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.

Monday, June 27, 2005.

Met at three 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.

Communication.

A communication from the Honorable Brian P. Lees, Minority Leader, announcing the appointment of Senator Bruce L. Tarr to serve on the Special Commission established (pursuant to Section 28 of Chapter 28 of the Acts of 1996) to make an investigation and study relative to Massachusetts fisheries recovery, effective as of Tuesday, June 23, 2005.

Petitions.

Mr. Baddour presented a petition (accompanied by bill, Senate, No. 2135) of Steven A. Baddour and Michael A. Costello (with approval of the mayor and city council) for legislation relative to the repeal of maintenance and capital investment funds in Newburyport [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Municipalities and Regional Government.**
Sent to the House for concurrence.

Mr. Morrissey presented a petition (subject to Joint Rule 12) of Michael W. Morrissey for legislation to require a firearms licensing authority to provide a receipt for firearm license applications,— **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. Timilty, for the committee on Municipalities and Regional Government, on petition, a Bill to establish a jail diversion program in the Department of Mental Health (Senate, No. 1153);

By Mr. O'Leary, for the committee on Higher Education, on Senate, Nos. 767, 775 and 776, a Bill relative to issuing motor vehicle citations on state and community campuses (Senate, No. 2132);

By Mr. Barrios, for the committee on Public Safety and Homeland Security, on Senate, Nos. 1331 and 1353, a Bill to reduce gang violence in the Commonwealth (Senate, No. 2133); and

By the same senator, for the same committee, on petition (accompanied by bill, Senate, No. 2037), a Bill relative to the installation of carbon monoxide alarms and smoke detectors in residential buildings (Senate, No. 2134);
Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Timilty, for the committee on Municipalities and Regional Government, on petition, a Bill relative to cities and towns borrowing outside their debt limit (Senate, No. 1191);

By the same Senator, for the same committee, on petition, a Bill relative to the Duke County land bank (Senate, No. 1199) [Local approval received]; and

By Mr. Baddour, for the committee on Transportation, on petition (accompanied by bill, Senate, No. 1860), a Bill relative to regional transit authorities advisory boards (Senate, No. 2131);
Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

By Mr. Timilty, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the city of Quincy to establish senior citizens safety zones (Senate, No. 2022) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill relative to chapter VII of the general by-laws of the town of Essex (Senate, No. 2075) [Local approval received];
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 Mr. Buoniconti) "congratulating the West Springfield High School Baseball Team"; and

Resolutions (filed by Mr. McGee) "celebrating the centennial anniversary of the Marblehead to Halifax Ocean Race."

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

June 24, 2005.

The Honorable William Welch, *Clerk*
Massachusetts State Senate
State House
Boston, MA 02133

Dear Mr. Clerk:

I write regarding a vote taken on June 23, 2005 on S2038 entitled "An Act Providing for a Partial Release of Certain Land in the Town of Granby from the Operation of a Non-Development Covenant." This bill, sponsored by Senator Lees, would, as its title indicates, provide for a partial release of certain land in the town of Granby from the Operation of a non-development covenant.

At the time the vote was taken, I was out of the Chamber handling a personal matter and was unable to cast my vote. If I had been in the Chamber, I would have voted "YES.""

Thank you for your attention to this matter.

Sincerely,
STEVEN A. TOLMAN,
Senator,
2nd Suffolk and Middlesex.

On motion of Mr. Knapik, the above communication was ordered printed in the Journal of the Senate.

PAPERS FROM THE HOUSE.

A Bill relative to certain capital spending authorizations (printed in House, No. 4129,— being a message from His Excellency the Governor),— was read.
There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

A Bill making certain appropriations for the fiscal year ending June 30, 2006, prior to final action on the General Appropriation Bill for said fiscal year (printed in House, No. 4183,— being a message from His Excellency the Governor),— was read.

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act making certain appropriations for the fiscal year ending June 30, 2006, before final action on the General Appropriation bill for that fiscal year."

Reports

Of the committee on Tourism, Arts and Cultural Development, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1842) of Brian P. Lees, Bruce E. Tarr, Michael R. Knapik and Scott P. Brown for legislation to encourage filmmaking in the Commonwealth; and

Of the petition (accompanied by bill, Senate, No. 1843) of Brian P. Tees, Bruce E. Tarr and Scott P. Brown for legislation relative to tax credits for motion pictures;

And recommending that the same severally be referred to the House committee on Ways and Means.
The rules were suspended, on motion of Mr. Tarr, and the reports were severally considered forthwith, and the Senate NON-concurred in the discharge, insomuch as relates to the discharge of the joint committee.
Sent to the House for its action.

Petition.

On motion of Mr. Knapik, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Morrissey, (accompanied by bill) of Michael W. Morrissey and A. Stephen Tobin for legislation to grant disability retirement benefits to Eileen Crehan,— **and the same was referred to the committee on Public Service.**
Sent to the House for concurrence.

Reports of Committees.

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stephen M. Brewer, Robert A. Antonioni, Harold P. Naughton, Jr., James B. Eldridge and Lewis G. Evangelidis for legislation to provide death benefits for volunteer firefighters and other volunteer public safety personnel.
Senate Rule 36 was suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.
Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4188) of Geoffrey D. Hall and Steven C. Panagiotakos for legislation to establish the Westford town center sewer district in said town;
Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 4189) of Stephen R. Canessa and Joan M. Menard for legislation to authorize the Department of Correction to establish a sick leave bank for James Bowlby, an employee of said department; and

Petition (accompanied by bill, House, No. 4190) of Lewis G. Evangelidis relative to retirement benefits of certain employees of the University of Massachusetts and UMass Memorial Health Care;
Severally, under suspension of Joint Rule 12, to the committee on Public Service.

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:

Authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 3843); and

Relative to the health insurance of active and retired employees of the city of Melrose (see House, No. 4064).

Recess.

There being no objection, at fourteen minutes past eleven o'clock A.M., the Chair (Ms. Wilkerson) declared a recess subject to the call of the Chair; and, at nineteen minutes past twelve o'clock noon, the Senate reassembled, Ms. Wilkerson in the Chair.

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill relative to certain capital spending authorizations (see House Bill, printed in House, No. 4129), 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 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:

Relative to certain capital spending authorizations (see House Bill, printed in House, No. 4129); and

Making certain appropriations for the fiscal year ending June 30, 2006, before final action on the General Appropriation Bill for that fiscal year (see House Bill, printed in House, No. 4183).

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.

Adjournment in Memory of Staff Sergeant Christopher Piper.

The Senator from Essex and Middlesex, Mr. McGee, presented a request that when the Senate adjourns today, it do so as a mark of respect to the memory of Staff Sergeant Christopher Piper of Marblehead.

Sergeant Piper succumbed to injuries received from an improvised explosive device in Afghanistan on June 16, 2005 while serving his country in the war against terrorism. He leaves his father Ernest, and two children, Chris, Jr. and Deidre, both of Marblehead. He was son of the late Helen Piper.

Accordingly, as a mark of respect to the memory of Staff Sergeant Christopher Piper, at twenty-five minutes past twelve o'clock noon, on motion of Mr. Knapik, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.