

**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 28, 2003.

Met at three minutes past 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 Senator from Worcester and Norfolk, Mr. Moore, led the Chair (Ms. Walsh), members, guests and employees in the recitation of the pledge of allegiance to the flag.

#### *Communication.*

A communication was received from the President announcing the resignation of Senator Rosenberg and the appointment of Senator Menard 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.

The President also announced the appointment of Senators Barrios, O'Leary, Shannon and Knapik to the special commission established (under Section 601 of Chapter 26 of the Acts of 2003) to make an investigation and study of the Quinn Bill.

#### *Reports.*

The following reports were severally read and placed on file:

A report of the Wonderland Greyhound Park, Inc. (under the provisions of Section 2 of Chapter 128 of the General Laws) submitting copies of simulcasting contracts entered into by Wonderland (received Thursday, July 31, 2003);

A report of the Massachusetts Convention Center Authority (under the provisions of Section 5 of Chapter 152 of the Acts of 1997) submitting its quarterly report on the status of the Boston Convention and Exhibition Center Project (received Friday, August 1, 2003);

A report of the Division of Capital Asset Management and Maintenance (under the provisions of Chapter 664 of the Acts of 1996) submitting a copy of the proposed lease for the former Belchertown State School farm property (received Wednesday, August 13, 2003);

A report of the Massachusetts Bay Transportation Authority (under the provisions of Section 17 of Chapter 125 of the Acts of 2000) submitting its report on the transportation improvements in the Greenbush commuter line corridor (received Thursday, August 14, 2003);

A report of the Bristol County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003) submitting its spending plan for technology improvements (received Wednesday, August 20, 2003); and

A report of the Norfolk County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the General Laws) submitting its spending plan for technology improvements (received Friday, August 22, 2003).

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the Women in Transition facility in Essex County (received Wednesday, August 27, 2003),— **was read and sent to the House for its information.**

*Petitions.*

Mr. Brewer presented a petition (accompanied by bill, Senate, No. 2074) of Stephen M. Brewer and Lewis G. Evangelidis (by vote of the town) for legislation to establish a preservation fund in the town of Hubbardston [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Local Affairs and Regional Government. Sent to the House for concurrence.**

Mr. Glodis presented a petition (subject to Joint Rule 12) of Guy W. Glodis for legislation to reinstitute the death penalty for in prison murders,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

*Reports of Committees.*

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition (accompanied by bill, Senate, No. 1178), an Order relative to authorizing the joint committee on Local Affairs and Regional Government to make an investigation and study of Senate document numbered 1178, relative to affordable elderly rental housing in Ipswich (Senate, No. 2075) [Local approval received on Senate, No. 1178];  
**Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.**

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition, a Bill relative to the Sandwich water district (Senate, No. 1163);  
**Read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition, a Bill authorizing the town of Carlisle to grant conservation restrictions for town owned conservation land (Senate, No. 1148) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to the charter of the city of Holyoke (Senate, No. 1158) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill authorizing the town of Tewksbury to establish an affordable housing trust fund (Senate, No. 1182) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill authorizing the conservation commission to the town of Andover to grant an easement (Senate, No. 1183) [Local approval received];  
**Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Ms. Jacques, 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 Senate bills

Relative to credit union boards of directors (Senate, No. 13);

Relative to the powers of trust companies (Senate, No. 15);

Relative to selective service registration (Senate, No. 1275);

Relative to the dissemination of information to private detectives (Senate, No. 1318);

Relative to increasing the availability of protective gear for renters of recreational sports equipment (Senate, No. 1355); and

Requiring children under 12 to wear ski helmets (Senate, No. 1376); and

The House Bill relative to the use of the name of financial institutions (House, No. 1623).

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 authorizing the sale of certain conservation land in the town of North Reading (House, No. 4131),— **was referred, in concurrence, to the committee on Local Affairs and Regional Government.**

A Bill designating a certain parcel of land in the city of Boston as the Guido Salvucci Bocci Court (House, No. 3883,— on Senate, No. 737, in part),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

#### *Resolutions.*

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

Resolutions (filed by Mr. Brewer) “in honor of the one hundredth anniversary of the founding of St. Mary’s Parish in the town of Orange”;

Resolutions (filed by Mr. Moore) “commemorating the one hundredth anniversary of Milford-Whitinsville Regional Hospital”;

Resolutions (filed by Mr. Pacheco) “on the occasion of the one hundredth birthday of Mary Ribeiro”; and

Resolutions (filed by Ms. Tucker and Messrs. Baddour and Tarr) “congratulating William L. Lane on the occasion of receiving the St. Marguerite D’Youville ‘Pilgrimage of Love Award’.”

#### *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. and Daniel E. Bosley for legislation to authorize the Mount Greylock Regional School District to convey and lease real estate.

**Senate Rule 36 was suspended, on motion of Ms. Fargo, 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 Pamela P. Resor, Karyn E. Polito, George N. Peterson, Jr. and Paul J.P. Loscocco for legislation relative to the disposition of state land in the city of Westborough known as the Lyman School.

**Senate Rule 36 was suspended, on motion of Ms. Fargo, 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. Severally sent to the House for concurrence.**

#### *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 concerning the conveyance of certain park land in the town of Yarmouth (House, No. 3899),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

#### 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:

Relative to the election of members of the school committee of the Greater Lowell Regional Vocational School from the city of Lowell (see Senate, No. 2069);

Authorizing the town of Topsfield to grant special liquor licenses for the sale of wines and malt beverages to be drunk on the premises (see House, No. 1480);

Authorizing the town of Topsfield to grant a license for the sale of wines and malt beverages not to be drunk on the premises (see House, No. 1481);

Authorizing the town of Topsfield to grant a license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 1482);

Providing for the elimination of the residency requirement for the town administrator of the town of Dedham (see House, No. 2012); and

Designating a certain bridge in the city known as the town of Methuen as the Patriots' Bridge (see House, No. 3472).

An engrossed Bill validating the actions taken at certain special elections held in the town of Dedham (see House Bill, printed in House, No. 3932) (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, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President and laid before the Governor for his approbation.**

*Bill Returned with Recommendation of Amendment.*

A message from His Excellency the Governor, returning with recommendation of amendment 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) as relates to section 13 [for message, see House, No. 4128],— came from the House with endorsement that the House adopted the amendment (as recommended by the committee on Bills in the Third Reading) in the following form: “An Act relative to the development of property owned by a political subdivision for nonwater dependent uses” (House, No. 4130, amended).

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

**The House amendment was considered forthwith and adopted, in concurrence.  
Sent to the House for re-enactment.**

*Order Adopted.*

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith and adopted, in concurrence, to wit:

*Ordered*, That all matters awaiting concurrence by the House or Senate that were, by the opposite branch, referred or discharged with a recommendation to refer to the former committee on Local Affairs or the former committee on Counties, shall be considered to have been referred or discharged with a recommendation to refer the matter to the committee on Local Affairs and Regional Government.

*Order Adopted.*

On motion of Mr. Moore,—

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

*Recess.*

At fourteen minutes past eleven o'clock A.M., the Chair (Ms. Walsh) declared a recess subject to the call of the Chair, and at nineteen minutes before three o'clock P.M., the Senate reassembled, Mr. Moore in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPER FROM THE HOUSE.

A Bill relative to the Prescription Advantage and early retirement incentive programs (House, No. 4134,— on House, No. 2021, in part),— was read.

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

Mr. Shannon, for the committee on Bills in the Third Reading, reported, recommending that the bill be substituted, in part, by a bill entitled “An Act relative to the prescription advantage program” (Senate, No. 2077); and that the residue be reported by a bill entitled “An Act relative to the early retirement incentive program” (Senate, No. 2078).

The report was accepted.

The Senate Bill relative to the early retirement incentive program (Senate, No. 2078),— **was then passed to be engrossed.  
Sent to the House for concurrence.**

The Senate Bill relative to the prescription advantage program (Senate, No. 2077),— was considered.

Pending the main question on passing the bill (Senate, No. 2077) to be engrossed, the Chair (Mr. Moore) declared a recess, at eight minutes before three o'clock P.M., subject to the call of the Chair.

Subsequently, at sixteen minutes before five o'clock P.M., the Senate reassembled, Mr. Moore in the Chair.

The Senate Bill relative to the prescription advantage program (Senate, No. 2077),— **was further considered; and it was passed to be engrossed. Sent to the House for concurrence.**

#### PAPERS FROM THE HOUSE.

##### *Emergency Preambles Adopted; Engrossed Bills Enacted.*

An engrossed Bill relative to the early retirement incentive program (see Senate, No. 2078), 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 (Mr. Moore) and sent to the House for enactment.

Subsequently, the bill, which originated in the Senate, came from the House with the endorsement that it had been enacted in that branch.

**The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Moore) and laid before the Governor for his approbation.**

An engrossed Bill establishing a sick leave bank for Duarte O. Raposo, an employee of the Trial Court (see House, No. 3958, 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 (Mr. Moore) and sent to the House for enactment.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

**The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Moore) and laid before the Governor for his approbation.**

An engrossed Bill relative to the prescription advantage program (see Senate, No. 2077), 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 (Mr. Moore) and sent to the House for enactment.

Subsequently, the bill, which originated in the Senate, came from the House with the endorsement that it had been enacted in that branch.

**The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Moore) and laid before the Governor for his approbation.**

On motion of Mr. Tarr, at a quarter before six o'clock P.M., the Senate adjourned to meet on the following Tuesday at eleven o'clock A.M.