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.

Wednesday, November 2, 2005.

Met at one minute past eleven o'clock A.M. (Mr. Rosenberg 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 Plymouth and Norfolk, Mr. Hedlund, 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 Community Economic Development Assistance Corporation (under the provisions of Section 6 of Chapter 40H of the General Laws) submitting a copy of its 2005 annual report (received Monday, October 31, 2005); and

A report of the Office of the Comptroller (under the provisions of Section 12(a) of Chapter 7A of the General Laws) submitting the Commonwealth of Massachusetts' Statutory Basis Financial Report for the fiscal year ending June 30, 2005 (received Monday, October 31, 2005).

Petitions.

Petitions were presented and referred as follows:

By Mr. Joyce, a petition (accompanied by bill, Senate, No. 2261) of Brian A. Joyce, Linda Dorcena Forry and Walter F. Timilty (by vote of the town) for legislation to authorize the town of Milton to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises [Local approval received];
Under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.

By Mr. Moore, a petition (accompanied by bill, Senate, No. 2260) of Richard T. Moore and Jennifer M. Callahan (by vote of the town) for legislation to authorize the town of Bellingham to establish a group insurance liability fund [Local approval received];
Under Senate Rule 20, to the committee on Public Service.
Severally sent to the House for concurrence.

Ms. Resor presented a petition (subject to Joint Rule 12) of Pamela P. Resor and Harold P. Naughton, Jr. for legislation to grant additional creditable service to Ray Silva,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to the licensure of massage therapists in Massachusetts (Senate, No. 2212),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2258).
Referred, under Senate Rule 26, to the committee on Ethics and Rules.

By Mr. Barrios, for the committee on Public Safety and Homeland Security, on petition, a Bill to reduce the loss of life due to fires caused by cigarettes (Senate, No. 1345);
Read and under Joint Rule 1E, referred to the committee on Health Care Financing.

By Mr. Barrios, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to completing the assault weapon ban (Senate, No. 1335);

By the same Senator, for the same committee, on petition, a Bill punishing the failure to report certain fires (Senate, No. 1339); and

By Ms. Creem, for the committee on Revenue, on petition, a Bill relative to the motor vehicle excise tax (Senate, No. 1729);
Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Moore, for the committee on Health Care Financing, on petition, a Bill to establish collaborative drug therapy management to improve pharmaceutical care for patients in Massachusetts (Senate, No. 408);

By Mr. Barrios, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to inspecting and securing unsafe or abandoned buildings (Senate, No. 1370);

By the same Senator, for the same committee, on petition, a Bill relative to the reporting of fires in schools (Senate, No. 1381); and

By the same Senator, for the same committee, on petition, a Bill promoting ski safety (Senate, No. 1386);
Read and, under Rule 26, referred to the committee on Ethics and Rules.

By Ms. Creem, for the committee on Revenue, on petition, a Bill authorizing the late filing of a certain application for classification of land under the provisions of chapter 61 of the General Laws (Senate, No. 2155) [Local approval received];
Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

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 relative to standards for protective headgear for operators or passengers on motorcycles (Senate, No. 1344).

PAPERS FROM THE HOUSE.

Bills

Relative to the membership of the Conservation Commission of the town of Falmouth (House, No. 4098,— on petition) [Local approval received];

Relative to certain conservation land in the town of Falmouth (House, No. 4133,— on petition) [Local approval received];

Relative to the scenic roads in the town of Falmouth (House, No. 4135,— on petition) [Local approval received];

Authorizing the city of Taunton to lease certain recreational land (House, No. 4225,— on Senate, No. 2111 and House, No. 4225) [Local approval received on Senate, No. 2111 and House, No. 4225]; and

Exempting the position of chief of police in the town of Salisbury from the civil service law (House, No. 4257,— on petition) [Local approval received];
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) “honoring veterans in the town of Needham”;

Resolutions (filed by Mr. Knapik) “on the one hundredth anniversary of the Holyoke Visiting Nurse Association”;

Resolutions (filed by Mr. Knapik) “congratulating Bernard M. Lavelle”; and

Resolutions (filed by Mr. Pacheco) “on the occasion of the one hundred eleventh birthday of Kathryn Gemme.”

Communication.

The Clerk read the following communication:

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

October 31, 2005.

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

Dear Mr. Clerk:

On Thursday, October 20th, 2005, the Joint Committee on Public Safety and Homeland Security held an oversight hearing relative to domestic violence prevention and awareness in the Commonwealth. The purpose of this hearing was to review the effectiveness of current domestic violence laws and policies in the Commonwealth and investigate what additional steps can be taken to strengthen the state’s efforts to protect victims of domestic violence and prevent future abuse.

Due to my obligations as the Senate Chair of the Joint Committee on Public Safety and Homeland Security, I was not able to vote on House Bill 4299, “An Act Establishing Minimum Energy-Efficiency Standards for Certain Products”.

I wish to convey to my colleagues my support for strong clean energy policies and had I been present in the chamber I would have voted in favor of this important legislation.

I would appreciate your assistance with the printing of this communication in today’s Senate Journal. Thank you for your attention to this matter.

Sincerely,
JARRETT T. BARRIOS,
State Senator,
Middlesex, Suffolk and Essex District.

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

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The House Bill removing the residency requirement for the town counsel of the town of Arlington (House, No. 35),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Report of a Committee.

By Mr. Barrios, for the committee on Public Safety and Homeland Security, on petition, a Bill clarifying the definition of loaded rifle or shotgun (Senate, No. 1343).

There being no objection, the rules were suspended, on motion of Mr. Hedlund, 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 new draft entitled “An Act clarifying the definition of loaded shotgun or loaded rifle” (Senate, No. 2255).
The amendment was adopted.
The bill (Senate, No. 2255) was then ordered to a third reading.

Reports of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to economic investments to promote job creation, economic stability, and competitiveness in the Massachusetts economy (House, No. 4429, printed as amended),— ought

to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2256; 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 to make forthwith supplemental appropriations for costs for certain capital spending, public investment, and bonded debt of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and by striking out the title and inserting in place thereof the following title: "An Act establishing a Commonwealth investment program."

[Estimated cost:— $273,656,666 (operating funds); $200,000,000 (bond authorization)].

Order Adopted.

Ms. Murray presented the following order, to wit:

Ordered, That, notwithstanding Senate Rule 7 or any other rule to the contrary:

(1) the House bill relative to economic investments to promote job creation, economic stability, and competitiveness in the Massachusetts economy (House, No. 4429), with the proposed new text reported by the Committee on Ways and Means pending, shall be placed in the Orders of the Day for Thursday, November 3, 2005 for its second reading;

(2) all amendments to the bill shall be filed electronically in the office of the Clerk of the Senate by 6:00 P.M. on Wednesday, November 2, 2005;

(3) all such amendments shall be second-reading amendments, but further amendments in the third degree to such amendments shall be in order. After the bill as amended is ordered to a third reading, the question shall immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the Committee on Bills in the Third Reading.

There being no objection, the order was considered forthwith and adopted.
The bill (House, No. 4429, printed as amended) was then placed in the Orders of the Day for the next session for a second reading with the amendments pending.

By Ms. Murray, for the committee on Ways and, Means, that the Senate Bill commonwealth citizen service initiative (Senate, No. 1119),— ought to pass, with amendments in section 14A (as printed), in proposed chapter 6C of the General Laws, by adding the following section:—

"Section 7. The expenditures required by this chapter shall be subject to appropriation."; and in section 123C (as printed), by adding the following proposed section of chapter 73 of the General Laws:—

"Section 28. The expenditures required by sections 21 to 25 shall be subject to appropriation.".

There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and was amended as recommended by the committee on Ways and Means.
The bill (Senate, No. 1119, amended) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to disability or death caused by certain conditions of cancer (Senate, No. 1446),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2257).

There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and was amended as recommended by the committee on Ways and Means.
The bill (Senate, No. 2257) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the House Bill providing for the disposition of certain property in the town of Upton (House, No. 4371),— ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2259.

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

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 Senate Bill relative to elevator license examinations (Senate, No. 2216),— **but objection was made thereto by Mr. Hedlund.**

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill providing death benefits for survivors of volunteer firefighters and other volunteer public safety personnel (see House, No. 4369, 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 and sent to the House for enactment.

Engrossed Bill.

An engrossed Bill exempting the town of Winthrop from certain provisions of the civil service law (see House, No. 4155) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President and laid before the Governor for his approbation.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4475) of Michael F. Kane and Michael R. Knapik that the Department of Correction be directed to establish a sick leave bank for Barry Conway, an employee of the sheriff's department of Hampden County;
Under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 4476) of Kathleen M. Teahan and others for legislation to designate a certain bridge on Route 18 in the town of East Bridgewater as the Cpl. Gordon M. Craig Bridge;
Under suspension of Joint Rule 12, to the committee on Transportation.

Order Adopted.

On motion of Mr. Hedlund,—

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

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