

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.

Thursday, June 29, 2006.

Met at two minutes past eleven o'clock A.M. (Ms. Resor in the Chair).

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

Reports of Committees.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to increasing consumer access to licensed marriage and family therapists (Senate, No. 136),— **ought to pass;**

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

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill making technical corrections to the public construction reform law (Senate, No. 2064, changed),— ought to pass, with an amendment, by inserting after section 24 (as printed) the following 2 sections:

“SECTION 24A. Subsection (a) of section 148B of chapter 149 of the General Laws, as so appearing, is hereby amended by striking out clause (2) and inserting in place thereof the following clause:—

(2) the service is performed outside the usual course of the business of the employer or, if the employer is not in whole or in part in the business of construction, reconstruction, alteration, remodeling, demolition or repair of structures or other physical improvements to land, the service is performed outside of all places of business of the employer; and

SECTION 24B. Said section 148E of said chapter 149, as so appearing, is hereby amended by adding the following subsection:—

(f) In this section, the term individual shall mean a natural person.”; and by striking out section 67 (added by committee change) and inserting in place thereof the following section:—

“SECTION 67. Section 29A of chapter 193 of the acts of 2004 is hereby repealed.”; and

The House Bill relative to child labor (House, No. 4638),— **ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2610;**

Severally referred, under Senate Rule 26, to the committee on Ethics and Rules, with the amendments pending.

By Mr. Barrios, for the committee on Public Safety and Homeland Security, on the recommitted petition (accompanied by bill, Senate, No. 1338), an Order relative to authorizing the joint committee on Public Safety and Homeland Security to make an investigation and study of a certain current Senate document relative to citation books (Senate, No. 2605);

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

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 entry on premises to examine gas and electric meters (Senate, No. 1807);

Protecting consumers against additional charges from new area codes (Senate, No. 1812); and

Relative to the inspection and certification of air tanks on utility high voltage circuit breakers (Senate, No. 2079).

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5079) of Susan W. Pope and Scott P. Brown (by vote of the town) that the park and recreation commission of the town of Wayland be authorized to transfer the care and control of certain park land to the board of selectmen of said town,— **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

A Bill authorizing the town of Somerset to lease land and grant easements in certain land (House, No. 4842, changed,— on petition),— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

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 Mark C. Montigny and Antonio F. D. Cabral for legislation to establish a sick leave bank for a certain employee of the Department of Social Services.

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.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5115) of Cleon H. Turner and others for legislation to regulate unsolicited sales visits to homes of consumers and providing for the registration of “solicitors” in the cities and towns of the Commonwealth;

Under suspension of Joint Rule 12, to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 5116) of Charles A. Murphy and others relative to property tax relief to non-profit veteran organizations;

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

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding the provisions of Joint Rule 10 the committees on Children and Families and Labor and Workforce Development, acting jointly, be granted until Thursday, July 6, 2006, within which time to make its final report on Senate document numbered 2535.

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

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

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

Sent to the House for concurrence.

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 Senate Bill relative to a board of registration in midwifery (Senate, No. 1269),— **was read a second time and ordered to a third reading.**

The Senate Bill relative to illegal dumping and the imposition of court order fines in the city of Brockton (Senate, No. 2325),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Creedon moved that the bill be amended substituting a new draft entitled “An Act prohibiting certain dumping in the city of Brockton” (Senate, No. 2606).

This amendment was adopted.

The bill (Senate, No. 2606) was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill abolishing the library district in the towns of Mendon and Upton (House, No. 4681),— **was read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

The Senate Bill relative to hunter education (Senate, No. 469, amended),— came from the House passed to be engrossed, in concurrence with an amendment, adding the following section:

“SECTION 2. Section 14 of said chapter 131, as so appearing, is hereby amended by striking out, in line 5, the words ‘January first, nineteen hundred and ninety-seven’ and inserting in place thereof the following words:— ‘January 1, 2007’.”

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

The Senate Bill relative to clinical laboratories (Senate, No. 725, amended),— came from the House passed to be engrossed, in concurrence, with amendments, adding the following section:

“SECTION 1. Section 8 of chapter 111D of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word ‘osteopath’, in lines 22 and 32, the following words:— or, for the sole purpose of requesting urine drug screening, department of public health — licensed substance abuse clinics, state agencies or other government entities”; and by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to clarify and amend certain authorizations, claims and billing procedures concerning clinical laboratories, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The rules were suspended, on motion of Mr. Knapik, and the House amendment considered forthwith and adopted, in concurrence (as corrected BTR).

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 Community Development and Small Business shall be granted until Monday, July 31, 2006, within which to report on Senate, No. 2543.

Reports of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill to promote alternative dispute resolution (Senate, No. 1733),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2607).**

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2607) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to the Massachusetts Municipal Wholesale Electric Company (Senate, No. 1816),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2608).**

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2608) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property (Senate, No. 2421),— **ought to pass, with an amendment substituting a new draft entitled “An Act authorizing the Division of Capital Asset Management and Maintenance to lease certain property in the town of Tewksbury” (Senate, No. 2609).**

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2609) was then ordered to a third reading.

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to the terms of certain bonds to be issued by the Commonwealth (printed in House, No. 4385),— **ought to pass.**

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

By Ms. Murray, for the committee on Ways and Means, that the House Bill providing for a partial release of certain land in the town of Hatfield from the operation of an agricultural preservation restriction (House, No. 4472),— **ought to pass.**

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

Order Adopted.

On motion of Mr. Knapik,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at twelve o’clock noon, in a full formal session without a calendar.

On motion of the same Senator, at twenty-one minutes past eleven o’clock A.M., the Senate adjourned to meet on the following day at twelve o’clock noon.