

**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 27, 2006.*

Met according to adjournment at eleven o'clock A.M. (Mr. Rosenberg in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Senator from Plymouth and Norfolk, Mr. Hedlund, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

#### *Petitions.*

Petitions were presented and referred as follows:

By Ms. Resor, a petition (accompanied by bill, Senate, No. 2502) of Pamela P. Resor and Stephen P. LeDuc (with approval of mayor and city council) for legislation to establish the Marlborough 2010. Corporation [Local approval received];

Under Senate Rule 20, to the committee on Economic Development and Emerging Technologies.

By Ms. Fargo, a petition (accompanied by bill, Senate, No. 2503) of Susan C. Fargo (by vote of the town) for legislation to authorize the town of Lincoln to issue a single license for the sale of wine and malt beverages [Local approval received];

Under Senate Rule 20, to the committee on Election Laws.

By Mr. Brewer, a petition (accompanied by bill, Senate, No. 2501) of Stephen M. Brewer and Christopher J. Donelan (by vote of the town) for legislation to further regulate the appointment of police lieutenant in the town of Athol [Local approval received];

**Under Senate Rule 20, to the committee on Public Service.**

**Severally sent to the House for concurrence.**

Petitions were presented and referred, as follows:

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer and Todd M. Smola for legislation to amend the Cultural Council requirements; and

By Mr. Timilty, a petition (subject to Joint Rule 12) of James E. Timilty, Richard J. Ross, Louis L. Kafka, Robert K. Coughlin and other members of the General Court for legislation to permit the Massachusetts Water Resources Authority to enter into an agreement with the town of Walpole for the use of certain land for recreational purposes;

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

#### *Order.*

Ms. Walsh presented an Order relative to amending the rules of the Senate (Senate, No. 2504),— and the same was referred to the Senate committee on Ethics and Rules.

#### *Reports of Committees.*

By Ms. Jehlen, for the committee on Public Service, on Senate, Nos. 1398, 1408, 1409, 1410, 1412, 1414, 1421, 1422, 1423, 1429, 1430, 1431, 1432, 1433, 1435, 1439, 1441, 1443, 1445, 1448, 1449, 1455, 1458, 1469, 1470, 1471, 1474, 1478, 1482, 1487, 1488, 1489, 1492, 1502, 1507, 1511, 1512, 1513, 1514, 1519, 1528, 1530, 1532, 1537, 1539, 1540, 1541, 1550, 1554, 1562, 1564, 1566, 1568, 1569, 1574, 1576, 1577, 1578, 1581, 1583, 1592, 1593, 1594, 1595, 1597, 1599, 1602, 1606, 1608, 1613, 1615, 1616, 1617, 1618, 1619, 1620, 1626, 1628, 1629, 1630, 1631, 1964, 2063, 2076, 2118, 2166, 2305 and 2314, an Order relative to authorizing the joint committee on Public Service to make an investigation and study of certain current Senate documents relative to public service (Senate, No. 2498) [Local approval received on Senate, Nos. 1408 and 1445] (Senator Joyce dissenting on Senate Nos. 1435, 1482, 1487, 1488, 1489, 1492 and 1542);

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

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on petition, a Bill an act relative to the South Boston power station (Senate, No. 2344); and

By the same Senator, for the same committee, on petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property (Senate, No. 2421);

**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means**

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

The Senate bills

Relative to clinical laboratories (Senate, No. 725);

Relative to the compensation and expenses of members of the Board of Registration in Medicine (Senate, No. 1288); and

Relative to regional transit authorities advisory boards (Senate, No. 2131).

*Committee Discharged.*

Ms. Murray, for the committee on Ways and Means, reported, asking to be discharged from further consideration

Of the Senate Bill relative to educator licensure in the Commonwealth (Senate, No. 289);

Of the Senate Bill relative to ensuring the safety of children (Senate, No. 298);

Of the Senate Bill relative to the administration of political action committees organized by not-for-profit corporations, trade unions, trade associations or chambers of commerce (Senate, No. 438, changed);

Of the Senate Bill to protect the Commonwealth's hemlock trees (Senate, No. 494, changed);

Of the Senate Bill relative to the negotiation of taxes due under a tax increment financing (TIF) (Senate, No. 1701);

Of the Senate Bill waiving construction permit fees to promote accessibility (Senate, No. 1743);

Of the Senate Bill relative to the disposition of museum property (Senate, No. 1836);

Of the Senate Bill to ban the use of methyl tertiary butyl ether (Senate, No. 2179);

Of the Senate Resolve providing MCAS options (Senate, No. 2404); and

Of the Senate Bill relative to binding arbitration (Senate, No. 2459);

**And recommending that the same severally be referred to the Senate committee on Ethics and Rules.**

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

#### **PAPERS FROM THE HOUSE.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4768) of Arthur J. Broadhurst and Steven A. Baddour (with the approval of the mayor and city council) for legislation to exempt Sean W. Richards from the maximum age requirements for applying for civil service appointment as a police officer in the city of Methuen;

To the committee on Public Service.

Petition (accompanied by bill, House, No. 4769) of Emile J. Goguen and Robert A. Antonioni (with the approval of the mayor and city council) that the city of Fitchburg be authorized to grant abatements on certain property taxes;

To the committee on Revenue.

#### *Resolutions.*

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

Resolutions (filed by Mr. Brown) “congratulating J. Michael ‘Mick’ Janelli on his retirement from the Wrentham Public Schools”;

Resolutions (filed by Mr. Brown) “congratulating Superintendent Michael Malone on the occasion of his retirement”;

Resolutions (filed by Mr. Joyce) “honoring George L. Dolinsky”;

Resolutions (filed by Mr. Pacheco) “congratulating David and Judi Johnson as the ‘Couple of the Year’ ”;

Resolutions (filed by Mr. Pacheco) “congratulating Dighton Fire Chief Jeffrey J. Allie on the occasion of his retirement”;

Resolutions (filed by Mr. Pacheco) “congratulating Kyle J. Boudreau on his Eagle Scout Award”;

Resolutions (filed by Mr. Pacheco) “congratulating the town of Raynham on its 275<sup>th</sup> anniversary”

Resolutions (filed by Ms. Resor and Ms. Fargo) “honoring state park employees and volunteers on Arbor Day”; and Resolutions (filed by Ms. Spilka) “honoring Dr. Helen L. Heineman on her retirement as President of Framingham State College.”

*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 the late filing of a tax abatement application for the National Plastics Center and Museum in Leominster (Senate, No. 2386) (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 House Bill authorizing the town of Ayer to convey certain land (House, No. 4203),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

*Report of a Committee.*

The committee on Tourism, Arts and Cultural Development, reported ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 2454) of Marc R. Pacheco to create the official shellfish of the Commonwealth. There being no objection, the rules were suspended, on motion of Mr. Moore, and the matter was considered forthwith. On motion of the same Senator, the petition was recommitted to the joint committee on Tourism, Arts and Cultural Development.

*Petitions.*

On motion of Mr. Moore, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Travaglini (accompanied by bill), of Robert E. Travaglini, Karen E. Spilka, Thomas M. McGee, Frederick E. Berry and other members of the General Court for legislation to support strong families by providing paid family and medical leave, increasing tax deductions for working families, and establishing a work family council,— **and the same was referred to the committee on Children and Families. 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. Buoniconti (accompanied by bill), of Stephen J. Buoniconti for legislation to extend the law governing removal of certain occupants to clients of the Department of Social Services,— **and the same was referred to the committee on Children and Families. 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 Robert S. Creedon, Jr., Geraldine Creedon, Thomas P. Kennedy and Christine, E. Canavan for legislation to authorize the Division of Capital Asset Management and Maintenance to convey certain permanent easements to Brockton Hospital. **Senate Rule 36 was suspended, on motion of Mr. Moore, 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 Robert S. Creedon, Jr. and Susan Molina for legislation relative to the funeral and burial of children in the care of the Department of Social Services. **Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Children and Families.**

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 7B be suspended on the Senate petition of Marian Walsh and Robert K. Coughlin (by vote of the town) for legislation to authorize the town of Dedham to grant 8 additional licenses for the sale of all alcoholic beverages and 1 additional license for the sale of wines and malt beverages to be drunk on the premises. **Senate Rule 36 was suspended, on motion of Mr. Moore, 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 James E. Timilty for legislation to authorize self-monitoring and treatment of students with diabetes. **Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Health Care Financing.**

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 James E. Timilty for legislation relative to tax credits for the purchase of hearing aids.  
**Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Health. Severally sent to the House for concurrence.**

#### PAPERS FROM THE HOUSE.

A Bill relative to the financial condition of the town of Medway (House, No. 4790,— on petition) [Local approval received] (Representatives Pope of Wayland and Coppola of Foxborough of the committee on Municipalities and Regional Government dissenting),— **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.**

The Senate Bill to further regulate municipal transfers of appropriations (Senate, No. 2192, amended),— came from the House passed to be engrossed, in concurrence with an amendment, inserting before the enacting clause the following emergency preamble:

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

The rules were suspended, on motion of Mr. Moore, and the House amendment was considered forthwith.

**Pending the question on concurring on the House amendment, Ms. Resor moved that the Senate concur with the House amendment with a further amendment, striking out all after the enacting clause and inserting in place thereof the text, Senate, No. 2505.**

**The further amendment was adopted.**

**The Senate then concurred in the House amendment, as amended.**

**Sent to the House for concurrence in the further amendment.**

#### *Orders Adopted.*

The following House Orders (severally approved by the committees on Rules of the two branches, acting concurrently) were severally considered forthwith, and adopted, in concurrence, to wit:

*Ordered*, That notwithstanding the provisions of Joint Rule 10, the committee on Health Care Finance shall be granted until Thursday, June 1, 2006, within which to report on Senate documents numbered 101, 104, 110, 134, 137, 138, 258, 279, 373, 374, 379, 381, 382, 399, 400, 405, 406, 407, 411, 412, 420, 432, 437, 517, 694, 1148, 1149, 1217, 1218, 1220, 1225, 1236, 1239, 1244, 1248, 1249, 1251, 1256, 1257, 1258, 1259, 1263, 1267, 1269, 1273, 1274, 1276, 1278, 1280, 1282, 1283, 1286, 1290, 1292, 1296, 1297, 1302, 1311, 1316, 1318, 1382, 1535, 2363, 2395, 2418 and 2433, and House documents numbered 458, 878, 1030, 1037, 1494, 1495, 1497, 1498, 1499, 1608, 1610, 1612, 1613, 2087, 2619, 2649, 2650, 2652, 2660, 2662, 2664, 2678, 2679, 2690, 2692, 2693, 2730, 2731, 2739, 2749, 2753, 2853, 2861, 2864, 2902, 3633, 3634, 4250, 4363, 4481, 4572, 4591, 4622, 4623, 4654, 4689, 4702, 4703, 4704, .4705, 4706, 4728, 4729, 4737, 4756, 4757 and 4806.

*Ordered*, That notwithstanding the provisions of Joint Rule 10, the committee on Health Care Finance shall be granted until Thursday, June 1, 2006, within which to report on Senate document numbered 2434 and House documents numbered 1122, 2665 and 4655.

*Ordered*, That notwithstanding the provisions of Joint Rule 10, the committee on Labor and Workforce Development shall be granted until Wednesday, May 31, 2006, within which to report on House document numbered 4750.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4914) of Bruce J. Ayers and Robert K. Coughlin relative to the protection of certain wetlands in the Blue Hills Reservation;

Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 4913) of Peter J. Koutoujian and Susan C. Fargo relative to the payment of benefits for services provided by registered physician assistants;

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

Petition (accompanied by bill, House, No. 4915) of Virginia M. Coppola and James E. Timilty for legislation to establish a sick leave bank for Debra A. Flagg, an employee of the Department of Mental Retardation; and

Petition (accompanied by bill, House, No. 4916) of Robert F. Fennell for legislation to regulate the termination of life insurance of certain retired public employees;

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

Petition (accompanied by bill, House, No. 4917) of Geraldine Creedon and others for legislation to reimburse the town of Easton for certain expenditures for veterans' benefits;

**Under suspension of Joint Rule 12, to the committee on Veterans and Federal Affairs.**

*Engrossed Bills.*

The following engrossed bills (all of which originated in the House), 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. Rosenberg) and laid before the Governor for his approbation, to wit:

Relative to the Cherry Valley and Rochdale Water District (see House, No. 1290, amended);  
Establishing a post-retirement group health insurance trust fund in the town of Concord (see House, No. 2980);  
Relative to construction of sewer system extentions in the town of Concord (see House, No. 4364);  
Changing the membership of the Historic District Commission of the town of Sudbury (see House, No. 4390);  
Establishing a post employment health insurance liability fund in the town of Sudbury (see House, No. 4391); and  
Designating a certain bridge in the town of Canton as the Samuel "Sam" Swardlick Bridge (see House, No. 4673).

*Recess.*

There being no objection, at sixteen minutes past eleven o'clock A.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at twenty-nine minutes past one o'clock P.M., the Senate reassembled, Mr. Rosenberg in the Chair.

**PAPERS FROM THE HOUSE.**

*Emergency Preamble Adopted; Engrossed Bill Enacted.*

An engrossed Bill further regulating municipal transfers of appropriations (see Senate, No. 2192, 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. Rosenberg) and sent to the House for enactment.

Subsequently, the bill, which originated in the Senate, 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. Rosenberg) and laid before the Governor for his approbation.

*Engrossed Bills.*

The following engrossed bills (the first 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. Rosenberg) and laid before the Governor for his approbation, to wit:

Authorizing the issuance of certain bonds by the Manchester Essex Regional School District (see Senate, No. 2383); and  
Relative to the financial condition of the town of Medway (see House, No. 4790).

*Order Adopted.*

On motion of Mr. Hedlund,—

*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 eleven minutes before two o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.