

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, July 25, 2005.

Met at seven minutes past eleven o'clock A.M. (Mr. Havern 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. Havern), members, guests and employees then recited the pledge of allegiance to the flag.

Report.

A report of the Department of Telecommunications and Energy (under the provisions of Section 2 of Chapter 25 of the General Laws) submitting a copy of its annual report regarding the Department's activities during the year 2004 (received Thursday, July 21, 2005),— **was placed on file.**

Petitions.

Petitions were presented and referred, as follows:

By Mr. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore, Susan W. Pope, Brian A. Joyce, Brian Knuuttila and other members of the General Court for legislation to reform of the laws governing tax relief for certain elderly property owners;

By the same Senator, a petition (subject to Joint Rule 12) of Richard T. Moore and Marie J. Parente for legislation to authorize the Department of Revenue to make a certain refund;

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey, Richard T. Moore and Bruce J. Ayers for legislation to establish the Asian American Commission of the Commonwealth of Massachusetts; and

By Mr. Tolman, a petition (subject to Joint Rule 12) of Steven A. Tolman, Michael J. Moran, Kevin G. Honan, Ruth B. Balser and other members of the General Court for legislation to authorize the division of capital asset management to lease a certain parcel of land in the city of Boston;

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

Resolutions.

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

Resolutions (filed by Mr. O'Leary) "congratulating Don and Sally Mack";

Resolutions (filed by Mr. Pacheco) "on the occasion of the retirement of Russell Bradshaw"; and

Resolutions (filed by Ms. Wilkerson) "honoring Dr. John A. Rich."

Communication.

The Clerk read the following communication:

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

July 21, 2005.

Mr. William Welch, *Clerk*
Massachusetts State Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

On Wednesday, July 20, 2005, I was away from the State House due to a commitment in the district and I was therefore unable to be present for two roll call votes (Senate Roll Calls A and B).

Had I been present, I would have voted in the affirmative for the engrossment of H4277, *An Act Relative to Financing the Production of Affordable Housing*, and S1336, *An Act Protecting Police Officers While Making a Lawful Arrest*.

I would appreciate your assistance with the printing of this communication in the Senate Journal. Thank you in advance for your help with this request.

Very truly yours,
ROBERT A. ANTONIONI,
State Senator,
Worcester and Middlesex.

On motion of Ms. Wilkerson, the above communication was ordered printed in the Journal of the Senate.

Petition.

On motion of Mr. Knapik, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Tarr, (accompanied by bill) of Bruce E. Tarr, Robert E. Travaglini, Steven A. Baddour, Scott P. Brown and other members of the General Court for legislation to promote the development of alternative fuels and the use of alternative fuel vehicles in the Commonwealth,— **and the same was referred to the committee on Transportation.**
Sent to the House for concurrence.

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill relative to claims trusts funds (see House, No. 3835, changed and 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.

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 establishing the Hatfield Economic Development Corporation (Senate, No. 2153),— **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 Senate Bill requiring distribution of citation books to the Office of Law Enforcement in the Executive Office of Environmental Affairs (Senate, No. 1338),— was considered, the main question being on passing the bill to be engrossed.

The pending motion, previously moved by Mr. Creedon, to lay the bill on the table, was considered; and it was *negatived*.
On motion of Mr. Brewer the bill was recommitted to the committee on Public Safety and Homeland Security.

PAPERS FROM THE HOUSE.

A Bill amending an act relative to the water commissioners of the town of Spencer (House, No. 3229,— on petition) (Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Ms. Wilkerson, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Committee of Conference.

The House Bill establishing the interstate compact for adult offender supervision (House, No. 4192, amended),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment (in lines 136 to 148 (as printed), striking out proposed section 151D contained therein and inserting in place thereof the following:

“Section 151D. The chairman of the parole board, or his designee, shall serve as the compact administrator and as the state’s commissioner on the interstate compact commission. The Massachusetts state council shall be appointed by the compact administrator. The state council shall be comprised of 5 members whose term of office shall be for 4 years. The state council shall meet at least twice a year. The state council may advise the compact administrator or his designee on participation in the interstate commissioner activities and administration of the compact. The state council’s membership shall include at least 1 representative from the legislative, judicial and executive branches of government and victims’ groups.”; and by adding at the end thereof the following section:

“SECTION 4. Notwithstanding any general or special law to the contrary, compensation under section 12 of chapter 211D of the General Laws for private counsel assigned to criminal and civil cases under subparagraph (b) of section 6 of said chapter 211D shall be set according to the following rates for fiscal year 2006: for homicide cases, \$100 per hour; for superior court nonhomicide cases, including sexually dangerous person cases, \$60 per hour; for district court cases and children in need of services cases, \$50 per hour; for children and family law, cases, care and protection cases, sex offender registry cases and mental health cases, \$50 per hour.”.), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives O’Flaherty of Chelsea, Tobin of Quincy and Evangelidas of Holden had been appointed the committee on the part of the House.

On motion of Mr. Knapik, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Panagiotakos, O’Leary and Brown were appointed on the part of the Senate. The bill was returned to the House endorsed accordingly.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4290) of Jennifer M. Callahan for legislation to reduce the fee for filing for certificates of organization by limited liability companies;

Under suspension of Joint Rule 12, to the committee on Economic Development and Emerging Technologies.

Petition (accompanied by bill, House, No. 4289) of Colleen M. Garry and Susan. C. Tucker relative to the credentialing of sonographers and vascular technologists providing ultrasound diagnostic services;

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

Engrossed Bills.

The following engrossed bills (the first two 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 creditable service for vocational education teachers (see Senate, No. 2057);

Providing timely access to emergency contraception (see Senate, No. 2073, amended);

Establishing a voting precinct in the city of Peabody (see House, No. 3415);

Relative to claims trusts funds (see House, No. 3835, changed and amended);

Relative to the charter of the town of Rockland (see House, No. 4107);

Relative to the charter of the town of Rockland (see House, No. 4108);

Relative to the charter of the town of Rockland (see House, No. 4109);

Relative to the charter of the town of Rockland (see House, No. 4110); and

Relative to federal reimbursement services for children with Autism (see House, No. 4177).

Order Adopted.

On motion of Ms. Wilkerson,

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 Gunners' Mate First Class Scott Shaw of Norwood.

The Senator from Suffolk and Norfolk, Ms. Walsh presented a request that when the Senate adjourns today, it do so as a mark of respect to the memory of Gunners' Mate First Class Scott Shaw of Norwood.

He died over the weekend while training in Basic Combat Skills including: firearms, force protection and evasive driving at Blackwater USA's compound in North Carolina. He was assigned to Naval Special Warfare Group Two: Logistics and Support Unit at Little Creek, VA. Scott Shaw served in the Navy for 11 years. He is survived by his wife and three children.

Accordingly, as a mark of respect to the memory of Gunners' Mate First Class Scott Shaw, at seventeen minutes past eleven o'clock A.M. on motion of Mr. Knapik, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.