

**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, March 31, 2005.*

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

The Senator from Essex and Middlesex, Mr. Tarr, led the Chair (Ms. Walsh), members, guests and employees in the recitation of the pledge of allegiance to the flag.

#### *Communications.*

The following communications were severally placed on file:

Communication from the Honorable Robert E. Travaglini, President of the Senate, announcing the appointment of the current members of the Senate Committee on Ethics and Rules to serve on the Joint Committee on Rules of the two branches, acting concurrently;

Communication from the Water Resources Commission (under the provisions of Section 8C of Chapter 21 of the General Laws and C.M.R. 4.06(3)) relative to approval under the Internal Transfer Act of an increase in the capacity of the Cummingsville Branch sewer (a copy of the decision having been forwarded to the Committee on State Administration and Regulatory Oversight) (received Thursday, March 24, 2005); and

Communication from the Joint Committee on Bonding, Capital Expenditures and State Assets submitting its rules of procedure for the 2005-2006 legislative session (received Wednesday, March 30, 2005).

#### *Petitions.*

Petitions were presented and referred, as follows:

By Mr. Morrissey, a petition (subject to Joint Rule 7B) of Michael W. Morrissey, Ronald Mariano and Joseph R. Driscoll for legislation to authorize land use for the purpose of easements for construction and repair of a water main in the town of Holbrook [Local approval received from the town of Holbrook];

By Ms. Spilka, a petition (subject to Joint Rule 12) of Karen E. Spilka for legislation relative to certain creditable service;

By Mr. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore and Jennifer M. Callahan for legislation relative to the disposition of easements for the construction and operation of utilities over conservation and recreation lands in the town of Blackstone;

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey and Kathleen M. Teahan for legislation to authorize the Department of Social Services to allow William and Kathryn Worthen of Abington to adopt children beyond the family unit size limit; and

By Mr. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore, Karen E. Spilka and Paul J.P. Loscocco for legislation relative to security deposits related to residential real property;  
**Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

*Report of a Committee.*

By Mr. Joyce, for the committee on Housing, on petition (accompanied by bill, Senate, No. 791), a Bill relative to financing the production of affordable housing (Senate, No. 2031);

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

*Resolutions.*

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

Resolutions (filed by Mr. Augustus) “recognizing the Grafton Lions Club for 50 years of dedicated service to the town of Grafton”;

Resolutions (filed by Mr. Joyce) “congratulating Donald Goldberg on the occasion of his retirement”;

Resolutions (filed by Mr. Moore) “congratulating the Bartlett Junior-Senior High School Varsity Cheerleading Squad”;

Resolutions (filed by Mr. Moore) “congratulating the Whitinsville-Christian School ‘Crusaders’ basketball team on winning the 2005 Division III State Championship”; and

Resolutions (filed by Messrs. Morrissey and Creedon) “honoring Master Chief Petty Officer (AW/NAC) James F. Fitzgerald.”

*Communications.*

The Clerk read the following communications:

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

*March 30, 2005.*

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

Dear Mr. Clerk:

Due to an illness I was unable to be present for today’s formal session. If I was able to attend the session I would have voted yes for Senate Bill 2028, an act promoting stem cell research.

I respectfully request that a copy of this letter be printed for the record in today’s Journal. Thank you for your attention to this matter. If you have any further questions please contact my office.

Sincerely,  
FREDERICK E. BERRY,  
*Majority Leader.*

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

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

*March 30, 2005.*

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

Dear Mr. Clerk:

Due to a scheduling conflict outside of the State House, I was unable to attend the entire formal session on March 30, 2005 and I was therefore unable to be present for a roll call vote taken on the Senate Bill No. 2028:

Amendment #1 — Relative to public and private umbilical cord blood banking.

Had I been present, I would have voted in the affirmative on this matter.

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

Sincerely,  
RICHARD T. MOORE,  
*State Senator,*  
Worcester and Norfolk District.

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

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

*March 31, 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 March 30th, 2005 and missed a series of roll call votes amending Senate Bill 2028, An Act Promoting Stem Cell Research. Had I been present, I would have voted in the affirmative on the following matters:

- Amendment #1, offered by Senator Creem, relative to public and private umbilical cord blood banking;
- Amendment #2, offered by Senator Brown, relative to umbilical cord blood and placental tissue banking;
- Amendment #5.1, offered by Senator Wilkerson, relative to encouraging participation in stem cell research among disproportionately impacted populations;
- Amendment #14, offered by Senator Montigny, relative to protection of employees acting in the interest of public welfare; and
- Amendment #15, offered by Senator Montigny, relative to transparent and full disclosure relative to stem cell research.

Also, had I been present, I would have voted in the negative on Amendment #10, offered by Senator Lees, relative to banning research using somatic cell nuclear transplantation.

I am respectfully requesting that a copy of this letter be printed in the Senate Journal as part of the official record for March 30th, 2005. Thank you in advance for your assistance in this matter.

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

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

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

*March 30, 2005.*

The Honorable William Welch, *Clerk*  
*Massachusetts State Senate*  
State House  
Boston, MA 02133

Dear Mr. Clerk:

I write regarding a vote taken on March 30, 2005 on an amendment to the bill entitled "Promoting Stem Cell Research." The amendment, offered by Senator Creem, was entitled "Relative to Public and Private Umbilical Cord Blood Banking," amendment number one.

At the time the vote was taken, I was unfortunately called out of the Chamber and was unable to cast my vote. If I had been in the Chamber, I would have voted "YES."

Thank you for your attention to this matter.

Sincerely,  
STEVEN A. TOLMAN,  
*State Senator,*  
2nd Suffolk and Middlesex District.

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

*Recess.*

There being no objection, at eight minutes past eleven o'clock A.M., the Chair (Ms. Walsh) declared a recess subject to the call of the Chair; and, at seventeen minutes past three o'clock P.M., the Senate reassembled, the President in the Chair.

There being no objection, on motion of Mr. Tarr, the Senate recessed until the hour of eleven o'clock A.M. tomorrow.

*Friday, April 1, 2005.*

**[being the legislative session of Thursday, March 31, 2005].**

Met at three minutes past eleven o'clock A.M. (Ms. Wilkerson in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

*Committee Discharged.*

Mr. McGee, for the committee on Labor and Workforce Development, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1129) of Steven A. Tolman and Jarrett T. Barrios for legislation relative to unionized public employees,— and recommending that the same be referred to the committee on Public Service.

**Under Senate Rule 36, the report was considered forthwith and accepted.  
Sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

Messages were referred, in concurrence, as follows:

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken by the town of Webster open town meeting (House, No. 2608);

**To the committee on Municipalities and Regional Government.**

Message from His Excellency the Governor recommending legislation relative to senior citizen tax relief (House, No. 2609);

**To the committee on Revenue.**

PAPER FROM THE HOUSE.

The Senate Bill promoting stem cell research (Senate, No. 2032),— came from the House passed to be engrossed, in concurrence *with amendments* striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 2792; by striking out the title and inserting in place thereof the following title: "An Act relative to biotechnology."; and by striking out the emergency preamble and inserting in place thereof the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith regulate biotechnology in the Commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.”.

The rules were suspended, on motion of Mr. Tarr, and the House amendment was considered forthwith and the Senate NON-concurred therein.

The same Senator asked for a committee of conference on the disagreeing votes of the two branches; and Senators Hart, Creem and Tarr were appointed to the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

**Subsequently, notice was received from the House that the House had insisted on its amendments, and had concurred in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Representatives Bosley of North Adams, Harkins of Needham and Hill of Ipswich had been appointed as the committee on the part of the House.**

*Recess.*

There being no objection, at four minutes past eleven o'clock A.M., the Chair (Ms. Wilkerson) declared a recess subject to the call of the Chair; and, at twenty minutes past twelve o'clock noon, the Senate reassembled, Ms. Wilkerson in the Chair.

#### PAPER FROM THE HOUSE.

##### *Engrossed Bill.*

An engrossed Bill validating the actions taken at a certain election held in the town of Webster (see Senate Bill printed in Senate, No. 2030) (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, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President and laid before the Governor for his approbation.**

##### *Order Adopted.*

On motion of Mr. McGee,—

*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.

##### *Adjournment in Memory of Diane G. Applegate.*

The Senator from Essex and Middlesex, Ms. Tucker, moved that when the Senate adjourn today it adjourn in memory of Diane G. Applegate.

Diane G. Applegate unexpectedly passed away on March 30th. Ms. Applegate formerly worked in the Senate for Senators Patricia McGovern, John O'Brien and James Jajuga.

She later worked for the Secretary of Elder Affairs and was most recently the Director of Corporate/Foundation Relations at Merrimack College. Diane was a vibrant, caring thirty-four year old who will be missed by all those whose lives she touched.

Accordingly, as a mark of respect to the memory of Diane G. Applegate at twenty-two minutes past twelve o'clock P.M. on motion of Mr. Brewer, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.