

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, December 24, 2003.

Met at one minute past eleven o'clock A.M. (Ms. Wilkerson in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Senator from Bristol and Norfolk, Mrs. Sprague, led the Chair (Ms. Wilkerson), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Committee Changes.

The Chair (Ms. Wilkerson) announced the resignation of Senator Tarr of First Essex and Middlesex as a member of the committee on Bills in the Third Reading and the appointment of Senator Sprague of Bristol and Norfolk to fill the vacancy.

Subsequently, the Chair (Ms. Wilkerson) announced the resignation of Senator Sprague of Bristol and Norfolk as a member of said committee and the reappointment of Senator Tarr of First Essex and Middlesex thereto.

Petitions.

Mr. Nuciforo presented a petition (accompanied by bill, Senate, No. 2180) of Andrea F. Nuciforo, Jr. and William Smitty Pignatelli (by vote of the town) for legislation relative to the town of Lenox and the reimbursement of local room occupancy taxes [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Taxation.**

Sent to the House for concurrence.

Mr. Havern presented a petition (subject to Joint Rule 12) of Robert A. Havern for legislation relative to Marie Walsh,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Mr. Montigny, for the committee on Senate Long-Term Debt and Capital Expenditures, that the Senate Bill authorizing Barnstable County to administer the repair, replacement and upgrade of septic systems (Senate, No. 2123),— ought to pass;

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

Ms. Jacques, for the committee on Steering and Policy, reported that the following matters be placed in the Orders of the Day for the next session:

The House bills

Relative to the use of motorcyclist's head gear in parades (House, No. 206, changed);

Relative to interstate criminal information systems (House, No. 1489); and

Relative to the pronouncement of death by a nurse practitioner (House, No. 1663).

PAPERS FROM THE HOUSE.

A Bill relative to veteran's retirement benefits (printed as Senate, No. 1576,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill relative to public works functions in the town of Belmont (House, No. 4084,— 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. Joyce) “congratulating Austen Kenneth Pageau of Randolph upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Joyce) “congratulating Daniel Kent of Easton upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Joyce) “congratulating Alan L. Van Epps of Easton upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Pacheco) “congratulating Patrick Charles Herrington upon his elevation to the rank of Eagle Scout”;

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

Resolutions (filed by Ms. Walsh) “congratulating Matthew J. Johnson on the occasion of his Court of Honor”; and

Resolutions (filed by Ms. Walsh) “congratulating John P. Regan on the occasion of his Court of Honor.”

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 exempting the position of chief of police in the town of East Longmeadow from the civil service law (Senate, No. 2163),— **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 House Bill relative to preliminary elections in the town of Framingham (House, No. 4170),— was read a second time.

Mr. Magnani presented an amendment, in section 2, by striking out, in line 7, the words “at least 1 office” and inserting in place thereof the following words:— “all offices”; and by adding the following 2 sections:—

“SECTION 3. Section 1 and the last paragraph of section 2 shall not apply to the 2004 annual town election and to the preliminary election that precedes it.

SECTION 4. This act shall take effect upon its passage.”.

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.

Sent to the House for concurrence in the amendment.

Reports 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 Michael W. Morrissey, Ronald Mariano, A. Stephen Tobin and William Phelan, mayor of the city of Quincy, for legislation to expand penalties for non-payment of boat excise tax.

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 Taxation.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4396) of Eugene L. O'Flaherty relative to the procedure for the issuance of criminal complaints;

Under suspension of Joint Rule 12, to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 4397) of Daniel E. Bosley for legislation to further regulate the dates for the operation of motor vehicles with metal studded tires on the roadways of the Commonwealth;

Under suspension of Joint Rule 12, to the committee on Natural Resources and Agriculture.

Emergency Preamble Adopted.

An engrossed Bill further regulating certificates of birth resulting in stillbirth (see Senate, No. 1953), 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.

Engrossed Bill.

An engrossed Bill providing for alternative members of the old and historic districts commission of the town of Marblehead (see House, No. 4153) (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.**

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 Clara Barton.

The Senator from Worcester and Norfolk, Mr. Moore, requested that when the Senate adjourns today, it adjourn in the memory of Clara Barton, a native of Oxford, Massachusetts. Born on December 25, 1821, Ms. Barton is recognized annually during Clara Barton Week — December 25th to January 1st — for her distinguished career as a dedicated teacher, battlefield nurse, Civil War organizer, visionary founder of the American Red Cross and for pioneering the role of women in America.

Accordingly, as a mark of respect to the memory of Clara Barton at nine minutes past eleven o'clock A.M., on motion of Mrs. Sprague, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.