

**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 22, 2006.*

Met at two minutes past 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 Essex and Middlesex, Mr. Tarr, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

#### *Communications.*

The following communications were severally placed on file:

Communication from the Executive Office for Administration and Finance (pursuant to Section 3B of Chapter 7 of the General Laws) giving notice of its intention to amend 801 CMR 4.00 relative to licensure fees charged to physical therapy facilities (a copy having been forwarded to the Committee on State Administration and Regulatory Oversight) (received Friday, May 19, 2006); and

Communication from the Executive Office for Administration and Finance (pursuant to Section 3B of Chapter 7 of the General Laws) giving notice of its intention to amend 801 CMR 4.00 relative to speech-language pathology and audiology assistants licensure fees (a copy having been forwarded to the Committee on State Administration and Regulatory Oversight) (received Friday, May 19, 2006).

#### *Reports.*

The following reports were severally read and sent to the House for its information:

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 the Western Massachusetts Correctional Alcohol Center (received Wednesday, May 17, 2006); and

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 MCI Shirley Medium Security Facility (received Thursday, May 18, 2006).

#### *Petitions.*

Ms. Chandler presented a petition (accompanied by bill, Senate, No. 2557) of Harriette L. Chandler, Pamela P. Resor, Harold P. Naughton, Jr. and Karyn E. Polito (by vote of the town) for legislation to authorize the licensing authority of the town of Northborough to issue five additional licenses for the sale of all alcoholic beverages to be drunk on the premises [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.**

**Sent to the House for concurrence.**

Mr. Moore presented a petition (subject to Joint Rule 12) of Richard T. Moore for legislation relative to the establishment and powers of special development districts,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

*Report of Committees.*

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill establishing the Martha's Vineyard housing bank (Senate, No. 2230),— **ought to pass, with an amendment substituting a new draft entitled "An Act establishing the Martha's Vineyard and Nantucket housing banks"** (Senate, No. 2555) (Senator Tisei dissenting);  
**Referred, under Senate Rule 26, to the committee on Ethics and Rules.**

By Mr. Moore, for the committee on Health Care Financing, on Senate, Nos. 101, 104, 138, 373, 379, 1251, 1256, 1258, 1259 and 1318, 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. 2554);  
**Referred, under joint Rule 29, to the committees on Rules of the two branches, acting concurrently.**

By Mr. Moore, for the committee on Health Care Financing, that the Senate Bill relative to reserving beds in nursing homes for residents during certain leaves of absence (Senate, No. 413),— **ought to pass [Estimated cost: \$9,500,000.00];**  
**Referred, under Senate Rule 27, to the committee on Ways and Means.**

By Mr. Moore, for the committee on Health Care Financing, that the Senate Bill relative to health related boards of registration (Senate, No. 1267),— **ought to pass;**  
**Referred, under Senate Rule 26, to the committee on Ethics and Rules.**

*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 Health Care Financing to make an investigation and study of certain current Senate documents relative to health care (Senate, No. 2552),— **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.**

A message from His Excellency the Governor recommending legislation relative to further supporting service members and their families (House, No. 4966),— **was referred, in concurrence, to the committee on Revenue.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4943) of Christopher J. Donelan (with the approval of the mayor and town council) for legislation to make certain changes in the charter of the town of Greenfield; and  
Petition (accompanied by bill, House, No. 4944) of James B. Eldridge and others (by vote of the town) for legislation to transfer certain funds of the town of Acton from the North East Solid Waste Committee to the general fund of said town;  
**Severally to the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 4945) of Demetrius J. Atsalis and others (by vote of the town) that the town of Yarmouth be authorized to use a portion of the room occupancy tax for the establishment of a tourism revenue preservation fund; and  
Petition (accompanied by bill, House, No. 4946) of James B. Eldridge and others (by vote of the town) relative to the dates for the payment of property taxes by certain elderly persons in the town of Acton;  
**Severally to the committee on Revenue.**

Petition (accompanied by bill, House, No. 4947) of Christopher J. Donelan (by vote of the town) relative to the Warwick Free Public Library located in the town of Warwick;  
**To the committee on Tourism, Arts and Cultural Development.**

*Bills*

Establishing a sick leave bank for Debra A. Flagg, an employee of the Department of Mental Retardation (House, No. 4915,— on petition); and  
Relative to streamlining and expediting the permitting process in the Commonwealth (House, No. 4968, printed as amended,— on House, No. 3577);  
**Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Engrossed Bill Returned by Governor With Recommendation of Amendment.

The engrossed Bill relative to the licensure of massage therapists (Senate, No. 2258, amended) (which on Monday, May 15, 2006, had been laid before the Governor for his approbation), was returned to the Senate Clerk by the Governor on Friday, May 19, 2006, at five minutes before five o'clock P.M., with a message recommending an amendment.  
The message (Senate, No. 2556) was read and the Senate proceeded to reconsider the bill, in accordance with the provisions of Article LVI of the Amendments to the Constitution.

**Pending action thereon, the engrossed bill was referred to the committee on Bills in the Third Reading, on motion of Mr. Tarr.**

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

A Bill authorizing the town of Canton to grant certain easements (House, No. 4948,— on House, No. 4843) [Local approval received],— was read.

The rules were suspended, on motion of Ms. Fargo, and the bill was read a second time.

Mr. Joyce presented an amendment in section 1, in the first paragraph, by inserting after the words “Page 495” the following words:— “, this land having been purchased by the town of Canton in the town of Stoughton for water supply purposes”; and by adding the following sentence: “Any such temporary access easement shall terminate on June 1, 2008.”; and in section 2 (as printed), by inserting after the first sentence the following sentence:— “These mitigation measures shall consist of performing \$65,000 of work on the property of the Canton conservation commission, including, but not limited to, cleaning trash from the property, repairing a trail system, building 2 bridges, blocking vehicle access to the property and restoring the gravel pit.”.

**The amendment was adopted.**

**The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.**

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

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4976) of Robert K. Coughlin and Marian Walsh that employees of the Dedham-Westwood Water District be eligible for membership in the retirement system of Norfolk County;

**Under suspension of Joint Rules 12 and 7A, to the committee on Public Service.**

Petition (accompanied by bill, House, No. 4977) of James H. Fagan relative to authorizing the certification and eligibility of certain persons as fire fighters in the city of Taunton;

**Under suspension of Joint Rule 7B, to the committee on Public Service.**

#### *Engrossed Bill.*

An engrossed Bill relative to the Purple Heart highway in Worcester County (see Senate, No. 1930) (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 and was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.

#### *Order Adopted.*

On motion of Ms. Fargo,

*Ordered*, That notwithstanding the provisions of Senate Rule 38B, when the Senate adjourns today, it adjourn to meet again on Wednesday next at eleven o'clock A.M.; and that the only item on the calendar will be the General Appropriation Bill.

On motion of Mr. Tarr, at fourteen minutes past eleven o'clock A.M., the Senate adjourned to meet again on the following Wednesday at eleven o'clock A.M.