

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.

Thursday, September 14, 2006.

Met at five minutes past eleven o'clock A.M. (Mr. Baddour 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 Essex and Middlesex, Mr. Tarr, led the Chair (Mr. Baddour), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Communication.

A communication from the Honorable Robert E. Travaglini, President of the Senate, announcing his appointments to the Permanent Special Commission established (pursuant to Chapter 258 of the Acts of 2006) on the statue of citizens of Asian descent.

The appointees are as follows:

Mr. Tackey Chan — serving a term of one year;

Mr. Gene Hartigan — serving a term of two years; and

Dr. George King — serving a term of three years.

The communication was placed on file.

Reports of Committees.

By Ms. Jehlen, for the committee on Public Service, on the recommitted petition, a Bill relative to retirement credit for Carol Dingle (Senate, No. 2656);

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

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 further regulating tanning facilities (Senate, No. 2590).

PAPERS FROM THE HOUSE.

Bills

Authorizing the town of North Andover to hold a license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4693,— on petition) [Local approval received];

Authorizing the appointment of Christina M. Orzyck as a police officer in the city of Worcester (House, No. 4865,— on petition) [Local approval received];

Establishing a tourism revenue preservation fund in the town of Yarmouth (House, No. 4945, changed,— on petition) [Local approval received];

Authorizing the town of Norwood to lease certain land (House, No. 5015,— on petition) [Local approval received]; and

Authorizing the town of Ipswich to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises

(House, No. 5182,— on House, No. 4983) [Local approval received on House, No. 4983].

Were 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. Brown) “congratulating Evelyn Cowles Perry on the occasion of her ninetieth birthday”;

Resolutions (filed by Ms. Chandler) “congratulating the Knights of Vartan and Daughters of Vartan in Worcester on the anniversaries of their founding”;

Resolutions (filed by Mr. Joyce) “on the one hundred fiftieth anniversary of the establishment of the Draper Brothers Company”;

Resolutions (filed by Mr. Lees) “on the thirtieth anniversary of Maybury Material Handling”;

Resolutions (filed by Mr. Timilty) “congratulating John Alexander Rowan of Walpole on earning the rank of Eagle Scout”;

Resolutions (filed by Mr. Tisei) “honoring Bill and Pat Rodan on the occasion of the establishment of a scholarship fund in their name”; and

Resolutions (filed by Ms. Wilkerson) “honoring Reverend Richard and Jestina Richardson.”

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Kathreen Tessier, an employee of the Department of Revenue (see House, No. 5038), 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 (Mr. Baddour) 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 eliminating the property holdings cap for the Boston Public Library (Senate, No. 2484),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Hart presented an amendment adding the following section:—

“SECTION 2. This act shall take effect upon its passage.”.

This amendment was adopted.

The bill (Senate, No. 2484, amended) was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill relative to the retirement of Dennis Mullen (House, No. 4419),— 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 granting retirement benefits to Dennis Mullen”.

The Senate Bill empowering the Secretary of Public Safety to establish regulations relative to the issuance of police identification cards (Senate, No. 2601),— **was read a second time.**

On motion of Mr. Brewer, the bill was referred to the Senate committee on Ways and Means.

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 establishing a nursing facility conversion pilot program (Senate, No. 381) (the committee on Health Care Financing having recommended that the bill be amended by substituting a new draft entitled “An Act establishing a nursing facility conversion program” (Senate, No. 2574).

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time and was amended, as recommended by the committee on Health Care Financing.

The bill (Senate, No. 2574) was then ordered to a third reading and read a third time.

Pending the question on passing the bill to be engrossed, Ms. Chandler presented an amendment in section 2, by inserting after the words “Massachusetts Aging Services Association, Inc.,” the following words:— “a representative from Hearth, Inc.”.

The amendment was adopted.

The bill (Senate, No. 2574, amended) was then passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act requiring a study of a nursing facility conversion program.”

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 Acting President (Mr. Baddour) and laid before the Governor for his approbation, to wit:

Establishing additional economic target areas (see Senate, No. 2673);

Establishing a sick leave bank for Kathreen Tessier, an employee of the Department of Revenue (see House, No. 5038); and
Increasing the statute of limitations for sexual crimes against children (see House, No. 5234, amended).

An engrossed Bill relative to a special election in the town of East Brookfield (see Senate Bill, printed in Senate, No. 2718) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President (Mr. Baddour) and laid before the Governor for his approbation.

PAPER FROM THE HOUSE.

The Senate Bill further regulating election practices (Senate, No. 2277),— came from the House with the endorsement that the House had receded from its amendments in section 1, in line 5, by inserting after the word “commonwealth” the words “and if any such city so chooses, subject to the approval of the city council and the board of registrars”; in section 3, in line 14, and also in section 5, in line 14, by inserting after the word “schooled;”, in each instance, the word “and”; and by adding at the end thereof the following two

sections:

“SECTION 2. Section 11B of said chapter 54, as appearing in the 2004 Official Edition, is hereby amended by inserting, after the word ‘provided’ in line 21, the following words:— and if any such city so chooses, subject to the approval of the city council and board of registrars.

SECTION 5. Section 12 of said chapter 54, as so appearing is hereby amended by inserting, after the word ‘officers’, in lines 2 and 3, the following words:— and if any town so chooses, subject to the approval of the board of aldermen or board of selectmen and board of registrars.”; with the further endorsement that the House had insisted on its amendment inserting after section 5 (as printed) the following section:

“SECTION 6. Section 13 of said chapter 54, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Such election officers shall be enrolled voters so appointed as equally to represent the two leading political parties, except that, without disturbing the equal representation of such parties, not more than one third of the election officials not representing either of them may be appointed.”.

The rules were suspended, on motion of Mr. Brewer, and the matter was considered forthwith.

Mr. Augustus presented a motion that the Senate concur with the House actions with a further amendment 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 further regulate election practices for elections in the current year, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and the motion prevailed.

Sent to the House for concurrence in the further Senate amendment.

Recess.

There being no objection, at twenty minutes before twelve o’clock noon, the Chair (Mr. Baddour) declared a recess subject to the call of the Chair; and, at two minutes past one o’clock P.M., the Senate reassembled, Mr. Baddour in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill further regulating election practices (see Senate, No. 2277, 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 2 to 0.

The bill was signed by the Acting President (Mr. Baddour) and sent to the House for enactment.

Subsequently, the bill, which originated in the Senate, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Baddour) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tarr,—

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.

On motion of the same Senator, at eight minutes past one o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.