
STAN ROSENBERG,  
*State Senator.*

**On motion of Mr. Tolman the above communication was ordered printed in the Journal of the Senate.**

*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 Senate Bill authorizing the city of Quincy to establish senior citizen safety zones (Senate, No. 2216) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

Papers from the House.

*Engrossed Bills.*

The following engrossed bills (the first two of which originated in the Senate), 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:

Authorizing the appointment of Kelly McNiff as a firefighter in the town of Bourne notwithstanding the maximum age requirement (see Senate, No. 1968);

Authorizing the town of Bedford to lease a certain parcel of land (see Senate, No. 1979); and

Providing for the annual observance of Guardians' Day (see House, No. 4482, amended).

*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 Steven A. Baddour and Michael A. Costello for legislation to establish a paid leave bank for a certain employee of the Department of Social Services, Jamie Richards.

**Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the House for concurrence.**

Papers from the House.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4839) of William M. Straus, Mark C. Montigny, Marc R. Pacheco and Joan M. Menard relative to establishing the Mattapoisett River Valley water district;

**Under suspension of Joint Rule 12, to the committee on Local Affairs and Regional Government.**

Petition (accompanied by bill, House, No. 4840) of Shirley Gomes and other members of the General Court relative to mandatory boating safety education;

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

Petition (accompanied by bill, House, No. 4841) of Michael A. Costello and Steven A. Baddour for legislation to establish a sick leave bank, for Jamie Richard, an employee of the Department of Social Services;

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

Petition (accompanied by bill, House, No. 4842) of Stephen J. Buoniconti relative to tax receivables of cities and towns;

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

*Order — Amended.*

The following House order (approved by the committees on Rules of the two branches, acting concurrently) was considered, as follows, to wit:—

*Ordered*, That notwithstanding the provisions of Joint Rule 10, the committee on Election Laws be granted until Tuesday, June 15, 2004 the time within which to report on House documents 2588 and 3854.

Pending the question on adoption of the order, in concurrence, Mr. Joyce presented an amendment, striking out the date “June 15, 2004” and inserting in place thereof the following date:— “June 29, 2004”.

**The amendment was adopted.**

**The order, as amended, was then adopted.**

**Sent to the House for concurrence in the amendment.**

*Order Adopted.*

On motion of Mr. Tolman,—

*Ordered*, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o’clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Mr. Knapik, at six minutes past eleven o’clock A.M., the Senate adjourned to meet on the following day at eleven o’clock A.M.