

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.

Monday, October 27, 2003.

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

The Senator from Hampden and Hampshire, Mr. Knapik, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Distinguished Guests.

The Chair (Mr. Rosenberg) handed the gavel to the Senator from Suffolk and Middlesex, Mr. Tolman, who introduced, seated in the Senate Gallery, the Junior Class from Belmont Hill High School. The class was accompanied by history teachers Brad Lewis, Don Steward, George Seeley and George Tahan. They were the guests of Senator Tolman.

Report.

Mr. Rosenberg in the Chair, a report of the Norfolk 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 plan for expenditure from the County Registers Technology Fund (received Thursday, October 23, 2003), copies having been forwarded to the Senate Chairs of the committees on Ways and Means and Post Audit and Oversight,— **was placed on file.**

Petitions.

Petitions were presented and referred, as follows:

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey for legislation to provide employment protection for disabled veterans and veterans who are not members of civil service; and

By the same Senator, a petition (subject to Joint Rule 12) of Michael W. Morrissey for legislation to provide creditable service to members of a board of public works;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Magnani, for the committee on Public Service, on Senate, Nos. 1398, 1415, 1613 and 2062 and House, Nos. 1195, 1343, 1583, 2680 and 2865, a Bill authorizing the state Teachers' Retirement Board to grant creditable service to certain employees (Senate, No. 2121);

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 town of Palmer (Senate, No. 1947) [Local approval received];

Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

PAPERS FROM THE HOUSE.

A Bill authorizing the sale of certain conservation land in the town of North Reading (printed in House, No. 4131, changed,— being a message from His Excellency the Governor),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

A Bill authorizing the town of Braintree to lease certain property (House, No. 4098,— on petition) [Local approval received],— **was 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. 4168) of Martin J. Walsh relative to the Neighborhood House Charter School in the city of Boston, and recommending that the same be referred to the committee on State Administration,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Notice was received that the Speaker of the House had announced the following appointments:

Representatives Larkin of Pittsfield, St. Fleur of Boston and Rogers of Norwood to the House and Senate working group established (under the provisions of Section 607 of Chapter 26 of the Acts of 2003) to develop legislation to reform Chapter 70 of the General Laws.

Communications.

The Clerk read the following communications:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

October 23, 2003.

Mr. William Welch
Acting Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

I respectfully request that this correspondence be read into the record at the next session of the Senate. Due to a scheduling conflict, I was not present for the formal session of the Senate on October 8, 2003.

Had I been present, I would have voted in the affirmative on the question of overriding the Governor's Veto to House 2185, the Engrossed Bill Relative to Exemptions for Residential Real Estate in City of Cambridge.

Thank you for your consideration.

Very truly yours,
ROBERT A. ANTONIONI,
State Senator,
Worcester and Middlesex District.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

October 23, 2003.

Mr. William Welch
Acting Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

I respectfully request that this correspondence be read into the record at the next session of the Senate. Due to a funeral, I was not present for a roll call vote at the beginning of the Senate Session on October 23, 2003.

Had I been present, I would have voted in the affirmative on H4248, "An Act Relative to the Inland Fish and Game Fund".

Thank you for your consideration.

Very truly yours,
ROBERT A. ANTONIONI,
State Senator,
Worcester and Middlesex District.

On motion of Mr. Brewer, the above communications were severally ordered printed in the Journal of the Senate.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

October 23, 2003.

Mr. William Welch
Acting Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

Due to the fact that I was home sick with the flu on Thursday, October 23rd, 2003, I missed several roll calls that were taken during the formal Senate session. Had I been present, I would have voted in the affirmative on the following matters:

- Roll Call 336, relative to engrossing House Bill 4248, An Act Relative to the Inland Fisheries and Game Fund;
- Roll Call 337, relative to engrossing Senate Bill 98, An Act to Clarify Employer Sanctions for Improper Expenditure of Withholdings or Deductions from Wages;
- Roll Call 338, relative to engrossing Senate Bill 1295, An Act Relative to the Victims of Drunk Driving Trust Fund;
- Roll Call 340, relative to concurring with the House amendment on Senate Bill 187, An Act to Enhance the State DNA Database;
- Roll Call 341, relative to overriding the Governor's veto of Section 8 of House Bill 4124 (MBTA employee health care premiums);
- Roll Call 342, relative to overriding the Governor's veto of Section 10 of House Bill 4124 (spousal retirement);
- Roll Call 343, relative to enacting House Bill 4248, An Act Relative to the Inland Fisheries and Game Fund; and
- Roll Call 344, relative to enacting House Bill 4129, An Act Relative to Authorizing the Town of Braintree to Transfer a Certain Parcel of Park Land Located in Said Town.

Also, had I been present, I would have voted in the negative on Roll Call 339, relative to the adoption of the proposed Nuciforo/Joyce amendment to the DNA Database Bill (Senate 187).

I would respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for Thursday, October 23rd. Thank you in advance for your assistance in this matter.

Sincerely,
CHARLES E. SHANNON,
State Senator.

On motion of Mr. Moore, the above communication was ordered printed in the Journal of the Senate.

Resolutions.

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

Resolutions (filed by Mr. Joyce) “congratulating Joanne P. Stanley”;

Resolutions (filed by Mr. Morrissey) “congratulating Brian P. Mahoney”;

Resolutions (filed by Mr. Pacheco) “congratulating Elizabeth Bedard on the occasion of her Gold Award”;

Resolutions (filed by Mr. Pacheco) “congratulating Eric Michael Fichtenmayer upon his elevation to the rank of Eagle Scout”;
and

Resolutions (filed by Mr. Pacheco) “celebrating the twenty-fifth anniversary of the Taunton Eagles Soccer Club.”

Reports of a Committee.

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition, a Bill relative to Ponders Hollow Road in the city of Westfield (Senate, No. 1157) [Local approval received].

The bill was read. There being no objection, the rules were suspended, on motion of Mr. Tisci, 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.

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition, a Bill to establish a traffic commission within the city of Westfield (Senate, No. 1932) [Local approval received].

The bill was read. 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, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act establishing a traffic commission in the city of Westfield.” Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4257) of Brian Knuuttila and another relative to the protection of elderly and disabled persons from persons accepting gifts, gratuities or loans;

Under suspension of Joint Rule 12, to the committee on Criminal Justice.

Petition (accompanied by bill, House, No. 4258) of Shirley Gomes, Thomas N. George and Robert A. O’Leary for legislation to make certain changes in the agreement establishing the Nauset Regional School District;

Petition (accompanied by bill, House, No. 4259) of Shirley Gomes and Robert A. O’Leary relative to increasing the tuition payable for school choice students attending classes in other educational jurisdictions; and

Petition (accompanied by bill, House, No. 4260) of Marie J. Parente relative to the residency requirements for reduced tuition at the University of Massachusetts Medical School;

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

Petition (accompanied by bill, House, No. 4261) of Viriato Manuel deMacedo for legislation to ensure that residents of nursing homes be assured of beds after non-medical leaves of absences;

Petition (accompanied by bill, House, No. 4262) of John P. Fresolo relative to the dispensing of non-prescription drugs by athletic trainers; and

Petition (accompanied by bill, House, No. 4263) of Michael F. Rush for legislation to further regulate the smoking of tobacco products in certain restaurants;

Severally, under suspension of Joint Rule 12, to the committee on Health Care.

Petition (accompanied by bill, House, No. 4271) of Kevin G. Honan (with the approval of the mayor and city council) relative to the safe placement of newborns and infants in the city of Boston by the Department of Social Services;

Under suspension of Joint Rule 12, to the committee on Human Services and Elderly Affairs.

Petition (accompanied by bill, House, No. 4264) of Stephen Paradise, Shirley Gomes, Robert A. O’Leary, Susan W. Pope, J. James Marzilli, Jr., Douglas W. Petersen and another relative to the penalties for certain environmental law violations; and

Petition (accompanied by bill, House, No. 4265) of Anthony J. Verga and Bruce E. Tarr for legislation to change the harbor lines in Gloucester Harbor;

Severally, under suspension of Joint Rule 12, to the committee on Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 4266) of Robert S. Hargraves and Robert A. Antonioni (by vote of the town) relative to authorizing the Middlesex County Retirement Board to grant a superannuation pension to William F. Felton, a former highway superintendent of the town of Townsend; and

Petition (accompanied by bill, House, No. 4267) of Peter J. Koutoujian and other members of the General Court for legislation to grant leaves of absence to certain public employees serving as organ donors;

Severally, under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 4268) of David L. Flynn, Marc R. Pacheco and others that the Armory Commission be authorized to grant a permanent easement to the Knights of Columbus in the town of Bridgewater;

Petition (accompanied by bill, House, No. 4269) of Stephen P. LeDuc and Pamela P. Resor that the Division of Capital Asset Management and Maintenance be authorized to transfer certain parcels of land in the town Marlborough; and

Petition (accompanied by bill, House, No. 4270) of Michael F. Rush relative to the annual observance of Massachusetts History Day;

Severally, under suspension of Joint Rule 12, to the committee on State Administration.

The engrossed Bill relative to the extension of municipal sewer and water services to Plum Island (House, No. 4070),— came from the House, amended as follows:

In section 3, in line 19 (as printed), by inserting after the word “pre-existing,” the words “conforming and”; and in section 9 (as printed), in line 3, by inserting after the word “Newburyport” the words “and the town of Newbury”, and in line 4 (as printed), by inserting after the word “years” the words “without payment of principal”;

The rules were suspended, on motion of Ms. Chandler, and the House amendment (as corrected by Senate BTR) was considered forthwith and adopted, in concurrence.

Order Adopted.

On motion of Mrs. Sprague,—

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

On motion of Mr. Knapik, at nineteen minutes past eleven o’clock A.M., the Senate adjourned to meet on the following Thursday at eleven o’clock A.M.