

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 3, 2005.

Met at thirteen minutes past one o'clock P.M.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the President handed the gavel to Ms. Wilkerson and Ms. Walsh for the purpose of an introduction. Ms. Wilkerson introduced, seated in the rear of the Chamber, former Senator James Hennigan. Former Senator Hennigan is visiting the Senate on the 50th Anniversary of his first term in the Massachusetts State Senate and was accompanied by daughters Maura Hennigan, a Boston City Councilor, and Helen. Former Senator Hennigan briefly addressed the Senate and withdrew from the Chamber.

There being no objection, the President handed the gavel to Mr. O'Leary for the purpose of an introduction. Mr. O'Leary introduced seated in the Senate Gallery the Provincetown High School student council.

There being no objection, the President handed the gavel to Mr. Brown for the purpose of an introduction. Mr. Brown introduced, seated in the Senate Gallery, John MacGillivray, the director of Veteran's Services for the town of Natick. Mr. MacGillivray was the guest of Mr. Brown and Ms. Spilka.

Communications.

The Senate President and the Minority Leader have announced the following committee appointments:

OFFICE OF THE PRESIDENT
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1007

February 3, 2005.

Mr. William Welch
Clerk of the Senate
State House
Room 335
Boston, MA 02133

Dear Mr. Clerk,

I have on this day made the following committee appointments:

Senate Standing Committees

Ways and Means

Murray — Chair
Panagiotakos — Vice Chair
Tolman — Asst. Vice Chair
Antonioni
Augustus
Brewer
Chandler
Fargo
Morrissey
Pacheco
Resor
Shannon
Tucker
Wilkerson

Post Audit & Oversight

Pacheco — Chair
Fargo — Vice Chair
Baddour
Havern
Moore
Panagiotakos

Rules & Ethics

Shannon — Chair
Travaglini — Vice Chair
Menard
Murray

Bills in Third Reading

Brewer — Chair
Shannon — Vice Chair
Moore
Montigny

Joint Standing Committees

Financial Services

Nuciforo — Chair
Wilkerson — Vice Chair
Buoniconti
Montigny
Tucker

Higher Education

O'Leary — Chair
Panagiotakos — Vice Chair
Moore
Nuciforo
Rosenberg

Economic Development & Emerging Technology

Hart — Chair
Montigny — Vice Chair
Creem
Spilka
Tucker

Mental Health & Substance Abuse

Tolman — Chair
Antonioni — Vice Chair
Berry
Hart
Wilkerson

Education

Antonioni — Chair
Augustus — Vice Chair
Resor
Spilka

Health Care Financing

Moore — Chair
Tolman — Vice Chair
Chandler
Fargo

Wilkerson

Spilka

Election Laws

Augustus — Chair
Spilka — Vice Chair
Baddour
Morrissey
Nuciforo

Public Health

Fargo — Chair
Creem — Vice Chair
Barrios
Buoniconti
Chandler

***Telecommunications, Utilities &
Energy***

Morrissey — Chair
Tucker — Vice Chair
Creem
Pacheco
Walsh

The Judiciary

Creedon — Chair
Baddour — Vice Chair
Antonioni
Creem
McGee

***Consumer Protection &
Professional Licensure***

Morrissey — Chair
Montigny — Vice Chair
Barrios
Joyce
Nuciforo

Children & Families

Spilka — Chair
McGee — Vice Chair
Baddour
Berry
Resor

Housing

Joyce — Chair
O'Leary — Vice Chair
Barrios
Chandler
Panagiotakos

***State Administration & Regulatory
Oversight***

Wilkerson — Chair
Shannon — Vice Chair
Creedon
Fargo
Tolman

***Environment, Natural Resources
& Agriculture***

Resor — Chair
Pacheco — Vice Chair
Brewer
Creedon
O'Leary

Elder Affairs

Tucker — Chair
Nuciforo — Vice Chair
Creedon
O'Leary
Timilty

***Public Safety & Homeland
Security***

Barrios — Chair
Brewer — Vice Chair
Buoniconti

***Tourism, Arts & Cultural
Development***

Hart — Chair
Timilty — Vice Chair
Morrissey

Menard
Pacheco

Resor
Walsh

Public Service

Buoniconti — Chair
Tolman — Vice Chair
Hart
Joyce
Shannon

***Community Development & Small
Business***

Chandler — Chair
Buoniconti — Vice Chair
Joyce
McGee
Timilty

Transportation

Baddour — Chair
Chandler — Vice Chair
Barrios
McGee
Montigny
Timilty

Labor & Workforce Development

McGee — Chair
Resor — Vice Chair
Antonioni
Augustus
Tolman

***Municipalities & Regional
Government***

Timilty — Chair
Shannon — Vice Chair
Baddour
Barrios
Fargo

Revenue

Creem — Chair
Joyce — Vice Chair
Havern
O'Leary
Rosenberg

***Bonding, Capital Expenditures &
State Assets***

Montigny — Chair
Joyce — Vice Chair
Creem
Moore
Wilkerson

Veterans & Federal Affairs

Brewer — Chair
Creedon — Vice Chair
Augustus
Hart
McGee

Sincerely,
ROBERT E. TRAVAGLINI,
Senate President.

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

February 3, 2005.

Mr. William Welch
Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

The following are the Republican caucus committee assignments for the 2005-2006 legislative session.

Senate Standing Committees:

Ways & Means	Senator Knapik of Hampden and Hampshire
	Senator Tisei of Middlesex and Essex
Bills in Third Reading	Senator Tarr of Essex and Middlesex
	Senator Tarr of Essex and Middlesex
Post Audit & Oversight	Senator Hedlund of Plymouth and Norfolk
	Senator Lees of Hampden and Hampshire
Ethics and Rules	Senator Tisei of Middlesex and Essex

Joint Standing Committees:

Bonding, Capital Expenditures and State Assets	Senator Knapik of Hampden and Hampshire
Children and Families	Senator Tarr of Essex and Middlesex
Community Development and Small Business	Senator Hedlund of Plymouth and Norfolk
Consumer Protection and Professional Licensure	Senator Brown of Norfolk, Bristol and Middlesex
Economic Development and Emerging Technology	Senator Tisei of Middlesex and Essex
Education	Senator Brown of Norfolk, Bristol and Middlesex
Elder Affairs:	Senator Tisei of Middlesex and Essex
Election Laws	Senator Brown of Norfolk, Bristol and Middlesex
Environment, Natural Resources and Agriculture	Senator Tarr of Essex and Middlesex
Financial Services	Senator Brown of Norfolk, Bristol and Middlesex
Health Care Financing	Senator Brown of Norfolk, Bristol and Middlesex
Higher Education	Senator Tarr of Essex and Middlesex
Housing	Senator Hedlund of Plymouth and Norfolk
The Judiciary	Senator Lees of Hampden and

Labor and Workforce Development	Hampshire Senator Hedlund of Plymouth and Norfolk
Mental Health and Substance Abuse	Senator Tisei of Middlesex and Essex
Municipalities and Regional Government	Senator Knapik of Hampden and Hampshire
Public Health	Senator Tarr of Essex and Middlesex
Public Safety and Homeland Security	Senator Tarr of Essex and Middlesex
Public Service	Senator Hedlund of Plymouth and Norfolk
State Administration and Regulatory Oversight	Senator Tisei of Middlesex and Essex
Revenue	Senator Knapik of Hampden and Hampshire
Telecommunications, Utilities and Energy	Senator Lees of Hampden and Hampshire
Tourism, Arts and Cultural Development	Senator Lees of Hampden and Hampshire
Transportation	Senator Hedlund of Plymouth and Norfolk
Veterans and Federal Affairs	Senator Brown of Norfolk, Bristol and Middlesex

Thank you for your consideration of this matter.

Sincerely,
BRIAN P. LEES,
Minority Leader.

Resolutions.

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

Resolutions (filed by Mr. Brown and Ms. Creem) “congratulating the Rotary Club of Wellesley for 100 years of community service”;

Resolutions (filed by Mr. Creedon) “congratulating Haikal Haikal on the occasion of his seventy-fifth birthday”; and

Resolutions (filed by Mr. Lees) “commending the Ronald Reagan Legacy Project’s celebration of February 6, 2005 as ‘Ronald Reagan Day’.”

Order Adopted.

Mr. Brewer offered the following order,—

Ordered, That Senate Rule 7 be amended by striking out the words “Steering and Policy” each time they appear and inserting in place thereof the words “Ethics and Rules”.

The order was adopted.

Recess.

There being no objection, at a half past one o’clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-four minutes past two o’clock P.M., the Senate reassembled, the President in the Chair.

PAPER FROM THE HOUSE.

A Bill relative to expanding the military mission at Hanscom Air Force Base and Soldier Systems Center — Natick(House, No. 2008, amended,— being a message from His Excellency the Governor),— was read.

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

Pending the question on ordering the bill to a third reading, Ms. Fargo moved the bill be amended by inserting after Section 5 (as printed) the following section:—

“SECTION 5A. MassDevelopment shall establish an advisory council of the municipal governments in which Hanscom and Natick are located, which shall consist of a representative, appointed by the executive body, from each of the towns of Bedford, Concord, Lexington, Lincoln and Natick. The advisory council shall receive quarterly progress updates on the project’s development from MassDevelopment and shall offer comment on local concerns and considerations regarding the progress and development of the project.”

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, its title having been changed by the committee on Bills in the Third Reading to read as follows: An Act relative to expanding the military mission at Hanscom Air Force Base and the US Army Soldier Systems Center (Natick)’’.

Sent to the House for concurrence in the amendment.

Recess.

There being no objection, at eighteen minutes before three o’clock P.M., the President declared a recess subject to the call of the Chair; and, at ten minutes past three o’clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

The House Bill relative to expanding the military mission at Hanscom Air Force Base and the US Army Soldier Systems Center (Natick) (House, No. 2008, amended),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment inserting after section 5 (as printed) the following section:—

“SECTION 5A. MassDevelopment shall establish an advisory council of the municipal governments in which Hanscom and Natick are located, which shall consist of a representative, appointed by chief executive officer, from each of the towns of Bedford, Concord, Lexington, Lincoln, and Natick. The advisory council shall received quarterly progress updates on the project’s development from MassDevelopment and shall offer comment on local concerns and considerations regarding the progress and development of the project.”.

On motion of Ms. Fargo, the Senate receded from its amendment.

Emergency Preamble Adopted.

An engrossed Bill relative to expanding the military mission at Hanscom Air Force Base and the US Army Soldier Systems Center (Natick) (see House, No. 2008, 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 9 to 0.

The bill was signed by the President and sent to the House for enactment.

Distinguished Guests.

There being no objection, the Chair (Ms. Walsh) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) introduced, seated in the Senate Gallery, Girl Scouts Troop 4412 from Scituate. They were the guests of Senator Hedlund.

PAPER FROM THE HOUSE.

Engrossed Bill — State Loan.

An engrossed Bill relative to expanding the military mission at Hanscom Air Force Base and the US Army Soldier Systems Center (Natick) (see House, No. 2008, amended) (which originated in the House), having been certified by the SenateClerk to be rightly and truly prepared for final passage, was put upon its final passage; and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was deter- mined by a call of the yeas and nays, at eleven minutes past four o’clock A.M., as follows, to wit (yeas 36 — nays 0) [**Yeas and Nays No. 3**]:

YEAS.

Antonioni, Robert A.
Augustus, Edward M., Jr.

Menard, Joan M.
Montigny, Mark C.

Baddour, Steven A.
Barrios, Jarrett T.
Berry, Frederick E.
Brewer, Stephen M.
Brown, Scott P.
Buoniconti, Stephen J.
Chandler, Harriette L.
Creem, Cynthia Stone
Fargo, Susan C.
Hart, John A., Jr.
Havern, Robert A.
Hedlund, Robert L.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
McGee, Thomas M.

Moore, Richard T.
Murray, Therese
Nuciforo, Andrea F., Jr.
O'Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — **36.**

NAYS — 0.

ABSENT OR NOT VOTING.

Creedon, Robert S., Jr.
Morrissey, Michael W.

Shannon, Charles E. — **3.**

The yeas and nays having been completed at a quarter past four o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Berry,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M.

Adjournment in Memory of Patrick C. Forde.

The Senator from Norfolk, Bristol and Middlesex, Mr. Brown moved that when the Senate adjourns today, it adjourn in memory of Patrick C. Forde of Needham. Mr. Forde was a member of the staff of Representative Lida E. Harkins and a long-time participant in local government who died on Wednesday, January 26, 2005.

Accordingly, as a mark of respect to the memory of Patrick C. Forde, at seventeen minutes past four o'clock P.M., on motion of Mr. Lees, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.