

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, August 3, 2006.

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

Petition.

Ms. Resor presented a petition (accompanied by bill, Senate, No. 2705) of Pamela P. Resor and James S. Eldridge for legislation to further regulate the residency requirements for regular fire and police officers [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Public Service.**
Sent to the House for concurrence.

Report of a Committee.

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition, a Bill reestablishing a regional office of the Massachusetts Commission Against Discrimination in the city of Worcester (Senate, No. 2674);
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

PAPERS FROM THE HOUSE.

Bills

Protecting children from persons who offer to pay for sexual contact (House, No. 859, amended,— on petition);
Providing for the registration of naturopathic doctors (House, No. 4250,— on Senate, No. 1313 and House, No. 3656) (Senator Moore of the committee on Health Care Financing dissenting);
Relative to assisted living (House, No. 4494,— on House, No. 1635); and
Relative to health care access (House, No. 5240,— on House, No. 2752);
Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Bills

Providing for behavioral science representation on the Parole Board (House, No. 1753,— on petition);
Relative to handicap parking restrictions (House, No. 2142,— on petition);
Relative to payment agreements for local taxes (House, No. 2463,— on petition);
Relative to hearings of the Division of Medical Assistance (House, No. 2681, changed,— on petition);
Relative to certain roadways of the Department of Conservation and Recreation formerly known as the Metropolitan District Commission (House, No. 3146, amended,— on petition);
Relative to the establishment of reserve funds for compensated absences in cities and towns (House, No. 3584,— on petition) and

Relative to the composition of the Massachusetts Water Resources Authority Board of Directors (House, No. 3889,— on petition) (Representative Gifford of Wareham of the committee on Environment, Natural Resources and Agriculture dissenting; **Severally read and, under Senate Rule 26, referred to the committee on Senate Ethics and Rules.**

Bills

Relative to the sale of certain properties by the city of Gloucester (House, No. 4202,— on petition) [Local approval received];
Authorizing the city of New Bedford to regulate motorized bicycles and motorized scooters (House, No. 4354,— on petition) [Local approval received];
Relative to the retirement of Dennis Mullen (House, No. 4419,— on petition) [Local approval received];
Authorizing the town of Wellesley to convey a certain parcel of land (House, No. 4870,— on petition) [Local approval received];
Authorizing the town of Wellesley to convey a certain parcel of land (House, No. 4871,— on petition) [Local approval received];
Authorizing the town of Natick to lease certain property in Natick owned by the Commonwealth of Massachusetts (House, No. 4873,— on petition) [Local approval received];
Relative to certain playground land in the town of Provincetown (House, No. 4879,— on petition) [Local approval received];
Authorizing the town of Norwood to grant access to its sewer system and to assess charges therefor (House, No. 5058,— on petition) [Local approval received];
Authorizing the city of Fitchburg to abate certain taxes (House, No. 5177,— on House, No. 4769 and 5008) [Local approval received on House, No. 4769];
Authorizing the Secretary of the Commonwealth to place an election in the city known as the town of Watertown on the state election ballot (House, No. 5184,— on petition) [Local approval received]; and
Authorizing the town of Norwood to convey certain park land (House, No. 5215,— on petition) [Local approval received];
Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Notice was received from the House that the Speaker of the House of Representatives had made the following appointments:
Ms. Rita Vertes, Sr. Vice President, Blue Cross Blue Shield of MA Foundation and Ms. Deborah J. Chollet, of Mathematica Policy Research, Inc. to the Special Commission established (pursuant to Section 114 of Chapter 58 of the Acts of 2006) to study the impact of merging the non-group insurance market as defined in Chapter 176M of the General Laws and small-group health insurance market as defined in Chapter 176J of the General Laws;
Ms. Nancy Turnbull, President, Blue Cross Blue Shield of MA Foundation and Ms. Christie L. Hager to the Special Commission established (pursuant to Section 3, Subsection 16N of Chapter 58 of the Acts of 2006) to study the feasibility of reducing or eliminating the contribution made by contributing employers to the Uncompensated Care Trust Fund; and
Representative Patricia Walrath, Chairwoman of the Joint Committee on Health Care Financing to the Special Commission established (pursuant to Section 112 of Chapter 58 of the Acts of 2006) in regards to all negotiations with the Federal Centers for Medicare and Medicaid Services or the Federal Office of **Management and Budget concerning an amendment to the MassHealth demonstration waiver.**

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Berry) “congratulating the Coughlan/ Coughlin family members on the occasion of their reunion in Salem, Massachusetts”;
Resolutions (filed by Mr. Brewer) “on the one hundredth anniversary of the Second Congregational Church of South Royalston”;
Resolutions (filed by Mr. Hedlund) “congratulating Gary Lapierre”; and
Resolutions (filed by Mr. O’Leary and Ms. Murray) “congratulating the Provincetown Center for Coastal Studies.”

Communications.

The Clerk read the following communication:

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

July 31, 2006.

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

Dear Mr. Clerk:

On Wednesday July 27, I was in a meeting with the Speaker of the House of Representatives and missed two roll call votes for overrides in House Bill 5000, An Act Making Appropriations for the Fiscal Year 2007. If I were present for the votes I would have voted in the following manner:

The first vote I missed was on a veto override outside section 48 which is the section pertaining to MOTT and MetroZoo's Parks. Had I been present, I would have voted in the negative.

The second vote I missed was on a veto override of outside section 49 which is the section pertained to Zoo Definitions. Had I been present, I would have voted in the negative.

I respectfully request that a copy of this communication be printed in today's Senate Journal. Thank you for your attention to this matter.

Sincerely,
SCOTT BROWN,
State Senator,
Norfolk, Bristol and Middlesex.

On motion of Mr. Brown, the above communication was ordered printed in the Journal of the Senate.

The Clerk read the following communication:

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

July 27, 2006.

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

Dear Mr. Clerk:

On Wednesday, July 26, 2006, I was not in the chamber due to a prior commitment for seven (7) roll call votes.

I would have voted in the affirmative to override the Governor's vetoes on 5920-5000, Sect. 104 and Sect. 16 if I was present. I also would have voted in the affirmative on H5200, H4660 and H4150.

I would have voted in the negative on postponement of S248.

Thank you for your consideration in this matter.

Sincerely,
DIANNE WILKERSON,
State Senator,
Second Suffolk District.

On motion of Mr. Brown, the above communication was ordered printed in the Journal of the Senate.

PAPER FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill authorizing child care providers to negotiate jointly with the Department of Early Education and Care and the Executive Office of Health and Human Services (see House, No. 5257), 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; 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 (Mr. Havern) and sent to the House for enactment.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Havern) and laid before the Governor for his approbation.

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 surviving spouses of veterans to retain ownership of veterans registration plates (House, No. 1706,

changed) (its title having been changed by the committee on Bills in the Third Reading)— **was read a third time and passed to be engrossed, in concurrence.**

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 House Bill relative to the standard fire insurance policy (House, No. 1552).

There being no objection, the rules were suspended, on motion of Mr. Brown, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

The House Bill relative to the department of public works in the town of Hopkinton (printed in House, No. 4747).

There being no objection, the rules were suspended, on motion of Mr. Brown, and the bill 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 reorganizing the department of public works in the town of Hopkinton”.

PAPERS FROM THE HOUSE.

A Bill authorizing the Dennis Water District to convey certain land (House, No. 5229,— on petition).

There being no objection, the rules were suspended, on motion of Mr. Brown, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill establishing the Concord Housing Development Corporation (see House, No. 4320) [for message, see House, No. 4611]— **came from the house with endorsement that the House adopted the amendment as approved by the committee on Bills in the Third Reading, as follows: In section 2 by striking out, in the introductory paragraph the words “and clause (k)”.**

The message was read; and, 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 rules were suspended, on motion of Mr. Brown, and the House amendment was considered forthwith and adopted, in concurrence.

Sent to the House for re-enactment.

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 re-enacted and were signed by the Acting President (Mr. Havern) and again laid before the Governor for his approbation, to wit:

Relative to aiding public housing authorities (see House, No. 5243);

Relative to funding community health centers (see House, No. 5244);

Relative to calculating employee retirement benefits (see House, No. 5245); and

Relative to allowing the town of Winchester to draw water from Spot Pond (see House, No. 5246, amended).

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 (Mr. Havern) and laid before the Governor for his approbation, to wit:

Authorizing the town of Oxford to provide certain water supply improvements (see Senate, No. 2548, amended);

Relative to gate shows (see House, No. 4493, amended); and

Relative to insurance and lawful travel by applicants for life and disability insurance and insured individuals (see House, No. 5238).

Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill allowing adjustments to the prescription advantage program (see House, No. 5154) [being the text of section 106 of House, No. 5000] [for message, see attachment E of House, No. 5151],— came from the House with amendment in the form approved by the committee on Bills in the Third Reading.

The message was read; and, 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 rules were suspended, on motion of Mr. Brown, and the Governor’s amendment was considered forthwith and rejected, in concurrence.

Sent to the House for re-enactment.

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 Marc R. Pacheco and James H. Fagan for legislation relative to disability retirement benefits for certain employees who contract cancer.

Senate Rule 36 was suspended, on motion of Mr. Brown, 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.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5261) of Cleon H. Turner and Robert A. O'Leary relative to authorizing the State Board of Retirement to grant creditable service for retirement purposes to Dorothy Sweeney of the town of Dennis, for certain temporary employment with the Department of Education,— was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.

Order Adopted.

On motion of Mr. Brown,—

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 a quarter before twelve o'clock noon, the Senate adjourned to meet on the following Monday at eleven o'clock A.M.