

**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 15, 2004.

Met at two minutes past eleven o'clock A.M. (Mr. Rosenberg 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 Hampden and Hampshire, Mr. Knapik, then led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

#### *Distinguished Guests.*

There being no objection, the Chair (Mr. Rosenberg) handed the gavel to the Senator from Worcester and Norfolk, Mr. Moore, who introduced, seated in the gallery, students, teachers and parents from the Woodland School in Milford. The group was also accompanied by Representative Parente of Milford.

#### *Petition.*

Mr. Rosenberg in the Chair, Ms. Murray presented a petition (accompanied by bill, Senate, No. 2390) of Therese Murray, Viriato Manuel deMacedo and Thomas J. O'Brien for legislation relative to the creation of an economic development fund in the town of Plymouth,— **and the same was referred, under Senate Rule 20, to the committee on Local Affairs and Regional Government.**  
**Sent to the House for concurrence.**

#### PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4844) of Anthony Petruccelli (with the approval of the mayor and city council) relative to regulating elections in the city of Boston;  
**To the committee on Election Laws.**

Petition (accompanied by bill, House, No. 4845) of Anthony Petruccelli (with the approval of the mayor and city council) relative to the operation of motor vehicles at crosswalks in the city of Boston;  
**To the committee on Public Safety.**

Petition (accompanied by bill, House, No. 4846) of Anthony Petruccelli (with the approval of the mayor and city council) relative to contracting procedures in the city of Boston;

Petition (accompanied by bill, House, No. 4847) of John H. Rogers (by vote of the town) that the town of Norwood be authorized to lease a certain parcel of land to the Y.M.C.A. of Greater Boston; and

Petition (accompanied by bill, House, No. 4848) of Joseph F. Wagner (with the approval of the mayor and city council) that the city of Chicopee be authorized to convey certain park land;

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

Petition (accompanied by bill, House, No. 4849) of Louis L. Kafka, Jo Ann Sprague and Brian A. Joyce (by vote of the town) relative to tax deferral agreements in the town of Sharon;

**To the committee on Taxation.**

*Emergency Preamble Adopted.*

An engrossed Bill relative to the dissemination of criminal offender record information to the operators of camps for children (see House, No. 4610, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 2 to 0.

**The bill was signed by the President and sent to the House for enactment.**

*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 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),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

*Reports of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the Senate 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),— 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 authorize transfer of certain accrued time to a certain state trooper, 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. Moore, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.**

**The bill (Senate, No. 2229, 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 relative to the transfer of sick, personal or vacation time to State Trooper Mary T. McCauley of the Northern District Attorney's Office."**

**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 for Carole M. Lee, an employee of the Department of Social Services (Senate, No. 2230),— ought to pass.

**There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time, 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 an employee of the Department of Social Services."**

**Sent to the House for concurrence.**

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill to establish a self-sufficiency standard in Massachusetts (Senate, No. 130),— ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2391).

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

**The bill (Senate, No. 2391) was then ordered to a third reading.**

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill to provide timely access to emergency contraception (Senate, No. 546),— ought to pass.

**There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time and ordered to a third reading.**

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill providing for the issuance of a distinctive registration plate for the Esplanade Association (Senate, No. 2091),— ought to pass.

**There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time and ordered to a third reading.**

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing a one trial system for civil cases (House, No. 732) — ought to pass, with an amendment, in section 15, by striking out the first paragraph of proposed section 108 and inserting in place thereof the following paragraph:—

“There shall be an appellate division of each district court for the rehearing of matters of law arising in civil cases, in claims of compensation of victims of violent crimes, and in civil motor vehicle infractions. The division of the Boston municipal court shall consist of 3 justices to be designated from time to time by the chief justice therefor. The appellate division of each other municipal court shall be holden by justices for the other divisions of the Boston municipal court department, included in the jurisdiction of the central division, East Boston court, Charlestown court, Brighton court, Dorchester court, Roxbury court, South Boston court, West Roxbury court, which shall be known as the appellate division of the Boston municipal court department. The appellate division of each other district court shall be holden by justices for those other district courts, not exceeding 3 in number out of 5 justices assigned to the performance of appellate duty by the chief justice for the district courts, subject to the approval of the chief justice of the supreme judicial court, as follows: The chief justice for the district courts shall assign 5 justices of districts within the counties of Essex and Middlesex and that part of Suffolk included in the jurisdiction of the district court of Chelsea to act in the appellate divisions of the district courts within those counties, and that part of Suffolk county, which shall be known as the northern appellate division district; shall assign 5 justices of the district courts within the counties of Norfolk, Plymouth, Barnstable, Bristol, Dukes and Nantucket to act in the appellate divisions of the district courts within those counties, which shall be known as the southern appellate division district; and shall assign 5 justices of district courts within the counties of Worcester, Franklin, Hampshire, Hampden and Berkshire to act in the appellate divisions of district courts within those counties, which shall be known as the western appellate division district. The assignment may be made for a period of time as the chief justice considers advisable. In each of the foregoing 3 districts, 1 of the 3 justices so assigned shall be designated by the chief justice for the district courts, subject to the approval of the chief justice of the supreme judicial court, as presiding justice, who shall, from time to time designate those of the appellate justices who shall act on appeals in each district court in that district and direct the times and places of sittings. The presiding justice of any appellate division may call upon a justice of any other appellate division to serve in his division, and when so requested that justice shall serve therein. Two justices shall constitute a quorum to decide all matters in an appellate division; but each appellate division justice may sit as a single justice of the appellate division for the purpose of hearing and deciding appeals of interlocutory orders, as provided in section 118A of chapter 231.”

**There being no objection the rules were suspended, on motion of Mr. Moore, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading.**

By Ms. Murray, for the committee on Ways and Means that the House Bill relative to compensation for certain erroneous felony convictions (House, No. 4255),— ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document, numbered 2392.

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

The pending motion, previously moved by Ms. Creem, that the Senate reconsider the vote by which it had passed to be engrossed the Senate Bill relative to attorney’s lien for fees (Senate, No. 2384),— was considered; and the motion to reconsider prevailed.

Pending the recurring question on passing the bill to be engrossed,— Ms. Creem presented an amendment, substituting a new draft with the same title (Senate, No. 2389).

**This amendment was adopted.**

**The bill (Senate, No. 2389) was then passed to be engrossed.**

**Sent to the House for concurrence.**

PAPER FROM THE HOUSE.

*Committee of Conference.*

The House Bill to clarify certain tax provisions and improve the activities of the Department of Revenue (House, No. 4744, printed as amended),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2362; and 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 make certain changes in the tax laws and other laws relating to the department of revenue, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Casey of Winchester, Larkin of Pittsfield and Lepper of Attleboro had been appointed the committee on the part of the House.

**On motion of Mr. Moore, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Murray, Creem and Knapik were appointed on the part of the Senate. The bill was returned to the House endorsed accordingly.**

*Order Adopted.*

On motion of Mr. Moore,—

*Ordered,* That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session.

*Adjournment in Memory of Army Private First Class Markus J. Johnson.*

Mr. Lees and Ms. Melconian presented a motion that when the Senate adjourns today, it adjourn in the memory of Army Private First Class Markus J. Johnson of Springfield. Private First Class Johnson was killed on June 1 while courageously serving our country in Iraq. The son of Lawrence and Sandra Thomas and Craig Williams, Markus was a graduate of Central High School in Springfield and attended Springfield Technical Community College as well as Holyoke Community College. He enlisted in the Army following the start of our mission in Iraq to serve the United States and help his fellow soldiers. The honor and bravery with which he served his country was acknowledged with the posthumous awarding of the Bronze Star, Purple Heart and Army Good Conduct Medal. We mourn his loss and extend our condolences to Markus' family, friends and all those whose lives he has touched.

Accordingly, as a mark of respect to the memory of Private First Class Markus J. Johnson at eighteen minutes past eleven o'clock A. M., on motion of Mr. Knapik, the Senate adjourned to meet again tomorrow, at one o'clock P.M., in a full formal session.