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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, August 1, 2005.

Met at eleven 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.

Distinguished Guest.

There being no objection, the Chair (Mr. Barrios) introduced, seated in the rear of the Chamber, Jessica and Maggie Chan from Melbourne, Australia. Jessica, and her daughter Maggie, are aunt and cousin to Senator Michael Morrissey's assistant Tackey Chan. Jessica is married to businessman Kong Man Chan. The couple have three daughters, Maggie, Sabrina and Helenna, and one son, Frankie. Maggie is an attorney and works as a Senior Associate in the law office of Blake, Dawson and Waldron, specializing in the area of corporate law. They were the guests of Senator Morrissey.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer for legislation requiring the mandatory use of ski helmets on any school outing that involves skiing or snowing; and

By Mr. Creedon, a petition (subject to Joint Rule 12) of Robert S. Creedon, Jr., Michael W. Morrissey, Bruce J. Ayers and others for legislation to prevent unlicensed operators or individuals with revoked licenses from operating a motor vehicle in the Commonwealth of Massachusetts;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of a Committee.

By Ms. Fargo, for the committee on Public Health, on petition, a Bill providing for the registration of lactation consultants (Senate, No. 1226);

By the same Senator, for the same committee, on petition, a Bill requiring hospitals to report head injuries and spinal cord injuries (Senate, No. 1280);

By the same Senator, for the same committee, on petition, a Bill relative to the compensation and expenses of members of the Board of Registration in Medicine (Senate, No. 1288);

By the same Senator, for the same committee, on petition, a Bill relative to continuing education for prescribers (Senate, No. 1290);

By the same Senator, for the same committee, on petition, a Bill relative to volunteer dentistry (Senate, No. 1314); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1247), a Bill further regulating college student meningococcal disease immunization (Senate, No. 2173);

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

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4212) of Karyn E. Polito and Edward M. Augustus, Jr. (by vote of the town) that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land to the town of Shrewsbury;

To the committee on Bonding, Capital Expenditures and State Assets.

Petition (accompanied by bill, House, No. 4199) of Karyn E. Polito and Edward M. Augustus, Jr. (by vote of the town) relative to the towns of Westborough and Shrewsbury treatment of wastewater;

To the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 4196) of John F. Quinn for legislation to provide for faculty representation on the Board of Trustees of the University of Massachusetts;

To the committee on Higher Education.

Petition (accompanied by bill, House, No. 4197) of Elizabeth A. Poirier and others (by vote of the town) relative to authorizing the town of Mansfield to establish an affordable housing trust fund;

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

Petition (accompanied by bill, House, No. 4201) of William M. Straus and Marc R. Pacheco (by vote of the town) relative to betterment assessments in the town of Marion;

Petition (accompanied by bill, House, No. 4202) of Anthony J. Verga and Bruce E. Tarr (with the approval of the mayor and city council) relative to the sale of certain properties by the city of Gloucester;

Petition (accompanied by bill, House, No. 4203) of Robert S. Hargraves and Pamela P. Resor (by vote of the town) that the town of Ayer be authorized to convey a certain parcel of historical preservation land; and

Petition (accompanied by bill, House, No. 4204) of Jay R. Kaufman and others (by vote of the town) relative to the establishment of a municipal lighting plant by the town of Lexington;

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4208) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) for legislation to exempt the school custodian in the town of Hull from provisions of the civil service law;

Petition (accompanied by bill, House, No. 4209) of James R. Miceli and others (by vote of the town) for legislation to authorize the appointment of Thomas Taylor to the position of fire fighter in the town of Wilmington, notwithstanding the maximum age requirements;

Petition (accompanied by bill, House, No. 4210) of James R. Miceli and others (by vote of the town) for legislation to provide for the appointment of Darryl Sencabaugh to the position of fire fighter in the town of Wilmington, notwithstanding the maximum age requirements; and

Petition (accompanied by bill, House, No. 4211) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) relative to retirement benefits of certain elected officials in the town of Hull;

Severally to the committee on Public Service.

Notice was received that the Speaker of the House had announced the appointment of Leonard I. Zon, M.D.; George J. Annas, J.D., M.P.H.; Harlyn O. Halvorson, Ph.D.; and Alison Taunton-Rigby, Ph.D., O.B.E. to the Biomedical Research Advisory Council (established under Section 9 of Chapter 111L of the General Laws as inserted by Chapter 27 of the Acts of 2005).

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 exempting the position of police chief in the town of Winchendon from the civil service law (Senate, No. 2083),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

The House Bill relative to borrowing by the town of Milford for the funding of the geriatric authority of Milford (House, No. 4182),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Reports of Committees.

By Mr. Augustus, for the committee on Election Laws, on petition, a Bill relative to the preliminary election in the city of Methuen in the year 2005 (Senate, No. 2163) [Local approval received].

The bill 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, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act cancelling the preliminary election in the city of Methuen in the year 2005.”

Sent to the House for concurrence.

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 Steven A. Tolman, Kerry Murphy Healey, Thomas M. McGee and Brian P. Wallace for legislation relative to substance abuse and mandatory opioid overdose reporting.

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 Mental Health and Substance Abuse. Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4310) of Joseph F. Wagner relative to the establishment of a sick leave bank for Kathleen A. Sammataro, an employee of the District Court of Chicopee,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.**

Engrossed Bills.

The following engrossed bills (both 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 and laid before the Governor for his approbation, to wit:

Relative to the Massachusetts Water Resources Authority (see House, No. 4259); and

Relative to certain persons dually eligible for the Medicare and Medicaid program (see House, No. 4298).

Order Adopted.

On motion of Mr. Brewer,—

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

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill authorizing the city of Pittsfield to grant 5 additional licenses the sale of all alcoholic beverages and 4 additional licenses for the sale of wines and malt beverages to be drunk on the premises (see Senate, No. 2160) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President and laid before the Governor for his approbation.

Communication.

The Clerk read the following communication:

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

August 1, 2005.

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

Dear Mr. Clerk:

I respectfully request your assistance with the printing of this communication in the Senate Journal. I request that when the Senate adjourns today, it do so in the memory of The Honorable Thomas J. Curley, Jr., Berkshire Superior Court Judge.

Judge Curley died after a battle with pancreatic cancer on July 28, 2005, he was 48 years old. Judge Curley was a former board member of the Massachusetts Turnpike Authority from 1991 to 1998, serving as vice chairman the last two years. He was a vice chairman of the Berkshire Community College board of trustees; a chairman of the Pittsfield Industrial Development Committee and the Community Development Board; chairman of the Harvard Admission and Scholarship Committee, Berkshire County; chairman of the Pittsfield Jail Site Committee, and a member of the state and Berkshire bar associations. Judge Curley was a man of great conviction and integrity who will be missed by family, friends, and the Berkshire Community.

I appreciate your assistance with this matter. Please contact me with any questions or concerns you may have.

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

On motion of Mr. Knapik, the above communication was ordered printed in the Journal of the Senate; and the motion, ordered by Mr. Nuciforo was considered, and it prevailed.

Adjournment in Memory of Alan E. Rich and The Honorable Thomas J. Curley, Jr.

The Senator from the Worcester, Hampden, Hampshire, and Franklin, Mr. Brewer, moved that when the Senate adjourns today, it adjourn in memory of Alan E. Rich. Mr. Rich died Friday at the age of 57 after a long illness. He will be remembered always as a devoted educator and community leader. Mr. Rich served as a selectman in the town of Athol for 14 years, 7 of those as chairman. He also served on the Athol-Royalston school committee for 3 years, Athol housing authority, and as chairman of the Athol democratic town committee for 25 years. Mr. Rich dedicated himself to educating the youth of central Massachusetts and serving the community he loved and it is for this that he will be best remembered. He will be missed by his family, friends and colleagues. The motion prevailed

Accordingly, as a mark of respect to the memories of Alan E. Rich and Judge Thomas J. Curley, Jr., at twenty-one minutes before twelve o'clock noon, on motion of Mr. Knapik, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.