

**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, September 4, 2003.

Met at six minutes past eleven o'clock A.M. (Mr. Havern 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. Havern), members, guests and employees then recited the pledge of allegiance to the flag.

#### *Petition.*

Mr. Glodis presented a petition (subject to Joint Rule 12) of Guy W. Glodis for legislation to define employees classified in Group 4 for retirement purposes,— **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. Murray, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Washington (Senate, No. 1972, changed),— ought to pass, with an amendment, in section 1, by striking out the figure “40E”, in line 3, and inserting in place thereof the following figure “40H”; and by inserting after the words “General Laws,” in line 4, the following words:— “and notwithstanding sections 40E to 40F1/2, inclusive, of chapter 7 of the General Laws,”.

**Referred, under Senate Rule 26, to the committee on Steering and Policy.**

By Mr. Creedon, for the committee on the Judiciary, on petition, a Bill establishing a sick leave bank for Rosa A. McPherson, an employee of the Trial Court (Senate, No. 2073); and

By Ms. Wilkerson, for the committee on State Administration, on petition (accompanied by bill, Senate, No. 2068), a Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to grant an easement to the county of Nantucket (Senate, No. 2082) [Local approval received on Senate, No. 2068];

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

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

To clarify employer sanctions for improper expenditure of withholdings or deductions from wages (Senate, No. 98);

Relative to negative option mailings (Senate, No. 113);

To enhance the management of problem wildlife (Senate, No. 1207); and

Relative to the shellfish wardens training program (Senate, No. 1238).

#### PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4107) of Douglas W. Petersen and Thomas M. McGee (by vote of the town) relative to the municipal light board of the town of Marblehead,— **was referred, in concurrence, to the committee on Local Affairs and Regional Government.**

#### *Recess.*

There being no objection, at seven minutes past eleven o'clock A.M., the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and at twenty-six minutes before twelve o'clock noon, the Senate reassembled, Mr. Havern in the Chair.

#### *Resolutions.*

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

Resolutions (filed by Mr. Creedon) “recognizing POW/MIA Day”;

Resolutions (filed by Ms. Murray) “on the retirement of Antonio Gomes”;

Resolutions (filed by Mr. Pacheco) “on the occasion of the one hundredth birthday of Gilbert Clifford Butterworth”;

Resolutions (filed by Mr. Tolman) “calling upon British Prime Minister Tony Blair to schedule Northern Ireland elections in the Fall, 2003”; and

Resolutions (filed by Mr. Tolman) “in support of the Walsh Visa Program in Massachusetts.”

#### *Reports of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Sharon Melvin-James, an employee of the Trial Court of the Commonwealth (Senate, No. 1958),— ought to pass.

**There being no objection, the rules were suspended, on motion of Mr. Tolman, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, 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 Sharon Melvin-James, an employee of the Trial Court.”**

**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 John Nourse, an employee of the Department of Correction (House, No. 3822),— ought to pass, with an amendment, inserting at the end thereof the following sentence:— “Whenever Mr. Nourse terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank.”.

**There being no objection, the rules were suspended, on motion of Mr. Tarr, 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.**

**Sent to the House for concurrence in the amendment.**

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Emanuel Roque, an employee of the Department of Correction (House, No. 3916),— 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, in 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 Senate Bill authorizing the town of Tewksbury to establish an affordable housing trust fund (Senate, No. 1182),— **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.**

The Senate Bill authorizing the conservation commission to the town of Andover to grant an easement (Senate, No. 1183),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed**

**by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the conservation commission of the town of Andover to grant an easement”.  
Sent to the House for concurrence.**

*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 Steven C. Panagiotakos and Kevin J. Murphy for legislation to establish a sick leave bank for Joseph J. Primeau, an employee of the Division of Industrial Accidents.

**Senate Rule 36 was suspended, on motion of Mr. Tolman, 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.**

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 John W. Seaver, Richard T. Moore and Marie J. Parente for legislation relative to installing Internet filters in public libraries.

**Senate Rule 36 was suspended, on motion of Mr. Tolman, 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.**

PAPERS FROM THE HOUSE.

A Bill validating a certain vote taken by the town of Wrentham (printed in House, No. 4143,— being a message from His Excellency the Governor),— was read.

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

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Ceylin Guillermo, an employee of the Department of Social Services (see House, No. 3823), 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 3 to 0.

**The bill was signed by the Acting President and sent to the House for enactment.**

*Recess.*

There being no objection, at eighteen minutes before twelve o'clock noon, the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and at seven minutes past twelve o'clock noon, the Senate reassembled, Mr. Havern in the Chair.

PAPERS FROM THE HOUSE.

*Engrossed Bills.*

An engrossed Bill validating a certain vote taken by the town of Wrentham (see House Bill, printed in House, No. 4143) (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.**

An engrossed Bill establishing a sick leave bank for Ceylin Guillermo, an employee of the Department of Social Services (see House, No. 3823) (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 President and laid before the Governor for his approbation.**

*Order Adopted.*

On motion of Ms. Fargo,—

*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.

*Adjournment in Memory of Sergeant Gregory Belanger.*

Mr. Rosenberg presented a request that when the Senate adjourns today, it adjourn in memory of Sergeant Gregory Belanger of Deerfield.

Sergeant Belanger was killed in action in Iraq on Wednesday, August 27, 2003, while proudly serving with the 325 Military Intelligence Battalion of the 94th Regional Readiness Command of the United States Army. He was the son of Kathleen Belanger of Deerfield and Edward Belanger of Greenfield. This motion prevailed.

Accordingly, as a mark of respect to the memory of Sergeant Gregory Belanger, at eight minutes past twelve o'clock noon, on motion of Mr. Tolman, the Senate adjourned to meet on the following Monday at eleven o'clock A.M.