

**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, July 12, 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 Plymouth and Norfolk, Mr. Hedlund, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

#### *Communication.*

A communication from the Public Employee Retirement Administration Commission (PERAC) submitting a copy of the Actuarial Valuation report of the Commonwealth's Total Pension Obligation for the period ending January 1, 2004 (received Friday, July 9, 2004),— **was placed on file.**

#### *Petitions.*

Petitions were presented and referred, as follows:

By Mr. Brown, a petition (subject to Joint Rule 12) of Scott P. Brown, Elizabeth A. Poirier, Jeffery D. Perry, Viriato Manuel deMacedo and other members of the General Court for legislation relative to sex offenders; and

By Ms. Walsh, a petition (subject to Joint Rule 12) of Marian Walsh and Michael F. Rush for legislation relative to the veteran status of Michael L. Buckley;

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

*Reports of Committees.*

By Mr. Joyce, for the committee on Election Laws, on petition, a Bill validating the results of the annual town elections held in the town of Falmouth on May 18, 2004 (Senate, No. 2410) [Local approval received];

**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 House Bill, relative to the Winchendon District Court (House, No. 2638); and

Relative to the administrative judges of the Division of Industrial Accidents (House, No. 4465).

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at an annual town election held in the town of Dudley (House, No. 4968),— **was referred, in concurrence, to the committee on Election Laws.**

A petition (accompanied by bill, House, No. 4940) of William G. Greene, Jr., and Robert A. Havern (by vote of the town) that clerical positions in the police department of the town of Billerica be exempt from provisions of the civil service law,— **was referred, in concurrence, to the committee on Public Service.**

*Resolutions.*

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

Resolutions (filed by Mr. Joyce) “congratulating Adam Finlay of East Bridgewater upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Joyce) “congratulating Andrew Sullivan of East Bridgewater upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Pacheco) “on the retirement of Carol Henson”; and  
Resolutions (filed by Mr. Pacheco) “on the retirement of Janice Parent.”

*Engrossed Bill Returned by Governor with Recommendation of Amendment.*

The engrossed Bill relative to special elections to fill vacancies for Senator and Representative in Congress (see Senate, No. 2404) (which on Thursday, July 1, 2004, had been laid before the Governor for his approbation), was returned to the Senate Clerk by the Governor on Sunday, July 11, 2004 at a quarter before nine o’clock P.M., with a message recommending an amendment.

The message (Senate, No. 2443) was read and the Senate proceeded to reconsider the bill, in accordance with the provisions of Article LVI of the Amendments to the Constitution.

**Under the rules, referred to the committee on Bills in the Third Reading.**

*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 authorizing the Board of Selectmen of Acton to lease a certain parcel of land (Senate, No. 1981, amended),— was read a third time.

Ms. Resor presented an amendment, in section 2, by inserting after the word “Project”, in line 8, the following words:— “, but paragraphs (b) and (g) of section 16 of said chapter 30B shall apply to the lease described in section 1.”,

**The amendment was adopted.**

**The bill (Senate, No. 1981 amended), was then passed to be engrossed.  
Sent to the House for concurrence.**

The Senate Bill relative to the Nantucket Housing Authority (Senate, No. 2274),— was read a third time.

Mr. O’Leary presented an amendment, in section 1, by adding the following paragraph:—

“For purposes of this act, the housing authority, or its designee, shall be in compliance if at least 25 per cent of the units to be developed on the land are for use in perpetuity by households earning below 80 per cent of the median income for Nantucket county, as defined periodically by the United States Department of Housing and Urban Development, and the remaining 75 per cent of the units shall be developed to be

affordable to households earning 80 per cent to 150 per cent of the median income for Nantucket county, as defined by the United States Department of Housing and Urban Development.”.

**The amendment was adopted.**

**The bill (Senate, No. 2274, amended) was then passed to be engrossed.**

**Sent to the House for concurrence.**

The Senate Bill to exempt Councilor Leo Kelly from M.G.L. Chapter 268A, Section 20 (Senate, No. 2387,— was read a second time.

Pending the question on ordering it to a third reading, Mr. Morrissey presented an amendment, striking out section 1 and inserting in place thereof the following section:—

“SECTION 1. Section 20 of chapter 268A of the General Laws shall not prohibit a municipal employee of the city of Quincy from receiving compensation for part-time employment at Quincy College, if that employee does not participate in, or have official responsibility for, the financial management of Quincy College.”; and by striking out the title and inserting in place thereof the following title: “An Act authorizing part-time employment at Quincy College by employees of the city of Quincy.”.

**The amendment was adopted.**

**The bill (Senate, No. 2387, amended) was then ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

#### *Reports of Committees.*

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Fagota Tupe, an employee of the Department of Correction (Senate, No. 2405),— ought to pass.

**There being no objection, the rules were suspended, on motion of Ms. Fargo, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Melissa J. Cornell, an employee of the Trial Court of the Commonwealth (House, No. 4765),— ought to pass.

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

The Senate Bill relative to defining employees classified in Group 4 (Senate, No. 2240, changed),— 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 House Bill providing for dissection choice in the public schools (House, No. 1252, amended), ought to pass.

**There being no objection, the rules were suspended, on motion of Mr. Hedlund, 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 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) — ought to pass, with amendments, in section 3, by adding the following sentence:— “The proceeds shall be used to benefit University programs of study, including but not limited to the establishment of academic chairs and research programs, of benefit to the environment.”; by striking out section 5 and inserting in place thereof the following section:

“SECTION 5. If the property described in section 1 ceases to be used at any time for conservation purposes, or is used for any purpose other than conservation purposes, the property, upon notice of the commissioner of capital asset management and maintenance, in consultation with the University of Massachusetts, shall revert to the University of Massachusetts.”; and by adding the following section:—

“SECTION 6. This act shall take effect upon its passage.”.

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

**The bill (Senate, No. 2442, amended) was then 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 electric transmissions in the Commonwealth (House, No. 4432).**

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

## **PAPERS FROM THE HOUSE.**

**A petition (accompanied by bill, House, No. 4970) of Pamela P. Resor and James B. Eldridge for legislation to designate the town of Shirley as an economic target area,— was referred, in concurrence, under suspension of Joint Rule 12, to the committee on State Administration.**

***Engrossed Bill.***

**An engrossed Bill relative to the shellfish wardens training program (see Senate, No. 1238) (which originated in the Senate), 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.**

***Order Adopted.***

**On motion of Mr. Barrios,—**

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

**On motion of Mr. Hedlund, at twenty-two minutes past eleven o'clock A.M., the Senate adjourned to meet on the following day at one o'clock P.M.**