

**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, February 2, 2006.*

Met at one minute past eleven o'clock A.M. (Ms. Wilkerson 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 (Ms. Wilkerson), members, guests and employees then recited the pledge of allegiance to the flag.

#### *Distinguished Guests.*

There being no objection, the Chair (Ms. Wilkerson) handed the gavel to Ms. Fargo for the purpose of an introduction. Ms. Fargo then introduced two students from Weston High School, Kristin Chan and Nathan Lipkin. The students were participating in Job Shadow Day.

There being no objection, the Chair (Ms. Wilkerson) handed the gavel to Mr. McGee for the purpose of an introduction. Mr. McGee then introduced two students from Lawrence High School, Angel Vazques and Jasmin Chazulle. The students were participating in Job Shadow Day.

#### *Communications.*

Ms. Wilkerson in the Chair, the following communications were severally read and placed on file, to wit:

A communication from the Honorable Robert E. Travaglini, President of the Senate, announcing the appointment of Senators Thomas M. McGee, Cynthia Stone Creem and Steven A. Baddour to the Special Commission established (pursuant to Section 8 of Chapter 54 of the Acts of 2005) to make an investigation and study of a fee structure to provide funding for counsel to indigent persons; and

A communication from the Administrative Office of the Trial Court (pursuant to line item 0331-3200 of the General Appropriation Act for Fiscal Year 2006) relative to the number of Trial Court court officers and associate court officers located in each of its courts (received Tuesday, January 31, 2006).

A communication from the Public Employee Retirement Administration Commission (under the provisions of Section 50 of Chapter 7 of the General Laws) relative to rules and regulations governing retirement of public employees in Massachusetts (Senate, No. 2354) (received Tuesday, January 31, 2006),— **was referred to the committee on State Administration and Regulatory Oversight.**  
**Sent to the House for concurrence.**

#### *Reports.*

The following reports were severally read and placed on file:

A report of the Division of Unemployment Assistance (under the provisions of Section 14F of Chapter 151A of the General Laws, as most recently amended by Section 6 of Chapter 142 of the Acts of 2003) relative to the condition of the Unemployment Insurance Trust Fund for the month of December 2005 (received Friday, January 27, 2006);

A report of the Department of Revenue (under the provisions of Section 38 of Chapter 63 of the General Laws) relative to mutual fund service providers utilizing the single sales factor and destination sourcing of sales in determining their Massachusetts taxable income for tax years 2000 and 2001 (received Tuesday, January 31, 2006); and

A report of the Department of Revenue (under the provisions of Section 38 of Chapter 63 of the General Laws) relative to manufacturers utilizing the single sales factor in determining their Massachusetts taxable income for tax years 2000 and 2001 (received Tuesday, January 31, 2006).

#### *Reports of Committees.*

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition, a Bill providing for a memorial and archive in the State House for the Massachusetts Legislator's Association commemorating former members of the Great and General Court (Senate, No. 1749); and

By the same Senator, for the same committee, on petition, a Bill providing for healthy alternatives in vending machines located in state-owned buildings (Senate, No. 1754).

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

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition, a Bill designating the garter snake as the official reptile of the Commonwealth (printed as House, No. 3453);

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

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 Senate Bill relative to the operations and governance of credit unions (Senate, No. 2288); and

The House Bill establishing a special account for the Norfolk County Fire and Rescue Dispatch Center (House, No. 4374).

#### *Committee Discharged.*

Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate 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 professional licensure (Senate, No. 2349); and

Of the Senate 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);

**And recommending that the same severally be referred to the Senate committee on Ethics and Rules.**

**Under Senate Rule 36, the reports were severally considered forthwith and accepted.**

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

A Bill authorizing the town of Concord to establish a post retirement group health insurance trust fund (House, No. 2980,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

A report of the committee on Municipalities and Regional Government, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3577) of Brian S. Dempsey and others relative to the creation of technical assistance centers within regional planning districts for the delivery of coordinated, comprehensive and continuing services to local governments, and recommending that the same be referred to the committee on Labor and Workforce Development,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:— Resolutions (filed by Messrs. Tolman, Travaglini and Barrios) “honoring the Reverend Doctor Joseph E. Lowery for his tireless advocacy for truth, justice and civil rights”; and

Resolutions (filed by Ms. Wilkerson) “commending Mildred Hailey.”

## **PAPERS FROM THE HOUSE.**

### *Engrossed Bills.*

The following engrossed bills (the first two of which originated in the Senate), 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 (Ms. Wilkerson) and laid before the Governor for his approbation, to wit:

Authorizing the town of Auburn to convey a certain parcel of land (see Senate, No. 2162);

Designating Taj Mahal as the official blues artist of the Commonwealth (see Senate, No. 2262);

Increasing the membership of the Salem and Beverly Water Supply Board (see House, No. 3595); and

Authorizing the application of Benjamin Joress for a civil service examination for police officer notwithstanding the minimum age requirement (see House, No. 4352).

### *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 relative to write-in candidates in the town of Burlington (Senate, No. 2252),— 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 regulating the election of write-in candidates in the town of Burlington”.

**Sent to the House for concurrence.**

The Senate 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),— **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 authorizing the town of Arlington to establish a special account relative to the Symes conservation and improvement project (House, No. 4270),— **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 authorizing the town of Arlington to establish a special account for the Symmes Conservation and Improvement Project”.**

### *Reports of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to grant certain easements to the town of Princeton over lands held for conservation/recreation (Senate, No. 40),— **ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2355). There being no objection, the rules were suspended, on motion of Ms. Fargo, and the bill was read a second time, and was amended, as recommended by the committee on Ways and Means.**

The bill (Senate, No. 2355) was then 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 relative to the disposition of easements or other interests in land in Uxbridge under the care and control of the Department of Conservation and Recreation (Senate, No. 53),— **ought to pass, with an amendment, by striking out sections 10 and 11 (as printed). There being no objection, the rules were suspended, on motion of Mr. Rosenberg, and the bill was read a second time, and was amended, as recommended by the committee on Ways and Means.**

The bill (Senate, No. 53, amended) was then 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 authorizing the disposition of easements or other interests in land in the town of Uxbridge under the care and control of the Department of Conservation and Recreation.”

**Sent to the House for concurrence.**

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Samuel Russell, an employee of the Trial Court (House, No. 4569),— **ought to pass.**

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

On motion of Ms. Fargo, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Berry, (accompanied by bill) of Frederick E. Berry, Joyce A. Spiliotis, Theodore C. Speliotis and Douglas W. Petersen for legislation relative to the Massachusetts Port Authority,— **and the same was referred to the committee on Transportation;**

On motion of Mr. Rosenberg, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Berry, (accompanied by bill) of Frederick E. Berry, Joyce A. Spiliotis, Theodore C. Speliotis, John D. Keenan and other members of the General Court for legislation to increase the membership of the Massachusetts Port Authority,— **and the same was referred to the committee on Transportation.**

On motion of Mr. Brown, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Tarr, (accompanied by bill) of Bruce E. Tarr and Bradford Hill for legislation relative to the status of cooperative corporations in the community preservation act,— **and the same was referred to the committee on Community Development and Small Business. Severally, sent to the House for concurrence.**

*Report of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Erving (House, No. 1433),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Ms. Fargo, and the bill 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. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Jarrett T. Barrios, Susan C. Fargo, Carl M. Sciortino, Jr., Kay Khan and other members of the General Court for legislation relative to public safety at health facilities.

**Senate Rule 36 was suspended, on motion of Mr. Brown, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.**

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Robert A. O'Leary for legislation to establish a sick leave bank for Susan Moulaison, an employee of the Barnstable District Court.

**Senate Rule 36 was suspended, on motion of Mr. Brown, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.**

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Cynthia S. Creem for legislation to promote biomedical research through tax incentives.

**Senate Rule 36 was suspended, on motion of Mr. Brown, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue.**

By Mr. Buoniconti, 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 David L. Flynn for legislation to authorize the Department of Highways to convey and acquire certain parcels of land in the town of Bridgewater.

**Senate Rule 36 was suspended, on motion of Mr. Brown, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Severally, sent to the House for concurrence.**

**PAPERS FROM THE HOUSE.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4668) of Anne M. Gobi and others relative to advertising by justices of the peace for the solemnization of marriages;

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

Petition (accompanied by bill, House, No. 4667) of Regina Anshewitz relative to the period of time for eligibility of certain public employees to qualify for accidental disability retirement;

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

Petition (accompanied by bill, House, No. 4666) of Douglas W. Petersen and others for legislation to provide an income tax deduction for losses caused by theft or fraud;

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

*Order Adopted.*

On motion of Ms. Fargo,—

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 fourteen minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.