

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.



Wednesday, November 10, 2004.

Met at three 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.

Reports.

The following reports were severally read and placed on file:

A report of the Division of Unemployment Assistance (under the provisions of Section 47 of Chapter 151A of the General Laws, as most recently amended by Section 12 of Chapter 142 of the Acts of 2003) relative to the effectiveness of collections and payments related to new employer and unemployment insurance claimant fraud provisions contained in Chapter 142 of the Acts of 2003 (received Friday, November 5, 2004);

A report of the Massachusetts Turnpike Authority (pursuant to Section 9 of Chapter 87 of the Acts of 2000) relative to the status of the Central Artery/Tunnel Project (CA/T) for the quarter ending September 30, 2004 (received Monday, November 8, 2004); and

A report of the Community Economic Development Assistance Corporation (under the provisions of Section 6 of Chapter 40H of the General Laws) submitting a copy of its 2004 annual report (received Tuesday, November 9, 2004).

PAPERS FROM THE HOUSE.

Bills

Relative to the appointment of special police officers in the city of Melrose (printed as Senate, No. 2452,— on petition) [Local approval received]; and

Authorizing the city of Fall River Retirement Board to increase the pension payable to Dennis O'Neil, a retired police officer (House, No. 4960,— on petition) [Local approval received];

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

Resolutions.

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

Resolutions (filed by Mr. Morrissey) “congratulating the Rockland Fraternal Order of Eagles Aerie #841 on the occasion of its one hundredth anniversary.”

Reports of Committees.

By Ms. Murray, for the committee on Ways and Means, that the House Bill authorizing the city of Medford to use certain land for memorial purposes (House, No. 4864),— ought to pass, with amendments in section 1, in the first sentence, by striking out the words “release a restriction” and inserting in place thereof the following words:— “release the restriction numbered 1”; by inserting after the phrase “page 511” the following words:— “solely to the extent necessary”; and by inserting after the first sentence the following sentence:— “Except to the extent expressly released pursuant to the immediately preceding sentence, the restriction shall remain in full force and effect.”.

There being no objection, the rules were suspended, on motion of Mr. Brown, 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 amendments.

Sent to the House for concurrence in the amendments.

By Mr. Shannon, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by the Governor to the engrossed Bill relative to creditable service for vocational education teachers (see Senate, No. 1559) [for message, see Senate, No. 2500],— reported, that the amendment recommended by the Governor be considered in the following form:—

By adding the following section:—

“SECTION 2. This act shall be effective upon an appropriation by the commonwealth for deposit into the Pension Reserves Investment Trust of funds equal to the amount by which the actuary of the Public Employee Retirement Administration Commission projects that this act will increase the commonwealth’s pension liability.”

The report was accepted.

The Chair (Mr. Havern) stated that under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The Senate then *rejected* the Governor’s amendment.

Sent to the House for its action.

Papers from the House.

Engrossed Bill — Amended.

The engrossed Bill establishing standards for long term care insurance (see Senate, No. 2415) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— came before the Senate for its final passage.

On motion of Mr. Brown, Senate Rule 49 was suspended.

Ms. Chandler presented amendments that the engrossed bill be amended in section 4, in proposed paragraph (d) of the first definition of “Qualified long-term care insurance contract” or “federally tax-qualified long-term care insurance contract” in section 3 of chapter 176Q of the General Laws, by striking out the words “paragraph (5)” and inserting in place thereof the following words:— “paragraph (e)”;

In said section 4, in proposed paragraph (2) of subsection (c) of section 5 of said chapter 176Q, by striking out the word “may” and inserting in place thereof the following words:— “shall not”; and

In said section 4, in proposed paragraph (1) of subsection (g) of said section 5 of said chapter 176Q, by striking out the words “subsections (a) to (f) of this section, inclusive,” and inserting in place thereof the following words:— “clauses (i) to (vi), inclusive, of paragraph (2)”.

The amendments were adopted.

Sent to the House for concurrence in the amendments.

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:

Authorizing the town of Weston to regulate certain property tax exemption eligibility requirements for the elderly (see Senate, No. 2053); and

Authorizing the State Ethics Commission to provide exemptions from the conflict of interest law (see House, No. 5113).

A petition (accompanied by bill, House, No. 5127) of Daniel E. Bosley relative to renewable energy,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Energy.**

The engrossed Bill relative to the operation of motorized scooters (House, No. 1544, amended),— came from the House, amended as follows:

By inserting before the enacting clause the following emergency preamble:

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith the operation of motorized scooters, therefore it is declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The rules were suspended, on motion of Mr. Brown, and the House amendment was considered forthwith and adopted, in concurrence.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill relative to the operation of motorized scooters (see House, No. 1544, amended), 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 2 to 0.

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

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Brown,—

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 eleven minutes before twelve o’clock noon, the Senate adjourned to meet on the following Monday at eleven o’clock A.M.
