

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 23, 2006.

Met at four 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 Department of Youth Services (pursuant to Section 16 of Chapter 123A of the General Laws) submitting a letter relative to the treatment of persons committed as sexually dangerous (received Friday, February 17, 2006),— was placed on file.

Reports.

A report of the Massachusetts Water Pollution Abatement Trust (under the provisions of Section 17 of Chapter 29C of the General Laws) submitting its comprehensive annual report for the fiscal year ended June 30, 2005 (received Friday, February 17, 2006),— was placed on file.

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 Souza-Baranowski Correctional Center (received Friday, February 17, 2006),— was read and sent to the House for its information.

Petition.

Mr. Antonioni presented a petition (accompanied by bill, Senate, No. 2386) of Robert A. Antonioni and Jennifer L. Flanagan (with approval of mayor and city council) for legislation relative to a tax abatement filing for the National Plastics Center and Museum in Leominster [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Revenue.**

Sent to the House for concurrence.

Reports of Committees.

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill amending the conservation restriction and agricultural preservation statutes (Senate, No. 2136),— **ought to pass;**
Referred, under Senate Rule 27, to the committee on Ways and Means.

By Mr. Antonioni, for the committee on Education, on Senate, Nos. 66, 294, 305, 306, 307, 311, 312, 314, 315, 324, 326, 330, 336, 337, 338, 349, 353, 354, 358, 359, 360 and 362, an Order relative to authorizing the joint committee on Education to make

an investigation and study of certain current Senate documents relative to education (Senate, No. 2382); and

By Mr. Tolman, for the committee on Mental Health and Substance Abuse, on Senate, Nos. 127 and 1142, an Order relative to authorizing the joint committee on Mental Health and Substance Abuse to make an investigation and study of certain current Senate documents relative to mental health issues (Senate, No. 2384);

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

By Mr. Antonioni, for the committee on Education, on petition, a Bill relating to the term of certain bonds of the Manchester Essex Regional School District to be issued to finance the construction of a new district high school/middle school (Senate, No. 2383);

Read and, under Joint Rule 1F, referred to the committee on Bonding, Capital Expenditures and State Assets.

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Danvers located along Maple Street (Senate, No. 33);

By the same Senator, for the same committee, on petition, a Bill conveying certain property in the city of Worcester to community healthlink (Senate, No. 41);

By the same Senator, for the same committee, on petition, a Bill relative to town water department access within state highway department property in Cohasset (Senate, No. 43);

By the same Senator, for the same committee, on petition, a Bill relative to the full funding of payment in lieu of taxes to cities and towns (Senate, No. 46);

By the same Senator, for the same committee, on petition, a Bill relative to certain state owned land in the city of New Bedford (Senate, No. 47);

By the same Senator, for the same committee, on petition, a Bill releasing certain land in Dudley from the operation of an agricultural preservation restriction (Senate, No. 55);

By the same Senator, for the same committee, on petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property in Weymouth to the South Shore Association of Retarded Citizens (Senate, No. 2194);

By the same Senator, for the same committee, on a message from His Excellency the Governor (accompanied by bill, House, No. 3842), a Bill providing capital facility repairs, grants, and improvements for the Commonwealth (Senate, No. 2385);

By Mr. Antonioni, for the committee on Education, on petition, a Bill notifying Department of Education of school setting child abuse reports (Senate, No. 365, changed in section 2 by inserting after the word “following:—”, in line 3, the words “the department of early education and care”); and

By Mr. Tolman, for the committee on Mental Health and Substance Abuse, on petition, a Bill to impose a civil fine for the possession of marijuana (Senate, No. 1151, changed in section 1 by striking out the words “one hundred dollars”, in line 6, and inserting in place thereof the words “two hundred fifty dollars”; in section 2 by striking out the word “seventeen”, in line 15, and inserting in place thereof the word “eighteen”; in section 3 by striking out the word “seventeen”, in line 5, and inserting in place thereof the word “eighteen”; and in section 4 by striking out the word “seventeen”, in line 5, and inserting in place thereof the word “eighteen”) (Representative Wallace of Boston dissenting);

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

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 rates of pilotage (Senate, No. 2204); and

The House Bill establishing a bladder cancer screening program within the Department of Public Health (House, No. 1636) (the committee on Ways and Means having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2361).

PAPER FROM THE HOUSE.

A Bill relative to judges and registers of probate (House, No. 4251, amended,— on House, No. 791),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:— Resolutions (filed by Mr. Berry) “congratulating the Saint Vasilios Church of Peabody on the occasion of its one hundredth anniversary”;

Resolutions (filed by Mr. Hedlund and Ms. Murray) “congratulating Doris Holmes on the occasion of her one hundredth birthday”;

Resolutions (filed by Mr. Joyce) “congratulating Pastor Janet Knox Dorman”; and

Resolutions (filed by Messrs. Timilty and Joyce) “congratulating Jason J.-L. Zandrow of Sharon on earning the rank of Eagle Scout.”

Communication.

The Clerk read the following communication:

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

February 22, 2006.

The Honorable William Welch, Clerk
Massachusetts State Senate
State House, Room 334
Boston, MA

Dear Mr. Clerk:

Due to a previous commitment, I was unable to attend the Senate session February 15, 2006. Had I been present, I would have voted in favor of Senate Bill 2380: An Act Supporting Access and Excellence in Public Higher Education in the Commonwealth and House Bill 4133: An Act Relative to Certain Conservation Land in the Town of Erving.

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record of February 15, 2006. Thank you in advance for your attention to this important matter.

Sincerely,
PAMELA P. RESOR,
State Senator,
Middlesex and Worcester District.

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

Petition.

On motion of Ms. Wilkerson, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. O'Leary, (accompanied by bill) of Robert A. O'Leary, Matthew C. Patrick, Eric Turkington, Shirley Games and other members of the General Court for legislation to authorize the commissioner of capital asset management and maintenance to convey certain land to the town of Barnstable,— **and the same was referred to the committee on Bonding, Capital Expenditures and State Assets.**

Sent to the House for concurrence.

Report 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 Pamela P. Resor, Stephen Kulik and Douglas W. Petersen for legislation relative to municipal zoning, subdivision control and planning.

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

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill authorizing the town of Westborough to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (see House, No. 4559) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. Hart) and laid before the Governor for his approbation.

Order Adopted.

On. motion of Mr. Tolman,—

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