

**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.

*Monday, January 30, 2006.*

Met at three minutes past eleven o'clock A.M. (Mr. Hart 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. Hart), members, guests and employees then recited the pledge of allegiance to the flag.

#### *Communication.*

A communication from the Honorable Robert E. Travaglini, President of the Senate, announcing the appointment of Ms. Linda A. Cavaoli to the Massachusetts Commission on the Status of Women (established pursuant to Section 66 of Chapter 3 of the General Laws) to serve a three year term, effective Wednesday, February 1, 2006,— **was placed on file.**

#### *Petitions.*

Petitions were presented and referred, as follows:

By Ms. Creem, a petition (subject to Joint Rule 12) of Cynthia S. Creem for legislation to promote biomedical research through tax incentives; and

By Mr. Panagiotakos, a petition (subject to Joint Rule 12) of Steven C. Panagiotakos, David M. Nangle, Thomas A. Golden, Jr. and Kevin J. Murphy for legislation relative to a parcel of land in the city of Lowell;

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

#### *Reports of Committees.*

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on Senate, Nos. 186, 187, 194, 197, 206, 212, 214, 233, 239, 240, 252, 253 and 255, an Order relative to authorizing the joint committee on Consumer Protection and Professional Licensure to make an investigation and study of certain current Senate documents relative to consumer protection and profession licensure (Senate, No. 2349);

By Mr. Morrissey, for the committee on Telecommunications, Utilities and Energy, on Senate, Nos. 1789, 1791, 1792, 1793, 1794, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1811, 1816, 1820, 1822, 1823, 1824, 1826, 1827, 1828, 1829, 1830, 1832, 1833 and 1835, an Order relative to authorizing the joint committee on Telecommunications, Utilities and Energy to make an investigation and study of certain current Senate documents relative to telecommunications, utilities and energy Senate, No. 2350).

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

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill relative to the prohibition of alcoholic beverage vaporizers (Senate, No. 2311);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 219), a Bill regarding real estate appraisal trainees (Senate, No. 2348); and

By Ms. Jehlen, for the committee on Public Service, on Senate, Nos. 1498, 1529 and 1573, a Bill authorizing certain public employees creditable retirement service (printed as House, No. 456, changed in section 1 by inserting after the words “Peace Corps or Vista”, in line 9, the following words:— “Americorps Vista, Teachers Corps,” and by inserting after the words “retirement system”, in line 19, the following words:— “plus buyback interest”);

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

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 2087), a Bill authorizing the town of Bellingham to grant 1 additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2347) [Local approval received on Senate, No. 2087]; and

By Mr. Augustus, for the committee on Election Laws, on petition, a Bill relative to write-in candidates in the town of Burlington (Senate, No. 2252) [Local approval received];

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

#### **PAPER FROM THE HOUSE.**

A Bill relative to community preservation funds (House, No. 1680,— on petition);

**Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:— Resolutions (filed by Mr. Joyce) “commending the Captain Forbes House Museum’s ‘Lincoln Day’ ”; and Resolutions (filed by Mr. Pacheco) “recognizing Patricia ‘Patty’ Goss.”

#### **PAPERS FROM THE HOUSE.**

##### *Emergency Preambles Adopted; Engrossed Bills Enacted.*

An engrossed Bill establishing a sick leave bank for Maureen Quinney, an employee of the Department of Revenue (see House, No. 4450), 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. Hart) 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 (Mr. Hart) and laid before the Governor for his approbation.**

An engrossed Bill establishing a sick leave bank for Barry Conway, an employee of the Department of Correction (see House, No. 4475, 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 3 to 0.

**The bill was signed by the Acting President (Mr. Hart) 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 (Mr. Hart) and laid before the Governor for his approbation.**

#### *Engrossed Bill — Amended.*

The engrossed Bill establishing an affordable housing trust fund in the town of Wellfleet (see House, No. 4094) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was laid before the Senate.

Pending the question on passing the bill to be enacted, on motion of Mr. Knapik, Senate Rule 49 was suspended.

Mr. O’Leary presented an amendment in section 2, by striking out the first sentence and inserting in place thereof the following sentence:— “The town treasurer of the town of Wellfleet shall be the custodian of the fund and may deposit proceeds in national banks or invest them in securities that are legal for the investment of funds of savings banks under the laws of the commonwealth

or in federal savings and loan associations in the commonwealth.”

**The amendment was adopted.**

**Sent to the House for concurrence in the amendment.**

*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 House Bill relative to the membership of the Salem and Beverly Water Supply Board (House, No. 3595).

**There being no objection, the rules were suspended, on motion of Mr. Tisei, 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 increasing the membership of the Salem and Beverly Water Supply Board.”**

**PAPERS FROM THE HOUSE.**

*Engrossed Bills.*

The following engrossed bills (all of which originated in the House), 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. Hart) and laid before the Governor for his approbation, to wit:

Increasing the term of the moderator of the town of Eastham (see House, No. 4103);

Authorizing the town of Brewster to establish an affordable housing fund (see House, No. 4130); and

Revising the procedure for appointing members of the finance committee of the town of Arlington (see House, No. 4269).

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4661) of Bruce E. Tarr that the Department of Conservation and Recreation be authorized to exchange certain land in the town of Rowley for certain other land located in said town;

**Under suspension of Joint Rule 12, to the committee on Bonding, Capital Expenditures and State Assets.**

Petition (accompanied by bill, House, No. 4662) of Paul J. Donato relative to creditable service for certain town elected officials;

**Under suspension of Joint Rule 12, to the committee on Public Service.**

*Order Adopted.*

On motion of Mr. Tisei,—

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o’clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Mr. Knapik, at twelve minutes past eleven o’clock A.M., the Senate adjourned to meet on the following Thursday at eleven o’clock A.M.