

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, November 4, 2004.

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

Distinguished Guests.

There being no objection, the Chair (Mr. Tolman) introduced, seated in the rear of the Chamber, Bob Moody and his son David from Walpole. They were the guests of Senator Sprague.

Communication.

A communication from the Massachusetts Water Resources Authority giving notice of the first meeting of the Water Supply Protection Trust (received Thursday, October 28, 2004),— **was placed on file.**

Reports.

The following reports were severally read and placed on file:

A report of the Norfolk County Register 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 a plan of expenditure from the County Registers Technological Fund (received Thursday, October 28, 2004);

A report of the Office of the Comptroller (under the provisions of Section 12(a) of Chapter 7A of the General Laws) submitting the Commonwealth of Massachusetts' Statutory Basis Financial Report for the fiscal year ending June 30, 2004 (received Monday, November 1, 2004);

A report of the Department of Correction (under the provisions of Section 16 of Chapter 123A of the General Laws) relative to the Massachusetts Treatment Center for Sexually Dangerous Persons (received Monday, November 1, 2004); and

A report of the Department of Education (under the provisions of Section 432 of Chapter 159 of the Acts of 2000) relative to special education (received Tuesday, November 2, 2004).

Papers from the House.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5114) of J. James Marzilli, Jr., Jay R. Kaufman, Anne M. Paulsen and Robert A. Havern (by vote of the town) that the town of Arlington be authorized to place certain questions on the ballot relative to the sale of alcoholic beverages in said town;

To the committee on Government Regulations.

Petition (accompanied by bill, House, No. 5115) of Robert Spellane (by vote of the town) that the town of Paxton be authorized to establish a capital depreciation fund;

Petition (accompanied by bill, House, No. 5116) of J. James Marzilli, Jr., Jay R. Kaufman, Anne M. Paulsen and Robert A. Havern (by vote of the town) that the town of Arlington be authorized to transfer certain funds from the building insurance trust fund to the stabilization fund of said town; and

Petition (accompanied by bill, House, No. 5117) of J. James Marzilli, Jr., Jay R. Kaufman, Anne M. Paulsen and Robert A. Havern (by vote of the town) for legislation to remove the residency requirement for the town counsel of the town of Arlington;
Severally to the committee on Local Affairs and Regional Government.

Petition (accompanied by bill, House, No. 5118) of Peter J. Larkin, Andrea F. Nuciforo, Jr., Shaun P. Kelly and William Smitty Pignatelli (with the approval of the mayor and city council) that the city of Pittsfield be authorized to prohibit the operation of certain commercial vehicles from a portion of Merriam Street located in said city;

To the committee on Public Safety.

Petition (accompanied by bill, House, No. 5119) of David B. Cohen (mayor), Kay Khan, Ruth B. Balser, Cynthia S. Creem and Peter J. Koutoujian (with the approval of the board of aldermen) that the city of Newton be authorized to establish income qualifications for certain elderly persons under the real property tax deferral program; and

Petition (accompanied by bill, House, No. 5120) of Carol A. Donovan, Paul C. Casey and Richard R. Tisei (by vote of the town) that the town of Stoneham be authorized to place tax proposition two and one-half underrides on the ballot in said town;

Severally to the committee on Taxation.

A Bill designating the official colors of the Commonwealth (House, No. 2694,— on petition),— **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. Barrios) “honoring Mukiya Baker-Gomez on her advocacy and commitment to Boston’s communities of color”;

Resolutions (filed by Mr. Berry) “congratulating James J. ‘Jim’ Tallo”;

Resolutions (filed by Mr. Brewer) “honoring John E. McQuaid”;

Resolutions (filed by Ms. Fargo and Mr. Havern) “celebrating the new Cary Memorial Library and those who worked to create it”;

Resolutions (filed by Mr. Pacheco) “congratulating Kathryn Rose Gemme on the occasion of her one hundred tenth birthday”;

Resolutions (filed by Mr. Travaglini) “commemorating the observance of ‘Performance Recognition Day’”;

Resolutions (filed Ms. Walsh) “congratulating Michael O’Keeffe on the occasion of his Court of Honor”;

Resolutions (filed by Ms. Wilkerson) “honoring Reverend Dr. Gregory G. Groover, Sr.” and

Resolutions (filed by Ms. Wilkerson) “honoring Reverend Dr. Michael E. Haynes.”

Engrossed Bill Returned by Governor With Recommendation of Amendment.

The engrossed Bill relative to creditable service for vocational education teachers (see Senate, No. 1559, amended) (which on Thursday, October 28, 2004, had been laid before the Governor for his approbation), was returned to the Senate Clerk by the Governor on Wednesday, November 3, 2004 at twenty-nine minutes past two o’clock P.M., with a message recommending an amendment [for message, see Senate, No. 2500].

The message (Senate, No. 2500) was read and the Senate proceeded to reconsider the bill, in accordance with the provisions of Article LVI of the Amendments to the Constitution.

Pending further action thereon, the bill was referred to the committee on Bills in the Third Reading, on motion of Mr. Moore.

Paper from the House.

Engrossed Bill.

An engrossed Bill relative to the membership of the Lake Quinsigamond Commission (see House, No. 4133) (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 Acting President and laid before the Governor for his approbation.**

Recess.

There being no objection, at ten minutes past eleven o’clock A.M., the Chair (Mr. Tolman) declared a recess subject to the call of the Chair; and, at fourteen minutes before two o’clock P.M., the Senate reassembled, Mr. Tolman in the Chair.

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 Senate Bill relative to the disposition of a surplus parcel of land within the city of Peabody (Senate, No. 2491),— was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Berry presented an amendment, substituting a new draft entitled “An Act relative to certain housing in the city of Peabody” (Senate, No. 2501).

The amendment was adopted.

The bill (Senate, No. 2501) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

Paper from the House.

A Bill relative to the insurance of certain bonds by the town of East Longmeadow (House, No. 4731,— on petition) [Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Mrs. Sprague, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows:— “An Act relative to the issuance of certain bonds by the town of East Longmeadow.”

Order Adopted.

On motion of Mrs. Sprague,—

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 Mrs. Sprague, at ten minutes before two o’clock P.M., the Senate adjourned to meet on the following Monday at eleven o’clock A.M.