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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, March 29, 2005.

Met at two minutes past eleven o'clock A.M. (Ms. Wilkerson in the Chair).

The Chair (Ms. Wilkerson), members, guests and employees then recited the pledge of allegiance to the flag.

Petitions.

The following petition, having been timely filed by five o'clock P.M., on Wednesday, December 1, 2004, was considered, as follows:—

Mr. Knapik presented a petition (subject to Joint Rule 9) of Michael R. Knapik and Michael F. Kane for legislation to restrict the authority of the Holyoke Power and Electric Company and the Holyoke Water Power Company,— **and the same was transmitted, under the provisions of Section 5 of Chapter 3 of the General Laws, to the Secretary of State.**

The following petitions (having been timely filed by five o'clock P.M., on Wednesday, December 1, 2004) were severally referred, as follows:—

By Mr. Hart, a petition (subject to Joint Rule 7B) of John A. Hart, Jr. for legislation relative to a community service center in South Boston;

By Mr. Havern, a petition (subject to Joint Rule 7B) of Robert A. Havern for legislation relative to the town of Burlington;

By Mr. Moore, a petition (subject to Joint Rule 7B) of Richard T. Moore and Paul Kujawski for legislation to authorize the town of Webster to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises;

By Mr. O'Leary, a petition (subject to Joint Rule 7B) of Robert A. O'Leary and Eric Turkington for legislation relative to the Nantucket Housing Authority.

By Mr. Pacheco, a petition (subject to Joint Rule 7B) of Marc R. Pacheco, James H. Fagan, Patricia A. Haddad and Stephen R. Canessa for legislation to provide enforcement of delinquent municipal sewer fees;

By the same Senator, a petition (subject to Joint Rule 7B) of Marc R. Pacheco, James H. Fagan, Patricia A. Haddad and Stephen R. Canessa for legislation to authorize the city of Taunton to lease certain recreational land; and

By Ms. Resor, a petition (subject to Joint Rule 7B) of Pamela P. Resor and James B. Eldridge for legislation relative to the Still River Village Wastewater Management District in the town of Harvard;

Severally to the committees on Rules of the two branches, acting concurrently.

Petitions were presented and referred, as follows:

By Mr. Augustus, a petition (subject to Joint Rule 12) of Edward M. Augustus, Jr., John J. Binienda, Stanley C. Rosenberg and other members of the General Court for legislation relative to disabled veterans' motor vehicle plates;

By the same Senator (by request), a petition (subject to Joint Rule 12) of Nicholas Hoag for legislation to prohibit endorsement by the Commonwealth of the Alcoholics and Narcotics Anonymous programs;

By the same Senator, a petition (subject to Joint Rule 12) of Edward M. Augustus, Jr. for legislation to clean up toxic sites for the purpose of spurring economic development and revitalizing communities;

By the same Senator, a petition (subject to Joint Rule 12) of Edward M. Augustus, Jr. and Andrea F. Nuciforo, Jr. for legislation relative to the payment of referral fees to unlicensed employees of insurance producers;

By the same Senator, a petition (subject to Joint Rule 12) of Edward M. Augustus, Jr., Anthony W. Petrucci, Demetrius J. Atsalis, James B. Leary and other members of the General Court for a legislative amendment to the Constitution to authorize the General Court to provide for absentee voting by any voter;

By Mr. Baddour (by request), a petition (subject to Joint Rule 12) of Debra Campanile for legislation to penalize the wrongful injury or death of animal companions;

By the same Senator (by request), a petition (subject to Joint Rule 12) of James N. Thivierge for legislation relative to county government;

By the same Senator, a petition (subject to Joint Rule 12) of Steven A. Baddour for legislation to establish an exemption for seniors from proposition 2 1/2 overrides;

By the same Senator, a petition (subject to Joint Rule 12) of Steven A. Baddour and Brian S. Dempsey for legislation relative to the operation of motor vehicles in the course of a funeral procession;

By the same Senator, a petition (subject to Joint Rule 12) of Steven A. Baddour for legislation relative to the Greater Lawrence Sanitary District;

By Mr. Barrios, a petition (subject to Joint Rule 12) of Jarrett T. Barrios for legislation to change the date of the biennial state primaries;

By the same Senator, a petition (subject to Joint Rule 12) of Jarrett T. Barrios, Cheryl A. Rivera, Cynthia Stone Creem, Shirley Owens-Hicks and other members of the General Court for legislation to prohibit the sale, transfer or possession of "cop killer" handguns and high-powered rifles;

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer for legislation relative to the survivor benefits of Arline M. Grammo;

By the same Senator, a petition (subject to Joint Rule 12) of Stephen M. Brewer, Robert A. Antonioni, Harold P. Naughton, Jr., James B. Eldridge and Lewis G. Evangelidis for legislation to provide death benefits for volunteer firefighters and other volunteer public safety personnel;

By the same Senator, a petition (subject to Joint Rule 12) of Stephen M. Brewer and Lewis G. Evangelidis for legislation to amend the enclosure for public and semipublic outdoor inground swimming pools;

By Mr. Buoniconti, a petition (subject to Joint Rule 12) of Stephen J. Buoniconti for legislation to designate the official blues artist of the Commonwealth;

By Ms. Chandler, a petition (subject to Joint Rule 12) of Harriette L. Chandler for legislation to establish a sick leave bank for Timothy A. LeMay, an employee of the Department of Correction;

By Mr. Havern, a petition (subject to Joint Rule 12) of Robert A. Havern for legislation to authorize and direct the Massachusetts Teachers' Retirement Board to recalculate the survivor pension benefit paid to Marie Walsh;

By Mr. Hedlund (by request), a petition (subject to Joint Rule 12) of A. Robert Casimiro for legislation to prohibit the acceptance by a bank of foreign documents as a means of identification;

By the same Senator, a petition (subject to Joint Rule 12) of Robert L. Hedlund for legislation to prohibit the acceptance by public entities of identity documents that are not secure;

By the same Senator, a petition (subject to Joint Rule 12) of Robert L. Hedlund, Garrett J. Bradley and Tony Marcinkiewicz for legislation relative to the retirement of non-union professionals at the university of Massachusetts Boston;

By the same Senator (by request), a petition (subject to Joint Rule 12) of Gay Guptill for legislation to repeal the clinic access law;

By the same Senator, a petition (subject to Joint Rule 12) of Robert L. Hedlund and Joyce A. Toland for legislation relative to a retirement buy-back for school nurses;

By the same Senator, a petition (subject to Joint Rule 12) of Robert L. Hedlund and James M. Murphy for legislation to transfer sick, personal or vacation time to State Trooper Mary T. McCauley of the Middlesex District Attorney's office;

By Mr. Joyce (by request), a petition (subject to Joint Rule 12) of Anne Ponticelli for legislation relative to eligibility of the dispatchers of the Easton Police Department in a certain retirement system;

By the same Senator (by request), a petition (subject to Joint Rule 12) of Anthony Cichello for legislation relative to the rights of bounty hunters;

By the same Senator (by request), a petition (subject to Joint Rule 12) of Robert F. Daly and Walter F. Timilty for legislation relative to the election of retirement options;

By the same Senator (by request), a petition (subject to Joint Rule 12) of Sean P. Healy for legislation to place Sean P. Healey on the eligibles list for appointment to the State Police;

By the same Senator, a petition (subject to Joint Rule 12) of Brian A. Joyce and Robert K. Coughlin for legislation to authorize the Executive Office of Transportation and the Massachusetts Highway Department to complete the Route 128 add-a-lane and Route I-95/128/University Avenue interchange project utilizing an alternative form of procurement;

By Mr. Knapik (by request), a petition (subject to Joint Rule 12) of Nicholas Casey for legislation to exempt waste oil from hazardous waste classification;

By Mr. McGee, a petition (subject to Joint Rule 12) of Thomas M. McGee for legislation relative to vacation accrual rate of Donald J. Castle, an employee of the Trial Court;

By Ms. Menard, a petition (subject to Joint Rule 12) of Joan M. Menard, Edward G. Connolly, Michael A. Costello, other members of the General Court and SEIU, Local 5000, by David Holway, president, for legislation to further regulate salaries of public employees serving in the Armed Forces of the United States;

By Mr. Montigny, a petition (subject to Joint Rule 12) of Mark C. Montigny for legislation to relocate certain harbor lines in the Fairhaven and New Bedford harbors;

By the same Senator, a petition (subject to Joint Rule 12) of Mark C. Montigney, John F. Quinn, Barbara L'Italien, Douglas W. Petersen and other members of the General Court for legislation to prohibit alcohol beverage vaporizers;

By Mr. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore for legislation to deter the occurrence of drowsy driving while operating a motor vehicle;

By the same Senator, a petition (subject to Joint Rule 12) of Richard T. Moore and Mark J. Carron for legislation relative to the creditable service of Anne Marie Marino;

By the same Senator, a petition (subject to Joint Rule 12) of Richard T. Moore, Lida E. Harkins, Todd M. Smola, Kathi-Anne Reinstein and Robert Correia for legislation to encourage school attendance and to strengthen parental responsibility therefor;

By the same Senator, a petition (subject to Joint Rule 12) of Richard T. Moore for legislation to establish the crime of harboring a delinquent child;

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey for legislation to permit persons to bring car damage arising from a pothole against the public entity into small claims court;

By the same Senator, a petition (subject to Joint Rule 12) of Michael W. Morrissey for legislation to require companies that collect personal information to disclose when said data has been compromised;

By the same Senator, a petition (subject to Joint Rule 12) of Michael W. Morrissey for legislation relative to the exposure of public safety officials to the AIDS virus and infectious hepatitis;

By Ms. Murray (by request), a petition (subject to Joint Rule 12) of Joseph Nadile for legislation to prohibit semi-trailer units and tandem units on Route 3;

By the same Senator, a petition (subject to Joint Rule 12) of Therese Murray, Thomas J. O'Brien and Viriato M. deMacedo for legislation to designate a certain portion of State Highway Route 44 as the Prisoner of War-Missing in Action Memorial Highway;

By Mr. O'Leary, a petition (subject to Joint Rule 12) of Robert A. O'Leary for legislation relative to applications for development along water fronts;

By the same Senator, a petition (subject to Joint Rule 12) of Robert A. O'Leary for legislation to repeal mooring fee requirements;

By the same Senator, a petition (subject to Joint Rule 12) of Robert A. O'Leary, Richard T. Moore, Scott P. Brown, Andrea F. Nuciforo, Jr. and Edward M. Augustus, Jr. for legislation to establish a marine and inland resource protection trust fund within the Department of Fish and Game;

By the same Senator, a petition (subject to Joint Rule 12) of Robert A. O'Leary for legislation to provide fees to licensing authorities for deer tag processing;

By the same Senator, a petition (subject to Joint Rule 12) of Robert A. O'Leary for legislation relative to tax exemptions for spouses of disabled veterans;

By the same Senator, a petition (subject to Joint Rule 12) of Robert A. O'Leary for legislation relative to the term of the Cape Cod Mosquito Control Commissioner;

By the same Senator, a petition (subject to Joint Rule 12) of Robert A. O'Leary and Eric Turkington for legislation to authorize the boards of selectmen within the towns of the county of Dukes county to designate members of the advisory board on county expenditures;

By the same Senator, a petition (subject to Joint Rule 12) of Robert A. O'Leary and Eric Turkington for legislation relative to the salaries of the deputy assistant registers of probate in the Barnstable Probate Court;

By Mr. Pacheco, a petition (subject to Joint Rule 12) of Marc R. Pacheco for legislation to authorize the certification and eligibility as fire fighters in the city of Taunton;

By Ms. Resor, a petition (subject to Joint Rule 12) of Pamela P. Resor, Cory Atkins and James B. Eldridge for legislation to clarify the scope of existing statutory protection of Commonwealth and municipal property against adverse possession claims;

By Mr. Rosenberg, a petition (subject to Joint Rule 12) of Stanley C. Rosenberg and Stephen Kulik for legislation to establish a sick leave bank for Charlotte Russell, an employee of the Department of Mental Retardation;

By the same Senator, a petition (subject to Joint Rule 12) of Stanley C. Rosenberg and Ellen Story for legislation relative to the Hampshire County Housing Authority;

By Mr. Tarr (by request), a petition (subject to Joint Rule 12) of Steven S. Epstein for legislation to impose a civil fine for possession of marijuana and for the disposition of the fines collected;

By Ms. Walsh, a petition (subject to Joint Rule 12) of Marian Walsh and John H. Rogers for legislation relative to the housing of sex offenders;

By Ms. Wilkerson (by request), a petition (subject to Joint Rule 12) of Sean Pierre Holloway for legislation to require the display of the United States Constitution in certain public buildings;

By the same Senator (by request), a petition (subject to Joint Rule 12) of Robert B. O'Connor for legislation to prohibit the use of public funds for unnecessary neonatal circumcision;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to establish a sick leave bank for Edee Alexander, an employee of the Trial court of the Commonwealth; and

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson, Martin J. Walsh and Steven A. Tolman for legislation to make technical corrections to the public construction reform law;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to ocean resources and conservation (House, No. 2602),— **was referred, in concurrence, to the committee on Environment, Natural Resources and Agriculture.**

A petition (accompanied by bill, House, No. 1725) of Anne M. Paulsen and Steven A. Tolman (by vote of the town) relative to representative town meetings in the town of Belmont,— **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Reports

Of the committee on Education, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1102) of Kay Khan and others relative to requiring school districts to develop policies on nutrition and physical activity,— **and recommending that the same be referred to the committee on Children and Families.**

Of the committee on the Judiciary, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 746) of Eugene L. O’Flaherty relative to exempting health care providers from civil liability as a result of administering immunizations or vaccines;

Of the petition (accompanied by bill, House, No. 878) of Peter J. Koutoujian and others relative to the certification of sexual assault nurse examiners and the collection of forensic evidence in cases of sexual assault and rape; and

Of the petition (accompanied by bill, House, No. 895) of Bradley H. Jones, Jr., and others relative to the deliberate spread of contagious diseases;

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

Of the committee on Public Service, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 229) of Daniel F. Keenan and others relative to primary enforcement of the motor vehicle safety belt law,— and recommending that the same be referred to the committee on Public Safety and Homeland Security.

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

The report of the committee on Education (under Section 344 of Chapter 149 of the Acts of 2004, as amended by Section 16 of Chapter 6 of the Acts of 2005) relative to early education and care (House, No. 1724),— **was referred, in concurrence, to the committee on Education.**

Resolutions.

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

Resolutions (filed by Mr. Pacheco) “commending Donald Hebert on his commitment to the Lions Clubs.”

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 2607) of Mark C. Montigny for legislation to authorize the Department of Correction to establish a sick leave bank for Jason Monteiro, an employee of said department,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Order Adopted.

On motion of Mr. Knapik,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o’clock P.M., in formal session.

On motion of Mr. Brown, at four minutes past eleven o’clock A.M., the Senate adjourned to meet on the following day at one o’clock P.M.