

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, July 6, 2006.

Met at six minutes past eleven o'clock A.M. (Mr. Barrios 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. Barrios), members, guests and employees then recited the pledge of allegiance to the flag.

Reports of Committees.

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on Senate, No. 2508, an Order relative to authorizing the joint committee on Bonding, Capital Expenditures and State Assets to make an investigation and study of a certain current Senate document relative to regional transit authorities (Senate, No. 2630).

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

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, a petition, a Bill relative to the Northeast Solid Waste Committee (Senate, No. 2589);

By Mr. Creedon, for the committee on the Judiciary, on petition, a Bill relative to an Administrative Deputy Assistant of the Probate and Family Court Department of Plymouth County (Senate, No. 886);

By the same Senator, for the same committee, on petition, a Bill relative to the estate of homestead (Senate, No. 917);

By the same Senator, for the same committee, on petition, a Bill relative to Dukes County Probate Court (Senate, No. 1028);

By the same Senator, for the same committee, on petition, a Resolve in favor of William J. Gormley, III (Senate, No. 1065);

By the same Senator, for the same committee, on petition, a Bill relative to the Barnstable Probate Court (Senate, No. 2106);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2107), a Bill relative to the annual municipal census (Senate, No. 2628); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 864), a Bill relative to Plymouth County assistant clerk magistrates (Senate, No. 2629);

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

By Mr. Creedon, for the committee on the Judiciary, on petition, a Bill relative to volunteers at state parks (Senate, No. 825);

By the same Senator, for the same committee, on petition, a Bill adding certain school transportation personnel to the so-called school good Samaritan law (Senate, No. 862); and

By the same Senator, for the same committee, on petition, a Bill relative to the First Amendment rights of judges (Senate, No. 889);

Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

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 dementia special care units in long-term care facilities (Senate, No. 420) (the committee on Health Care Financing

having recommended that the bill be amended by substituting a new draft with the same title (Senate, No. 2533).
Relative to the administration of political action committees organized by not-for-profit corporations, trade unions, trade associations or chambers of commerce (Senate, No. 438, changed); and
Creating the official shellfish of the Commonwealth (Senate, No. 2454).

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 Revenue to make an investigation and study of certain current Senate documents relative to revenue (Senate, No. 2410), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate No. 2149) of Andrea F. Nuciforo, Jr. relative to the supplemental reserve fund requirements of the city of Pittsfield,— **and recommending that the same be recommitted to the committee on Revenue.**

Under Senate Rule 36, the report was considered forthwith and accepted.

PAPERS FROM THE HOUSE.

Messages were referred, in concurrence, as follows:

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken by the town of Norton (House, No. 5120);

To the committee on Municipalities and Regional Government.

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the action taken at the town election held by the town of Lanesborough (House, No. 5121);

To the committee on Election Laws.

A Bill relative to the cancellation or modification of an insurance producer's contract (House, No. 1545,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill authorizing the appointment of certain police officers in the town of Milford (House, No. 4715,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Reconsideration.

There being no objection, on motion of Mr. Havern, the Senate reconsidered the vote by which, at the previous session it had passed to be engrossed, the Senate Bill to promote alternative dispute resolution (Senate, No. 2607).

Pending the recurring question on passing the bill to be engrossed, on motion of Mr. Moore, the bill was recommitted to the committee on Bills in the Third Reading

Engrossed Bill Returned by Governor With Recommendation of Amendment.

The engrossed Bill relative to creditable service for certain state contract employees (see Senate, No. 2462, amended) (which on Monday, June 26, 2006, had been laid before the Governor for his approbation), was returned to the Senate Clerk by the Governor on Wednesday, July 5, 2006 at a quarter before five o'clock P.M., with a message recommending an amendment. The message (Senate, No. 2631) was read and the Senate proceeded to reconsider the bill, in accordance with the provisions of Article LVI of the Amendments to the Constitution.

Pending action thereon, the bill was referred to the committee on Bills in the Third Reading, on motion of Mr. Timilty.

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 authorizing the town of Franklin to establish a port employment health insurance trust fund (House, No. 4150, amended),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Reports of Committees.

The committee on Public Service, reported ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 2426) of Steven A. Tolman for legislation relative to retirement benefits for John G. Flores.

There being no objection, the rules were suspended, on motion of Ms. Resor, and the matter was considered forthwith. On motion of the same Senator, the petition was recommitted to the committee on Public Service.

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 Andrea F. Nuciforo, Jr. and Christopher N. Speranzo for legislation to provide Michael Wendling with

creditable service for vocational education work experience.

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. 5132) of James B. Leary and Harriette L. Chandler relative to the administrative oversight of the hiring process in the town of West Boylston;

Under suspension of Joint Rule 7B, to the committee on Public Service.

Petition (accompanied by bill, House, No. 5133) of Joseph R. Driscoll for legislation to regulate the procurement process for selection of architects, engineers and other professionals under the public procurement law of the Commonwealth;
Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

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 Economic Development and Emerging Technologies shall be granted until Friday, June 23, 2006, within which to report on Senate, Nos. 256, 257, 259, 260, 261, 262, 263, 264, 265, 267, 268, 269, 270, 271, 273, 275, 276, 278, 281, 282, 283, 284, 285, 286, 287 and House, Nos. 22, 23, 24, 25, 605, 1476, 1478, 1479, 1480, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 2927, 2928, 2940, 3683, 3706, 3707, 3708, 3710, 3713, 3716, 3717, 3719, 3722, 3724, 3725, 3726, 3728, 3730, 3731, 3732, 3733, 3734, 3735, 3736, 3737, 3738, 3739, 3875, 4253 and 4290.

Pending the question on adoption of the order, Mr. Hart presented an amendment striking out the words “Friday, June 23,” and inserting in place thereof the words “Monday, July 31.”

The amendment was adopted.

The order, as amended, was then adopted.

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 Telecommunications, Utilities and Energy be granted until Wednesday, May 31, 2006, the time within which to make its final report on current Senate documents numbered 1808, 1817 and 2345 and House documents numbered 3290 and 4307.

Pending the question on adoption of the order, Mr. Morrissey moved that the order be amended by striking out the words “Wednesday, May 31, 2006” and inserting in place thereof the words “Thursday, July 13, 2006”; and by striking out the words “Senate bill numbers 1808, 1817 and 2345” and inserting in place thereof the words “Senate bill number 2345”.

The amendment was adopted.

The order, as amended, was then adopted.

Severally sent to the House for concurrence in the amendments.

Engrossed Bills.

The following engrossed bills (all of which originated in the House), 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. Barrios) and laid before the Governor for his approbation, to wit:

Regulating reduction in rank for members of the fire department of the town of Swampscott (see House, No. 4184);
Authorizing the town of Dedham-Westwood water district to join the Norfolk County retirement system (see House, No. 4976); and
Relative to mercury management (see House, No. 5112).

Recess.

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

Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill relative to the minimum wage (House, No. 4781, amended) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the following text:—

“SECTION 1. Section 1 of chapter 151 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 5, the figure ‘\$6.75’ and inserting in place thereof the following figure:— \$7.50.

SECTION 2. Said section 1 of said chapter 151 is hereby further amended by striking out the figure '\$7.50', inserted by section 1, and inserting in place thereof the following figure:— \$8.00.

SECTION 3. Section 1 shall take effect on October 1, 2006.

SECTION 4. Section 2 shall take effect on October 1, 2007."), reported, a Bill increasing the minimum wage (Senate, No. 2632).

The rules were suspended, on motion of Mr. Timilty, and the report was considered forthwith; and it was accepted.

Sent to the House for concurrence.

Report of a Committee.

By Mr. Brewer, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by the Governor to the engrossed Bill relative to creditable service for certain state contract employees (see Senate, No. 2462) [for message, see Senate, No. 2631],— reported, that the amendment recommended by the Governor be considered in the following form:— by striking out section 1.

The Chair (Mr. Barrios) stated that under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The report was accepted.

On motion on Mr. Morrissey, the Senate then rejected the Governor's amendment.

Sent to the House for its action.

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 Senate Bill relative to medical peer review committees (Senate, No. 2418, amended),— was read a third time and passed to be engrossed.

Sent to the House for concurrence.

Recess.

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

Order Adopted.

On motion of Mr. Knapik,—

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

On motion of the same Senator, at three minutes past two o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.