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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, June 20, 2006.

Met at three 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.

Reports of a Committee.

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 a board of registration in midwifery (Senate, No. 1269); and

Relative to municipal light plants (Senate, No. 1809).

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 Revenue to make an investigation and study of certain current Senate documents numbered 557, 657 and 2546, relative to taxation (Senate, No. 2584),— **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.

Bills

Regulating vehicle protection product warranties (House, No. 3062,— on petition); and

Authorizing the Division of Capital Asset Management and Maintenance to transfer certain land in the city of Marlborough to James Farina (House, No. 4656,— on House, No. 1432);

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

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The House Bill relative to the tax deferral agreements in the town of Princeton (House, No. 4297),— **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 tax deferral agreements in the town of Princeton”.**

Report of a Committee.

The committee on Election Laws, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 2503) of Susan C. Fargo (by vote of the town) for legislation to authorize the town of Lincoln to issue a single license for the sale of wine and malt beverages.
There being no objection, the rules were suspended, on motion of Mr. Tarr, and the matter was considered forthwith.
On motion of the same Senator, the petition was recommitted to the Joint Committee on Election Laws.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, Senate No. 2595) of James E. Timilty for legislation relative to tax credits for the purchase of hearing aids,— **came from the House with endorsement that the House concurred in the suspension of Joint Rule 12; and had NON-concurred in the reference to the committee on Public Health. The petition bore the further endorsement that the matter had been referred to the committee on Revenue.**

On motion of Mr. Tarr, the Senate receded from its reference to the committee on Public Health and concurred in the reference to the committee on Revenue.

Order — Amended.

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

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Education shall be granted until Monday, June 19, 2006, within which to report on House, Nos. 1046, 1071, 1110, 1131, 1186, 1219, 4157, 4375 and Senate, Nos. 297, 345, 350, and 2320.

Pending the question on adoption of the order, Mr. Antonioni presented an amendment striking out the words “Monday, June 19” and inserting in place thereof the words “Friday, June 23”.

The amendment was adopted.

The order, as amended, was then adopted.

Sent to the House for concurrence in the amendment.

Engrossed Bill — Amended.

The engrossed Bill relative to certain motor vehicle violations (see Senate, No. 2132, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— **was laid before the Senate.**
On motion of Mr. Tarr, Senate Rule 49 was suspended.

Mr. Pacheco presented an amendment striking out section 3A and inserting in place thereof the following section:—

“SECTION 3A. Section 2 of said, chapter 90C, as so appearing, is hereby amended by inserting after the first paragraph the following 2 paragraphs:—

Each police chief appointed by the trustees of the commonwealth’s state and community colleges under section 22 of chapter 15A shall certify to the registrar, on or before January first of each year, that:

(a) the police officers appointed by the trustees at the state or community college have been issued a current first aid/CPR certificate; and

(b) (i) (A) 51 per cent of such police officers have completed either the basic full-time recruit academy operated or certified by the municipal police training committee or the campus police academy operated by the Massachusetts state police, or

(B) 51 per cent of the police officers have completed a basic reserve/intermittent police officer training course approved by the municipal police training committee and have had at least 5 years experience issuing citations pursuant to this chapter; and

(ii) the remaining 49 per cent of police officers have completed a minimum of a basic reserve/intermittent police officer training course approved by the municipal police training committee;

(c) such officers have completed annual in-service training of no less than 40 hours;

(d) such officers meet the same firearms qualification standards as set from time to time by the municipal police training committee if such officers have been authorized by the board of trustees of the state or community college to carry firearms;

(e) the state or community college police department submits uniform crime reports to the FBI;

(f) a memorandum of understanding has been entered into with the police chief of the municipality wherein the state or community college is located outlining the policies and procedures for utilizing the municipality’s booking and lock-up facilities, fingerprinting and breathalyzer equipment if the state or community college police department does not provide booking and lock-up facilities, fingerprinting or breathalyzer equipment; and

(g) the state or community college police department has policies and procedures in place for use of force, pursuit, arrest, search and seizure, racial profiling and motor vehicle law enforcement.

Notwithstanding the previous paragraph, nothing in this section shall limit the authority granted to the police chiefs and police officers at the state and community colleges under said section 22 of said chapter 15A or section 18 of chapter 73.”

The amendment was adopted.

Sent to the House for concurrence in the amendment.

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 (Ms. Wilkerson) and laid before the Governor for his approbation, to wit:
Authorizing campaign contributions by debit card (see Senate, No. 2340); and
Regulating sewer betterment assessments in the town of Richmond (see House, No. 4753).

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5065) of Marie J. Parente and Richard T. Moore that the Division of Capital Asset Management and Maintenance be directed to convey a certain parcel of land located in the town of Milford to Quarry Stone, LLC. ;

Under suspension of Joint Rule 12, to the committee on Bonding, Capital Expenditures and State Assets.

Petition (accompanied by bill, House, No. 5066) of George N. Peterson, Jr., for legislation to revise the boundary lines of the South Grafton Water District;

Under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 5067) of Michael F. Rush and others for legislation to designate a certain bridge on Route 109 over the Charles River connecting the city of Boston and the town of Dedham as the Honorable Robert L. Cawley Memorial Bridge;

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

Matter Taken out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The engrossed Bill relative to HIV and Hepatitis C prevention (see House, No. 4176, 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.

The pending motion, previously moved by Mr. Lees, to lay the matter on the table was considered; and it was negatived.

The recurring question came on adoption of the emergency preamble; 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 (Ms. Wilkerson) and sent to the House for enactment.

Order Adopted.

On motion of Mr. Tarr,—

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; and that when the Senate adjourns on Wednesday it adjourn to meet again on the following day, Thursday, June 22, 2006, at one o'clock P.M., in a full formal session.

Moment of Silence.

The Chair (Ms. Wilkerson), the members, guests and employees stood in a moment of silence and reflection to the memory of United States Army Specialist David J. Babineau of Springfield who was killed in an ambush in Baghdad this past Friday.

Adjournment in Memory of United States Army Specialist David J. Babineau.

The Senator from Hampden and Hampshire, Mr. Lees, and the Senator from Hampden, Mr. Buoniconti, presented a request that when the Senate adjourns today, it do so as a mark of respect to the memory of United States Army Specialist David J. Babineau of Springfield.

At the age of 25, Specialist Babineau was killed on Friday in Baghdad in an ambush that ultimately claimed the life of two other United States soldiers. He was a native of Springfield, stationed out of Fort Campbell, Kentucky, and was a member of the 101st Airborne Division. Specialist Babineau is survived by his parents, Paul and Dawn of Springfield, his wife, Rondi, stepdaughter Samantha, age 8, and two sons, Dominick, age 4, and Donovan, age 2.

Accordingly, as a mark of respect to the memory of United States Army Specialist David J. Babineau, at eighteen minutes past eleven o'clock A.M. on motion of Mr. Tarr, the Senate adjourned to meet again on tomorrow at eleven o'clock A.M.