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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, December 15, 2005.

Met at two minutes past eleven o'clock A.M. (Mr. Havern in the Chair).

The Chair (Mr. Havern), members, guests and employees then recited the pledge of allegiance to the flag.

Petitions.

Petitions were presented and referred, as follows:

By Ms. Chandler (by request), a petition (subject to Joint Rule 12) of Harvey Green for legislation to require the return of sales tax for returned merchandise;

By Mr. Tisei (by request), a petition (subject to Joint Rule 12) of Tom Keane for legislation relative to creditable service for vocational education teachers; and

By the same Senator (by request), a petition (subject to Joint Rule 12) of Donna J. O'Leary for legislation relative to state tax deductions for gambling losses;

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

Reports of Committees.

By Ms. Spilka, for the committee on Children and Families, on Senate, Nos. 62, 81, 82, 83, 111, 113, 131 and 144, an Order authorizing the joint committee on Children and Families to make an investigation and study of certain Senate documents relative to children and families (Senate, No. 2306); and

By Mr. Baddour, for the committee on Transportation, on petition (accompanied by bill, Senate, No. 1934), an Order authorizing the joint committee on Transportation to make an investigation and study of a certain current Senate document relative to sound barriers (Senate, No. 2307);

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Ms. Tucker, for the committee on Elder Affairs, on petition (accompanied by bill, Senate, No. 401), a Bill providing emergency prescription drug coverage for seniors and the disabled (Senate, No. 2310);

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 529 and House, Nos. 1267 and 2602, a Bill relative to oceans (Senate, No. 2308);

By the same Senator, for the same committee, on Senate, Nos. 474 and 778 and House, Nos. 1317 and 1388, a Bill to promote sustainable agriculture and the use of non toxic pest management (Senate, No. 2309) (Senator Tarr dissenting);

By Ms. Jehlen, for the committee on Public Service, on petition, a Bill relative to retirement group classification of employees of water departments, water districts, sewer departments, sewer districts, water and sewer departments and districts, and wastewater facilities (Senate, No. 1516); and

By the same Senator, for the same committee, on petition, a Bill relative to the Essex Regional Retirement System (Senate, No. 2263);

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

Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, that the recommitted Senate Bill relative to rates of pilotage (Senate, No. 2204),— ought to pass.

Referred, under Senate Rule 26, to the committee on Ethics and Rules.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4573) of Bradley H. Jones, Jr. and Bruce E. Tarr (by vote of the town) relative to town meetings in the town of North Reading,— **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Resolutions.

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

Resolutions (filed by Ms. Menard) “on the retirement of Roger M. Singer”;

Resolutions (filed by Messrs. Moore and Augustus) “congratulating the Nipmuc Regional High School ‘Warriors’ Girls Varsity Soccer Team”;

Resolutions (filed by Mr. Moore) “congratulating the Hopedale Junior-Senior High School ‘Raiders’ Division II Boys Cross Country Team”; and

Resolutions (filed by Mr. Moore) “congratulating the Hopedale Junior-Senior High School ‘Raiders’ Division III Girls Soccer Team.”

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 authorizing part-time employment at Quincy College by city councilors of the city of Quincy (Senate, No. 2033),— **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 House Bill relative to the charter of the town of Harwich (House, No. 4198),— **was read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

A Bill relative to the board of selectmen of the town of Topsfield (House, No. 4224, changed,— on petition) [Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Mr. Knapik, 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 petition (accompanied by bill, House, No. 4572) of Brian P. Wallace relative to mandatory reporting by physicians of the treatment of minors for drug overdoses,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Mental Health and Substance Abuse.**

A petition (accompanied by bill, House, No. 0000) of Brian P. Wallace relative to the classification of controlled release hydromorphone under the controlled substances laws,— came from the House, under suspension of Joint Rule 12, referred to the committee on the Judiciary.

The Senate concurred in the suspension of Joint Rule 12, and NON-concurred in the reference to the committee on the Judiciary.

On motion of Mr. Knapik, the petition was referred to the committee on Mental Health and Substance Abuse. Sent to the House for its action.

Recess.

There being no objection, at twelve minutes past eleven o'clock A.M., the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and, at twenty-three minutes before twelve o'clock noon, the Senate reassembled, Mr. Havern in the Chair.

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the House Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House; No. 4560),— ought to pass, with an amendment in section 2A, by adding the following item:—

“EXECUTIVE OFFICE OF PUBLIC SAFETY.

Gang Prevention Grant Program.

8100-0011

For a grant program to be known as the “Senator Charles E. Shannon, Jr. Community Safety Initiative,” to be administered by the executive office of public safety, to support regional, multi-disciplinary approaches to combat gang violence through coordinated programs for prevention and intervention; coordinated law enforcement, including regional gang task forces and regional crime mapping strategies; focused prosecutions; and reintegration strategies for ex-convicts; provided, that the secretary of public safety shall distribute grant funds through a competitive grant program that gives preference to applications that: (1) demonstrate high levels of youth violence, gang problems and substance abuse in a region; (2) demonstrate a commitment to regional, multi jurisdictional strategies to deal with those community safety issues, including written commitments for municipalities, law enforcement agencies, community-based organizations and government agencies to work together; (3) clearly outline a comprehensive plan for municipalities to work with law enforcement, community-based organizations and government agencies to address gang activity; (4) make a written commitment to match grant funds with a 25 per cent match provided either by municipal or private contributions; and (5) identify a local governmental unit to serve as fiscal agent; provided further, that clusters of municipalities, in partnership with nonprofit organizations and other agencies, including district attorneys’ offices, shall be eligible to apply for these funds; provided further, that those funds shall be considered one-time and grants awarded to public agencies shall not annualize in fiscal year 2007; provided further, that administrative costs for successful grant applications shall not exceed 3 per cent of the value of the grant; provided further, that no grants shall be awarded to the department of state police; provided further, that no grant funds shall be expended on food or beverages; provided further that the executive office of public safety shall publish guidelines and an application for the competitive portion of the grant program not later than April 15, 2006 and that awards shall be made to applicants not later than June 15, 2006; provided further, that the executive office of public safety may expend not more than \$100,000 of the sum appropriated in this item for its costs in administering this program; provided further, that the executive office of public safety shall submit a report to the house and senate committees on ways and means’ detailing the amount of the grants awarded to recipients and descriptions of the grants; and provided further, that each grant recipient shall provide the executive office of public safety with a comprehensive list of the best practices that have been instituted as a result of these grants11,000,000.”;

By inserting after section 2A the following section:—

“SECTION 3. The first sentence of subparagraph (i) of paragraph (5) of subsection (1) of section 6 of chapter 62 of the General Laws, inserted by section 1 of chapter 158 of the acts of 2005, is hereby amended by striking out the word ‘film’.”; and by adding the following section:—

“SECTION 5. Section 3 shall be effective for tax years beginning on or after January 1, 2006 and before January 1, 2013.”

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

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

Sent to the House for concurrence in the amendments.

Recess.

There being no objection, at twenty-one minutes before twelve o'clock noon, the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and, at eight minutes past two o'clock P.M., the Senate reassembled, Mr. Morrissey in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4560, 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.

Subsequently, the bill, which originated in the House, 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 and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Knapik,—

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 a quarter past two o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.