

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 30, 2005.

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

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

Communication.

A communication from the Plainridge Racecourse (under the provisions of Section 2 of Chapter 128C of the General Laws) submitting copies of contracts for incoming signals (received Thursday, June 23, 2005),— **was placed on file.**

Report.

A report of the Water Resources Commission (pursuant to Section 8C of Chapter 21 of the General Laws) submitting a copy of its decision to amend the town of Reading's request to join the MWRA Water Works System (received Wednesday, June 22, 2005),— **was placed on file.**

Petitions.

Petitions were presented and referred as follows:

By Mr. O'Leary, a petition (accompanied by bill, Senate, No. 2138) of Robert A. O'Leary and Eric Turkington (by vote of the town) for legislation to impose a transfer fee for wastewater improvements in Nantucket County (Local approval received);

By Mr. Morrissey, a petition (accompanied by bill, Senate, No. 2139) of Michael W. Morrissey, Joseph R. Driscoll and Brian A. Joyce (by vote of the town) for legislation to establish a town manager for the town of Braintree [Local approval received]; and

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 2140) of Harriette L. Chandler and Edward M. Augustus, Jr. (with approval of the mayor and city council) for legislation relative to the financing and construction of a public parking garage and other improvements in the City of Worcester [Local approval received];

**Severally, under Senate Rule 20, to the committee on Municipalities and Regional Government.
Severally sent to the House for concurrence.**

Mr. Hedlund presented a petition (subject to Joint Rule 12) of Robert L. Hedlund, Ronald Mariano and James M. Murphy for legislation to authorize the division of capital asset management and maintenance to lease certain property in Weymouth to the South Shore Association of Retarded Citizens,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Ms. Murray, for the committee on Ways and Means, that the Senate Resolve to establish a special commission relative to the training of law enforcement officers (Senate, No. 1352, changed),— ought to pass;

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

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill providing improved management of state forests (Senate, No. 481);

By the same Senator, for the same committee, on petition, a Bill to facilitate homeowners remediating heating oil spills (Senate, No. 538); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 511), a Bill relative to fees and charges collected by the Department of Conservation and Recreation (Senate, No. 2137);

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

By Ms. Fargo, for the committee on Public Health, on petition, a Bill relative to health care delivery (Senate, No. 1244);

By the same Senator, for the same committee, on petition, a Bill relative to ALS (Senate, No. 1249);

By the same Senator, for the same committee, on petition, a Bill codifying the hepatitis C program (Senate, No. 1257);

By the same Senator, for the same committee, on petition, a Bill establishing a bladder cancer screening program within the Department of Public Health (Senate, No. 1301);

By the same Senator, for the same committee, on Senate, Nos. 1264 and 1309, a Bill relative to volunteer physicians (Senate, No. 1309); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1293), a Bill relative to determination of need for hospital beds (Senate, No. 2141);

Severally read and, under Joint Rule 1E, referred to the committee on Health Care Finance.

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 482 and House, No. 1382, a Bill amending the conservation restriction and agricultural preservation statutes (Senate, No. 2136);

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

By Ms. Fargo, for the committee on Public Health, on petition (accompanied by bill, Senate, No. 1255), an order relative to authorizing the joint committee on Public Health to make an investigation and study of Senate document numbered 1255, relative to skin care products (Senate, No. 2142);

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

Reports of a Committee.

Ms. Menard, 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

To establish the Massachusetts Nursing and Allied Health Workforce Development Trust Fund (Senate, No. 737);

Relative to the Dukes County land bank (Senate, No. 1199); and

Establishing the Purple Heart highway (Senate, No. 1930).

Committee Discharged.

Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 226) of Frederic P. Hartwell for legislation to modernize the requirements for electrical trade practice,— and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy.

Ms. Fargo, for the committee on Public Health, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1238) of Kevin M. Stewart for legislation relative to the certification of forensic counselors,— and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure.

**Under Senate Rule 36, the reports were considered forthwith and accepted.
Sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to authorizing indemnification for actions taken pursuant to Chapter 169 of the Acts of 2004 (House, No. 4185),— **was referred, in concurrence, to the committee on the Judiciary.**

A Bill relative to claims trusts funds (House, No. 3835, changed,— on petition),— **was read and, under Senate Rule 26, referred 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 Messrs. Brewer, Augustus and Brown, Ms. Chandler, Mr. Creedon, Ms. Fargo, Messrs. Hart, Nuciforo, McGee, Montigny and Moore and Ms. Tucker) “memorializing the Congress of the United States of America to enact legislation that would fully fund the Department of Veterans Affairs health care system”;

Resolutions (filed by Mr. Brown) “congratulating Cooks Valley Farm of Wrentham on the occasion of its three hundredth anniversary”;

Resolutions (filed by Mr. Brown) “on the one hundredth anniversary of Roche U.S. in Boston”;

Resolutions (filed by Mr. Joyce) “on the one hundredth birthday of Edward Hoffman, Sr.”;

Resolutions (filed by Messrs. Moore and Augustus) “congratulating the Nipmuc Regional High School ‘Warriors’ Varsity Baseball Team”;

Resolutions (filed by Ms. Murray, Messrs. Augustus, Baddour, Barrios, Berry, Brewer, Brown and Buoniconti, Ms. Chandler, Mr. Creedon, Ms. Fargo, Messrs. Hart, Havern, Hedlund, Joyce and Lees, Ms. Menard, Messrs. Montigny, Moore, Morrissey, Nuciforo, O’Leary and Panagiotakos, Ms. Resor, Mr. Rosenberg, Ms. Spilka, Mr. Tisei, Ms. Tucker and Ms. Wilkerson) “urging the Base Realignment and Closure Commission (BRAC) to remove the Otis Air National Guard Base from consideration for closure”; and

Resolutions (filed by Mr. O’Leary and Ms. Murray) “congratulating Felicia Penn on her selection to receive the 2005 Mercy Otis Warren Cape Cod Woman of the Year Award.”

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

June 27, 2005.

William F. Welch, *Clerk*
Massachusetts Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

On June 23, 2005, I was unable to be present for the roll call vote taken on House Bill 4200, An Act Making Appropriations For The Fiscal Year 2006 for the Maintenance of the Departments, Boards, Commissions, Institutions, and Certain Activities of the Commonwealth, For Interests, Sinking Fund and Serial Bond Requirements and For Certain Permanent Improvements.

Had I been present, I would have voted in the affirmative on this matter.

I respectfully request your assistance with the printing of this communication in the Senate journal. Thank you in advance for your help on this matter.

Sincerely,
ANDREA F. NUCIFORO, JR.
State Senator.

On motion of Ms. Resor, the above communication was ordered printed in the Journal of the Senate.

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Dawn Heinle-Kimball, an employee of the Trial Court (Senate, No. 2072),— ought to pass, with an amendment, in section 2 (as printed), by inserting after the word “Heinle-Kimball”, in line 1, the following words:— “terminates employment with the trial court or”.

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. 2072, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

Petitions.

On motion of Mr. Moore, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. O’Leary (accompanied by bill) of Robert A. O’Leary for legislation relative to exempting public school early childhood programs from certain regulations,— **and the same was referred to the committee on Education.**

Sent to the House for concurrence.

On motion of Mr. Knapik, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Moore (accompanied by bill) of Richard T. Moore, Michael W. Morrissey, John P. Fresolo and Marc R. Pacheco for legislation relative to retirement options,— **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 Andrea F. Nuciforo, Jr., Susan C. Tucker, Edward M. Augustus, Jr., Cleon H. Turner and other members of the General Court for legislation relative to the prohibition of investment of certain public funds in companies doing business in Sudan.

Senate Rule 36 was suspended, on motion of Ms. Resor, 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. 4227) of Barry R. Finegold and others for legislation to further regulate meetings of municipal boards;

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

Petition (accompanied by bill, House, No. 4228) of Edward G. Connolly relative to the placing of grave markers on graves of veterans interned in municipal cemeteries;

Under suspension of Joint Rule 12, to the committee on veterans and Federal Affairs.

A petition (accompanied by bill, House, No. 0000) of Joyce A. Spiliotis and Frederick E. Berry (with the approval of the mayor and city council) for legislation to authorize and direct the Division of Capital Asset Management and Maintenance to convey a certain parcel of land to the city of Peabody,— came from the House, under suspension of Joint Rule 12, referred to the committee on State Administration and Regulatory Oversight.

The Senate concurred in the suspension of Joint Rule 12, and NON-concurred in the reference to the committee on State Administration and Regulatory Oversight. On motion of Mr. Knapik, the petition was referred to the committee on Bonding, Capital Expenditures and State Assets.

Sent to the House for its action.

Order Adopted.

On motion of Mr. Moore,—

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

On motion of Ms. Resor, at eleven minutes past eleven o’clock A.M., the Senate adjourned to meet on the following Tuesday at eleven o’clock A.M.