

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 18, 2004.

Met at five 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 Joe and Bob Calci. Joe Calci, the head of the Apprentice Training Program for the Painters Union in Brighton and his son Bob, also a long-time member of the union, won an auction to tour the State House with Senator Tolman.

Reports.

The following reports were severally read and placed on file:

A report of the Auditor of the Commonwealth (under the provisions of Section 12 of Chapter 11 of the General Laws) relative to an audit of certain activities of the Division of Professional Licensure for fiscal years 2003 and 2004 (received Friday, November 12, 2004); and

A report of the Auditor of the Commonwealth (under the provisions of Section 95 of Chapter 13 of the General Laws, Chapter 321 of the Acts of 1998 and Section 12 of Chapter 11 of the General Laws) relative to a performance review of the Board of Registration of Hearing Instrument Specialists (Board) activities and an audit of certain activities of the Board during fiscal years 2002 and 2003 (received Friday, November 12, 2004).

Petitions.

Petitions were presented and referred, as follows:

By Mr. O'Leary, a petition (subject to Joint Rule 12) of Robert A. O'Leary and Eric Turkington for legislation relative to the Dukes County Land Bank; and

By Mr. Rosenberg, a petition (subject to Joint Rule 12) of Stanley C. Rosenberg and Stephen Kulik for legislation to establish a sick leave bank for an employee of the Department of Mental Retardation, Charlotte Russell;

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

Committee Discharged.

Mr. Brewer, for the committee on Ethics and Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Taxation to make an investigation and study of a certain Senate document regarding the Massachusetts Historical Rehabilitation Tax Credit (Senate, No. 2489), reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2478) of Michael W. Morrissey, Pamela P. Resor, and William Galvin, Secretary of the Commonwealth for legislation relative to the Massachusetts Historical Rehabilitation Tax Credit,— **and recommending that the same be recommitted to the committee on Taxation.**

Under Senate Rule 36, the report was considered forthwith and accepted.

Resolutions.

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

Resolutions (filed by Messrs. Barrios, McGee and Travaglini) “honoring Lance Corporal James Preston Crosby for his service and sacrifice to our nation as a member of the United States Armed Forces”;

Resolutions (filed by Ms. Creem, Messrs. Barrios, Berry, Brewer and Brown, Ms. Chandler, Mr. Creedon, Ms. Fargo, Messrs. Havern, Joyce, Magnani, McGee, Moore, Morrissey, Nuciforo and O’Leary, Ms. Resor, Messrs. Rosenberg and Tarr, Ms. Tucker, Ms. Wilkerson, Mr. Antonioni, Ms. Walsh and Messrs. Montigny and Shannon) “congratulating the Jewish Community Relations Council of Greater Boston”;

Resolutions (filed by Mr. Lees) “honoring Lenore Paul”;

Resolutions (filed by Ms. Menard) “congratulating Thomas P. Murray on being named Outstanding Citizen of the Year”;

Resolutions (filed by Mr. Pacheco) “on the occasion of the retirement of Roger J. Roache”;

Resolutions (filed by Mr. Rosenberg) “congratulating Senator David Magnani on his 20 years of service to the MetroWest community as State Representative and Senator”;

Resolutions (filed by Mrs. Sprague and Mr. Brown) “congratulating Don and Joan Smyth”; and

Resolutions (filed by Mr. Travaglini) “recognizing the Massachusetts Foundation for the Humanities.”

Petition.

On motion of Mrs. Sprague, Senate Rule 20 and Joint Rule 12 were suspended and the petition, presented by Mr. Brewer, (accompanied by bill) of Stephen M. Brewer, Robert A. Antonioni, Harold P. Naughton, Jr., Harriette L. Chandler and other members of the General Court for legislation to make appropriations for the fiscal year 2005 to provide for the family of Marty McNamara,— **and the same was referred to the committee on Public Service.**

Sent to the House for concurrence.

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 the charter in the city of Peabody (Senate, No. 2492,— **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.

The Senate Bill authorizing the town of Millbury to grant an additional license for the sale of alcoholic beverages to be drunk on the premises (Senate, No. 2493),— **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 authorizing the town of Millbury to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises”.**

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

The House Bill relative to the certification of speech-language pathology assistants and audiology assistants (Senate, No. 2296, amended),— came from the House passed to be engrossed, in concurrence *with an amendment* adding at the and thereof the following section:

“SECTION 10. The salary or compensation level of any person currently working or otherwise serving as a speech therapist in a public school system shall not be reduced as the result of any reclassification of that person as a speech-language pathology assistant pursuant to sections 138 to 146, inclusive, of chapter 112 of the General Laws; but this section shall not negate any existing collective bargaining agreement.”

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

Engrossed Bill.

An engrossed Bill authorizing Joseph A. Vieira III to take the examination for firefighter notwithstanding the maximum age requirement (see Senate, No. 2350) (which originated in the Senate), **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.**

A petition (accompanied by bill, House, No. 5130) of Salvatore F. DiMasi and Eugene L. O'Flaherty relative to the appointment of a unified session clerk in the Superior Court for Criminal Business in Suffolk County,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.**

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 and laid before the Governor for his approbation, to wit:

Designating the official colors of the Commonwealth (see House, No. 2694); and
Authorizing the retirement board of the city of Fall River to increase the pension payable to Dennis O'Neil, a retired police officer (see House, No. 4960).

There being no objection, at eighteen minutes past eleven o'clock A.M., the Chair (Mr. Tolman) declared a recess; and at twenty-seven minutes past one o'clock P.M., the Senate reassembled, Mr. Tolman in the Chair.

PAPERS FROM THE HOUSE.

A Bill authorizing judicial leaves of absence (House, No. 5126, amended,— on petition),— was read and, under Senate Rule 27, referred to the committee on Ways and Means.

Subsequently, Mr. Tolman, for the committee on Ways and Means, reported that the House Bill authorizing judicial leaves of absence (House, No. 5126, amended),— ought to pass.

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 authorizing a certain judicial leave of absence."

A Bill authorizing the Rockland Sewer Commission to enter into a contract for the disposal of sewage and the Abington/Rockland Joint Water Works to enter into a contract for the supply of water (printed in House, No. 5112,— being a message from His Excellency the Governor),— 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.

Report of Committees.

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 Stanley C. Rosenberg and Stephen Kulik for legislation to establish a sick leave bank for an employee of the Department of Mental Retardation, Charlotte Russell.

Senate Rule 36 was suspended, on motion of Mrs. Sprague, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the House for concurrence.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5131) of Robert A. DeLeo (by vote of the town) relative to creditable service for certain employees of the Winthrop Public Schools,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

There being no objection, at twenty-six minutes before two o'clock P.M., the Chair (Mr. Tolman) declared a recess; and at two o'clock P.M., the Senate reassembled, Mr. Tolman in the Chair.

Petition.

On motion of Mrs. Sprague, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Barrios (accompanied by bill), of Jarrett T. Barrios, Kathi-Anne Reinstein and Robert A. DeLeo for legislation to authorize the conveyance of a certain parcel of land in the city of Revere,— **and the same was referred to the committee on State Administration.**

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill authorizing a certain judicial leave of absence (see House, No. 5126, 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 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.

Adjournment in Memory of Marine Lance Corporal Travis Desiato of Bedford.

Ms. Fargo moved that when the Senate adjourns today, it adjourn in the memory of Marine Lance Corporal Travis Desiato of Bedford. He was killed while serving our country Monday during the battle of Fallujah. Travis is survived by his wife, Tracey, his father Joseph and his mother B.J. Coops, stepmother Laurie Desiato, stepfather Paul Williams, and siblings Raleigh, Alexandra, Vanessa, Shawn and Jesse. He served his country with honor and bravery. We mourn his loss and extend our condolences to Travis' parents and family and to all the lives that he touched.

Accordingly, as a mark of respect to the memory of Lance Corporal Travis Desiato at seven minutes past two o'clock P.M., on motion of Mrs. Sprague, the Senate adjourned to meet again on Monday next at eleven o'clock A.M. and that the Clerk shall dispense with the printing of the calendar.