

**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.

*Tuesday, January 17, 2006.*

Met at five minutes 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 Chair (Ms. Wilkerson), members, guests and employees then recited the pledge of allegiance to the flag.

#### *Reports.*

A report of the Department of Education (pursuant to the provisions of Section 1G(f) of Chapter 15 of the General Laws and line item 7053-1927 of the FY'06 budget) relative to the 2005 School Breakfast and Summer Food Service Outreach Program (received Thursday, January 12, 2006),— **was placed on file.**

The following reports were severally read and sent to the House for its information:

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 Massachusetts Alcohol and Substance Abuse Center (received Thursday, January 12, 2006); and

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 Massachusetts Treatment Center (received Thursday, January 12, 2006).

#### *Petitions.*

Petitions were presented and referred, as follows:

By Mr. Joyce (by request), a petition (subject to Joint Rule 12) of Marcy R. Maloney for legislation relative to military leave;

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey, Stephen M. Brewer, Louis L. Kafka, Geraldine Creedon and other members of the General Court for legislation relative to the designation of certain hydroelectric facilities as meeting the renewable portfolio standards;

By Ms. Murray, a petition (subject to Joint Rule 12) of Therese Murray, Viriato Manuel deMacedo and Thomas J. O'Brien for legislation to impose a special assessment for the storage of spent nuclear fuel in Plymouth; and

By Mr. Pacheco, a petition (subject to Joint Rule 12) of Marc R. Pacheco and David L. Flynn for legislation to authorize the Department of Highways to convey and acquire certain parcels of land in the town of Bridgewater;

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

Papers from the House.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4631) of Susan W. Pope (by vote of the town) relative to the imposition of certain fees and charges by the wastewater management district commission of the town of Wayland;

**To the committee on Environment, Natural Resources and Agriculture.**

Petition (accompanied by bill, House, No. 4632) of Frank I. Smizik and others (by vote of the town) relative to the powers of the transportation board of the town of Brookline;

**To the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 4633) of Geoffrey D. Hall and Steven C. Panagiotakos (by vote of the town) relative to the appointment of retired police officers as special police in the town of Westford;

**To the committee on Public Service.**

#### *Resolutions.*

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

Resolutions (filed by Messrs. Joyce and Timilty) “congratulating Neal Akmal Maowed upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Knapik) “congratulating Frederick L. Sullivan, Esq. Grand Marshal of the fifty-fifth annual Saint Patrick’s Day parade in Holyoke”; and

Resolutions (filed by Mr. Timilty) “congratulating the Grace Alice Campbell Foundation.”

#### *Order Adopted.*

On motion of Ms. Chandler,—

*Ordered*, That a convention of the two branches be held at seven o’clock P.M., on Wednesday January 18, 2006, for the purpose of receiving such communication as the Governor, Mitt Romney, may be pleased to make to them relating to the concerns of the Commonwealth.

**Sent to the House for concurrence.**

#### *Reports of Committees.*

Mr. Buoniconti, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill penalizing domestic abusers (Senate, No. 65, changed) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft with the same title, Senate, No. 2326).

**The rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.**

**The bill (Senate, No. 2326) was then ordered to a third reading.**

Mr. Buoniconti, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill further regulating meetings of municipal boards (House, No. 4489).

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

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to certain employees of the Massachusetts Department of Fire Services (Senate, No. 2293),— ought to pass.

**There being no objection the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time and ordered to a third reading.**

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Maureen Quinney, an employee of the Department of Revenue (House, No. 4450),— ought to pass.

**There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and ordered to a third reading.**

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Barry Conway, an employee of the Department of Correction (House, No. 4475),— ought to pass, with an amendment striking out all after the

enacting clause and inserting in place thereof the text of Senate document numbered 2333.

**There being no objection, the rules were suspended, on motion of Ms. Chandler, 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.**

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to creditable service for judges (House, No. 4496),— ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2334; and 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 forthwith to regulate further certain judges’ retirement, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.*

**There being no objection, the rules were suspended, on motion of Ms. Chandler, 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.**

#### *Reports of Committees.*

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Daniel J. Hallissy for legislation to create a board of registration of automotive mechanics.

**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 Consumer Protection and Professional Licensure.**

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of John A. Hart, Jr. for legislation relative to the protection of child witnesses.

**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.**

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Donna J. O’Leary for legislation relative to state tax deductions for gambling losses.

**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 Revenue.**

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of John A. Hart, Jr. for legislation relative to the South Boston power station.

**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 Telecommunications, Utilities and Energy.**

**Severally sent to the House for concurrence.**

#### *Papers from the House.*

#### *Order Amended.*

The Senate Order relative to convening a joint session on Wednesday, January 18, 2006, for the purpose of the State-of-the-State message from the Governor,— came from the House with an amendment striking the words “seven o’clock” and inserting in place thereof the word “six-thirty”.

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

#### *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:

Authorization the certification and appointment of Thomas Taylor as a firefighter in the town of Wilmington (see House, No. 4209); and

Authorizing the certification and appointment of Darryl Sencabaugh as a firefighter in the town of Wilmington (see House, No. 4210).

#### *Order Adopted.*

On motion of Mr. Tarr,—

*Ordered*, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session.

On motion of Ms. Chandler, at twenty-nine minutes past eleven o'clock A.M., the Senate adjourned to meet on the following day at one o'clock P.M.