

**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 30, 2004.*

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

#### *Communications.*

The following communications were severally placed on file:

A communication was received from the Honorable Steven A. Baddour pursuant to the provisions of Chapter 268A of the General Laws;

A communication was received from the Honorable Steven T. James, Clerk of the House of Representatives notifying the Senate that the Honorable Thomas M. Finneran of Boston had resigned as Speaker of the House of Representatives effective five o'clock P.M., on Tuesday, September 28, 2004; and that the Honorable Salvatore F. DiMasi of Boston has been elected Speaker of the House on Wednesday, September 29, 2004, to fill the existing vacancy; and

A communication from the Division of Capital Asset Management and Maintenance submitting a copy of the Commonwealth of Massachusetts Real Property Report for 2004 (received Monday, September 27, 2004).

The following communications were severally sent to the House for its information

Communication from the Department of Public Health relative to corrective measures taken pursuant to inspection of the Hampden County Correctional Center (received Wednesday, September 15, 2004); and

Communication from the Department of Public Health relative to a plan of correction submitted pursuant to inspection of M.C.I. Norfolk (received Tuesday, September 21, 2004).

#### *Reports.*

A report of the Massachusetts Capital Resource Company (under the provisions of Section 12 of Chapter 816 of the Acts and Resolves of 1977) relative to the current Status of the Massachusetts Capital Resource Company (received Wednesday, September 1, 2004),— **was placed on file.**

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 inspection of the Suffolk County House of Correction (received Thursday, September 23, 2004),— **was read and sent to the House for its information.**

#### *Petitions.*

Mr. Berry presented a petition (accompanied by bill, Senate, No. 2492) of Frederick E. Berry, Joyce A. Spiliotis and Theodore C. Spiliotis (with approval of the mayor and city council) for legislation relative to the charter in the city of Peabody [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Local Affairs and Regional Government;**

Mr. Berry presented a petition (accompanied by bill, Senate, No. 2491) of Frederick E. Berry, Joyce A. Spiliotis and Theodore C. Spiliotis (with approval of the mayor and city council) for legislation relative to the disposition of a surplus parcel of land within the city of Peabody [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on State Administration;** and

Mr. Antonioni presented a petition (accompanied by bill, Senate, No. 2490) of Robert A. Antonioni and Jennifer Flanagan (with approval of the mayor and city council) for legislation relative to a tax abatement filing for the national plastics center and museum in Leominster [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Taxation;**  
**Severally sent to the House for concurrence.**

Petitions were presented and referred, as follows:

By Mr. Barrios, a petition (subject to Joint Rule 12) of Jarrett T. Barrios, Kathi-Anne Reinstein and Robert A. DeLeo for legislation to establish a sick leave bank for Brian Bowman an employee of the Department of Correction;  
By Mr. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore, Marc R. Pacheco, Pamela P. Resor, Barbara A. L'Italien and other members of the General Court for legislation to reform the death and disability compensation for the officers and enlisted members of the armed forces of the Commonwealth;  
By Ms. Resor, a petition (subject to Joint Rule 12) of Pamela P. Resor, Karen Spilka, Therese Murray, Anne M. Gobi and other members of the General Court for legislation to create the military family relief fund; and  
By Ms. Walsh, a petition (subject to Joint Rule 12) of Marian Walsh, John Hynes, Robert K. Coughlin, Jarrett T. Barrios, J. James Marzilli Jr., and other members of the General Court for legislation relative to charities in Massachusetts;  
**Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

*Report of Committees.*

By Ms. Creem, for the committee on Taxation, on the recommitted petition, a Bill relative to the reimbursements for taxes lost on certain state-owned properties (Senate, No. 1759);  
**Read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition, a Bill relative to the bylaws of the town of Plymouth (Senate, No. 2481) [Local approval received];  
**Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

*Committees Discharged.*

Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Taxation to make an investigation and study of a Senate document relative to the Massachusetts Historical Rehabilitation Tax Credit (Senate, No. 2489),— and recommending that the same be referred to the Senate committee on Senate Ethics and Rules.  
**Under Senate Rule 36, the report was considered forthwith and accepted.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5094) of J. Michael Ruane (with the approval of the mayor and city council) relative to the disability retirement of William Hudson, a fire fighter in the city of Salem,— **was referred, in concurrence, to the committee on Public Service.**

A Bill authorizing the town of Hingham to issue pension obligation bonds (House, No. 3688,— on petition) [Local approval received],— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Notice was received that Speaker Finneran announced appointments to the following special committee and commissions:

Ms. Linda A. Brantley of the Massachusetts Commission on Women and Representatives Candaras of Wilbraham, Koutoujian of Waltham and Rogeness of Longmeadow to the Cervical Cancer Commission established (pursuant to item 4512-0200 contained in section 2 of Chapter 149 of the Acts of 2004) to make an investigation and study relative to the diagnosis, prevention and treatment of cervical cancer in the Commonwealth.

Representatives Ciampa of Somerville and Harkins of Needham to the Assisted Living Facilities Commission established (pursuant to section 292 of Chapter 149 of the Acts of 2004) to make an investigation and study relative to the regulations of assisted living facilities in the Commonwealth.

Mr. Jeffrey Saunders of the Saunders Hotel Group and Representatives Hall of Westford and Jones of North Reading to the Hynes Convention Center Commission established (pursuant to section 299 of Chapter 149 of the Acts of 2004) to make an investigation and study relative to the Hynes Memorial Auditorium.

Representatives Evangelidis of Holden, Mariano of Quincy, Murphy of Weymouth and O'Flaherty of Chelsea to the special commission established (pursuant to section 329 of Chapter 149 of the Acts of 2004) to make an investigation and study relative to the feasibility of creating a specialized court to administer medical malpractice claims in the Commonwealth.

Representatives Galvin of Canton, George of Yarmouth, Mariano of Quincy and Timilty of Milton to the special commission established (pursuant to section 330 of Chapter 149 of the Acts of 2004) to make an investigation and study relative to possible reforms of the medical malpractice system in the Commonwealth.

Representatives Sciback of South Hadley and Sullivan of Fall River to the special commission established (pursuant to section 358 of Chapter 149 of the Acts of 2004) to make an investigation and study relative to workforce issues in those agencies serving people with mental retardation in the Commonwealth.

Representatives Fresolo of Worcester, Haddad of Somerset, Rush of Boston, Sanchez of Boston and Wallace of Boston to the special commission established (pursuant to section 363 of Chapter 149 of the Acts of 2004) to make an investigation and study relative to condition of middle education in the Commonwealth.

#### *Resolutions.*

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

Resolutions (filed by Mr. Baddour) “congratulating the Giordano Family Methuen Karate Association on the occasion of National Martial Arts Day.”

#### PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5097) of Reed V. Hillman, Mark J. Carron, Richard T. Moore and Stephen M. Brewer that funds received from the State of Connecticut for flood control and water resources utilization of the Thames River be distributed to certain towns affected by said project;

**Under suspension of Joint Rule 12, to the committee on Natural Resources and Agriculture.**

Petition (accompanied by bill, House, No. 5095) of Marie J. Parente and other members of the House that a certain overpass in the town of Milford be designated as the Gunnery Sergeant Elia P. Fontecchio Memorial Overpass; and

Petition (accompanied by bill, House, No. 5096) of Marie J. Parente and other members of the House for legislation to designate a certain overpass in the town of Milford as the Greater Milford Veterans Memorial Overpass;

**Severally, under suspension of Joint Rule 12, to the committee on Transportation.**

#### *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 relative to registered land instruments procured by falsification of corporate office-holding (Senate, No. 983),— **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

The House Bill relative to town meeting members in the town of Framingham (House, No. 5063),— **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.

The Senate Bill authorizing cities, towns and regional districts to send certain information to registered voters (Senate, No. 2221),— came from the House passed to be engrossed, in concurrence *with an amendment* in section 1, in the second clause of the second sentence of paragraph (b) of the proposed section 22B of Chapter 55 of the General Laws by inserting after the word “fair” the word “, unbiased”.

**The rules were suspended, on motion of Mr. Knapik, and the House amendment was considered forthwith and adopted, in concurrence (as corrected BTR).**

*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:

Increasing the retirement allowance for certain retirees of the town of Arlington (see Senate, No. 1931);  
Providing creditable service to certain research faculty funded by research institutes and foundations under agreement with the University of Massachusetts (see House, No. 2873); and  
Relative to dental hygienists (see House, No. 4653).

*Recess.*

There being no objection, at twenty-one minutes before twelve o'clock noon, the Chair (Mr. Barrios) declared a recess subject to the call of the Chair; and, at five minutes past two o'clock P.M., the Senate reassembled, Mr. Hart in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPERS FROM THE HOUSE.

A Bill designating a certain overpass in the town of Milford as the Gunnery Sergeant Elia P. Fontecchio Memorial Overpass (House, No. 5095,— on petition),— was read.

**There being no objection, the rules were suspended, on motion of Mr. Hedlund, 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 designating a certain overpass in the town of Milford as the Greater Milford Veterans Memorial Overpass (House, No. 5096,— on petition),— was read.

**There being no objection, the rules were suspended, on motion of Mr. Hedlund, 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 (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 (Mr. Hart) and laid before the Governor for his approbation, to wit:

Designating a certain overpass in the town of Milford as the Gunnery Sergeant Elia P. Fontecchio Memorial Overpass (see House, No. 5095); and

Designating a certain overpass in the town of Milford as the Greater Milford Veterans Memorial Overpass (see House, No. 5096).

*Order Adopted.*

On motion of Mr. Hedlund,—

*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 the same Senator, at twenty-eight minutes before three o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.