

**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.

Wednesday, June 25, 2003.

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

The Senator from Bristol and Norfolk, Mrs. Sprague, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

#### *Petitions.*

Ms. Fargo presented a petition (accompanied by bill, Senate, No. 2018) of Susan C. Fargo and Susan W. Pope (by vote of the town) for legislation to authorize the town of Lincoln to regulate certain property tax exemption eligibility requirements for the elderly [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Taxation. Sent to the House for concurrence.**

Petitions were presented and referred, as follows:

By Mr. Joyce, a petition (subject to Joint Rule 12) of Brian A. Joyce, Marian Walsh, Jo Ann Sprague, Robert L. Hedlund and other members of the General Court for legislation to authorize the Executive Office of Transportation and Construction and the Massachusetts Highway Department to complete the route 128 add-a-lane and route I-95/128/University Avenue interchange project utilizing an alternative form of procurement;

By Mr. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore, Peter J. Koutoujian, Mark C. Montigny, Harriette L. Chandler and other members of the General Court [for additional petitioners, see printed bill] for legislation for a caring Commonwealth; defining the health care policy of the Commonwealth; Health Care Policy Council established; and

By Mr. O'Leary, a petition (subject to Joint Rule 12) of Robert A. O'Leary and Eric Turkington (by vote of the town) for legislation to authorize the Massachusetts Department of Mental Health to grant an easement to the county of Nantucket for construction of the Fairgrounds Road Bicycle Path [Local approval received];  
**Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Reports of a Committee.*

Ms. Jacques, 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

Designating a certain bridge in the city of Waltham as the William F. Stanley bridge (Senate, No. 1863);

Designating Route 146A in the town of Uxbridge as the Lydia Taft Highway (Senate, No. 1890); and

Designating a certain portion of state highway Route 44 as the Prisoner of War-Missing in Action Memorial Highway (Senate, No. 1893).

Papers from the House.

A Bill further extending the time for which certain land in Norfolk county may be used as a temporary minimum security alternative correction center (House, No. 1625,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Reports

Of the committee on Government Regulations, asking to be discharged from further consideration

Of the recommitted petition (accompanied by bill, House, No. 2424) of James H. Fagan relative to the definition of low or moderate income housing,— and recommending that the same be recommitted to the committee on Housing and Urban Development.

Of the recommitted petition (accompanied by bill, House, No. 3214) of Kathi-Anne Reinstein and Robert A. DeLeo for legislation to regulate the sale and use of paintball game equipment,— and recommending that the same be recommitted to the committee on Public Safety.

**Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

*Communication.*

The Clerk read the following communication:

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

June 23, 2003.

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

Dear Mr. Clerk:

I was called away from the Chamber for one hour during the formal Senate session on June 12, 2003, and therefore was not present for several roll call votes. Had I been present, I would have voted in the affirmative on adoption of the following matters:

- Floor amendment 95 relative to municipal cooperation.
- Engrossment of H4003, providing relief and flexibility to municipal officials.
- Engrossment of H3873, to protect federal transportation funding and strengthen drunk driving laws.

Further, had I been present, I would have voted in the negative on adoption of the following matters:

- Further amendment #114.1, redrafted overlay account amendment to H4003.
- Amendment to H3743, relative to legislation compensation.

I respectfully request the printing of this communication in the Senate Journal as part of the permanent record. Thank you for your assistance.

Sincerely,  
BRIAN A. JOYCE,  
*State Senator,*  
Norfolk, Bristol & Plymouth District.

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

*Resolutions.*

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

Resolutions (filed by Mr. Pacheco) “congratulating Matthew Robert Cushing upon his elevation to the rank of Eagle Scout.”

*Report of a Committee.*

Ms. Jacques, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill designating certain bridges and a park in the town of Billerica (House, No. 1036).

**There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill 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.

*Committee of Conference.*

The House Bill to protect federal transportation funding and strengthen drunk driving laws (House, No. 3873, 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 2013; 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 to avoid the loss of life and the loss of federal highway aid funds pursuant to the federal Transportation Equity Act, 23 U.S.C. section 163, 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 Vallee of Franklin, O’Flaherty of Chelsea and Hillman of Sturbridge had been appointed the committee on the part of the House.

**On motion of Mr. Tolman, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Panagiotakos, McGee and Tarr were appointed on the part of the Senate.**

**The bill was returned to the House endorsed accordingly.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3925) of Geoffrey D. Hall and Robert S. Hargraves relative to the definition of a “limited liability company” and a “domestic limited liability company”;

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

Petition (accompanied by bill, House, No. 3926) of James B. Leary and Paul Kujawski that the Division of Capital Asset Management and Maintenance be directed to grant an easement on certain land in the town of Sterling to James M. Meola;

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

Petition (accompanied by bill, House, No. 3927) of Stephen O’Riorden relative to the expenditure of funds by cities and towns under the community preservation law;

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

*Order Adopted.*

On motion of Mr. Tisei,—

*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. Tisei, at seven minutes past eleven o’clock A.M., the Senate adjourned to meet on the following day at eleven o’clock A.M.