

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 13, 2006.

Met at six minutes past 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) handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty, along with Representatives Lida Harkins and Richard Ross, introduced members of the Medfield Council on Aging.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Lees (by request), a petition (subject to Joint Rule 12) of Catherine Cooper for legislation relative to small claims court no-shows;

By Mr. Morrissey (by request), a petition (subject to Joint Rule 12) of Charles A. Antonelli for legislation relative to genital mutilation; and

By Mr. Pacheco, a petition (subject to Joint Rule 12) of Marc R. Pacheco and David L. Flynn for legislation to establish a sick leave bank for Cheryl Ferrara, an employee of the Department of Mental Retardation;

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

Reports of Committees.

By Mr. Moore, for the committee on Health Care Financing, on Senate, Nos. 67, 77, 96, 100, 108, 292, 409, 677, 679, 681, 690, 691, 693, 695, 702, 710, 735, 739, 741, 1146, 1217, 1221, 1226, 1243, 1329 and 2312, an Order relative to authorizing the joint committee on Health Care Financing to make an investigation and study of certain current Senate documents relative to health care (Senate, No. 2490);

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

By Ms. Tucker, for the committee on Elder Affairs, that the recommitted Senate Bill requiring pharmacies to inform the Department of Public Health of medication dispensing errors (Senate, No. 2434),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2487).

Referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Moore, for the committee on Health Care Financing, that the Senate Bill relative to the compensation and expenses of members of the Board of Registration in Medicine (Senate, No. 1288),— ought to pass;

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

By Mr. Moore, for the committee on Health Care Financing, that the Senate Bill to assess the impact of the public welfare system on the health and well-being of children (Senate, No. 98, changed),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2489);

Referred, under Senate Rule 26, to the committee on Ethics and Rules, with the amendment pending.

By Mr. Moore, for the committee on Health Care Financing, on petition, a Bill relative to clinical laboratories (Senate, No. 725);

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

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 House Bill relative to apprentice linemen (House, No. 4669).

Committees Discharged.

Ms. Murray, for the committee on Ways and Means, reported, asking to be discharged from further consideration of the Senate Bill notifying Department of Education of school setting child abuse reports (Senate, No. 365, changed),— **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.

Mr. Moore, for the committee on Health Care Financing, reported, asking to be discharged from further consideration Of the petition (accompanied by bill, Senate, No. 713) of Richard T. Moore and Edward G. Connolly for legislation to establish the public health hospital trust fund; and

Of the petition (accompanied by bill, Senate, No. 717) of Richard T. Moore, Shirley Gomes, Edward G. Connolly and Bruce E. Tarr for legislation to provide for capital outlays for the acquisition, upgrading, development and implementation of health care technology in the Commonwealth;

And recommending that the same severally be referred to the Senate committee on Ways and Means.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Severally sent to the House for concurrence in the discharge of the joint committee.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4843) of William C. Galvin and Brian A. Joyce (by vote of the town) that the town of Canton be authorized to transfer the care, custody and control of certain land to the board of selectmen of said town,— was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.

Resolutions.

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

Resolutions (filed by Mr. Brown) “congratulating Mr. and Mrs. Albert Fuller on the occasion of their 50th wedding anniversary”; and

Resolutions (filed by Mr. Tolman) “on the occasion of the Day of Remembrance of the Armenian Genocide of 1915 to 1923.”

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill requiring the Division of Capital Asset Management and Maintenance to convey certain land to the town of Stoughton (see House, No. 2798), 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 3 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.

Petitions.

On motion of Mr. Knapik, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Augustus, (accompanied by resolve) of Edward M. Augustus, Jr. and Karyn E. Polito that provision be made for an investigation and study

by a special commission (including members of the General Court) relative to the Police Training Commission,— **and the same was referred to the committee on Public Safety and Homeland Security.**
Sent to the House for concurrence.

On motion of Mr. Hedlund, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Rosenberg, (accompanied by bill) of Stanley C. Rosenberg and Stephen Kulik for legislation to regulate the Hampshire Council of Governments,— **and the same was referred to the committee on Municipalities and Regional Government.**
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 Steven C. Panagiotakos, David M. Nangle, Stephen J. Buoniconti and Kevin J. Murphy for legislation relative to ticket resale.

Senate Rule 36 was suspended, on motion of Mr. Knapik, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Consumer Protection and Professional Licensure.

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 Steven C. Panagiotakos for legislation relative to real estate tax exemptions for veterans.

Senate Rule 36 was suspended, on motion of Mr. Knapik, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue.
Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (both of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Havern) and laid before the Governor for his approbation, to wit:

Establishing a board of registrars in the town of Swampscott (see Senate, No. 2270); and
Authorizing the town of Auburn to convey a certain parcel of land (see Senate, No. 2388).

Recess.

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

PAPER FROM THE HOUSE.

A Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4859,— on House, No. 4796, in part),— **was read.**

There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Recess.

There being no objection, at eight minutes past twelve o'clock noon, the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and, at eight minutes before two o'clock P.M., the Senate reassembled, Mr. Havern in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4859), 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 adapted, 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 — Amended.

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

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Transportation shall be granted until Friday, April 28, 2006, within which to report on Senate document numbered 2315 and House document numbered 2216.

The order was adopted, in concurrence.

Engrossed Bill.

An engrossed Bill designating a certain bridge in the towns of Scituate and Marshfield as the Sergeant Michael Jason Kelley Memorial Bridge (see House, No. 4742) (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. Havern) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Hedlund,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday 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 Krystyl Poirier.

The Senator from Middlesex, Suffolk, and Essex, Mr. Barrios, presented a request that when the Senate adjourns today, it do so as a mark of respect to the memory of Krystyl Poirier of Everett. Krystyl Poirier, a loving daughter, sister, good friend and avid cook, lost her life in a tragedy at the hands of a drunk driver in Everett on Saturday, April 8, 2006.

Accordingly, as a mark of respect to the memory of Krystyl Poirier, at one minute before two o'clock P.M. on motion of Mr. Hedlund, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.