

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.



Monday, August 16, 2004.

Met at two minutes past eleven o'clock A.M. (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).

The Chair (Mr. Tolman), members, guests and employees then recited the pledge of allegiance to the flag.

Report.

A report of the Fall River District Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (received Wednesday, August 11, 2004),— **was placed on file.**

Petitions.

Petitions were presented and referred, as follows:

By Mr. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore, Patricia A. Haddad, Mark J. Carron, Thomas J. O'Brien and other members of the General Court for the adoption of an order relative to authorizing the committee on Government Regulations and the committee on Energy to make an investigation and study of the feasibility of utilizing "off-peak" energy storage for the benefit of energy consumers;

By the same Senator, a petition (subject to Joint Rule 12) of Richard T. Moore, Pamela P. Resor, Patricia A. Haddad, Mark J. Carron and other members of the General Court for the adoption of an order relative to authorizing the committee on Public Service to make an investigation and study of active duty death benefits of members of the Massachusetts National Guard; and

By Mr. Pacheco, a petition (subject to Joint Rule 12) of Marc R. Pacheco for legislation to establish a sick leave bank for a certain employee of the Department of Mental Retardation, Trisha A. Sarvia;

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

Committee Discharged.

Ms. Murray, for the committee on Ways and Means, reported, asking to be discharged from further consideration of the House Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to the Foxborough Housing Authority (House, No. 4976),— and recommending that the same be referred to the Senate committee on Steering and Policy.

Under Senate Rule 26, 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 Messrs. Brewer, Antonioni, Baddour, Barrios, Brown, Glodis, Havern, Hedlund, Lees, Moore, Pacheco, Shannon, Mrs. Sprague and Messrs. Tarr and Tolman) “in recognition of Colonel Thomas J. Foley of the Massachusetts State Police”;

Resolutions (filed by Messrs. Brewer, Antonioni, Baddour, Barrios, Brown, Glodis, Havern, Hedlund, Lees, Moore, Pacheco, Shannon, Mrs. Sprague and Messrs. Tarr and Tolman) “congratulating Lieutenant Colonel Bradley G. Hibbard of the Massachusetts State Police”;

Resolutions (filed by Mr. Joyce) “congratulating Eric W. Greene”;

Resolutions (filed by Mr. O’Leary) “congratulating Leroy Norman Gonsalves”;

Resolutions (filed by Mr. Pacheco) “honoring Lubomyr Cardinal Husar, Patriarch of the Ukrainian Catholic Church”; and

Resolutions (filed by Mr. Pacheco) “on the occasion of the fiftieth wedding anniversary of James and Janet Dinneen.”

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 the licensing authorities for day care providers (House, No. 4418),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act relative to the Office of Child Care Services and Day Care Providers”.**

PAPERS FROM THE HOUSE.

A Bill designating a certain bridge in the city of Worcester as the Representative Robert J. Bohigian Bridge (House, No. 4761,— on petition),— **was read.**

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

A Bill relative to public safety in the city of Somerville (House, No. 5045,— on House, No. 2660) [Local approval received on House, No. 2660],— **was read.**

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

Engrossed Bills.

The following engrossed bills (all 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:

Placing certain school department positions in the city of Gardner under the civil service law (see House, No. 4204, amended);

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

Authorizing the town of Leominster to grant a certain abatement (see House, No. 4499).

Report 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 L. Hedlund, Scott P. Brown, Philip Travis, Reed V. Hillman and other members of the General Court for legislation relative to motor vehicle liability for motorcycles.

Senate Rule 36 was suspended, on motion of Mr. Knapik, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Insurance. Sent to the House for concurrence.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5060) of Reed V. Hillman and Stephen M. Brewer for legislation to further regulate the collection of data relative to traffic stops by police departments,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Safety.**

Order Adopted.

On motion of Mr. Knapik,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Adjournment in Memory of Representative Mary Jane Simmons.

The Senator from Hampden and Hampshire, Mr. Knapik, moved that when the Senate adjourns today it adjourn in memory of Representative Mary Jane Simmons of Leominster.

Representative Simmons, a lifelong Leominster resident, served five terms in the Massachusetts House of Representatives. She ably served the 4th Worcester district constituents as chairman of many different committees during her tenure. She passed away on August 13, 2004 after a lengthy illness.

Ms. Simmons, a graduate of Leominster high school, became a practicing nurse before her career in the legislature. Besides her father, Wesley E. Wallace of Leominster, Mrs. Simmons is survived by her husband, Ronald A. Simmons; two daughters, Mary Kate Simmons and Jessica Simmons, both of Leominster; one son, Brandon Simmons of Leominster; one brother, Barry K. Wallace of Leominster; one niece, Kimberly (Baker) Gibbs of Hampstead, Md.; and several aunts and cousins. She was predeceased by her sister, Susan (Wallace) Baker; her son, Richard R. Roberts Jr.; and her mother Mary (Pickford) Wallace.

Accordingly, as a mark of respect to the memory of Representative Mary Jane Simmons of Leominster, at nine minutes past eleven o'clock A.M. on motion of Mr. Knapik, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.