

***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.



Wednesday, June 30, 2004.

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

Petition.

Ms. Murray presented a petition (accompanied by bill, Senate, No. 2410) of Therese Murray, Eric Turkington and Matthew C. Patrick (by vote of the town) for legislation to validate the results of the annual town election held in the town of Falmouth on May 18, 2004 [Local approval received], — **and the same was referred, under Senate Rule 20, to the committee on Election Laws.**

Sent to the House for concurrence.

Reports of a Committee.

By Mr. Tolman, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Fagota Tupe, an employee of the Department of Correction (Senate, No. 2405);
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Tolman, for the committee on Public Service, on petition, a Bill to exempt Councilor Leo Kelly from M.G.L. Chapter 268A, Section 20 (Senate, No. 2387) [Local approval received];
Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Committee Discharged.

Ms. Murray, for the committee on Ways and Means, reported, asking to be discharged from further consideration of the Senate Bill relative to the Hampshire County Housing Authority (Senate, No. 2369), — and recommending that the same be referred to the Senate committee on Steering and Policy.

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

Resolutions.

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

Resolutions (filed by Ms. Murray and Mr. O'Leary) "congratulating Eugenia Fortes on her selection to receive the 2004 Mercy Otis Warren Cape Cod Woman of the Year Award";

Resolutions (filed by Mr. Pacheco) "on the occasion of the retirement of Donna J. Oliver"; and

Resolutions (filed by Mr. Pacheco) “on the occasion of the retirement of Judith A. Sullivan.”

Papers from the House.

Engrossed Bills.

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:

Relative to the charter of the city of Lawrence (see House, No. 4195); and

Relative to the town administrator of the town of West Boylston (see House, No. 4230).

Recess.

There being no objection, at ten minutes past eleven o'clock A.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and, at seventeen minutes past one o'clock P.M., the Senate reassembled, Ms. Melconian in the Chair.

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered, as follows:

The House Bill providing for abatement of taxes caused by a fire in the city of Peabody on December 18, 2003 (House, No. 4611),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The Senate bills

Clarifying the eligibility of the employees of the Montachusett Regional Planning Commission to participate in the Commonwealth's group insurance plan (Senate, No. 1399); and

Providing for a strong town manager form of government in the town of Abington (Senate, No. 2345);
Were severally read a third time and passed to be engrossed.
Severally sent to the House for concurrence.

The House bills

Relative to provisional employees in the city of Worcester (House, No. 3839);

Authorizing the town of Raynham to establish a betterment reserve fund (House, No. 4075) (its title having been changed by the committee on Bills in the Third Reading);

Providing that certain employees of the Taunton Municipal Lighting Plant of the city of Taunton be under the civil service law (House, No. 4185);

Authorizing the certification and eligibility as firefighters in the city of Taunton (House, No. 4186);

Relative to the appointment of retired police officers in the city of Fitchburg (House, No. 4617); and

Authorizing the town of Marion to develop and maintain a subsidized housing plan for low and moderate income housing (House, No. 4631);
Were severally read a third time and passed to be engrossed, in concurrence.

The Senate Bill relative to volunteer physicians (Senate, No. 628),— was read a second time and was amended, as previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2356). The bill (Senate, No. 2356) was then ordered to a third reading.

Reports of a Committee.

Mr. Magnani, 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 establishing uniform primary procedures for unenrolled voters (House, No. 2229). There being no objection, the rules were suspended, on motion of Mrs. Sprague, and the bill was read a second time and ordered to a third reading.

Mr. Magnani, 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 relative to child labor (House, No. 4891, printed as amended). There being no objection, the rules were suspended, on motion of Mr. Tolman, and the bill was read a second time and ordered to a third reading.

Papers from the House.

A Bill regarding the authorization for possession by law enforcement agencies and sales to law enforcement agencies of electronic weapons (House, No. 3400, — on petition) (Senator Barrios of the committee on Public Safety dissenting), — was read.

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

A Bill relative to fire safety in the Commonwealth (House, No. 4550, amended, — on House, No. 4364), — was read. Mr. Tolman moved to suspend the rules so that the bill could be further considered, but objection was made thereto by Mrs. Sprague.

Under Senate Rule 26, the bill was referred to the committee on Steering and Policy.

Reports of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill establishing the Berkshire county commission on the status of women (Senate, No. 142), — ought to pass.

There being no objection, the rules were suspended, on motion of Mrs. Sprague, 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 further strengthening the mandatory reporting law (Senate, No. 215), — ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2411).

The rules were suspended, on motion of Mr. Tolman, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2411) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to the establishment of a retained revenue account for the End of Life Commission (Senate, No. 584), — ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2412).

The rules were suspended, on motion of Mrs. Sprague, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2412) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to patient and physician safety and protection (Senate, No. 604), — ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2413).

The rules were suspended, on motion of Mr. Tolman, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2413) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill to assure the safe, humane care of day surgery patients (Senate, No. 689), — ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2414).

The rules were suspended, on motion of Mrs. Sprague, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2414) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to medical screening and evaluation within the foster care system (Senate, No. 801), — ought to pass, with amendments in section 1, by striking out the word “insure” and

inserting in place thereof the word “ensure”; and by striking out the last two sentences and inserting in place thereof the following sentence:— “The screening and evaluation shall follow recommendations of the American Academy of Pediatrics, the department of social services, and the executive office of health and human services in accordance with early and periodic screening, diagnostic, and treatment services as defined in 42 U.S.C. sec. 1396d.”.

The rules were suspended, on motion of Mr. Tolman, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill, (Senate, No. 801, amended) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill establishing the Massachusetts principal and income act (Senate, No. 962),— ought to pass.

There being no objection, the rules were suspended, on motion of Mrs. Sprague, 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 authorizing the Highway Department to convey sewer easements along Route 1 in Lynnfield, Saugus and Peabody (Senate, No. 1643),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2417).

The rules were suspended, on motion of Mr. Tolman, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2417) was then ordered to a third reading.

Ms. Murray, for the committee on Ways and Means, that the Senate Bill promoting environmental justice (Senate, No. 2219),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2418).

The rules were suspended, on motion of Mr. Tolman, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2418) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill establishing the Essex North Shore Agricultural and Technical School District (Senate, No. 2258),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2419).

The rules were suspended, on motion of Mrs. Sprague, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2419) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill to establish standards for long term care insurance (Senate, No. 2290),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2415).

The rules were suspended, on motion of Mrs. Sprague, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2415) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill to streamline the physician credentialing process (Senate, No. 2308),— ought to pass, with an amendment in section 1, in the second sentence, by inserting after the word “expended” the following words:— “by the division of insurance”.

The rules were suspended, on motion of Mr. Tolman, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2308, amended) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Thomas F. Sweeney, Jr., an employee of the Department of Correction (Senate, No. 2333),— ought to pass, with an amendment adding the following sentence:— “Whenever Thomas F. Sweeney, Jr. terminates employment with the department of correction or requests to dissolve the sick leave bank established by this act, the balance of the sick leave time remaining in the sick leave bank established by this act shall be transferred to the extended illness leave bank.”.

The rules were suspended, on motion of Mr. Tolman, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2333, amended) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill protecting the Nashua River Basin (Senate, No. 2347),— ought to pass.

There being no objection, the rules were suspended, on motion of Mrs. Sprague, 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 authorizing the sale of certain land in the town of Milton (Senate, No. 2365),— ought to pass, with amendments by striking out section 4 and inserting in place thereof the following section:—

“SECTION 4. If, at any time, the parcel ceases to be used for the purpose described in section 1, the parcel described in section 1 shall revert to the commonwealth.”; and by 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 convey certain state land, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”. The rules were suspended, on motion of Mr. Tolman, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2365, amended) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to the standard for commercially used weights and measures devices (House, No. 27),— ought to pass.

There being no objection, the rules were suspended on motion of Mr. Tolman, 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 relative to certain utility regulations (House, No. 1458),— ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2416.

The rules were suspended, on motion of Mrs. Sprague, 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 authorizing the Commissioner of Capital Asset Management and Maintenance to place a conservation restriction on and transfer a certain parcel of land to the Kuzeja Real Estate Trust (House, No. 3985),— ought to pass.

There being no objection, the rules were suspended, on motion of Mrs. Sprague, 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 authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Plainville (House, No. 4201),— ought to pass. There being no objection, the rules were suspended, on motion of Mr. Tolman, 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 relative to electronic record standards (House, No. 4298),— ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2420.

The rules were suspended, on motion of Mr. Tolman, 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 the safe placement of newborns and infants (House, No. 4325, amended),— ought to pass, with amendments in section 1, in the second paragraph, by striking out the following sentence:— “Such voluntary abandonment shall be considered an affirmative defense to an agency decision under section 51B in that the child is safe from physical injury and cared for in an appropriate manner.”; by inserting after the word “hospital”, in line 21, the following words:— “police department or manned fire station”; by striking out, in lines 34 to 37, inclusive, the words “(3) name and address of person placing child if not parent, (4) location of child’s birthplace, (5) information of child’s medical history, if available, (6)” and inserting in place thereof the following words:— “; (3) the location of the newborn infant’s birthplace; (4) information relative to the newborn infant’s medical history and his or her biological family’s medical history, if available; and (5)””; and in section 2, by striking out, in lines 25 and 26, the words “or lawful agent of a parent”.

The rules were suspended, on motion of Mrs. Sprague, 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 the financial stability in the city of Springfield (printed in House, No. 4799),— ought to pass, with amendments, in section 2, by striking out, in line 6 (as printed), the figure “\$52,000,000” and inserting in place thereof the following figure:— “\$22,000,000”; by striking out, in lines 22 to 24, the words “the fiscal year immediately following the fiscal year in which any amounts are loaned from this item” and inserting in place thereof the following words:— “fiscal year 2008”; by striking out, in line 25, the figure “2010” and inserting in place thereof the following figure:— “2015”; by striking out, in line 30, the figure “2011” and inserting in place thereof the following

figure:— “2016”; in section 4, by striking out, in line 9, the words “and president of the city council of Springfield”; in subsection (a) of section 4, by adding the following sentence:— “The president of the city council of Springfield as of the effective date of this act shall be the member of the board for that office, as long as he remains a member of the city council or until his present term as a member of the city council expires, at which time the then president of the city council of Springfield shall succeed to membership on the board.”; by striking out paragraph (18) of subsection (d) of section 4 and inserting in place thereof the following paragraph:—

“(18) except where the board has approved the action or decision, and except a contract or certificate executed on or before July 8, 2004, in connection with the issuance or reissuance of any bond or note of the city including any bonds or notes authorized under said chapter 44 or pursuant to chapter 44A of the General Laws, to alter or rescind any action or decision of any municipal officer, employee, board or commission within 14 days after receipt of notice of such action or decision;”; and by inserting after section 4 the following section:—

“SECTION 4A. Within 30 days after the appointment of the board, but no later than September 1, 2004, the board shall make a preliminary report to the secretary of administration and finance and to the chairpersons of the house and senate committees on ways and means. The report shall present a preliminary analysis of the fiscal crisis in Springfield and the board’s preliminary finance and management plans to address the city’s operating and structural deficits. The board shall examine the feasibility and advisability of (i) seeking funds from the commonwealth for school transportation costs or pursuing other measures to mitigate or relieve the burden of such costs, and (ii) rescinding the city’s acceptance of sections 7A and 9E of chapter 32B of the General Laws. The preliminary report shall include the findings of the board related to items (i) and (ii) above and a draft of legislation required to implement its recommendations.”.

The rules were suspended, on motion of Mrs. Sprague, 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.

Paper from the House.

Emergency Preamble Adopted.

An engrossed Bill relative to the Massachusetts Credit Union Share Insurance Corporation (see Senate, No. 2267, 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 3 to 0.
The bill was signed by the Acting President and sent to the House for enactment.

Recess.

There being no objection, at six minutes before two o’clock P.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and, at four minutes before four o’clock P.M., the Senate reassembled, Ms. Melconian in the Chair.

Papers from the House.

Engrossed Bill.

An engrossed Bill providing for abatement of taxes caused by a fire in the city of Peabody on December 18, 2003 (see House, No. 4611) (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 and was signed by the Acting President and laid before the Governor for his approbation.**

A Bill relative to certain capital spending authorizations (printed in House, No. 4759,— being a message from His Excellency the Governor),— was read.

There being no objection, the rules were suspended, on motion of Mrs. Sprague, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Order Adopted.

On motion of Mrs. Sprague,—

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

Recess.

There being no objection, at four o'clock P.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and, at twenty-six minutes before five o'clock P.M., the Senate reassembled, Ms. Melconian in the Chair.

Papers from the House.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill relative to certain capital spending authorizations (see House Bill, printed in House, No. 4759), 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 Acting President and sent to the House for enactment.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President and laid before the Governor for his approbation.

On motion of Mrs. Sprague, at twenty minutes before five o'clock P.M., the Senate adjourned to meet tomorrow at one o'clock P.M.