

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.



Monday, November 22, 2004.

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

Reports.

A report of the Executive Office of Transportation and construction (pursuant to line item 6000-0100 of the General Appropriation Act for fiscal year 2004 and Chapter 87 of the Acts of 2000) submitting various reports (received Friday, November 19, 2004),— **was placed on file.**

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Hampden County Correctional Center (received Wednesday, November 17, 2004),— **was read and sent to the House for its information.**

Petition.

Mr. Moore presented a petition (subject to Joint Rules 12 and 7B) of Richard T. Moore and Mark J. Carron for legislation relative to the financial conditions in the town of Southbridge,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Report of a Committee.

By Ms. Creem, for the committee on Taxation, on the recommitted petition, a Bill relative to the Massachusetts historic rehabilitation tax credit (Senate, No. 2478);

Read and, under Senate Rule 27, referred to the committee on Ways and Means.

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 Local Affairs and Regional Government to make an investigation and study of certain Senate documents relative to municipal matters (Senate, No. 2357), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 137) of Harriette L. Chandler, Richard T. Moore, Mark J. Carron, Stephen M. Brewer, James B. Leary, John J. Binienda and John P. Fresolo for legislation relative to a Worcester County substance abuse pilot program,— and recommending that the same be recommitted to the committee on Local Affairs and Regional Government.

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

PAPER FROM THE HOUSE.

A Bill authorizing the city of Lowell to pay a certain unpaid bill (House, No. 4782,— on petition) [Local approval received],— was 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 severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Barrios) “honoring Reverend Robert J. Bowers for his service as Pastor of St. Catherine of Siena Roman Catholic Church in Charlestown”;

Resolutions (filed by Mr. Creedon) “in recognition of National Adoption Month”;

Resolutions (filed by Ms. Menard) “on the occasion of the retirement of Donald J. Rebello”; and

Resolutions (filed by Mr. Moore) “on the occasion of the dedication of the Elia P. Fontecchio Memorial Overpass.”

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 House Bill relative to the appointment of special police officers in the city of Melrose (printed as Senate, No. 2452),— was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

The House Bill relative to certain land sales in the city of Gloucester (House, No. 4451),— was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

The House Bill authorizing the town of Westport to develop and maintain a subsidized housing plan for low and moderate income housing (House, No. 5050),— was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Engrossed Bill Returned by Governor.

The engrossed Bill authorizing the town of Weston to regulate certain property tax exemption eligibility requirements for the elderly (Senate, No. 2053) (which on Wednesday, November 10, 2004, had been laid before the Governor for his approbation) was returned by Her Honor the Lieutenant-Governor, Acting Governor, on Thursday, November 18, 2004 at a quarter past three o'clock P.M. with recommendation of amendment [for message see Senate, No. 2505].

The message (Senate, No. 2505) was read, and, on motion of Mr. Knapik referred to the committee on Bills in the Third Reading.

Subsequently, Mr. Shannon, for the committee on Bills in the Third Reading reported, that the amendment recommended by the Governor be considered in the following form:— in section 2, in clause (2) of the second paragraph, by inserting after the word “does” the following word:— “not”.

The report was accepted.

The Chair (Mr. Hart) 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 adopted the Governor’s amendment.

Sent to the House for its action.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill establishing a sick leave bank for Fagota Tupe, an employee of the Department of Correction (see Senate, No. 2405), 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 3 to 0.

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

Subsequently, the bill, which originated in the Senate, 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.

Engrossed Bills.

The following engrossed bills (all 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:

Relative to the city of Melrose (see Senate, No. 2374);

Relative to the appointment of retired police officers in the town of Wakefield (see Senate, No. 2375); and

Relative to the water supply protection trust (see Senate, No. 2488).

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 Bruce E. Tarr and Bradley H. Jones, Jr. for legislation to establish a sick leave bank for James E. Vesey, an employee of the Boston Municipal Court.

Senate Rule 36 was suspended, on motion of Mr. Knapik, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed 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 (see House Bill, printed in House, No. 5112) (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, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Knapik,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Wednesday 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. Tisei, at twenty-three minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Wednesday at eleven o'clock A.M.
