

**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.

Friday, July 9, 2004.

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

#### *Petitions.*

Petitions were presented and referred as follows:

By Mr. Morrissey, a petition (accompanied by bill, Senate, No. 2435) of Michael W. Morrissey and Robert J. Nyman (by vote of the town) for legislation relative to the charter of the town of Rockland, Capital Planning Committee [Local approval received];

By the same Senator, a petition (accompanied by bill, Senate, No. 2436) of Michael W. Morrissey and Robert J. Nyman (by vote of the town) for legislation relative to the charter of the town of Rockland, Town Collector [Local approval received];

By the same Senator, a petition (accompanied by bill, Senate, No. 2437) of Michael W. Morrissey and Robert J. Nyman (by vote of the town) for legislation relative to the charter of the town of Rockland, Town Administrator [Local approval received]; and

By the same Senator, a petition (accompanied by bill, Senate, No. 2438) of Michael W. Morrissey and Robert J. Nyman (by vote of the town) for legislation relative to the charter of the town of Rockland, Finance Committee [Local approval received];

By Ms. Resor, a petition (accompanied by bill, Senate, No. 2440) of Pamela P. Resor and Stephen P. LeDuc (with approval of the mayor and city council) for legislation relative to the Community Development Authority in the city of Marlborough [Local approval received];

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

By Mr. Rosenberg, a petition (accompanied by bill, Senate, No. 2441) of Stanley C. Rosenberg and Peter V. Kocot (with approval of the mayor and city council) for legislation relative to civil service positions in the city of Northampton [Local approval received];

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

By Mr. O'Leary, a petition (accompanied by bill, Senate, No. 2439) of Robert A. O'Leary and Shirley Gomes (by vote of the town) for legislation to enable the town of Provincetown to expand the local room occupancy tax base in said town [Local approval received];

**Under Senate Rule 20, to the committee on Taxation.**

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

Petitions were presented and referred, as follows:

By Mr. Baddour, a petition (subject to Joint Rule 12) of Steven A. Baddour and Michael A. Costello for legislation relative to certain district courts in Essex County; and

By Ms. Walsh, a petition (subject to Joint Rule 12) of Marian Walsh and Michael F. Rush for legislation relative to the motor vehicle excise tax;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

*Report of a Committee.*

By Ms. Wilkerson, for the committee on State Administration, on petition (accompanied by bill, Senate, No. 2409), a Bill authorizing the University of Massachusetts to convey a certain parcel of land and buildings in the town of Nantucket to the Nantucket Conservation Foundation (Senate, No. 2442);

Read and, under Senate Rule 27, referred to the committee on Ways and Means.

*Committee Discharged.*

Mr. Brewer, for the committee on Ethics and Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Public Service to make an investigation and study of certain current Senate documents relative to public employees and other related matters (Senate No. 1591), reported, in part, asking to be discharged from further consideration of the Senate petition (accompanied by bill, Senate, No. 1591) of Jo Ann Sprague, Scott P. Brown and John H. Rogers for legislation to establish creditable service and buy-back provisions for Donald Muldoon,— and recommending that the same be recommitted to the committee on Public Service.

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

*Resolutions.*

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

Resolutions (filed by Mr. Pacheco) “on the retirement of Joseph Oliveri.”

PAPERS FROM THE HOUSE.

*Engrossed Bills.*

The following engrossed bills (the first 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 town of Rockland to issue additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 2072); and

Relative to dangerous buildings (see House, No. 972).

*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 Senate Bill relative to water and sewer service in the city of Taunton (Senate, No. 2213),— **was read a third time and passed to be engrossed.**  
**Sent to the House for concurrence.**

The House bills

Relative to certain health premium payments made by the town of Mashpee (House, No. 4085);

Replacing the existing harbor line and to establish a new harbor line in Gloucester Harbor (House, No. 4265) (its title having been changed by the committee on Bills in the Third Reading); and

Designating a certain traffic island in the city of Gloucester as the Paul Bergmann Memorial Traffic Island (House, No. 4284);  
**Were severally read a third time and passed to be engrossed, in concurrence.**

*Recess.*

There being no objection, at eleven minutes past eleven o'clock A.M., the Chair (Ms. Murray) declared a recess, subject to the call of the Chair; and, at two minutes past two o'clock P.M., the Senate reassembled, Mr. Tolman in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

#### PAPERS FROM THE HOUSE.

The House Bill relative to the School Building Assistance Program (House, No. 4749),— 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 2407; and had appointed a committee of conference consisting of Representatives Larkin of Pittsfield, Rogers of Norwood and Peterson of Grafton.

On motion of Ms. Murray, the Senate insisted in its amendment, and asked for a committee of conference on the disagreeing votes of the two branches; and Senators Murray, Antonioni and Tarr were appointed to the committee on the part of the Senate. **The bill was returned to the House endorsed accordingly.**

#### *Emergency Preambles Adopted.*

An engrossed Bill further regulating public construction in the Commonwealth (see Senate, No. 2358, 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 (Mr. Tolman) and sent to the House for enactment.**

An engrossed Bill relative to community based juvenile justice programs (see House, No. 4924, 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 (Mr. Tolman) and sent to the House for enactment.**

The Senate Bill relative to certain distinctive registration plates (Senate, No. 2006, amended),— came from the House passed to be engrossed, in concurrence *with amendments*, in section 1 by adding after the word “Fund” the words “to be coordinated by the Professional Firefighters of Massachusetts”; and by adding at the end thereof the following section:

“SECTION 5. Said section 2F of said chapter 90 is hereby further amended by adding the following subsection:

(d) The registrar shall design, produce, issue and regulate the use of distinctive registration plates proposed by any agency, charity or nonprofit organization that has satisfactorily complied with the conditions and requirements set forth in subsection (a).”

**The rules were suspended, on motion of Mr. Tarr, and the House amendment was considered forthwith and adopted, in concurrence.**

#### *Order Adopted.*

*On motion of Ms. Murray,—*

*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.*

#### PAPER FROM THE HOUSE.

#### *Engrossed Bill.*

*An engrossed Bill exempting the position of police chief of the town of Reading from the civil service law (see House, No. 4757) (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 (Mr. Tolman) and laid before the Governor for his approbation.*

*On motion of Mr. Tarr, at ten minutes past two o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.*