

**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 13, 2005.*

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

The Senator from Middlesex and Essex, Mr. Tisei, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

#### *Distinguished Guests.*

There being no objection, the Chair (Mr. Rosenberg) handed the gavel to Mr. Tarr for the purpose of introducing, seated in the Senate Gallery, the seventh grade class from the Miles River Middle School in Hamilton.

There being no objection, the Chair (Mr. Rosenberg) introduced, seated in the rear of the Chamber, members of the Chinese Youth Delegation. The delegation will be in the United States from June 4th to June 17. They were guests of Senators Joyce and Nuciforo.

#### *Petitions.*

Petitions were presented and referred as follows:

By Mr. Moore, a petition (accompanied by bill, Senate, No. 2087) of Richard T. Moore and Jennifer M. Callahan (by vote of the town) for legislation to authorize the town of Bellingham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises [Local approval received];

**Under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.**

By Ms. Tucker, a petition (accompanied by bill, Senate, No. 2088) of Susan C. Tucker, Barbara A. L'Italien and Barry R. Finegold (by vote of the town) to provide a sewer easement in the town of Andover [Local approval received];

**Under Senate Rule 20, to the committee on Municipalities and Regional Government.**

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

#### *Reports of Committees.*

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill relative to financing the production of affordable housing (Senate, No. 2031),— **ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2089).**

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

By Mr. Timilty, for the committee on Municipalities and Regional Government, on petition (accompanied by bill, Senate, No. 1205), a Bill relative to county roads (Senate, No. 2085);

**Read, and under Joint Rule 1F, referred to the committee on Bonding, Capital Expenditures and State Assets.**

Mr. Moore, for the committee on Health Care Financing, that the Senate Bill to provide timely access to emergency contraception (Senate, No. 2073),— ought to pass (Estimated cost — under \$100,000);

**Referred under Senate Rule 26 to the committee on Ethics and Rules.**

By Mr. Timilty, for the committee on Municipalities and Regional Government, on petition, a Bill clarifying the powers and duties of the Charlton water and sewer commission (Senate, No. 1163);

By the same Senator, for the same committee, on petition, a Bill relative to the procurement officer of the city of Somerville (Senate, No. 2048) [Local approval received]; and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2049), a Bill authorizing the Somerville Retirement Board to purchase or lease property, facilities and equipment (Senate, No. 2086) [Local approval received];

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

By Mr. Timilty, for the committee on Municipalities and Regional Government, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1194) of Andrea F. Nuciforo, Jr., Bruce E. Tarr, Susan C. Fargo, Robert A. O'Leary and other members of the General Court for legislation relative to licensing fees for service dogs;

**Referred, under Senate Rule 36, 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. Brewer) “honoring V. Ursula St. Amand”;

Resolutions (filed by Mr. Brewer) “congratulating James W. Thompson on the occasion of his retirement”;

Resolutions (filed by Ms. Creem) “commending Jean Baker Miller”;

Resolutions (filed by Ms. Murray) “congratulating Dr. Peter L. Clark”;

Resolutions (filed by Mr. O'Leary) “honoring Tom S. Bennett for his service to the community of Martha's Vineyard”;

Resolutions (filed by Mr. Pacheco) “congratulating Marjorie Judd on the occasion of her retirement”;

Resolutions (filed by Ms. Tucker) “commending Detective Thomas J. Murphy.”

#### *PAPER FROM THE HOUSE.*

A Bill authorizing William F. Felton to receive workers' compensation benefits without offset against his retirement allowance (House, No. 4058,— on House, No. 1001),— was read.

**There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

#### *Petition.*

On motion of Mr. Tarr, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Ms. Menard, (accompanied by bill) of Joan M. Menard and Stephen R. Canessa for legislation to establish a sick leave bank for James Bowlby, an employee of the Department of Correction,— **and the same was referred to the committee on Public Service. 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 A. Robert Casimiro for legislation to prohibit the acceptance by a bank of foreign documents as a means of identification.

**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 Financial Services.**

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 Gay Guptill for legislation to repeal the clinic access law.

**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 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 Robert L. Hedlund, Garrett J. Bradley and Tony Marcinkiewicz for legislation relative to the retirement of non-union professionals at the University of Massachusetts Boston.

**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 Public Service.**

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 Robert L. Hedlund and Joyce A. Toland for legislation relative to a retirement buy-back for school nurses.

**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 Public Service.**

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 Robert L. Hedlund and James M. Murphy for legislation to transfer sick, personal or vacation time to State Trooper Mary T. McCauley of the Middlesex District Attorney's office.

**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 Public Service.**

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 Robert L. Hedlund for legislation to prohibit the acceptance by public entities of identity documents that are not secure.

**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 State Administration and Regulatory Oversight.**

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

*Order Adopted.*

On motion of Mr. Knapik,—

*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.

*Adjournment in Memory of Sgt. Michael J. Kelley.*

The Senator from Plymouth and Norfolk, Mr. Hedlund, moved that when the Senate adjourns today it adjourn in memory of Sgt. Michael J. Kelley.

Sgt. Michael J. Kelley, 26, of Scituate, was killed Wednesday June 8th during a rocket attack on an American base in Shkin, Afghanistan. Michael served with the Army National Guard's 101st Field Artillery Battalion, stationed out of Rehoboth, Massachusetts. The son of Joe and Karen Kelley of Scituate, Michael was a graduate of Scituate High School. The caring brother of Shawn, Karl, and Colleen, and proud Uncle to Olivia, Michael recently enlisted with the Army National Guard and headed to Afghanistan on April 1. Michael's brave commitment included seven previous years of service to his country.

We mourn Michael's loss and extend our condolences to Michael's parents, siblings, niece, relatives, friends and all others whose lives he touched.

Accordingly, as a mark of respect to the memory of Sgt. Michael J. Kelley, at seventeen minutes past eleven o'clock A.M. on motion of Mr. Tisei, the Senate adjourned to meet again on Wednesday next at eleven o'clock A.M.