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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, October 19, 2005.

Met according to adjournment at one o'clock P.M. (Mr. Rosenberg in the Chair).

The Senator from Norfolk, Bristol and Middlesex, Mr. Brown, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Reports.

The following reports were severally read and placed on file:

A report of the Massachusetts Technology Development Corporation (under the provisions of Sections 6 and 7 of Chapter 40G of the General Laws) submitting its annual financial report for the fiscal year ended June 30, 2005 (received Friday, October 14, 2005);

A report of the Massachusetts Turnpike Authority (pursuant to Section 9 of Chapter 87 of the Acts of 2000) relative to the status of the Central Artery/Tunnel Project (CA/T) for the quarter ending August 31, 2005 (received Monday, October 17, 2005); and

A report of the Nantucket Regional Transit Authority (under the provisions of Chapter 161B of the General Laws) submitting its annual report for fiscal year 2005 (received Monday, October 17, 2005).

Petition.

Mr. Brewer presented a petition (accompanied by bill, Senate, No. 2238) of Stephen M. Brewer and Mark J. Carron (by vote of the town) for legislation to allow the narrows in Glen Echo Lake to increase motorboating speeds [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.

Report of a Committee.

By Ms. Chandler, for the committee on Community Development and Small Business, and by Mr. Joyce, for the committee on Housing, acting jointly, on petition (accompanied by bill, Senate, No. 149), a Bill relative to smart growth zoning and housing production (Senate, No. 2237);

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

PAPER FROM THE HOUSE.

A report of the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the House Bill relative to state forest committee (House, No. 1307), and recommending that the same be referred to the committee on

Consumer Protection and Professional Licensure,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence, insomuch as relates to the reference to the joint committee.**

Motion to Take Out of the Orders of the Day — Objection.

The Chair (Mr. Rosenberg) requested that the following matter be taken out of the Orders of the Day and considered forthwith:

The House Bill establishing a minimum energy-efficiency standard for certain products (House, No. 4299, amended),— **but objection was made thereto by Mr. Brown.**

Reports of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to smart growth zoning and housing production (Senate, No. 2237),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Brown, 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 expediting receipt of certain federal funds (Senate, No. 2128),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Brown, 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 establishing benefits for veterans and their dependents in Massachusetts (Senate, No. 2171),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Brown, 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 harbor master training certification (Senate, No. 2178),— ought to pass, with an amendment in section 1, in subsection (a) of proposed section 19C of chapter 102 of the General Laws, by inserting after the first sentence the following sentence:— “Monies credited to the fund shall be expended by the council without further appropriation.”

There being no objection, the rules were suspended, on motion of Mr. Brown, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2178, amended) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management to lease a certain parcel of land in the city of Boston (Senate, No. 2181),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Brown, 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 authorizing the conveyance of a certain parcel of Commonwealth land to the city of Revere for public purposes (House, No. 4308),— ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2240.

There being no objection, the rules were suspended, on motion of Mr. Brown, 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.

The Senate Bill relative to the installation of carbon monoxide alarms and smoke detectors in residential buildings (Senate, No. 2152),— came from the House passed to be engrossed, in concurrence *with amendments* in section 3 (as printed), in lines 10 to 16, inclusive, by striking out the words “in conformance with the requirements of the board of fire prevention regulations. Such requirements shall include, but not be limited to, a requirement that a landlord or superintendent shall install such alarms and batteries or electrical wiring as are required to make the alarms operational at the beginning of any rental period by lease or otherwise and shall maintain, or, if necessary, replace such” and inserting in place thereof the words “in conformance with the requirements of the board of fire prevention regulations; provided, however, that such requirements shall include, but not be limited to, a requirement that a landlord or superintendent shall install either approved monitored battery-powered alarms or approved electrical wiring alarms as defined by the board, as are required to make the alarms operational at the beginning of any rental period by lease or otherwise and shall maintain and if necessary, replace batteries or such battery-operated or electric hardwired carbon monoxide alarms, in lines 28 and 29, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

“(d) The state building code may impose stricter carbon monoxide alarm requirements for new construction or dwellings, buildings, or structures substantially renovated so as to constitute the equivalent of new construction. Every such dwelling, building or structure, occupied in whole or in part for residential purposes, shall, upon sale or transfer of such dwelling, building or structure, be inspected by the head of the fire department for compliance with the carbon monoxide alarm requirements of the

state building code in effect on the date of the issuance of the relevant building permit”; in section 6, in line 2, after the word “Laws”, by striking out the following: “shall take effect 180 days after the effective date of this act” and inserting in place thereof the following: “, shall take effect on March 31, 2006, except as to any dwelling, building or structure for which the installation of hardwired carbon monoxide alarms is required or owned or operated by the commonwealth or any local housing authority. Said subsection (a) of said section 267½ of said chapter 148 shall apply to such dwellings, buildings and structures on and after January 1, 2007, and by striking out section 7 (as printed).

The rules were suspended, on motion of Mr. Brown, and the House amendment was considered forthwith and adopted, in concurrence (as corrected BTR).

Recess.

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

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the House Bill to update and improve certain tax provisions of the Commonwealth (House, No. 4169),— ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2241; by striking out the title and inserting in place thereof the following title: “An Act relative to tax laws”; 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 make certain changes in the tax laws and other laws relating to the department of revenue, 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 Mr. Brown, 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.

Recess.

There being no objection, at ten minutes before two o’clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at a half past three o’clock P.M., the Senate reassembled, Mr. Rosenberg in the Chair.

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill to reduce gang violence in the Commonwealth (Senate, No. 2133),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2242).

There being no objection, the rules were suspended, on motion of Ms. Jehlen, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2242) was then ordered to a third reading.

PAPER FROM THE HOUSE.

Committee of Conference Report.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill establishing the interstate compact for adult offender supervision (House, No. 4192, amended) (*amended by the Senate* 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 non-homicide 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,” reported, recommending that the House recede from its NON-concurrence with the Senate in its amendment

in lines 136 to 148, inclusive (as printed) and concur therein; and that the Senate recede from its amendment adding section 4,—came from the House, and was read.

The rules were suspended, on motion of Mr. Brown, and the report was considered forthwith and accepted, in 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 Marc R. Pacheco and William M. Straus for legislation to authorize the State Board of Retirement to grant creditable service to Robbin Peach.

Senate Rule 36 was suspended, on motion of Ms. Jehlen, 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.

Order Adopted.

On motion of Mr. Brown,—

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

Adjournment in Memory of Albert J. Inglesi, Sr. of Milford.

The Senator from Worcester and Norfolk Mr. Moore presented a request that when the Senate adjourns today, it do so as a mark of respect to the memory of Albert J. Inglesi, Sr. of Milford. Albert J. Inglesi, Sr. of Milford was a dedicated public servant and leader in youth sports programs. Mr. Inglesi served as an elected park commissioner for the town of Milford for the past forty-seven years and was a founder of the Milford youth baseball league. During his long tenure with youth baseball, the league grew from four teams with 48 players to 837 players today. He leaves his wife, Dorina, four children, nine grandchildren, and nine great grandchildren, as well as countless young people who have benefited from his care and compassion for them, and his love of the town of Milford. Accordingly, as a mark of respect to the memory of Albert J. Inglesi, Sr. at twenty-four minutes before four o'clock P.M. on motion of Mr. Brown, the Senate adjourned to meet again tomorrow at one o'clock P.M.