

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 21, 2003.

Met at four minutes past eleven o'clock A.M.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Communications.

A communication was received from the President announcing the following appointments:

Senators Montigny, Murray and O'Leary to the special commission established (under Section 595 of Chapter 26 of the Acts of 2003) to study the ecological and environmental impact of the oil spill in Buzzards Bay.

James A. Aloisi, Jr., of Boston to the special commission established (under Section 599 of Chapter 26 of the Acts of 2003) relative to transportation restructuring.

Senator Rosenberg to the working group established (under Section 607 of Chapter 26 of the Acts of 2003) to develop legislation to reform Chapter 70 of the General Laws relative to educational aid.

Senator Rosenberg to the special commission established (under Section 130 of Chapter 46 of the Acts of 2003) to study the sale of tax receivables.

Senator Rosenberg to the special commission established (under Section 137 of chapter 46 of the Acts of 2003) to investigate, study and make a report on the annual municipal census.

Senators Tolman and Wilkerson to the special commission established (under Section 138 of Chapter 46 of the Acts of 2003) to investigate, study, and make legislative recommendations on the adequacy and efficiency of laws and regulations governing public construction projects.

A communication was also received from the Minority Leader announcing the appointment of Senator Sprague to the working group established (under Section 607 of Chapter 26 of the Acts of 2003) to develop legislation to reform Chapter 70 of the General Laws relative to educational aid.

Engrossed Bill — Laid Before the Governor.

The engrossed Bill making appropriations for fiscal year 2003 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4124, amended) (which originated in the House) having been passed to be enacted and signed by the Acting President (Mr. Havern) on Monday, August 18, 2003, was laid before the Governor for his approbation on Tuesday, August 19, 2003.

Committee Discharged.

Ms. Resor, for the committee on Natural Resources and Agriculture, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 2038) of Michael W. Morrissey and Kathleen M. Teahan (by vote of the town) for legislation to authorize the town of Abington to transfer certain funds to the stabilization fund for open space and recreational purposes; and

Of the petition (accompanied by bill, Senate, No. 2039) of Michael W. Morrissey and Kathleen M. Teahan (by vote of the town) for legislation to authorize the town of Abington to pay an unpaid bill to Glenn R. LaPointe, Inc.;

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.

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 action taken at an annual town meeting and a special town meeting held in the town of Leicester (House, No. 4123),— **was referred, in concurrence, to the committee on Local Affairs and Regional Government.**

A petition (accompanied by bill, House, No. 4116) of Michael A. Costello and Steven A. Baddour (by vote of the town) relative to authorizing the town of Salisbury to make an appeal to the Appellate Tax Board,— **was referred, in concurrence, to the committee on Taxation.**

Resolutions.

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

Resolutions (filed by Mr. Brewer) “congratulating Alan W. Bowers”;

Resolutions (filed by Mr. Joyce) “honoring Branch B. Lane for his exceptional service to the town of Milton”;

Resolutions (filed by Ms. Melconian) “honoring the Sr. Caritas Cancer Center expansion at Mercy Medical Center and Sr. Mary Caritas, SP, on the occasion of her 80th birthday”; and

Resolutions (filed by Mr. Pacheco) “on the occasion of the one hundredth birthday of Georgianna Souza Jose”.

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 Andrea F. Nuciforo, Jr., Stanley C. Rosenberg, Richard T. Moore, William Smitty Pignatelli and other members of the General Court for legislation to extend school building assistance financing.

Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education, Arts and Humanities.

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 Michael W. Morrissey, Bruce J. Ayers, Robert S. Creedon, Jr., John A. Hart, Jr. and other members of the General Court for legislation to protect the assets of individuals in nursing homes.

Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.

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 Bruce E. Tarr, Joseph O. Hocter, Bradford Hill, Michael J. Coppola and other members of the General Court for legislation to facilitate timely guardianships for mentally retarded persons.

Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.

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 Susan C. Tucker, David M. Torrisi, William Lantigua and Barry R. Finegold (by vote of the town of Andover) for legislation to authorize the Commissioner of Conservation and Recreation to modify, extinguish and relocate a certain easement in the city of Lawrence. [Local approval received].

Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration.

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 Andrea F. Nuciforo, Jr. and William Smitty Pignatelli for legislation relative to the room occupancy excise tax. **Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Taxation. Severally sent to the House for concurrence.**

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 the elimination of the residency requirement for the town administrator of the town of Dedham (House, No. 2012),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill validating the actions taken at certain special elections held in the town of Dedham (printed in House, No. 3932),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The Senate Bill declaring September 11th the official state day honoring all September 11, 2001 victims and heroes and promoting peace, unity and social action (Senate, No. 1636) — was read a third time.

Ms. Creem presented an amendment, in section 2, by inserting after the word “as”, in line 5, the following words:— “Unity Day,”; 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 provide for declaring September 11 as Unity Day, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act declaring September 11 as Unity Day.”. Sent to the House for concurrence.

The House Bill relative to drag racing in the city of Springfield (House, No. 3835),— was read a second time.

Ms. Melconian presented an amendment by striking out section 2 and inserting in place thereof the following section:—

“SECTION 2. (1) The following items shall be subject to forfeiture:

(a) any motor vehicle used or intended to be used to violate section 17B of chapter 90 of the General Laws or used to facilitate a violation of said section 17B of said chapter 90 in the city of Springfield, but no forfeiture under this act shall extinguish a perfected security interest held by a creditor in a motor vehicle at the time of filing of the forfeiture action; and

(b) any money, negotiable instrument, securities or other thing of value furnished or intended to be furnished in exchange for violating said section 17B of said chapter 90 or for facilitating a violation of said section 17B of said chapter 90 in the city of Springfield.

(2) The following exemptions shall apply:

(a) no motor vehicle used as a common carrier in the transaction of business as a common carrier shall be subject to forfeiture, unless the owner or other person lawfully in charge of such motor vehicle consented to or participated or intended to participate in the violation or facilitation of a violation of section 17B of chapter 90 of the General Laws;

(b) no motor vehicle used or intended to be used to violate said section 17B of said chapter 90 or to facilitate a violation of said section 17B of said chapter 90 shall be subject to forfeiture by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such motor vehicle was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, the commonwealth or any state; and

(c) no motor vehicle shall be subject to forfeiture unless the owner knew or should have known that such motor vehicle was used or intended to be used to violate or to facilitate a violation of said section 17B of said chapter 90.”

The amendment was adopted.

The bill, as amended, was ordered to a third reading, read a third time and was passed to be engrossed, in concurrence. Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4125) of Shirley Gomes, Thomas N. George and Robert A. O'Leary for legislation to provide for a reallocation of funding contributions by member towns of the Nauset Regional School District;

Under suspension of Joint Rule 12, to the committee on Education, Arts and Humanities.

Petition (accompanied by bill, House, No. 4126) of Shirley Gomes and other members of the General Court for legislation to require interior lights on motor vehicles to be lit when said vehicle is stopped by a police officer between dusk and dawn;

Under suspension of Joint Rule 12, to the committee on Public Safety.

Petition.

A petition (accompanied by bill, Senate, No. 2069) of Steven C. Panagiotakos, Thomas A. Golden, Jr., Kevin J. Murphy and David M. Nangle (with the approval of the city council) for legislation relative to the election of members of the school committee of the Greater Lowell Regional Vocational School from the city of Lowell,— was referred to the committee on Ethics and Rules.

Subsequently, Mr. Brewer, for the said committee, reported that the bill accompanying said petition ought to pass.

The bill 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.

Sent to the House for 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.

On motion of Ms. Murray, at twelve minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.