

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, May 30, 2006.

Met at eight minutes past eleven o'clock A.M. (Mr. Havern in the Chair).

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

Reports of Committees.

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on Senate, Nos. 181, 182, 185, 191, 193, 195, 196, 198, 204, 207, 211, 213, 215, 217, 244, 247, 249, 254, 1185 and 1837, an Order relative to authorizing the joint committee on Consumer Protection and Professional Licensure to make an investigation and study of certain current Senate documents relative to consumer protection issues in the commonwealth (Senate, No. 2564);

By Mr. Nuciforo, for the committee on Financial Services, on Senate, Nos. 277, 558, 560, 561, 562, 563, 564, 565, 566, 567, 569, 570, 571, 573, 575, 576, 578, 580, 581, 582, 583, 584, 586, 587, 588, 590, 592, 593, 594, 595, 596, 597, 598, 599, 601, 602, 603, 606, 607, 608, 609, 610, 611, 615, 616, 620, 627, 630, 631, 632, 633, 634, 635, 636, 637, 639, 644, 645, 647, 648, 649, 650, 652, 653, 654, 655, 656, 658, 659, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675 and 759, an Order relative to authorizing the joint committee on Financial Services to make an investigation and study of certain current Senate documents relative to financial services (Senate, No. 2560); and

By Ms. Creem, for the committee on Revenue, on petition (accompanied by bill, Senate, No. 2496), an Order relative to authorizing the joint committee on Revenue to make an investigation and study of current Senate document numbered 2496, relative to gambling losses (Senate, No. 2558);

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

Mr. Moore, for the committee on Health Care Financing, that the Senate Bill relative to eligibility for state group health insurance (Senate, No. 1535),— ought to pass ;

Referred, under Senate Rule 27, to the committee on Ways and Means.

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 227), a Bill to establish standards for consumer credit counseling (Senate, No. 2563);

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition, a Bill making technical corrections to the public construction reform law (Senate, No. 2064, changed by adding a new section:

“SECTION 67. Subsection (f). The term ‘individual’ as used in this section shall mean a ‘natural person.’.”); and

By Mr. Hart, for the committee on Tourism, Arts and Cultural Development, on petition, a Bill relative to certain musical performances and the protection of performing groups (Senate, No. 2530);

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

By Mr. Hart, for the committee on Tourism, Arts and Cultural Development, on the recommitted petition, a Bill creating the official shellfish of the Commonwealth (Senate, No. 2454);

By the same Senator, for the same committee, on petition, a Bill eliminating the property holdings cap for the Boston Public

Library (Senate, No. 2484); and

By Mr. Baddour, for the committee on Transportation, on petition (accompanied by bill, Senate, No. 2536), a Bill designating certain bridges in the Commonwealth (Senate, No. 2559);

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

By Mr. Timilty, for the committee on Municipalities and Regional Government, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 2322) of Michael W. Morrissey and Ronald Mariano for legislation to amend the sharing between the town of Randolph and the town of Holbrook if the costs incurred by said towns when acting jointly;

Referred, under Senate Rule 36, to the committee on Ethics and Rules.

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 protecting against the displacement of current employees (printed as House, No. 457); and

Relating to the bargainability of health insurance for part-time municipal employees (printed as House, No. 458).

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. 2554),— **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 Her Honor the Lieutenant-Governor, Acting Governor recommending legislation relative to reforming medical malpractice (House, No. 4989),— was referred, in concurrence, to the committee on the Judiciary.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4983) of Bruce E. Tarr (by vote of the town) that the town of Ipswich be authorized to grant a license of the sale of alcoholic beverages to be drunk on the premises to the Hellenic Center; and

Petition (accompanied by bill, House, No. 4984) of Philip Travis and James E. Timilty (by vote of the town) that the town of Rehoboth be authorized to issue a license for the sale of alcoholic beverages to Ferrini Enterprises, Inc., doing business as The Grapevine;

Severally to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4985) of Carl M. Sciortino, Jr. (with the approval of the mayor and city council) for legislation to authorize the city of Pittsfield to sell, convey or lease certain park land located in said city;

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4986) of Bradford Hill (by vote of the town) for legislation to authorize the town of Ipswich to make an appeal to the Appellate Tax Board relative to state-owned land within said town;

To the committee on Revenue.

A Bill relative to patient safety (House, No. 4988,— on House, No. 4894),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill relative to municipal affordable housing trust funds (House, No. 4793,— on House, No. 3150),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill establishing the Cohasset Library Trust, Inc. (House, No. 4840,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Reports

Of the committee on Financial Services, ought NOT to pass, on the message from His Excellency the Governor recommending legislation relative to expanding the availability of health insurance (accompanied by bill, House, No. 2923); and

Of the same committee, ought NOT to pass, on the message from His Excellency the Governor recommending legislation relative to establishing the commonwealth care health insurance exchange corporation (accompanied by bill, House, No. 2924);

Severally referred, under Senate Rule 36, referred to the committee on Ethics and Rules.

Reports

Of the committee on Health Care Financing, asking to be discharged from further consideration

Of the House Bill to add public health goals to the mission of the transportation projects in the Commonwealth (House, No.

2087);

Of the House Bill relative to amblyopia and strabismus (House, No. 2671);

Of the House Bill to establish retiree healthcare liability funds for the Commonwealth and municipalities (House, No. 4655); and

Of the House Bill relative to healthy schools and public buildings (House, No. 4766);

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

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence, insomuch as relates to the discharge of the joint committee.

Report 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 Thomas Mitchell for legislation relative to nonconforming structures.

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

Sent to the House for concurrence.

Order.

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

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Environment, Natural Resources and Agriculture shall be granted until Friday, June 30, 2006, within which to report on House, No. 4914.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4995) of Stephen R. Canessa and others that the Board of Education be directed to increase the maximum age for attendance of students in the schools of the Commonwealth;

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

Petition (accompanied by bill, House, No. 4996) of Frank I. Smizik that the Teachers' Retirement Board be directed to pay certain retirement benefits to Charles Swartz, a former employee of the school department of the town of Lexington;

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

Petition (accompanied by bill, House, No. 4997) of James E. Vallee and Scott P. Brown for legislation to designate a certain bridge on Route 140 in the town of Franklin as the Lance Corporal Shayne Cabino Bridge;

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

Order Adopted.

On motion of Mr. Knapik,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Mr. Tisei, at ten minutes past eleven o'clock A.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.