

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.

Monday, May 2, 2005.

Met at four 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).

The Chair (Ms. Wilkerson), members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

The Chair (Ms. Wilkerson) introduced the Southeastern Regional Vocational and Technical High School football team. The team was the 2004 Division IV High School Super Bowl Champions. The team was accompanied by their coach Ned Scaduto, Assistant Superintendent and Principal, Jerome Burke and School to Work Facilitator, John Creed. They were guests of Senators Creedon, Joyce, Timilty and Hedlund.

Reports.

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of M.C.I. Concord (received Thursday, April 28, 2005),— **was read and sent to the House for its information.**

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 Thursday, April 28, 2005),— **was placed on file.**

Reports of Committees on a Proposal for a Legislative Amendment to the Constitution.

Mr. Augustus, for the committee on Election Laws, on the petition (accompanied by proposal, Senate, No. 7) of Robert L. Hedlund and Norman Paley for a legislative amendment to the Constitution relative to laws created by the people using the Initiative process,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 7), ought NOT to pass. (Senator Brown dissenting).

The same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 8) of Brian P. Lees, Richard R. Tisei, Bruce E. Tarr, Robert L. Hedlund and other members of the General Court for a legislative amendment to the Constitution relative to Constitutional officers,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 8), ought NOT to pass. (Senator Brown and Representatives Frost of Auburn and Rogeness of Longmeadow dissenting).

The same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 9) of Ross J. Rajotte for a legislative amendment to the Constitution to allow absentee voting,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 9), ought NOT to pass.

The same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 10) of Ross J. Rajotte for a legislative amendment to the Constitution relative to the method of electing the Lieutenant-Governor and Governor,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 10), ought NOT to pass.

The same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 11) of Richard T. Moore, Scott P. Brown, Edward G. Connolly and Ross Rajotte for a legislative amendment to the Constitution increasing the term of office for the General Court from two to four years,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 11), ought NOT to pass. (Senator Brown and Representatives Turner of Dennis and Rogeness of Longmeadow dissenting).

The same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 12) of Richard T. Moore and other members of the General Court for a legislative amendment to the Constitution relative to establishing an independent redistricting commission and criteria for redistricting,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 12), ought NOT to pass. (Senator Brown and Representatives Turner of Dennis, Frost of Auburn and Rogeness of Longmeadow dissenting).

The same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 13) of Stanley C. Rosenberg and Robert Spellane for a legislative amendment to the Constitution promoting the representative character of ballot questions,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 13), ought NOT to pass.

The same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 14) of Stanley C. Rosenberg for a legislative amendment to the Constitution relative to vacancies in the Governor's Council,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 14), ought NOT to pass.

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 38) of Jay R. Kaufman for a legislative amendment to the Constitution relative to a vacancy in the office of Governor or Lieutenant-Governor,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 38), ought NOT to pass. (Senator Brown and Representatives Turner of Dennis and Rogeness of Longmeadow dissenting).

The same Senator, for the same committee, on the petition (accompanied by bill, House, No. 39) of George N. Peterson, Jr., for a legislative amendment to the Constitution to change the length of term for Representatives and Senators from two years to four years,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 39), ought NOT to pass. (Senator Brown and Representatives Turner of Dennis and Rogeness of Longmeadow dissenting).

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 40) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution relative to redistricting for the House of Representatives, Senate and Governor's Council,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 40), ought NOT to pass. (Senator Brown and Representatives Turner of Dennis, Frost of Auburn and Rogeness of Longmeadow dissenting).

The reports were severally read and placed on file, in accordance with the requirements of said rule.

Mr. Augustus, for the committee on Election Laws, on the petition (accompanied by proposal, Senate, No. 2034) of Edward M. Augustus, Jr., Anthony W. Petrucci, Demetrius J. Atsalis, James B. Leary and other members of the General Court for a legislative amendment to the Constitution to authorize the General Court to provide for absentee voting by any voter,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 2034), ought to pass. (Senator Brown and Representative Rogeness of Longmeadow dissenting).

Mr. Barrios, for the committee on Public Safety and Homeland Security, on the petition (accompanied by proposal, Senate, No. 17) of Richard T. Moore, Susan W. Pope, Scott P. Brown, Edward G. Connolly and other members of the General Court for a legislative amendment to the Constitution relative to emergency appointments of elected officials,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 17), ought to pass. (Representatives C. A. Murphy of Burlington, Perry of Sandwich and Hill of Ipswich dissenting).

The reports were severally read and placed on file, in accordance with the requirements of said rule.

Under the provisions of Joint Rule 23, the following proposal was placed on file, the time within which the said committee was required to report having expired:—

Of the committee on the Judiciary, ought NOT to pass (under Joint Rule 23) on the petition (accompanied by proposal, Senate, No. 15) of Michael R. Knapik, Michael F. Kane, Scott P. Brown, Donald F. Humason, Jr. and other members of the General Court for a legislative amendment to the Constitution relative to the certification of judges.

Committee Discharged.

Mr. Creedon, for the committee on the Judiciary, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 928) of Cynthia S. Creem and Steven A. Tolman for legislation to employee wages,— and recommending that the same be referred to the committee on Labor and Workforce Development.

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 recommending legislation relative to expanding the availability of health insurance (House, No. 2923); and

Message from His Excellency the Governor recommending legislation relative to establishing the commonwealth care health insurance exchange corporation (House, No. 2924);

Severally to the committee on Financial Services.

A Bill validating the actions taken at an annual town meeting and special town meeting of the town of Rockland (printed in House, No. 999,— being a message from His Excellency the Governor),—was read and, under Senate Rule 26,— **referred to the committee on Ethics and Rules.**

Resolutions.

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

Resolutions (filed by Mr. Hedlund) “honoring the South Shore Charter Public School on the occasion of its tenth anniversary”;

Resolutions (filed by Mr. Joyce) “on the occasion of the retirement of Jim Brown, Jr.”;

Resolutions (filed by Mr. Moore) “congratulating Jim Conway”; and

Resolutions (filed by Mr. Tisei) “celebrating the one hundredth anniversary of the Stone Zoo.”

Order Adopted.

Ms. Menard offered the following order, to wit:—

Ordered, That Joint Rule 1 be amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

“Each committee to consist of six members of the Senate, and eleven members on the part of the House except the committees on Economic Development and Emerging Technologies, Health Care Financing and Transportation which shall consist of seven members of the Senate and thirteen on the part of the House.”

Under the rules, referred to the committees on Rules of the two branches, acting concurrently.

Subsequently, Ms. Menard, for the said committees, reported, recommending that the order be adopted.

There being no objection, the rules were suspended and the order was considered forthwith; and it was adopted.

Sent to the House for concurrence.

Petition.

On motion of Mr. Brewer, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Ms. Wilkerson, (accompanied by bill) of Dianne Wilkerson and Jarrett T. Barrios for legislation to establish a sick leave bank for Alexander G. Gray, Jr. an employee of the trial court,— **and the same was referred to the committee on the Judiciary.**

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 Jarrett T. Barrios, Robert S. Creedon, Jr. and Pamela P. Resor for legislation relative to the recovery of attorney's fees for restriction enforcement.

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

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 Jarrett T. Barrios, Cheryl A. Rivera, Cynthia Stone Creem, Shirley Owens-Hicks and other members of the General court for legislation to prohibit the sale, transfer or possession of "cop killer" handguns and high-powered rifles.

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

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3835) of John A. Lepper and Scott P. Brown relative to the health care security trust fund;

Under suspension of Joint Rule 12, to the committee on Health Care Financing.

Petition (accompanied by bill, House, No. 3836) of Bradford Hill relative to prohibiting the use of certain vaccines and serums containing mercury;

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

Petition (accompanied by bill, House, No. 3837) of Christopher J. Donelan for legislation to authorize the Department of Social Services to establish a personal leave bank for Karen Campbell, an employee of said department;

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

Petition (accompanied by bill, House, No. 3838) of Stephen R. Canessa relative to designating the Andre Lopes Overpass in the city of New Bedford as the Andre Lopes Korean War Veteran Overpass;

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

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 and laid before the Governor for his approbation, to wit:

Relative to the collection of certain taxes in the town of Sandwich (see Senate, No. 2026); and

Relative to the payment of costs for systems of sewerage and sewage disposal in the town of Shrewsbury (see House, No. 2795).

Order Adopted.

On motion of Mr. Brewer,—

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 eleven minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.