

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, December 7, 2006.

Met at one minute 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.

Distinguished Guests.

There being no objection, the Chair (Mr. Havern) handed the gavel to Mr. Augustus for the purpose of an introduction. Mr. Augustus then introduced seated in the Senate Gallery members of the 2006 Massachusetts State Championship Little League All-Star Team from the town of Auburn. The team was touring the State House and were the guests of Senator Augustus and Representative Frost in Auburn.

Communications.

A communication from the Honorable Robert E. Travaglini, President of the Senate, announcing the appointment of Senator Thomas M. McGee as a member of the Workforce Accountability Task Force (as established pursuant to Section 23 of Chapter 123 of the Acts of 2006),— was placed on file.

A communication from the Hampshire Sheriff's Office relative to corrective measures taken pursuant to a Department of Public Health Inspection of the Hampshire County Jail and House of Correction inspection on 11/18/2006 (received Monday, December 4, 2006),— was read and sent to the House for its information.

Reports.

The following reports were severally read and placed on file:

A report of the Department of Conservation and Recreation (under the provisions of Section 3C of Chapter 21 of the General Laws, as amended by Section 84 of Chapter 26 of the Acts of 2003) submitting a copy of its Annual Report for Fiscal Year 2006 (received Thursday, November 30, 2006);

A report of MassDevelopment (under the provisions of Section 27 of Chapter 498 of the Acts of 1993) submitting its narrative report of activities and financial statement of operations at Devens for fiscal year ended June 30, 2006 (received Thursday, November 30, 2006);

A report of the Commission on Gay and Lesbian Youth submitting the complete list of members (received Monday, December 4, 2006);

A report of the University of Massachusetts Building Authority (under the provisions of Section 6 of Chapter 773 of the Acts of 1960 as amended (the Enabling Act)) submitting a copy of its audited financial statements for the years ended June 30, 2006 and 2005 with Independent Auditors' Report (received Monday, December 4, 2006); and

A report of the Plymouth County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and section 2KKK of Chapter 29 of the General Laws) submitting its eighth plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit

and Oversight) (received Wednesday, December 6, 2006).

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of Bridgewater State Hospital (received Tuesday, December 5, 2006),— was read and sent to the House for its information.

Reports of Committees.

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property to the town of Shirley (Senate, No. 2754);
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

Mr. Buoniconti, for the committee on Steering and Policy, reported that the following matters be placed in the Orders of the Day for the next session:

The House bills

Relative to the issuance of certain alcoholic beverage licenses (House, No. 3340, changed); and

Designating an overpass in the city of New Bedford as the George Evangelos Patisteas Memorial Overpass (House, No. 5295).

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5359) of Virginia M. Coppola and John H. Rogers (by vote of the town) that the retirement board of the town of Norwood be authorized to grant certain creditable service for retirement purposes to Richard Spicer,— was referred, in concurrence, to the committee on Public Service.

Bills

Relative to the Worcester DCU Arena and Convention Center (House, No. 5128,— on Senate, No. 2604 and House, No. 5128)

[Local approval received on Senate, No. 2604 and House, No. 5128]; and

Establishing a sick leave bank for Tatiana Lara-Melendez, an employee of the Department of Mental Retardation (House, No. 5336,— on petition);

Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Bills

Providing for recall elections in the town of Hatfield (House, No. 5286, on petition) [Local approval received]; and

Relative to the stabilization fund of the town of Hopedale (House, No. 5302,— on petition) [Local approval received];

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

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 clarifying coordination of the Diane Zaniboni Breast Cancer Research Fund (Senate, No. 2732),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act clarifying coordination of the funds deposited into the Diane Zaniboni Breast Cancer Research Fund”.**

Sent to the House for concurrence.

The House Bill relative to the safe operation of railroad cars or locomotives (House, No. 2143),— **was read a second time.**

Pending the question on ordering the bill to a third reading, Messrs. Tolman and Havern presented an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2757; and by striking out the title and inserting in place thereof the following title: “An Act punishing interference with the safe operation of trains and certain other common carriers”.

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The House Bill authorizing the town of Shrewsbury to send certain information to the voters of the town (House, No. 5013),— **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. Augustus moved to amend the bill in section 1, by striking out, in line 8, the word “active”.

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the town of Shrewsbury to send certain information to the voters of the town”.

Sent to the House for concurrence in the amendment.

The House Bill relative to election laws in the town of Yarmouth (House, No. 5300),— **was read a second time.**
Pending the question on ordering the bill to a third reading, Mr. O’Leary presented an amendment in section 1, by striking out, in the first sentence, the word “active”.

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act regulating elections in the town of Yarmouth”.

Sent to the House for concurrence in the amendment.

The House Bill authorizing the town of Belmont to establish an other postemployment benefits trust fund (House, No. 5076),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Reports of Committees.

By Mr. Baddour, for the committee on Transportation, on petition (accompanied by bill, Senate, No. 2721), a Bill relative to MBTA fare evasion (Senate, No. 2756).

[Representatives Goguen of Fitchburg, Paulsen of Belmont and Sciortino of Somerville dissenting].

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill 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.

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 House Bill proclaiming December 15 annually as Bill of Rights Day (House, No. 4600).

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

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill relative to the quota of number of alcoholic and wine and malt beverages licenses granted by the Licensing Board for the City of Boston (printed as House, No. 5341) [Local approval received].

There being no objection, the rules were suspended, on motion of Mr. McGee, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act increasing the number of licenses for the sale of alcoholic beverages to be granted by the licensing board for the city of Boston.”

Sent to the House for concurrence.

A report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 2730) of Michael W. Morrissey and Robert J. Nyman (by vote of the town) for legislation to authorize the town of Rockland to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises.

There being no objection, on motion of Mr. Brown, the rules were suspended so that the matter may be considered forthwith.

Mr. Morrissey presented a motion that the report be amended by substitution of a “Rill authorizing the town of Rockland to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises” (Senate, No. 2758).

The motion was accepted and the bill was substituted for the report of the committee.

The bill was read.

There being no objection, on motion of Mr. Brown, the bill 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.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill to provide for reimbursement of human service providers for increases in minimum wage rates (Senate, No. 694),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. McGee, and the bill was read a second time, ordered to a third reading, read a third time and 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 reimbursement of service providers for increases in minimum wage rates.

Sent to the House for concurrence.

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to the terms of certain bonds to be issued by the Commonwealth (printed in House, No. 5237),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Berry, 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 providing the terms of certain bonds to be issued by the Commonwealth.”

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill making appropriations for the fiscal year 2007 to provide funding to support pandemic disease preparation and response in the Commonwealth (House, No. 5349),— ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2759.

There being no objection, the rules were suspended, on motion of Mr. Berry, and the bill was read a second time.

Pending the question on adoption of the Ways and Means amendment, Mr. Tarr moved that the bill be amended by adding the following section:

Section 8. Notwithstanding any general or special law to the contrary, the department of public health shall not approve reduction in licensed acute care, medical-surgical, critical care or other beds licensed pursuant to Chapter 111 of the General Laws if that reduction would adversely impact the pandemic preparedness of any hospital that provides 1 or more essential health services as defined by the department pursuant to section 51G of said chapter 111.

The amendment was adopted.

Mr. Moore moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5069.

The amendment was rejected.

The Ways and Means amendment, as amended, was then adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Petition.

On motion of Mr. Tarr, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Hart, (accompanied by bill) of John A. Hart, Jr. for legislation to designate the Broadway Bridge in South Boston as the James M. Kelly Bridge Boston,— **and the same was referred to the committee on Transportation.**

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill relative to the surviving minor dependents of a former member of the Boston fire department (House, No. 4998,— on petition) [Local approval received],— **was read.**

There being no objection, the rules were suspended, on motion of Mr. McGee, 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 providing increased benefits to the surviving dependents of a former member of the Boston fire department.”

A Bill exempting Jeffrey L. Beohner and John Zaccari from the maximum age requirement for applying for civil service appointment as a police officer in the town of Methuen (House, No. 5318,— on petition) [Local approval received],— **was read.**

There being no objection, the rules were suspended, on motion of Mr. McGee, 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 relative to credit unions (House, No. 5357,— on House, No. 4927),— **was read.**

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

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5360) of Matthew C. Patrick and Robert A. O’Leary for legislation to establish a sick leave bank for William Lewis, an employee of the Trial Court;

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

Petition (accompanied by bill, House, No. 5361) of Mark J. Carron and Richard T. Moore for legislation to establish a sick leave bank for Meridyth L. Reith, an employee of the office of the Fire Marshal of the Commonwealth; and

Petition (accompanied by bill, House, No. 5362) of Lewis G. Evangelidis and others for legislation to establish a sick leave bank for Michael Rafferty, an employee of the Department of Correction;

Severally, under suspension of Joint Rule 12, to the committee on Public Service.

Engrossed Bill.

An engrossed Bill relative to hazardous materials mitigation (see House, No. 1315, amended) (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 re-enacted and was signed by the Acting President (Mr. Havern) and again laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. McGee,—

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 twenty-eight minutes before twelve o'clock noon, the Senate adjourned to meet on the following Monday at eleven o'clock A.M.