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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, March 8, 2006.

Met at nine minutes past one o'clock P.M.

The following prayer was offered by Father Bernard McLaughlin, Chaplain of the Senate:

Think of this as Renewing Faith in America.

I am an American — a proud American. I can speak my mind and worship my God by my choice.

Our forebears came looking for what we later found. They also found however, signs entitled NINA (no Irish need apply) or "Shackles Sold Here" or "Gooks or Spics Go Home".

But amazingly in the eyes of the rest of the world America is still a nation in progress.

- Those who want freedom come here.
- Those who seek success come here.
- Those who look for charity come here.
- Those who look for security come here.

Do you know that the Creator never did better than with America?

You can tell by all the beauty and love the Creator gave to us — AMERICA. Amen.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, during the consideration of the Orders of the Day, the President handed the gavel to Mr. Creedon for the purpose of an introduction. Mr. Creedon introduced, seated in the rear of the Chamber, leaders and students from the Massasoit Community College. Mr. Creedon and Representative Travis of Rehoboth read a resolution celebrating the 40th anniversary of the college.

There being no objection, during the consideration of the Orders of the Day, the President handed the gavel to Mr. Tolman for the purpose of an introduction. Mr. Tolman introduced, seated in the rear of the Chamber, Mr. Sean Craven of the Seven Irish Speaking Counties of Ireland.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Creedon, a petition (subject to Joint Rule 12) of Robert S. Creedon, Jr. and Daniel K. Webster for legislation to establish a sick leave bank for Ellis Hillgrove III, an employee of the Trial Court; and

By Mr. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore, Pamela P. Resor, Joyce A. Spiliotis, Robert L. Hedlund and other members of the General Court for legislation to establish a statewide system for reporting of hospital acquired infections;

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

Report of a Committee.

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition, a Bill relative to protecting employees (Senate, No. 1785);

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

Committee Discharged.

Ms. Murray, for the committee on Ways and Means, reported, asking to be discharged from further consideration

Of the Senate Bill relative to the Massachusetts Water Resources Authority employees' retirement system (Senate, No. 1501);

Of the Senate Bill authorizing the Dukes County contributory retirement system to grant certain retirement benefits (Senate, No. 1572);

Of the Senate Bill relative to the Essex Regional Retirement System (Senate, No. 2263); and

Of the Senate Bill relative to protecting against the displacement of current employees (printed as House, No. 457);

And recommending that the same severally be referred to the Senate committee on Ethics and Rules.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

PAPER FROM THE HOUSE.

A report of the committee on the Judiciary, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1741) of Bradley H. Jones, Jr., and others relative to property tax relief for senior citizens, and recommending that the same be referred to the committee on Revenue,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Resolutions.

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

Resolutions (filed by Mr. Brown) “congratulating the Rotary Club of Wellesley for 60 years of community service”;

Resolutions (filed by Mr. Joyce) “congratulating Tim Martin upon his 25th anniversary as Executive Director of Milton Residences for the Elderly”;

Resolutions (filed by Mr. Pacheco) “congratulating Steven Joseph Thomas on the occasion of his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Ms. Walsh) “congratulating Sarah A. Arscott on her receiving the Gold Award of the Girl Scouts of America.”

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Authorizing the town of Manchester-By-The-Sea to recall elected municipal officials (Senate, No. 2280); and

Protecting the rights of target shooters (House, No. 4552);

Were severally read a second time and ordered to a third reading.

The Senate Bill relative to the sale of land in Quincy by the Massachusetts Water Resources Authority (Senate, No. 2190),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House Bill establishing a post-retirement group health insurance trust fund in the town of Concord (House, No. 2980) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill doubling the penalties for violating speed limits in school zones (Senate, No. 1859),— **was considered; and it was passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill relative to rates of pilotage (Senate, No. 2391, amended),— **was read a third time.**

Pending the question on passing the bill to be engrossed, on motion of Mr. Brewer, the further consideration thereof was postponed until Wednesday, March 15.

The Senate Bill prohibiting the use of alcoholic beverage vaporizers (Senate, No. 2311) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time.**

Pending the question on passing the bill to be engrossed, on motion of Mr. Nuciforo, the further consideration thereof was postponed until Wednesday, March 15.

The Senate Bill strengthening waterways law enforcement (Senate, No. 546, changed) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

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

Authorizing abatement of certain property tax assessments in the town of Williamsburg (see Senate, No. 1694);

Designating the Attleboro District Courthouse as the James H. Sullivan Courthouse (see House, No. 842);

Expanding the use of community preservation funds (see House, No. 1680);

Authorizing the use of ultrasonic thickness determination of air tanks and other receptacles (see House, No. 1871);

Authorizing the town of Brookline to lease certain town-owned land (see House, No. 4113);

Establishing a medical expenses trust fund in the town of Brookline for injured firefighters and police officers (see House, No. 4122);

Establishing a town administrator in the town of Hanson (see House, No. 4524); and

Establishing a sick leave bank for Marie Cantave-Kenney, an employee of the Trial Court (see House, No. 4653, amended).

Report of a Committee.

By Mr. Brewer, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by the Governor to the engrossed Bill relative to elevator license examinations (Senate, No. 2216) (for message see Senate, No. 2381),— reported, that the amendment recommended by the Governor be considered in the following form:—

By striking out section 8 and inserting in place thereof the following:

“SECTION 8. The board of elevator regulations shall adopt rules and regulations to provide for the safe operation of freight elevators excluded under chapter 288 of the acts of 1962.”;

And by striking out section 9 and inserting in place thereof the following:

“SECTION 9. Section 6 shall take effect on July 1, 2007. The remainder of this act shall take effect as of January 1, 2006.”

The President 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.

Pending the question on acceptance of the BTR report, Mr. Morrissey moved to amend the BTR report, in section 9, in the first sentence, by striking out the word “July” and inserting in place thereof the following word:— “January”.

The amendment was adopted.

The BTR report was then accepted, as amended.

Sent to the House for concurrence in the amendment.

Resolutions.

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

Resolutions (filed by Messrs. Nuciforo, Augustus and Barrios, Ms. Creem, Ms. Fargo, Mr. Havern, Ms. Jehlen, Messrs. McGee, O’Leary and Rosenberg, Ms. Resor and Mr. Pacheco) “affirming the civil rights and liberties of the people of Massachusetts.”

Pending the question on adoption of the resolutions, on motion of Mr. Nuciforo, the question on adoption will be determined by a call of the yeas and nays.

Mr. Tisei moved that the resolutions be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

Engrossed Bill.

An engrossed Hill relative to certain motor vehicle violations (see Senate, No. 2132, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was laid before the Senate.

Pending the question on passing the engrossed bill to be enacted, after remarks, on motion of Mr. Tisei, the further consideration thereof was postponed until Wednesday, March 22.

PAPERS FROM THE HOUSE.

The Senate Bill providing remedies to consumers for clearing title after payoff of mortgages (Senate, No. 2278, amended),—**came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text of House, No. 4697, printed as amended.**
The rules were suspended, on motion of Mr. Tolman, and the House amendment was considered forthwith.

Pending the question on concurring on the House amendment, Mr. Nuciforo moved that the Senate concur with the House amendment with a further amendment, striking out section 4A and inserting in place thereof the following 2 sections:—

“SECTION 4A. Chapter 184 of the General Laws is hereby amended by striking out section 17B, as so appearing, and inserting in place thereof the following section:—

Section 17B. Every application for a mortgage loan on 1-to-4-family residential property and occupied or to be occupied in whole or in part by the obligor on the mortgage debt shall be made on a printed form which shall contain the following 2 statements in type of at least 2 points larger than the other type used on the application:

- (1) The responsibility of the attorney for the mortgagee is to protect the interest of the mortgagee.
- (2) Mortgagors may, at their own expense, engage an attorney of their selection to represent their interests in the transaction.

A printed copy of the above statements shall be given to the mortgagor at the time of making the application.

SECTION 4B. Sections 17C and 17D of said chapter 184 are hereby repealed.”; and by striking out section 9 (as corrected by House BTR) and inserting in place thereof the following section:—

“SECTION 9. Sections 4A and 4B shall take effect 90 days after passage. The remaining provisions of this act shall take effect 180 days after its passage.”

The further amendment was adopted.

The House amendment, as amended was then adopted.

Sent to the House for concurrence in the further amendment.

Report of a Committee.

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 to reduce the loss of life due to fires caused by cigarettes (Senate, No. 1345).

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

Pending the question on ordering the bill to a third reading, Mr. Brewer moved that the bill be amended by substituting a draft with the same title (Senate, No. 2403).

After remarks, the amendment was adopted.

Mr. Brewer further moved that when the bill was released from the committee on Bills in the Third Reading that the question on passing the bill to be engrossed be determined by a call of the yeas and nays; and, after remarks, the motion prevailed.

The bill (Senate, No. 2403) 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 Jeff Mankiewicz for legislation to regulate the medical treatment of chronic intractable pain.

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

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4742) of Frank M. Hynes and others for legislation to designate the bridge on Route 3A over the North River connecting the towns of Scituate and Marshfield as the Sergeant Michael Jason Kelley Memorial Bridge;

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

Petition (accompanied by bill, House, No. 4743) of Robert P. Spellane and Anthony J. Verga relative to the definition of veteran-owned small businesses and the compilation of such businesses by the Office of Business Development of the Commonwealth;

Under suspension of Joint Rule 12, to the House committee on Rules; and the Senate concurred in the suspension of said rule.

Order Adopted.

On motion of Mr. Baddour,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Moment of Silence.

At the request of the President, the members, guests and employees stood in a moment of silence and reflection for Joe Tecce, a lifelong resident of the North End and founder of Joe Tecce's Ristorante, a North End landmark.

Adjournment in Memory of Joe Tecce.

The Senator from Essex, Mr. Baddour, presented a request that when the Senate adjourns today, it do so as a mark of respect to the memory of Joe Tecce.

Mr. Tecce was a lifelong resident of the North End and was the son of Italian immigrants. He learned at a young age that little of value comes without dedication and that, through hard work, anything is possible. Mr. Tecce's commitment to his community and work was never more apparent than when he founded Joe Tecce's Ristorante, a North End landmark. More importantly, he was a devoted husband to the late Annette (Mercandate) Tecce, a loving father to Salvatore Tecce, Jaculine Mucci, Joseph Tecce, and Robert Tecce, and an adoring grandfather and great-grandfather. He will long be remembered for his personal strength, family values, work ethic, and ties to his community.

Accordingly, as a mark of respect to the memory of Mr. Joe Tecce, at four minutes before two o'clock P.M. on motion of Ms. Menard, the Senate adjourned to meet again on Thursday at eleven o'clock A.M.