

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.

Tuesday, April 26, 2005.

Met at twenty-four minutes past one o'clock P.M.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guest.

The President handed the gavel to Ms. Wilkerson for the purpose of introducing one of the top vocal groups of the 1950s, Herb Reed and The Platters. Herb Reed briefly addressed the Chamber and then led the Platters in performing their hit single "Only You".

Herb Reed and the Platters then signed the guest book and withdrew from the Chamber.

The President then handed the gavel to Ms. Spilka for the purpose of an introduction. Ms. Spilka introduced and recognized the following people for their dedication in working to preventing child abuse and neglect; Harry Spence, Commissioner of the Massachusetts Department of Social Services, Mary Lou Sudders, President and CEO of the Massachusetts Society for the Prevention of Cruelty to Children, Suzin Bartley, Executive Director of the Massachusetts Children's Trust Fund, and Cheryl Haddad, President and co-founder of the Massachusetts Alliance for Families. Ms. Spilka also recognized the co-chair of the committee on Children and Families, Representative Shirley Owens-Hicks and Senator Thomas M. McGee, the Senate vice-chair for their hard work on behalf of the children of the Commonwealth.

The President then handed the gavel to Mr. Brown and Ms. Spilka for the purpose of introducing Mrs. Massachusetts, Shannon Reeve. Mrs. Reeve will be competing in the Mrs. United States competition in Las Vegas in July. She resides in Franklin with her husband and two children. She was a guest of Senators Brown and Spilka.

The President then handed the gavel to Mr. Baddour for the purpose of an introduction. Mr. Baddour introduced Jeff "The Hell Raiser" Fraza, a boxer, who recently competed in the reality show "The Contender". He resides in Haverhill with his wife Sylvia and son Antonio. He was accompanied and trained by his father and Grandfather.

Jeff Fraza then signed the guest book and withdrew from the Chamber.

Mr. Baddour also recognized Joe Bevilacqua, the President of the Haverhill School Committee.

Communication.

A communication from the Board of Higher Education (under the provisions of Section 7 of Chapter 150(E) of the General Laws as amended by Chapter 15A of the Acts of 1980) relative to funding for a collective bargaining agreement executed by and between the Board of Higher Education and the Massachusetts Teachers Association/Massachusetts Community College Council (received Monday, April 25, 2005),— **was placed on file.**

Reports.

The following reports were severally read and placed on file:

A report of the Norfolk County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and Section 2KKK of Chapter 29 of the General Laws) submitting a plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the committees on Ways and Means and Post Audit and Oversight) (received Thursday, April 21, 2005);

A report of the Bristol County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and Section 2KKK of Chapter 29 of the General Laws) submitting a plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the committees on Ways and Means and Post Audit and Oversight) (received Friday, April 22, 2005);

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 March 2005 (received Friday, April 22, 2005); and

A report of the Plymouth County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and Section 2KKK of Chapter 29 of the General Laws) submitting a plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the committees on Ways and Means and Post Audit and Oversight) (received Monday, April 25, 2005).

Petitions.

Petitions were presented and referred, as follows:

By Ms. Tucker (by request), a petition (subject to Joint Rule 12) of Edward Barrett for legislation to require pharmacies to inform the Department of Public Health of medication dispensing errors; and

By the same Senator (by request), a petition (subject to Joint Rule 12) of Michael Frishman for legislation to concern tobacco use in broadcasts;

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

Resolutions.

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

Resolutions (filed by Mr. Creedon) “on the occasion of the one hundredth anniversary of the Harmony of Easton Grange #247”;

Resolutions (filed by Mr. Hedlund) “recognizing May 1, 2005 as Safe Drinking Water Week”; and

Resolutions (filed by Ms. Spilka, Messrs. Travaglini, McGee, Antonioni, Augustus, Baddour, Barrios, Berry, Brewer, and Brown, Ms. Chandler, Ms. Creem, Ms. Fargo, Messrs. Hart, Havern, Joyce, Montigny and Moore, Ms. Murray, Messrs. Nuciforo and Pacheco, Ms. Resor, Messrs. Rosenberg and Tarr, Ms. Tucker and Ms. Walsh) “recognizing Child Abuse Prevention Month.”

PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill placing certain questions on the annual election ballot in the town of Spencer (see Senate Bill, printed in House, No. 2929) (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 President and laid before the Governor for his approbation.**

Engrossed Bills — Land Takings for Conservation, Etc.

An engrossed Bill authorizing the conservation commission of the town of Reading to grant certain easements (see House, No. 36) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eleven minutes before two o'clock P.M., as follows, to wit (yeas 36 — nays 0)[**Yeas and Nays No. 15**]:

YEAS.

Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Joyce, Brian A.
Baddour, Steven A.	Knapik, Michael R.
Barrios, Jarrett T.	Lees, Brian P.
Berry, Frederick E.	McGee, Thomas M.
Brewer, Stephen M.	Menard, Joan M.
Brown, Scott P.	Moore, Richard T.
Buoniconti, Stephen J.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Rosenberg, Stanley C.	Tisei, Richard R.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Wilkerson, Dianne —

36.

NAYS — 0.

ABSENT OR NOT VOTING.

Montigny, Mark C.	Walsh, Marian — 2.
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The yeas and nays having been completed at six minutes before two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill authorizing the city of Waltham to construct a veterans memorial and community bandstand and to install certain plaques on open space land (see House, No. 1719) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at five minutes before two o'clock P.M., as follows, to wit (yeas 35 — nays 0) [**Yeas and Nays No. 16**]:

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Augustus, Edward M., Jr.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.

Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tisei, Richard R.
Hedlund, Robert L.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Lees, Brian P.
McGee, Thomas M.	Wilkerson, Dianne —

35.

Menard, Joan M.

NAYS — 0.

ABSENT OR NOT VOTING.

Baddour, Steven A.	Montigny, Mark C. —
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3.

Walsh, Marian

The yeas and nays having been completed at three minutes before two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Westport to convey certain conservation land to the board of selectmen for the purpose of constructing a public safety complex (see House, No. 1726, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at two minutes before two o'clock P.M., as follows, to wit (yeas 36 — nays 0) [**Yeas and Nays No. 17**]:

YEAS.

Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Joyce, Brian A.
Baddour, Steven A.	Knapik, Michael R.
Barrios, Jarrett T.	Lees, Brian P.
Berry, Frederick E.	McGee, Thomas M.
Brewer, Stephen M.	Menard, Joan M.
Brown, Scott P.	Moore, Richard T.
Buoniconti, Stephen J.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Rosenberg, Stanley C.	Tisei, Richard R.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Wilkerson, Dianne —

36.

NAYS — 0.

ABSENT OR NOT VOTING.

Montigny, Mark C.	Walsh, Marian —
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2.

The yeas and nays having been completed at one minute past two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Orders of the Day.

The Orders of the Day were considered, as follows:

The Senate Bill relative to police cadets in Springfield (Senate, No. 1362),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill providing for the collection of data relative to traffic stops and other police service (Senate, No. 1393),— was read a third time.

Mr. Brewer for the committee on Bills in the Third Reading, reported, recommending that the bill be amended by substitution of a bill entitled "An Act requiring special state police officers to collect certain data" (Senate, No. 2040).

The report was accepted.

After remarks, the question on passing the bill (Senate, No. 2040) to be engrossed, was determined by a call of the yeas and the nays, at four minutes past two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 34 — nays 2) [**Yeas and Nays No. 18**]:

YEAS.

Antonioni, Robert A.	Joyce, Brian A.
Augustus, Edward M., Jr.	Knapik, Michael R.
Baddour, Steven A.	Lees, Brian P.
Barrios, Jarrett T.	McGee, Thomas M.
Berry, Frederick E.	Menard, Joan M.
Brewer, Stephen M.	Moore, Richard T.
Buoniconti, Stephen J.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Rosenberg, Stanley C.	Tisei, Richard R.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Wilkerson, Dianne —

34.

NAYS

Brown, Scott P.	Hedlund, Robert L. —
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2.

ABSENT OR NOT VOTING.

Montigny, Mark C.	Walsh, Marian —
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Ms. Menard in the Chair, the yeas and nays having been completed at seven minutes past two o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill requiring distribution of citation books to the Office of Law Enforcement in the Executive Office of Environmental Affairs (Senate, No. 1338) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

Mr. Creedon moved that the bill be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

Recess.

At nine minutes past two o'clock P.M., at the request of Mr. Lees, for the purpose of a minority caucus, the Chair (Ms. Menard) declared a recess; and, at twenty-eight minutes before three o'clock P.M., the Senate reassembled, the President in the Chair.

Committee of Conference Report.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendment to the Senate Bill promoting stem cell research (Senate, No. 2032) (*amended by the House* by 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", reports, a "Bill relative to enhancing regenerative medicine in the Commonwealth (Senate, No. 2039).

After debate, the question on acceptance of the report of the committee of conference was determined by a call of the yeas and nays, at one minute before three o'clock P.M., on motion of Mr. Berry, as follows, to wit (yeas 34 — nays 2) [**Yeas and Nays No. 19**]:

YEAS.

Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Joyce, Brian A.
Baddour, Steven A.	McGee, Thomas M.
Barrios, Jarrett T.	Menard, Joan M.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Tisei, Richard R.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Rosenberg, Stanley C.	Tucker, Susan C.
Spilka, Karen E.	Walsh, Marian
Tarr, Bruce E.	Wilkerson, Dianne —

34.

NAYS

Knapik, Michael R. Lees, Brian P. — **2.**

PAIRED.

YEA. NAY.

Mark C. Montigny Richard T. Moore — **2.**

The yeas and nays having been completed at three minutes past three o'clock P.M., the report (Senate, No. 2039) was accepted.

Sent to the House for concurrence.

Reports of Committees.

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Richard T. Moore for legislation to deter the occurrence of drowsy driving while operating a motor vehicle.

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

Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Berry,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday 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 four minutes past three o'clock P.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.