

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, April 6, 2006.

Met according to adjournment at eleven o'clock A.M. (Mr. Havern 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. Havern), members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the Chair (Mr. Havern) introduced, in the rear of the Chamber, freshman students from the City on a Hill Charter School in Boston. They were the guests of Senator Murray.

Engrossed Bill — Laid Before the Governor.

The engrossed Bill promoting access to affordable, quality, accountable health care (see House, No. 4479, amended) (which originated in the House), having been passed to be enacted and signed by the President on Tuesday, April 4, 2006,— was laid before the Governor for his approbation on Wednesday, April 5, 2006.

Reports.

The following reports were severally read and placed on file:

A report of the Massachusetts Bay Transportation Authority (under the provisions of Section 11 of Chapter 161A of the General Laws) submitting its net operating investment per passenger mile ratio for fiscal years 2004 through 2008 (received Tuesday, April 4, 2006);

A report of the Massachusetts Bay Transportation Authority (under the provisions of Section 11 of Chapter 161A of the General Laws) submitting its Report of Operations for 2005 (received Tuesday, April 4, 2006); and

A report of the Division of Unemployment Assistance (under the provisions of Section 14F of Chapter 151A of the General Laws, as most recently amended by Section 6 of Chapter 142 of the Acts of 2003) relative to the condition of the Unemployment Insurance Trust Fund for the month of February 2006 (received Tuesday, April 4, 2006).

Petitions.

Petitions were presented and referred, as follows:

By Mr. Creedon, a petition (subject to Joint Rule 12) of Robert S. Creedon, Jr. and Susan Molina for legislation relative to the funeral and burial of children in care of the Department of Social Services;

By Mr. Timilty, a petition (subject to Joint Rule 12) of James E. Timilty for legislation to authorize self-monitoring and treatment of students with diabetes; and

By the same Senator, a petition (subject to Joint Rule 12) of James E. Timilty for legislation relative to tax credits for the purchase of hearing aids;

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

Report of a Committee.

Mr. Buoniconti, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill relative to checkerboard sewer systems (Senate, No. 2396).

Committees 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 Bonding, Capital Expenditures and State Assets to make an investigation and study of Senate document numbered 1841, relative to bonding (Senate, No. 2465),— **and recommending that the same be referred to the Senate committee on Ethics and Rules.**

Under Senate Rule 36, the report was considered forthwith and accepted.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4745) of Robert L. Hedlund and others (with the approval of the mayor and town council) that the town of Weymouth be authorized to sell or convey a certain parcel of land held for water supply purposes; and

Petition (accompanied by bill, House, No. 4790) of James E. Vallee and others (by vote of the town) that the town of Medway be authorized to borrow money for the purpose of achieving fiscal stability;

Severally to the committee on Municipalities and Regional Government.

A Bill relative to certain evidence of collective bargaining results (House, No. 429,— on Senate, No. 1116),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Relative to apprentice linemen (House, No. 4669,— on House, No. 3395); and

Relative to special needs students (House, No. 4710,— on House, No. 1118);

Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

Bills

Authorizing the town of Ayer to convey certain land (House, No. 4203,— on petition) [Local approval received]; and

Relative to the powers of the transportation board of the town of Brookline (House, No. 4632,— on petition) [Local approval received];

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

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:— Resolutions (filed by Messrs. Creedon and Joyce) “congratulating George M. Hart for his outstanding service as Massachusetts District 33-S Governor of Lions Club International”;

Resolutions (filed by Mr. Hedlund) “congratulating the Marshfield High School Hockey Team on their 2005-2006 championship season”;

Resolutions (filed by Mr. Hedlund, Ms. Murray and Messrs. Joyce and Tarr) “congratulating Ed Perry on receiving the Life-Time Achievement Award”; and

Resolutions (filed by Mr. Pacheco) “congratulating the Taunton Sports Club, Official Portuguese School on its 25th anniversary.”

Communication.

The Clerk read the following communication:

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

April 4, 2006.

William Welch, Senate Clerk
Room 335

State House
Boston, MA 02133

Dear Mr. Clerk:

On April 4, 2006, I was out of the country and unable to vote on S. 167 and S. 1173. Had I been present, I would have voted in the affirmative for both bills.

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for Tuesday, April 4, 2006. Thank you for your assistance in this matter.

Sincerely,
BRIAN A. JOYCE,
State Senator.

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

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 private road betterment borrowing by the town of Brewster (Senate, No. 1198) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**
Sent to the House for concurrence.

The Senate Bill further regulating drag racing in the city of Taunton (Senate, No. 2084) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**
Sent to the House for concurrence.

Order Adopted.

Mr. Baddour offered the following order, to wit:

Ordered, That notwithstanding the provisions of Joint Rule 10 the joint committee on Transportation be granted until Thursday, May 4, 2006, within which to make its final report on current Senate document numbered 2399 and current Senate number 2400.
Under the rules, referred to the committees on Rules of the two branches, acting concurrently.
Subsequently, Mr. Buoniconti, for said committees, reported, that the order ought to be adopted.
The rules were suspended, on motion of Mr. Tisei, 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 Michael R. Knapik, Brian S. Dempsey, Frank I. Smizik, Daniel E. Bosley and other members of the General Court for legislation to authorize the Division of Capital Asset Management and Maintenance to grant certain easements in Russell, Massachusetts over lands held for conservation/recreation purposes.
Senate Rule 36 was suspended, on motion of Mr. Tisei, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Bonding, Capital Expenditures and State Assets.

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 Marcy R. Maloney for legislation relative to military leave.
Senate Rule 36 was suspended, on motion of Mr. Tisei, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.
Severally sent to the House for concurrence.

Petition.

On motion of Mr. Tisei, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Ms. Jehlen, (accompanied by bill) of Patricia D. Jehlen for legislation to designate a certain bridge in the city of Medford as the Richard Bongiorno, Jr. Bridge,— **and the same was referred to the committee on Transportation.**
Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4839) of Robert J. Nyman relative to penalties for disturbing military funerals or memorial services;

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

Petition (accompanied by bill, House, No. 4840) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) for legislation to establish the Cohasset Library Trust, Inc., for the town of Cohasset;

Under suspension of Joint Rules 12 and 9, to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4841) of Bradley H. Jones, Jr., and Bruce E. Tarr for legislation to grant certain retirement credit to Robert W. Noseworthy for services rendered to the town of North Reading;

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

Emergency Preamble Adopted; Engrossed Bill Enacted. An engrossed Bill extending simulcasting of horse and greyhound racing (see House, No. 4804, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 2 to 0.

The bill was signed by the Acting President (Mr. Havern) and sent to the House for enactment.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Havern) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tisei,—

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 the same Senator, at seventeen minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.