

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 17, 2005.

Met at one minute 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.

Engrossed Bill — Laid Before the Governor.

An engrossed Bill making appropriations for the fiscal year 2005 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 2010, amended) (which originated in the House), **having been passed to be enacted and was signed by the Acting President (Mr. Havern) on Tuesday, February 15, 2005,— was laid before the Governor on Wednesday, February 16, 2005, for his approbation.**

Distinguished Guests.

There being no objection, the Chair (Mr. Havern) handed the gavel to the Senator from Middlesex, Suffolk and Essex, Mr. Barrios, who introduced, in the rear of the Chamber, the first and second grade classes of the King Open School in Cambridge. Among the students in attendance was the Senator's son, Nathaniel. They were accompanied by their teacher Suzanne and several parents. They were the guests of Senator Barrios.

Reports.

The following reports were severally read and placed on file:

A report of the Public Employee Retirement Administration Commission (under the provisions of Section 3 of Chapter 114 of the Acts of 2000) submitting its annual report relative to an alternative retirement benefit program for members of the State Teachers' Retirement System and Boston teachers (received Friday, January 7, 2005); and

A report of the Executive Office of Transportation and Construction (pursuant to line item 6000-0100 of the General Appropriation Act for fiscal year 2005) submitting various reports (received Monday, February 14, 2005).

The following reports were severally read and sent to the House for its information:

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 the Worcester County House of Correction and Jail (received Friday, February 11, 2005); and

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 the Essex County Correctional Alternative Center (received Friday, February 11, 2005).

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 31) of J. James Marzilli, Jr., and others (by vote of the town) that the town of Arlington be authorized to place alcoholic beverages in said town; and

Petition (accompanied by bill, House, No. 32) of J. James Marzilli, Jr., and others (by vote of the town) relative to increasing the number of licenses for the sale of alcoholic beverages for certain restaurants in the town of Arlington;
Severally to the committee on Election Laws.

Petition (accompanied by bill, House, No. 34) of J. James Marzilli, Jr., and others (by vote of the town) that the town of Arlington be authorized to transfer certain funds from the building insurance trust fund to the stabilization fund of said town;

Petition (accompanied by bill, House, No. 35) of J. James Marzilli, Jr., and others (by vote of the town) for legislation to remove the residency requirement for the town council of the town of Arlington; and

Petition (accompanied by bill, House, No. 36) of Bradley H. Jones, Jr., Patrick M. Natale and Richard R. Tisei for legislation to authorize the conservation commission of the town of Reading to grant certain easements in said town;
Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 33) of J. James Marzilli, Jr., and others (by vote of the town) that Timothy Pacheco of the town of Arlington be authorized to apply for the position of fire fighter in said town, notwithstanding the maximum age requirements;
To the committee on Public Service.

Communications.

The Clerk read the following communications:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1063

February 16, 2005.

Mr. William Welch, *Clerk*
Massachusetts State Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

On Tuesday February 15, 2005, I was away from the State House due to a scheduling conflict and I was therefore unable to participate in a roll call vote pertaining to passing the following bill to be engrossed:

House Bill #2010 — A Bill Making Appropriations for the Fiscal Year 2005 to Provide for Supplementing Certain Existing Appropriations and for Certain other Activities and Projects. Had I been present, I would have voted in the affirmative.

I am respectfully requesting that a copy of this letter be printed in the Senate Journal as part of the official record for February 15th, 2005. Thank you in advance for your assistance in this matter.

Sincerely,
CYNTHIA STONE CREEM,
State Senator,
1st Middlesex and Norfolk.

On motion of Mr. Augustus, the above communication was ordered printed in the Journal of the Senate.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1063

February 17, 2005.

Mr. William Welch
Clerk of the Massachusetts Senate

State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

I was out of the state during the formal Senate session on Tuesday February 15, 2005, and therefore, was not present for the roll call vote relative to the Supplemental Appropriations bill, House bill, No. 2010.

Had I been present, I would have voted in the affirmative on Roll Call No. 4, relative to the engrossment of the supplemental appropriations bill.

I would appreciate your assistance with the printing of this communication in the Senate Journal. Thank you for your assistance with this request.

Sincerely,
STANLEY C. ROSENBERG,
State Senator,
Hampshire and Franklin.

On motion of Mr. Timilty, the above communication was ordered printed in the Journal of the Senate.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1063

February 16, 2005.

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

Dear Mr. Clerk,

Due to my ongoing recuperation, I was absent from the Senate Chambers on February 15th, 2005 and therefore missed the roll call vote relative to engrossing House Bill 2010, An Act Making Appropriations for the Fiscal Year 2005 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects. Had I been present, I would have voted in the affirmative on this matter.

I am respectfully requesting that a copy of this letter be printed in the Senate Journal as part of the official record for February 15th, 2005. Thank you in advance for your assistance in this matter.

Sincerely,
CHARLES E. SHANNON,
State Senator,
2nd Middlesex.

On motion of Ms. Fargo, the above communication was ordered printed in the Journal of the Senate.

Orders.

Mr. Barrios presented the following order:

Ordered, That the report on Reducing Gang Violence in the Commonwealth of Massachusetts by the Joint Committee on Public Safety of the 2003-2004 General Court be received, placed on file, and printed as a legislative document.

Under the rules, the order was referred to the committees on Rules of the two branches, acting concurrently.

Subsequently, Mr. Shannon, for the committees, reported, recommending that the order be adopted.

The rules were suspended, on motion of Mr. Barrios, and the order was considered forthwith; and it was adopted. Sent to the House for concurrence.

Mr. Joyce offered the following order:

Ordered, That the special commission on converting the state property known as Brookwood Farm to a governor's residence, established by section 392 of chapter 149 of the acts of 2004, may file its report after February 15, 2005.

Under the rules, the order was referred to the committees on Rules of the two branches, acting concurrently.

Subsequently, Mr. Shannon, for the committees, reported, recommending that the order be adopted.

The rules were suspended, on motion of Mr. Brown, and the order was considered forthwith; and it was adopted. Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Brown,—

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

On motion of Mr. Augustus, at seven minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Tuesday at eleven o'clock A.M.