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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, December 6, 2004.

Met according to adjournment at eleven o'clock A.M. (Mr. Barrios 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. Barrios), members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the Chair (Mr. Barrios) introduced, in the rear of the Chamber, students from the Edwards Middle School in Charlestown. They were the guests of Senator Barrios.

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 Public Service to make an investigation and study of certain Senate documents relative to public employees and other related matters (Senate, No. 2135), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate No. 1499) of Brian P. Lees for legislation to authorize the teachers retirement system to grant certain creditable service for Mary Donna Nodurf,— and recommending that the same be recommitted to the committee on Public Service.

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

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5140) of Michael E. Costello (by vote of the town) that the town of Salisbury be authorized to issue two additional licenses for the sale of alcoholic beverages to be drunk on the premises,— **was referred, in concurrence, to the committee on Government Regulations.**

A Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Saugus to Thomas G. Kennedy (House, No. 5110,— on House, No. 5043),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill designating a certain bridge in the town of Chelmsford as the Marine Lance Corporal Andrew J. Zabierek Memorial Bridge (House, No. 5103,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

Bills

Relative to town meeting warrants in the town of North Andover (House, No. 4785,— on petition) [Local approval received];

Authorizing the certification for appointment of Eric K. Gouck as a firefighter in the town of North Attleborough (House, No. 4963,— on petition) [Local approval received]; and

Authorizing the city of Northampton to convert licenses for the seasonal sale of wine and malt beverages to be drunk on the premises (House, No. 5085,— on House, No. 3976) [Local approval received on House, No. 3976];

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 severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mrs. Sprague) “congratulating Michael Harold Bibby of Mansfield upon his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Mr. Tolman) “congratulating Scott A. Frazee upon his elevation to the rank of Eagle Scout.”

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill relative to managed care contracts with home health agencies (see Senate, No. 2329), 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.

A Bill relative to the parties to insurance coverage for tenant relocation expenses (House, No. 1879,— on petition),— was read.

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time.

Ms. Tucker presented an amendment inserting after the word “unit”, in line 6, the following words “if the security deposit or last month’s rent is not already due and owing from the landlord to the tenant”.

The amendment was **adopted**.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act relative to insurance coverage for tenant relocation.”

Sent to the House for concurrence in the amendment.

A Bill validating the proceedings of the presidential primary in the town of Bernardston (House, No. 5011,— on petition) [Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Mr. Brewer, 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 a Committee.

A report of the committee on Taxation, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 2490) of Robert A. Antonioni and Jennifer Flanagan (with approval of the mayor and city council) for legislation relative to a tax abatement filing for the National Plastics Center and Museum in Leominster (the time within which the said committee was required to report having expired),— was considered.

There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the matter was considered forthwith; and, on further motion of the same Senator, the petition was recommitted to the committee on Taxation.

PAPERS FROM THE HOUSE.

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:

Relative to the certification of speech-language pathology assistants and audiology assistants (see Senate, No. 2296, amended); and

Relative to the underground cable reimbursement schedule (see House, No. 4892, amended).

Emergency Preamble Adopted.

An engrossed Bill authorizing the city of Medford to use certain land for memorial purposes (see House, No. 4864, 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 3 to 0.

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

Engrossed Bills.

The following engrossed bills (both 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 President and laid before the Governor for his approbation, to wit:

Relative to managed care contracts with home health agencies (see Senate, No. 2329); and

Authorizing certain terms for borrowing by the town of Falmouth for the construction of a golf course (see Senate, No. 2447).

Order Adopted.

On motion of Mr. Knapik,—

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. Hedlund, at twenty-two minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.