

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, March 27, 2006.

Met at one minute past eleven o'clock A.M. (Mr. Rosenberg in the Chair).

The Senator from Hampden and Hampshire, Mr. Knapik, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Communication.

A communication from the State Fire Marshal submitting a copy of the Commonwealth's Carbon Monoxide Alarm Regulations (received Wednesday, February 22, 2006),— **was placed on file.**

Report.

A report of the Massachusetts Capital Resource Company (under the provisions of Section 20 of Chapter 816 of the Acts of 1977) submitting its twenty-ninth annual report (Senate, No. 2456) (received Monday, March 20, 2006),— **was referred to the committee on Revenue.**

Sent to the House for concurrence.

Reports of Committees.

By Mr. McGee, for the committee on Labor and Workforce Development, on Senate, Nos. 1082, 1110, 1111, 1122, 1130, 1131, 1132, 1133, 1137 and 2168, an Order relative to authorizing the joint committee on Labor and Workforce Development to make an investigation and study of certain current Senate documents relative to labor and related employment issues (Senate, No. 2448); and

By Mr. Barrios, for the committee on Public Safety and Homeland Security, on Senate, Nos. 1327, 1349, 1357, 1359, 1363,

1374, 1384 and 1395, an Order relative to authorizing the joint committee on Public Safety and Homeland Security to make an investigation and study of certain current Senate documents relative to public safety and homeland security (Senate, No. 2447);

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

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on petition (accompanied by bill, Senate, No. 2378), a Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey and acquire certain parcels of land in the town of Bridgewater (Senate, No. 2458) (Senator Montigny dissenting);

By Mr. Augustus, for the committee on Election Laws, on petition, a Bill relative to raffles conducted by committees (Senate, No. 460);

By Mr. Nuciforo, for the committee on Financial Services, on petition, a Bill establishing the Massachusetts Catastrophic Event Fund (Senate, No. 628);

By the same Senator, for the same committee, on petition, a Bill relative to the investment of reserves by dental service corporations (Senate, No. 2196);

By Mr. McGee, for the committee on Labor and Workforce Development, on petition, a Bill relative to widow's benefits (Senate, No. 1097);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1123), a Bill to protect social workers (Senate, No. 2449);

By the same Senator, for the same committee, on Senate, No. 1117 and House, Nos. 3783 and 3803, a Bill relative to electronic monitoring (Senate, No. 2450);

By the same Senator, for the same committee, on Senate, No. 1102 and House, No. 3795, a Bill restoring fairness in the unemployment law for workers in temporary jobs (Senate, No. 2451);

By the same Senator, for the same committee, on Senate, No. 1101 and House, No. 3937, a Bill establishing a temporary worker's right to know (Senate, No. 2452);

By the same Senator, for the same committee, on Senate, No. 1112 and House, Nos. 3763 and 3940, a Bill workforce solutions act (Senate, No. 2453);

By Ms. Jehlen, for the committee on Public Service, on petition, a Bill protecting employees of any agency or authority of the Commonwealth laid off or terminated due to budget cuts (Senate, No. 1440);

By the same Senator, for the same committee, on petition, a Bill to restore collective bargaining rights for employees of the Massachusetts Bay Transportation Authority (Senate, No. 1504); and

By the same Senator, for the same committee, on petition, a Bill relative to collective bargaining at the Massachusetts Bay Transportation Authority (Senate, No. 1625);

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

By Mr. Augustus, for the committee on Election Laws, on petition, a Bill authorizing campaign contributions by debit card (Senate, No. 2340);

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

By Ms. Jehlen, for the committee on Public Service, on petition, a Bill authorizing the town of Bellingham to establish a group insurance liability fund (Senate, No. 2260) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to health insurance for paid elected officials in the town of Sandwich (Senate, No. 2300) (Local approval received); and

By the same Senator, for the same committee, on petition, a Bill exempting the position of chief of police in the city of Somerville from the provisions of civil service law (Senate, No. 2303);

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

By Mr. Augustus, for the committee on Election Laws, ought NOT to pass:

On the petition (accompanied by bill, Senate, No. 439) of Jarrett T. Barrios, Steven A. Tolman, Patricia D. Jehlen, Denis E. Guyer and other members of the General Court for legislation to change the date of the biennial state primaries;

On the petition (accompanied by bill, Senate, No. 445) of Cynthia Stone Creem, Richard T. Moore, Dianne Wilkerson, Bruce E. Tarr and other members of the General Court for legislation to require voting systems to be accessible to people with disabilities;

On the petition (accompanied by bill, Senate, No. 446) of Cynthia Stone Creem, Richard T. Moore and Dianne Wilkerson for legislation relating to polling locations and instructions;

On the petition (accompanied by bill, Senate, No. 447) of George Foord for legislation relative to the effective date of city and ward voting precincts;

On the petition (accompanied by bill, Senate, No. 448) of Brian A. Joyce for legislation to increase voter participation;

On the petition (accompanied by bill, Senate, No. 449) of Brian P. Lees, Richard R. Tisei, Bruce E. Tarr, Robert L. Hedlund and other members of the General Court for legislation relative to voting list access;

On the petition (accompanied by bill, Senate, No. 452) of Joan M. Menard, Michael A. Costello and Joyce A. Spiliotis for legislation to regulate campaign contributions;

On the petition (accompanied by bill, Senate, No. 453) of Richard T. Moore, Bruce E. Tarr and Edward G. Connolly for legislation to establish a Massachusetts code of election ethics;

On the petition (accompanied by bill, Senate, No. 464) of Dianne Wilkerson, Frank I. Smizik, Carl M. Sciortino, Jr. and Cory Atkins for legislation to ensure electoral access; and

On the petition (accompanied by resolve, Senate, No. 467) of Dianne Wilkerson, Brian A. Joyce and Pamela P. Resor that provision be made for an investigation and study by a special commission (including members of the General Court) relative to the facilitation of voting in the Commonwealth;

Severally referred, under Senate Rule 36, to the committee on Ethics and Rules.

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 Children and Families to make an investigation and study of certain current Senate documents relative to children and families (Senate, No. 2440);

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 related issues (Senate, No. 2436);

Of the Senate Order relative to authorizing the joint committee on Education to make an investigation and study of certain current

Senate documents relative to educational issues (Senate, No. 2429);

Of the Senate Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of certain current Senate documents relative to issues concerning the courts of the Commonwealth and the practice of law (Senate, No. 2435);

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. 2437);

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. 2438); and

Of the Senate Order relative to authorizing the joint committee on Transportation to make an investigation and study of certain current Senate documents relative to transportation (Senate, No. 2444);

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 petition (accompanied by bill, House, No. 4695) of Robert A. Havern (by vote of the town) for legislation to exempt certain clerical positions in the town of Billerica from provisions of the civil service law,— **was referred, in concurrence, to the committee on Public Service.**

A Bill further regulating reporting requirements of constables (House, No. 3573,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill relative to the treatment of waste water in the town of Westborough (House, No. 4484,— on petition) [**Local approval received**],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Reports

Of the committee on Children and Families, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4772) of Jennifer L. Flanagan and others for legislation to authorize the Department of Mental Health to establish teen drop-in centers,— and recommending that the same be referred to the committee on Mental Health and Substance Abuse.

Of the committee on Municipalities and Regional Government, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3221) of Bradley H. Jones, Jr., and George N. Peterson, Jr., for legislation to further regulate certain restrictions on development or building permits under zoning ordinances in cities and towns; Of the petition (accompanied by bill, House, No. 3222) of George N. Peterson, Jr., relative to zoning ordinances and by-laws restricting residential development in cities and towns; and

Of the petition (accompanied by bill, House, No. 3604) of Frank M. Hynes relative to zoning appeals by abutting cities and towns;

And recommending that the same severally be referred to the committee on Housing.

Of the committee on Children and Families, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2739) of Stephen P. LeDuc that the Department of Public Health be directed to provide for an annual assessment on the impact of the public welfare system on children in the Commonwealth,— and recommending that the same be referred to the committee on Health Care Financing.

Of the committee on Public Health, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3650) of Kay Khan relative to the importation of dogs and cats,— and recommending that the same be referred to the committee on Environment, Natural Resources and Agriculture.

Of the committee on Telecommunications, Utilities and Energy, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1672) of Daniel E. Bosley relative to making the net operating provisions available to utility corporations,— **and recommending that the same be referred to the committee on Revenue.**

Were severally 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 Mr. Barrios) “congratulating Rose M. Guzzi of West Newton on her 100th birthday”;

Resolutions (filed by Mr. Brown) “congratulating the First Baptist Church in Needham”;

Resolutions (filed by Ms. Chandler) “congratulating the Health Foundation of Central Massachusetts upon its 5th anniversary of grant making”;

Resolutions (filed by Ms. Murray) “in support of the Massachusetts National Guard”;

Resolutions (filed by Mr. Pacheco) “congratulating Joshua Thorell on his elevation to the rank of Eagle Scout; and

Resolutions (filed by Ms. Spilka) “congratulating Advocates, Inc. for 30 years of service to the disabilities community.”

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 authorizing certain terms for borrowing by the town of Hopkinton for construction of school buildings to meet growing enrollment (Senate, No. 2070),— **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 authorizing certain terms for borrowing by the town of Hopkinton for construction of school buildings”.**
Sent to the House for concurrence.

The House Bill relative to the city of Peabody Municipal Light Plant (House, No. 4462),— **was read a third time.**
Pending the question on passing the bill to be engrossed, Mr. Berry presented an amendment by striking out all after the enacting clause and inserting in place thereof the following text:—

“**SECTION 1.** Notwithstanding section 129C of chapter 149 of the General Laws, linemen and troublemen employed by the city of Peabody municipal light plant may work on live wires, electrical equipment or other energized electrical conductors in excess of 15,000 volts phase-to-phase or 8,500 volts phase-to-ground directly with rubber gloves, when de-energizing is not feasible and only when following the applicable provisions of NFPA 70E, Standard for Electrical Safety in the Workplace, 2004 Edition, Articles 110, 120 and 130, concerning proper safe work practices, personal protective equipment and clothing.

SECTION 2. This act shall take effect upon its passage.”.

This amendment was adopted.

The bill was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Order Adopted.

Mr. Barrios offered the following, to wit:

Ordered, That notwithstanding the provisions of Joint Rule 10 the joint committee on Public Safety and Homeland Security be granted until April 14, 2006 within which to make its final report on current Senate document numbered 1338.

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

Subsequently, Mr. Buoniconti, for said committee, reported, that the order ought to be adopted.

The rules were suspended, on motion of Ms. Fargo, and the order was considered forthwith and adopted.

Sent to the House for 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 Stephen M. Brewer, Anne M. Gobi and others for legislation to reduce firearm license application fees.

Senate Rule 36 was suspended, on motion of Ms. Wilkerson, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Safety and Homeland Security.

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 John A. Hart, Jr. for legislation to eliminate the property holdings cap for the Boston Public Library.

Senate Rule 36 was suspended, on motion of Ms. Wilkerson, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Tourism, Arts and Cultural Development.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4797) of Eugene L. O’Flaherty that the Division of Capital Asset Management and Maintenance be authorized to transfer certain land of the Water Resources Authority located on Chelsea Street in the city of Boston to said city;

Petition (accompanied by bill, House, No. 4798) of Eugene L. O’Flaherty for legislation to authorize the Division of Capital Asset Management and Maintenance to transfer certain land in the city of Chelsea and under the jurisdiction of the Department of conservation and Recreation to the city of Boston;

Petition (accompanied by bill, House, No. 4799) of Carl M. Sciortino, Jr., and Patricia D. Jehlen that the Division of Capital Asset Management and Maintenance be authorized to release a portion of a certain water supply and drain easement in the city of Somerville; and

Petition (accompanied by bill, House, No. 4801) of Martin J. Walsh that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land in the Dorchester section of the city of Boston to Expressway

Motors LLC;

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

Petition (accompanied by bill, House, No. 4802), of Martin J. Walsh for legislation to prohibit the retention of body parts and organs without the approval of the next of kin of deceased persons;

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

Petition (accompanied by bill, House, No. 4803) of Michael A. Costello for legislation to designate a certain bridge over the Merrimack River in the town of Amesbury as the Lieutenant Derek S. Hines Memorial Bridge;

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

Recess.

There being no objection, at seven minutes past eleven o'clock A.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at ten minutes past two o'clock P.M., the Senate reassembled, Mr. Rosenberg in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Communication.

The clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1083

March 23, 2006.

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

Dear Mr. Clerk:

On Wednesday March 22nd, I was out of state due to a family commitment. Therefore, I was unable to be present in the Senate Chamber for the roll call votes on the following matters:

The first matter was on engrossment of An Act Regarding Choice of Long-term Care Settings (S. 2273). Had I been present, I would have voted in the affirmative.

The second matter taken up was on enactment on An Act Authorizing the town of Hingham to Convey Certain Land (H. 4267). Had I been present, I would have voted in the affirmative.

I would appreciate your assistance with the printing of this communication in today's Senate Journal. Thank you for your attention to this matter.

Sincerely,
SCOTT P. BROWN,
State Senator.

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

PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill relative to the membership of the Hampshire County Housing Authority (see Senate, No. 2283) (which originated in the Senate), 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. Rosenberg) and laid before the Governor for his approbation.

House Order.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith and adopted in concurrence, as follows, to wit:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Friday, April 14, 2006, within which to make its final report on current Senate number 2315 and current House numbers 1996 and 2216.

Moment of Silence.

At the request of Messrs. Rosenberg and Knapik, the members, guests and employees stood in a moment of silence and reflection to the memory of Robert E. Buoniconti, father of Senator Stephen J. Buoniconti who passed away last week.

Order Adopted.

On motion of Ms. Fargo,—

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

Adjournment in Memory of Robert E. Buoniconti.

The Senator from Hampshire and Franklin, Mr. Rosenberg, and the Senator from Hamden and Hampshire, Mr. Knapik, presented a request that when the Senate adjourns today, it do so as a mark of respect to the memory of Robert E. Buoniconti, father of Senator Stephen Buoniconti, who passed away on Friday, March 17.

Robert Buoniconti was born in Springfield on June 27, 1936. He was a devoted husband and a loving, proud father of four sons. Having owned the Village Variety Store in Chicopee, he was a local legend and will be missed by all.

Accordingly, as a mark of respect to the memory of Mr. Robert E. Buoniconti, at thirteen minutes past two o'clock P.M. on motion of Mr. Knapik, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.