

**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, June 12, 2006.*

Met according to adjournment at eleven o'clock A.M. (Mr. Tolman 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 (Mr. Tolman), members, guests and employees then recited the pledge of allegiance to the flag.

#### *Report.*

A report of the Bristol County Registry of Deeds, Northern District (under the provisions of Section 4 of Chapter 4 of the Acts of 2003) submitting a plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight and the Committee on Economic Development and Emerging Technologies) (received Wednesday, June 7, 2006),— **was placed on file.**

#### *Petition.*

Ms. Walsh presented a petition (subject to Joint Rule 12) of Marian Walsh, Michael F. Rush, Robert K. Coughlin and Francis W. O'Brien for legislation to designate a certain bridge in the city of Boston,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Reports of Committees.*

By Mr. Hart, for the committee on Tourism, Arts and Cultural Development, on Senate, Nos. 1839, 1846, 1847 and 1849, an Order relative to authorizing the joint committee on Tourism, Arts and Cultural Development to make an investigation and study of certain current Senate documents relative to tourism (Senate, No. 2578);

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

By Mr. Timilty, for the committee on Municipalities and Regional Government, on petition, a Bill relative to the Charlton Water and Sewer Commission (Senate, No. 2445, changed in section 1 by adding after the words "General Laws.", in line 14, the following words: "In exercising its discretion under this section, the Commission shall consider matters involving the capacities and capabilities of the Town's wastewater treatment plant, sewerage and other infrastructure and equipment, and the desirability of prioritizing connections for commercial and residential properties within the original planned service area, as well as those with on-site septic systems that are in failure or at risk of failing.") [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to the Charlton Water and Sewer Commission's water supply (Senate, No. 2446) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill rewarding the relationship between the city of Quincy and Quincy College, a municipal college and a department of the city of Quincy (Senate, No. 2523) [Local approval received];

**Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

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

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

*Committee Discharged.*

Mr. Buoniconti, for the committee on Ethics and Rules, to whom was referred the Senate 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), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate No. 558) of Steven A. Baddour, Peter J. Koutoujian, Barbara A. L'Italien, Richard R. Tisei and other members of the General Court relative to drug voice synthesizers,— **and recommending that the same be recommitted to the committee on Financial Services.**

**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 increasing parental involvement and responsibility relative to health insurance (House, No. 4999),— **was referred, in concurrence, to the committee on Revenue.**

A petition (accompanied by bill, House, No. 5016) of Stephen R. Canessa and others (by vote of the town) relative to the administration of rent regulations and the control of evictions in manufactured housing communities in the town of Lakeville,— **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

A Bill relative to the terms of certain bonds to be issued by the Commonwealth (printed in House, No. 4385,— **being a message from His Excellency the Governor**),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill validating the actions taken at a certain town meeting in the town of Wareham (printed in House, No. 4538,— **being a message from His Excellency the Governor**),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill relative to the Wayland wastewater management district commission (House, No. 4631,— 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 House Steering, Policy and Scheduling asking to be discharged from further consideration  
Of the Senate Bill providing that records of special state police officers at educational institutions and hospitals are public (Senate, No. 1735); and  
Of the Senate Bill punishing assault and battery by means of a bodily substance upon correctional facility employees (Senate, No. 2517);  
And recommending that the same severally be referred to the committee on the Judiciary.  
**Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence, inasmuch as relates to the reference to the joint committee.**

*Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—  
Resolutions (filed by Mr. Brewer) “celebrating John J. Dyjak Day”;  
Resolutions (filed by Mr. Moore) “observing Myasthenia Gravis Awareness Month”;  
Resolutions (filed by Mr. Pacheco) “congratulating Bryan M. Wells upon his elevation to the rank of Eagle Scout”;  
Resolutions (filed by Mr. Pacheco) “congratulating the Dighton Lions Club on its 50th anniversary”;  
Resolutions (filed by Mr. Timilty) “on the occasion of the dedication of the Donald Cotter Recreation Hall in the town of Foxborough”;  
Resolutions (filed by Messrs. Tolman, Augustus, Barrios, Brewer, Havern, Ms. Jehlen, Ms. Murray, Ms. Spilka, Ms. Tucker and Ms. Wilkerson) “on the occasion of the one hundred seventy-fifth anniversary of Mount Auburn Cemetery”; and  
Resolutions (filed by Ms. Wilkerson) “commending Richard M. Freeland.”

*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 House Bill relative to the boundaries of the Cherry Valley and Rochdale Water District (House, No. 4677),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to sewer betterment assessments in the town of Richmond (House, No. 4753),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act regulating sewer betterment assessments in the town of Richmond”.**

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

##### *Emergency Preamble Adopted.*

An engrossed Bill preserving federal highway funds and ensuring compliance with the Federal Motor Carrier Safety Improvement Act (see House, No. 4488, 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. Tolman) and sent to the House for enactment.**

##### *Engrossed Bill.*

An engrossed Bill relative to the historic Lucius Crain Tavern in the town of Hadley (see Senate, No. 2127) (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. Tolman) and laid before the Governor for his approbation.

##### *Order Adopted.*

Mr. McGee offered the following order, to wit:

Ordered, That notwithstanding the provisions of Joint Rule 10 the committees on Municipalities and Regional Government be granted until Friday, June 30, 2006, within which time to make its final report on current Senate number 2531.

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

**Subsequently, Mr. Buoniconti, for the said committees reported, that the order ought to be adopted.**

**The rules were suspended, on motion of Mr. McGee and the order was considered forthwith and adopted.**

**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 Stephen M. Brewer for legislation to establish a sick leave bank for Jan O. Modzeleski, an employee of the Massachusetts Correctional Institute in Concord.

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

**Sent to the House for concurrence.**

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

A petition (accompanied by bill, House, No. 5039) of Jennifer M. Callahan for legislation to establish a sick leave bank for Karen Kilroy, an employee of the Department of Correction,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

##### *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 Public Service shall be granted until Saturday, July 1, 2006, within which to report on House, No. 4695.

##### *Recess.*

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

#### **PAPER FROM THE HOUSE.**

The Senate Bill transferring responsibility for the maintenance and repairs of all city of Lynn school buildings and grounds (Senate, No. 2562),— **came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5042.**

**The rules were suspended, on motion of Mr. Knapik, and the House amendment was considered forthwith and adopted, in concurrence.**

*Recess.*

There being no objection, at twenty-eight minutes before two o'clock P.M., the Chair (Mr. Tolman) declared a recess subject to the call of the Chair; and, at twelve minutes past two o'clock P.M., the Senate reassembled, Mr. Tolman in the Chair.

**PAPERS FROM THE HOUSE.**

*Emergency Preamble Adopted; Engrossed Bill Enacted.*

An engrossed Bill establishing a sick leave bank for Shelley Nunes, an employee of the Barnstable District Court (see Senate, No. 2538), 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 3 to 0. The bill was signed by the Acting President (Mr. Tolman) 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. Tolman) 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. Tolman) and laid before the Governor for his approbation, to wit:  
Transferring responsibility for the maintenance and repairs of all city of Lynn school buildings and grounds (see Senate, No. 2562, amended); and  
Preserving federal highway funds and ensuring compliance with the Federal Motor Carrier Safety Improvement Act (see House, No. 4488, amended).

*Order Adopted.*

On motion of Mr. Tisei,—

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

On motion of Mr. McGee, at twenty minutes past two o'clock P.M., the Senate adjourned to meet on the following Wednesday at eleven o'clock A.M.