

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.

Thursday, August 7, 2003.

Met according to adjournment, at eleven o'clock A.M. (Ms. Walsh 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. Walsh), members, guests and employees then recited the pledge of allegiance to the flag.

Reports of Committees.

By Mr. Magnani, for the committee on Public Service, on Senate, No. 1406 and House, No. 1922, a Bill relative to certain benefits for the surviving spouses of certain state police officers (Senate, No. 1406); and

By the same Senator, for the same committee, on Senate, Nos. 1502 and 1540, a Bill relative to creditable service for service rendered as a volunteer in the Peace Corps and Americorps (Senate, No. 2060);

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

By Mr. Barrios, for the committee on Public Safety, on petition, a Bill designating the chief of the police department of the town of East Bridgewater as the appointing authority for said department (Senate, No. 2000) [Local approval received]; and

By Mr. Magnani, for the committee on Public Service, on petition, a Bill authorizing the appointment of Kelly McNiff as a firefighter in the town of Bourne notwithstanding the maximum age requirement (Senate, No. 1968) [Local approval received];

Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Committee Discharged.

Mr. Barrios, for the committee on Public Safety, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1310) of Guy W. Glodis for legislation relative to the rank of colonel in the Department of the State Police; and

Of the petition (accompanied by bill, Senate, No. 1324) of Robert A. Havern for legislation to establish the rank of first lieutenant of the State Police;

And recommending that the same severally be referred to the committee on Public Service; and

Of the petition (accompanied by bill, Senate, No. 1346) of Richard T. Moore and Susan W. Pope for legislation to increase certain fees for the nonpayment of parking tickets,— and recommending that the same be referred to the committee on Taxation.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Severally sent to the House for concurrence.

Mr. Barrios, for the committee on Public Safety, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1283) of Stephen M. Brewer, Christopher J. Donelan, Michael R. Knapik and other members of the General Court for legislation to further regulate the sale of distinctive license plates for veterans; and

Of the petition (accompanied by bill, Senate, No. 1290) of Stephen M. Brewer, Robert A. Antonioni and Harriette L. Chandler for legislation to provide payments to municipalities for emergency disaster relief;

And recommending that the same severally be referred to the Senate committee on Ways and Means.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Severally sent to the House for concurrence in the discharge of the joint committee.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3991) of Frank I. Smizik (by vote of the town) relative to allowing non-resident students to attend public school in the town of Brookline;

To the committee on Education, Arts and Humanities.

Petition (accompanied by bill, House, No. 3975) of Anne M. Paulsen and Steven A. Tolman (by vote of the town) that the town of Belmont be authorized to place a certain question regarding the sale of alcoholic beverages on the town's election ballot;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 3976) of Peter V. Kocot and Stanley C. Rosenberg (with the approval of the mayor and city council) that the licensing authority of the city of Northampton be authorized to issue additional licenses for the sale of wine and malt beverages to be drunk on the premises; and

Petition (accompanied by bill, House, No. 3992) of Robert K. Coughlin (by vote of the town) for legislation to authorize the town of Westwood to issue licenses to restaurants for the sale of alcoholic beverages to be drunk on the premises;

Severally to the committee on Government Regulations.

Petition (accompanied by bill, House, No. 3971) of Norman Crawley relative to prescriptions for members of prescription advantage, so-called;

To the committee on Health Care.

Petition (accompanied by bill, House, No. 3977) of Eugene L. O'Flaherty and Kathi-Anne Reinstein (with the approval of the mayor and city council) relative to establishing the Chelsea affordable housing trust fund;

To the committee on Housing and Urban Development.

Petition (accompanied by bill, House, No. 3841) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to parking fines in the town of Provincetown;

Petition (accompanied by bill, House, No. 3887) of Barbara A. L'Italien, Susan C. Tucker and Barry R. Finegold (by vote of the town) relative to amending the charter of the town of Andover;

Petition (accompanied by bill, House, No. 3993) of Daniel E. Bosley and Andrea F. Nuciforo, Jr. (by vote of the town) that the town of Monroe be authorized to lease certain parcels of land to New England Wind, LLA;

Petition (accompanied by bill, House, No. 3994) of Steven J. Buoniconti (by vote of the town) relative to authorizing the Department of Veteran's Services to pay a certain sum of money to the town of West Springfield;

Petition (accompanied by bill, House, No. 3995) of Jennifer M. Callahan (by vote of the town) for legislation to authorize the conservation commission of the town of Millville to establish fees for the employment of consultants;

Petition (accompanied by bill, House, No. 3996) of Robert Correia, Joan M. Menard, Michael J. Rodrigues and David B. Sullivan (with the approval of the mayor and city council) relative to the issuance of pension funding bonds in the city of Fall River;

Petition (accompanied by bill, House, No. 3997) of Robert K. Coughlin and Marian Walsh (by vote of the town) that the town of Dedham be authorized to reimburse Geraldine B. Bacon for the payment of certain sewer fees; and

Petition (accompanied by bill, House, No. 3998) of Robert K. Coughlin and Marian Walsh (by vote of the town) that the town of Dedham be authorized to reimburse Clarke Coggeshall for the payment of certain sewer fees;

Petition (accompanied by bill, House, No. 3999) of James B. Eldridge and Pamela P. Resor (by vote of the town) that the town of Harvard be authorized to sell or convey a certain parcel of park land;

Petition (accompanied by bill, House, No. 4075) of David L. Flynn and Marc R. Pacheco (by vote of the town) relative to the establishment of a betterment fund in the town of Raynham;

Petition (accompanied by bill, House, No. 4076) of Susan Williams Gifford, Jeffrey Davis Perry, Matthew C. Patrick and Therese Murray (by vote of the town) that the town of Bourne be authorized to lease certain conservation land to the National Marine Life Center Rehabilitation Facility;

Petition (accompanied by bill, House, No. 4077) of Anne M. Gobi, Stephen M. Brewer and Mark J. Carron (by vote of the town) relative to vacancies in certain offices in the town of Spencer;

Petition (accompanied by bill, House, No. 4078) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to parking fines in the town of Chatham;

Petition (accompanied by bill, House, No. 4079) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to parking fines in the town of Harwich;

Petition (accompanied by bill, House, No. 4080) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to the historic business district of the town of Chatham;

Petition (accompanied by bill, House, No. 4081) of Louis L. Kafka and Jo Ann Sprague (by vote of the town) relative to the zoning law in the town of Sharon;

Petition (accompanied by bill, House, No. 4082) of Timothy P. Murray (mayor), Thomas R. Hoover (city manager), James B. Leary, Harriette L. Chandler, Guy W. Glodis, John J. Binienda, Robert Spellane and John P. Fresolo (with the approval of the city council) relative to the powers of duties of the off-street parking board of the city of Worcester;

Petition (accompanied by bill, House, No. 4083) of Paul J. P. Loscocco and David P. Magnani (by vote of the town) relative to the department of public works in the town of Hopkinton;

Petition (accompanied by bill, House, No. 4084) of Anne M. Paulsen and Steven A. Tolman (by vote of the town) relative to public works functions in the town of Belmont;

Petition (accompanied by bill, House, No. 4085) of Matthew C. Patrick and Robert A. O'Leary (by vote of the town) for legislation to validate certain actions by the town of Mashpee relative to the payment of health insurance premiums for retired employees of said town;

Petition (accompanied by bill, House, No. 4086) of John F. Quinn, Joan M. Menard and Mark A. Howland (by vote of the town) authorizing the town of Lakeville to establish a consultant account;

Petition (accompanied by bill, House, No. 4087) of John H. Rogers (by vote of the town) that the town of Norwood be authorized to establish the position of treasurer and collector of taxes;

Petition (accompanied by bill, House, No. 4088) of Deborah B. Goldberg and others (by vote of the town) relative to the department of finance in the town of Brookline;

Petition (accompanied by bill, House, No. 4089) of Kathleen M. Teahan and Michael W. Morrissey (by vote of the town) for legislation to authorize the town of Abington to transfer funds from the Strawberry Valley Golf Course enterprise fund to the stabilization fund of said town;

Petition (accompanied by bill, House, No. 4090) of David M. Torrissi, Steven A. Baddour, Bruce E. Tarr and Barbara A. L'Italien (by vote of the town) that the town of North Andover be authorized to grant a certain easement in said town for utility purposes;

Petition (accompanied by bill, House, No. 4091) of James E. Vallee, Cheryl A. Jacques and David P. Magnani (with the approval of the town council) that the city of Franklin be authorized to lease certain surplus land and buildings;

Petition (accompanied by bill, House, No. 4092) of Anthony J. Verga (with the approval of the mayor and city council) relative to amending the charter of the city of Gloucester;

Petition (accompanied by bill, House, No. 4102) of Jennifer M. Callahan (by vote of the town) relative to the establishment of a compensated absence fund in the town of Bellingham;

Petition (accompanied by bill, House, No. 4103) of Douglas W. Petersen and other members of the General Court for legislation to provide land use reforms under the zoning laws of the Commonwealth; and

Petition (accompanied by bill, House, No. 4106) of Peter V. Kocot and Stanley C. Rosenberg (with the approval of the mayor and city council) relative to amending the charter of the city of Northampton to provide for the appointment of a city council clerk;
Severally to the committee on Local Affairs and Regional Government.

Petition (accompanied by bill, House, No. 3972) of Stephen Kulik, Stephen M. Brewer, Andrea F. Nuciforo Jr., Christopher J. Donelan and Stanley C. Rosenberg relative to transferring group health insurance of retired Franklin County employees to the Commonwealth;

Petition (accompanied by bill, House, No. 3978) of William M. Straus and Mark C. Montigny (by vote of the town) relative to the appointment of retired police officers in the town of Fairhaven;

Petition (accompanied by bill, House, No. 4093) of Robert K. Coughlin and Marian Walsh (by vote of the town) for legislation to exempt certain employees of the department of public works in the town of Dedham from provisions of the civil service law; and

Petition (accompanied by bill, House, No. 4094) of Michael F. Kane and Michael R. Knapik (with the approval of the mayor and city council) that the city of Holyoke be authorized to include for retirement purposes the military service of employees;
Severally to the committee on Public Service.

Petition (accompanied by bill, House, No. 3973) of Paul C. Demakis, Susan C. Fargo and Byron Rushing for legislation to reduce the surcharge on the rental of motor vehicles in the city of Boston; and

Petition (accompanied by bill, House, No. 3974) of Paul C. Demakis and Byron Rushing for legislation to reduce the surcharge on the rental of motor vehicles in the city of Boston;
Severally to the committee on State Administration.

Petition (accompanied by bill, House, No. 3979) of Anne M. Paulsen and Steven A. Tolman (by vote of the town) for legislation to authorize a tax check-off in the town of Belmont to add additional monies to the general fund;

Petition (accompanied by bill, House, No. 3980) of Anne M. Paulsen and Steven A. Tolman (by vote of the town) relative to the taxation of certain property in the town of Belmont;

Petition (accompanied by bill, House, No. 3981) of Anne M. Paulsen and Steven A. Tolman (by vote of the town) authorizing the modification of property tax billing in the town of Belmont;

Petition (accompanied by bill, House, No. 3987) of Robert K. Coughlin (by vote of the town) relative to the taxation of certain real property in the town of Westwood;

Petition (accompanied by bill, House, No. 3988) of Robert K. Coughlin and Marian Walsh (by vote of the town) that the town of Dedham be authorized to reimburse Rebecca M. Bowles for the payment of certain real estate taxes; and

Petition (accompanied by bill, House, No. 3989) of Susan W. Pope and Cheryl A. Jacques (by vote of the town) relative to the taxation of certain real property in the town of Wayland;
Severally to the committee on Taxation.

Bills

Validating the actions taken at the annual election held in the town of Bridgewater (printed in House, No. 3931,— being a message from His Excellency the Governor); and

Validating the actions taken at certain special elections held in the town of Dedham (printed in House, No. 3932,— being a message from His Excellency the Governor);

Were severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

A Bill establishing a sewer system capital improvement fund in the town of Chelmsford (House, No. 3805,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Resolutions.

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

Resolutions (filed by Mr. Baddour and Ms. Tucker) “congratulating John E. ‘Spike’ Boda, Jr. on the occasion of his retirement as golf pro at the Andover Country Club”;

Resolutions (filed by Mr. Joyce) “commemorating the fiftieth anniversary of Temple Beth Am of Randolph”; and
Resolutions (filed by Mr. Shannon) “congratulating Esma A. Goodridge on the happy occasion of her ninetieth birthday”.

Communication.

The Clerk read the following communication:

August 4, 2003.

Mr. Patrick F. Scanlan
Massachusetts Senate Clerk
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

On July 10, 2003, I was unable to be present in the Senate Chamber for several roll call votes pertaining to the Governor’s vetoes of items contained in House Bill 4004, the 2004 General Appropriations bill. Had I been present, I would have voted in the affirmative to override His Excellency’s vetoes on Senate Roll Calls numbers 110 through 132, Senate Roll Call number 134, and Senate Roll Call number 136.

Further, on the legislative matters before the Senate, had I been present I would have voted in the affirmative on Senate Roll Call numbers 106, 108, 109, 133, and 135, and in the negative on Senate Roll Call number 107.

I respectfully request that this letter be printed in the Senate Journal as part of the official record for July 10, 2003. Thank you for your assistance in this matter.

Sincerely,
SUSAN C. FARGO,
Senator,
3rd Middlesex District.

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

Reports of Committees.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Robert A. O’Leary for legislation relative to a retirement buyback from the Plymouth county retirement system for Edward J. Murphy.

**Senate Rule 36 was suspended, on motion of Mrs. Sprague, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.
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 Duarte O. Raposo, an employee of the Trial Court of the Commonwealth (House, No. 3958),— ought to pass, with an amendment, adding the following sentence:— “Whenever Duarte O. Raposo terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank.”.

The rules were suspended, on motion of Mr. Baddour, 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, read a third time and passed to be engrossed, in concurrence, with the amendment, 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 Duarte O. Raposo, an employee of the Trial Court.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey an easement in certain land located in the town of Concord (see House, No. 1375, 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 Acting President and sent to the House for enactment.

An engrossed Bill further extending the time for which certain land in Norfolk County may be used as a temporary minimum security alternative correction center (see House, No. 1625), 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.

Engrossed Bill.

An engrossed Bill relative to the preliminary elections in the city of Malden in the year 2003 (see House, No. 3740) (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.**

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 relative to certain school construction debt in the town of Reading (printed in House, No. 3900),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Recess.

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

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:

Authorizing the Division of Capital Asset Management and Maintenance to convey an easement in certain land located in the town of Concord (see House, No. 1375, amended); and

Further extending the time for which certain land in Norfolk County may be used as a temporary minimum security alternative correction center (see House, No. 1625).

Order Adopted.

On motion of Mr. Baddour,—

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.

On motion of Mrs. Sprague, at a quarter past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.