

**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.

Wednesday, October 22, 2003.

Met at one minute past eleven o'clock A.M. (Mr. Rosenberg in the Chair).

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

#### *Communications.*

A communication from Christine Ferguson, Commissioner, Department of Public Health, transmitting a copy of the correctional health services report (received Thursday, October 16, 2003),— **was placed on file.**

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

Representative Hynes of Marshfield to the coastal hazards steering committee established (under the provisions of Section 27 of Chapter 236 of the Acts of 2002) to develop a statewide comprehensive coastal hazards management program;

Representatives Quinn of Dartmouth, Turkington of Falmouth, Howland of Freetown, Straus of Mattapoisett, O'Brien of Kingston, Koczera of New Bedford, Patrick of Falmouth, Walsh of Lynn, Gifford of Wareham and Greene of Billerica to the special commission established (under the provisions of Section 595 of Chapter 26 of the Acts of 2003) to study the ecological and environmental impact of the oil spill in Buzzards Bay;

Representatives Wagner of Chicopee and Parente of Milford to the special commission called the Commission on Transportation Restructuring established (under the provisions of Section 599 of Chapter 26 of the Acts of 2003) to study the administration of the highway system in the Commonwealth;

Representatives Casey of Winchester (co-chair) and Travis of Rehoboth to the special commission established (under the provisions of Section 130 of Chapter 46 of the Acts of 2003) to study the sale of tax receivables;

Representatives Straus of Mattapoisett and Owens-Hicks of Boston to the special commission established (under the provisions of Section 137 of Chapter 46 of the Acts of 2003) to investigate, study and make a report on the annual municipal census; and

Representatives Walsh of Boston (co-chair) and Finegold of Andover to the special commission established (under the provisions of 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.

#### *Reports.*

The following reports were severally read and placed on file:

A report of the Fall River 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 initial plan of expenditure from the County Registers Technological Fund (received Friday, September 12, 2003), copies having been forwarded to the Senate Chairs of the committees on Ways and Means and Post Audit and Oversight; and

A report of the Plymouth County 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 initial plan of expenditure from the County Registers Technological Fund (received Wednesday, October 1, 2003), copies having been forwarded to the Senate Chairs of the committees on Ways and Means and Post Audit and Oversight.

*Reports of Committees.*

By Mr. Hart, for the committee on Commerce and Labor, on petition, a Bill relative to posting employment opportunities (Senate, No. 105);

**Read and, under Senate Rule 26A, referred to the Senate committee on Science and Technology.**

By Mr. Hart, for the committee on Commerce and Labor, on petition, a Bill relative to the state wildfire team (Senate, No. 35);

By the same Senator, for the same committee, on petition, a Bill protecting the rights of nursing mothers (Senate, No. 44); and

By the same Senator, for the same committee, on petition, a Bill relative to the unfair labor practices (Senate, No. 126);

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

By Mr. Hart, for the committee on Commerce and Labor, on petition, a Bill relative to the employment rights of volunteer ambulance service employees (Senate, No. 34); and

By the same Senator, for the same committee, on petition, a Bill further regulating check cashing privacy (Senate, No. 63);

**Severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

By Mr. Hart, for the committee on Commerce and Labor, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 116) of Associated Industries of Massachusetts, by Robert Ruddock, Bruce E. Tarr, David P. Magnani and other members of the General Court for legislation to establish a secretary of economic development and technology;

**Referred, under Senate Rule 36, to the committee on Steering and Policy.**

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

Authorizing the Nantucket Islands Land Bank to grant a conservation restriction to the Nantucket Conservation Commission (Senate, No. 1167);

Further regulating certain structures to be exempted from certain harbor lines along the Merrimack River in the city of Haverhill (Senate, No. 1188); and

Providing for performance standards for physicians (Senate, No. 2048); and

The House bills

Providing for the annual observance of certain Civil War infantry regiments days (House, No. 1764); and

Relative to the membership of the Lake Quinsigamond Commission (House, No. 4133).

*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 Health Care to make an investigation and study of Senate document numbered 505, relative to dentists (Senate, No. 2106);

Of the Senate Order relative to authorizing the joint committee on Health Care to make an investigation and study of certain current Senate documents relative to physicians (Senate, No. 2107);

Of the Senate Order relative to authorizing the joint committee on Health Care to make an investigation and study of Senate document numbered 549, relative to medical records (Senate, No. 2108); and

Of the Senate Order relative to authorizing the joint committee on Health Care to make an investigation and study of Senate document numbered 684, relative to cigars (Senate, No. 2109);

And recommending that the same severally be referred to the Senate committee on Ethics and Rules.

**Under Senate Rule 36, the reports were severally considered forthwith and accepted.**

#### 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 the special town election held in the town of Goshen (House, No. 4244),— **was referred, in concurrence, to the committee on Election Laws.**

A petition (accompanied by bill, House, No. 4242) of Emile J. Goguen and Robert A. Antonioni (with the approval of the mayor and city council) that the housing authority of the city of Fitchburg be authorized to convey a certain parcel of land to Habitat North Central Massachusetts,— **was referred, in concurrence, to the committee on Local Affairs and Regional Government.**

#### Bills

Relative to the geriatric authority of Holyoke (House, No. 3722,— on petition) [Local approval received];

Establishing a speed limit for a certain public way in the city of New Bedford (House, No. 3741,— on petition) [Local approval received]; and

Authorizing the certification of David E. Jones to a civil service list for police officer notwithstanding the maximum age requirement (House, No. 3918,— on House, No. 2667) [Local approval received on House, No. 2667];

**Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

A report of the committee on Education, Arts and Humanities, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1851) of Thomas M. Menino, Angelo M. Scaccia and other members of the General Court relative to the safety of students in the public schools, and recommending that the same be referred to the committee on Criminal Justice,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

#### *Resolutions.*

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

Resolutions (filed by Ms. Chandler) “commending Zelda Schwartz and the Jacobson Training Program”; and

Resolutions (filed by Mr. Pacheco) “celebrating the one. hundredth birthday of John P. Silvia.”

#### *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 civil service eligibility list for fire service in the town of Norwood (House, No. 4165),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

#### *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 transfer a certain parcel of conservation/recreation land within the town of Sandwich (Senate, No. 1681),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2117).

**There being no objection, the rules were suspended, on motion of Mr. Lees, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill (Senate, No. 2117) was then ordered to a third reading.**

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to providing creditable service for Joseph A. Quinlan a member in the contributory retirement system of the Commonwealth district attorney’s office (Senate, No. 1578),— ought to pass, with an amendment, substituting a new draft entitled “An Act authorizing the State Board of Retirement to grant creditable service to Joseph A. Quinlan” (Senate, No. 2116).

**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 (Senate, No. 2116) was then ordered to a third reading.**

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill authorizing the commissioner of conservation and recreation to modify, extinguish and relocate a certain easement in the city of Lawrence (Senate, No. 2083, changed),— ought to pass, with an amendment in section 1, by striking out, in line 16, the figures “2, 3, 4 and 6” and inserting in place thereof the following figures;— “2, 3 and 4”; in section 1, by striking out the fourth sentence; in section 5, by inserting after the word “under”, in the last sentence, the following word:— “section”; and in section 5, by striking out, in line 15, the words “and section 6.”

**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 (Senate, No. 2083, changed and amended) was ordered to a third reading.**

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Christopher Boumil, an employee of the Department of Correction (printed as Senate, No. 2051),— ought to pass, with an amendment, adding at the end thereof the following sentence:— “When Mr. Boumil terminates employment with the department or requests to dissolve the sick leave bank, the balance of sick leave in the bank 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 ordered to a third reading.**

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 Brian P. Lees for legislation relative to the licensing of sign installers.

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

#### PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4251) of Stephen P. LeDuc and other members of the House relative to establishing a firearm identification card for pepper spray;

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

Petition (accompanied by bill, House, No. 4250) of James H. Fagan and Marc R. Pacheco for legislation to authorize the Division of Employment and Training to establish a sick leave bank for Donna M. Tansey, an employee of said department;

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

#### *Order Adopted.*

On motion of Mr. Tarr,—

*Ordered,* That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in full formal session.

On motion of Mr. Tarr, at sixteen minutes past eleven o'clock A.M., the Senate adjourned to meet on the following day at one o'clock P.M.