

**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 11, 2005.*

Met according to adjournment at eleven o'clock A.M. (Ms. Walsh in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Senator from Norfolk, Bristol and Middlesex, Mr. Brown, led the Chair (Ms. Walsh), members, guests and employees in the recitation of the pledge of allegiance to the flag.

#### *Communications.*

The following communications were severally read and placed on file:

A communication from the Honorable Robert E. Travaglini, President of the Senate, announcing the following appointments to the Biomedical Research Advisory Council (pursuant to Section 1 of Chapter 27 of the Acts of 2005): Nancy B. Forbes, J.D., partner at Ropes & Gray; Dr. Richard O. Hynes, Professor of Cancer Research at the Massachusetts Institute of Technology and Investigator for the Howard Hughes Medical Institute; Dr. Claire Pierre, primary care physician and Director of the Center for International Health Partnerships for the Cambridge Health Alliance; and Dr. David T. Scadden, Director of the Massachusetts General Hospital Center for Regenerative Medicine and Technology and Co-Director of the Harvard Stem Cell Initiative; and

A communication from Aaron Lazare, M.D., Chancellor and Dean, University of Massachusetts Medical School, announcing the following appointments to the Biomedical Research Advisory Council (pursuant to Section 1 of Chapter 27 of the Acts of 2005): Robert W. Finberg, MD. and Marjorie Ann Clay, PhD.

#### *Petition.*

Mr. O'Leary presented a petition (accompanied by bill, Senate, No. 2182) of Robert A. O'Leary, Therese Murray and Jeffrey D. Perry (by vote of the town) for legislation to increase the penalty for failure to make a written return in connection with the valuation of certain real estate [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Municipalities and Regional Government. Sent to the House for concurrence.**

#### *Reports of Committees.*

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on petition, a Bill relative to the identification of burial grounds and cemeteries on certain state-owned lands (Senate, No. 34, changed in section 1 by striking out the year "2003", in line 9, and inserting in place thereof the year "2007");

By the same Senator, for the same committee, on petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester county 4H Center (Senate, No. 35);

By the same Senator, for the same committee, on petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to grant certain easements to the town of Princeton over lands held for conservation/recreation (Senate, No. 40);

By the same Senator, for the same committee, on petition, a Bill relative to the Max Ulin rink (Senate, No. 45);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 38), a Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of West Springfield (Senate, No. 2180);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 49), a Bill authorizing the Division of Capital Asset Management to lease a certain parcel of land in the city of Boston (Senate, No. 2181);

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill to protect the Commonwealth's hemlock trees (Senate, No. 494, changed in section 1 by inserting after the word "on" in line 20, the word "Environment");

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 506), a Bill relative to harbormaster training certification (Senate, No. 2178); and

By the same Senator, for the same committee, on petition (accompanied by bill, House, No. 3709), a Bill to ban the use of methyl tertiary butyl ether (Senate, No. 2179);

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

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill authorizing municipalities to petition for public involvement plans in cases of hazardous material sites (Senate, No. 518); and

By the same Senator, for the same committee, on petition, a Bill relative to the recycling of ink cartridges (Senate, No. 534);

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

#### *Committees Discharged.*

Ms. Menard, for the committee on Ethics and Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Public Health to make an investigation and study of a certain Senate document relative to skin care products (Senate, No. 2142), reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate No. 1255) of Joan M. Menard, Joyce A. Spiliotis and Christine E. Canavan relative to certain skin care procedures,— and recommending that the same be recommitted to the committee on Public Health.

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

Ms. Menard, for the committees on Rules of the two branches, acting concurrently reported, asking to be discharged from further consideration of the Senate Order (offered by Messrs. Moore and Rush of Boston) relative to establishing a special joint committee for the observance of the three hundred and seventy-fifth anniversary of the Massachusetts General Court (Senate, No. 2164),— and recommending that the same be referred to the Senate committee on Ethics and Rules.

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

Mr. McGee, for the committee on Labor and Workforce Development, reported, asking to be discharged from further consideration of the petition (accompanied by bill; Senate, No. 1135) of Dianne Wilkerson and Gloria L. Fox for legislation to further define employment discrimination,— and recommending that the same be referred to the committee on the Judiciary.

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

**Sent to the House for concurrence.**

#### PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4315) of Colleen M. Garry and Steven C. Panagiotakos (by vote of the town) that the town of Tyngsborough be authorized to issue two additional licenses for the sale of all alcoholic beverages to be drunk on the premises; and

Petition (accompanied by bill, House, No. 4316) of William M. Straus and others (by vote of the town) that the town of Middleborough be authorized to issue an additional license for the sale of alcoholic beverages not to be drunk on the premises to Elizabeth McDermott, doing business as Not the Same Old Country Store;

**Severally to the committee on Consumer Protection and Professional Licensure.**

Petition (accompanied by bill, House, No. 4320) of Cory Atkins (by vote of the town) relative to establishing the housing development corporation of the town of Concord (having been transmitted to the Secretary of the Commonwealth under the

provisions of Section 7 of Chapter 3 of the General Laws, and was returned by him with memoranda relative thereto);  
**To the committee on Housing.**

Petition (accompanied by bill, House, No. 4317) of Charles A. Murphy and Susan C. Fargo (by vote of the town) that the town of Bedford be authorized to release a conservation restriction on a certain parcel of land located in said town;  
**To the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 4318) of Richard J. Ross and Scott P. Brown (by vote of the town) that the town of Millis be authorized to appoint retired police officers as special police officers;  
**To the committee on Public Service.**

A Bill relative to living organ donation (House, No. 476,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

#### Bills

Authorizing the town of Dedham to transfer land for senior center purposes (House, No. 4102,— on petition) [Local approval received];

Authorizing the town of Mashpee to grant a certain easement (House, No. 4111,— on petition) [Local approval received]; and

Relative to the charter of the city of Chicopee (House, No. 4117,— on petition) [Local approval received];  
**Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

#### Reports

Of the committee on Consumer Protection and Professional Licensure, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 3235) of Harold P. Naughton, Jr., relative to establishing a board of appeals of electricians systems and telecommunications systems professionals; and

Of the petition (accompanied by bill, House, No. 3955) of Brian Knuutila and others relative to the licensing and supervision of persons installing certain electrical systems;

And recommending that the same severally be referred to the committee on Telecommunications, Utilities and Energy.

Of the committee on Education, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1149) of Paul Kujawski relative to the benefits of certain employees of the Massachusetts School Building Authority,— and recommending that the same be referred to the committee on Public Service.

Of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1350) of Shirley Gomes and others relative to the penalties for certain environmental law violations; and

Of the petition (accompanied by bill, House, No. 1356) of John F. Quinn relative to agricultural crop and property destruction;

And recommending that the same severally be referred to the committee on the Judiciary.

Of the committee on Health Care Financing, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2898) of Michael E. Festa and others relative to choices for certain persons seeking admission to a long-term care facility,— and recommending that the same be referred to the committee on Elder Affairs.

Of the committee on Transportation, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2158) of Paul J.P. Loscocco relative to a certain eminent domain taking by the Department of Highways of land in the town of Southborough,— and recommending that the same be referred to the committee on the Judiciary.

**Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Notice was received from the House that the Speaker had announced changes in Joint Standing committees, as follows:

That Representative Kulik of Worthington had been relieved of duty (at his own request) from the committee on Bonding, Capital Expenditures and State Assets; and that Representative Speliotis of Danvers had been appointed to the seventh position on said committee to fill the vacancy;

That Representative O'Brien of Kingston had been relieved of duty (at his own request) from the committee on Community Development and Small Businesses; and that Representative Speranzo of Pittsfield had been appointed to the ninth position on said committee to fill the vacancy;

That Representative Keenan of Southwick had been relieved of duty (at his own request) from the committee on Consumer Protection and Professional Licensure; and that Representative Speranzo of Pittsfield had been appointed to the ninth position on said committee to fill the vacancy;

There being no objection, that Representative Hynes of Marshfield had been appointed to the third position on the committee on Economic Development and Emerging Technologies, and that Representative Patrick of Falmouth had been appointed to the eighth position on said committee;

That Representative Patrick of Falmouth had been relieved of duty (at his own request) from the committee on Environment, Natural Resources and Agriculture; and that Representative Moran of Boston had been appointed to the ninth position on said committee to fill the vacancy;

That Representative Fallon of Malden had been relieved of duty (at his own request) from the committee on Health Care Financing; that Representative Kulik of Worthington had been appointed to the sixth position on said committee to fill the vacancy; and, there being no objection that Representative Keenan of Southwick had been appointed to the seventh position and Representative O'Brien of Kingston had been appointed to the eighth position on said committee;

That Representative Goguen of Fitchburg had been relieved of duty (at his own request) from the committee on Public Safety and Homeland Security; and that Representative Ferry of Boston had been appointed to the ninth position on said committee to fill the vacancy;

That Representative Speliotis of Danvers had been relieved of duty (at his own request) from the committee on Telecommunications, Utilities and Energy; and that Representative Forry of Boston had been appointed to the ninth position on said committee to fill the vacancy; and

That Representative Hynes of Marshfield had been relieved of duty (at his own request) from the committee on Transportation; and that Representative Goguen of Fitchburg had been appointed to the fourth position on said committee to fill the vacancy.

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Brewer) “on the occasion of the one hundred and fiftieth anniversary of the Hitchcock Free Academy”; and

Resolutions (filed by Mr. Rosenberg and Ms. Tucker) “supporting the United States Conference of Mayors’ resolution and the ‘Mayors for Peace’ Initiative.”

#### PAPER FROM THE HOUSE.

A Bill establishing a sick leave bank for Jason Monteiro, an employee of the Department of Correction (House, No. 2607,— on petition),— was read.

There being no objection, the rules were suspended, on motion of Mr. Augustus, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Montigny presented an amendment adding the following sentence:— “Whenever Jason Monteiro terminates employment with the department or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the extended illness leave bank.”

**The amendment was adopted.**

**The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.**

**Sent to the House for concurrence in the amendment.**

#### *Report of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to the financing and construction of a public parking garage and other improvements in the city of Worcester (Senate, No. 2172),— ought to pass, with an amendment in section 2, by inserting after the words “Project Developer”, in line 20, the following words:— “, in constructing the Public Project Elements,”; and by striking out, in line 22, the words “section 27” and inserting in place thereof the following words:— “sections 26 and 27F, inclusive”; and in section 3, by inserting after the words “legally binding”, in line 22, the following,

words:— “indemnifications or”; and by striking out, in line 26, the words “design or”.

**There being no objection, the rules were suspended, on motion of Mr. Augustus, and the bill was amended, as recommended by the committee on Ways and Means, and ordered to a third reading. The bill (Senate, No. 2172, amended) was then read a third time and passed to be engrossed. Sent to the House for concurrence.**

PAPER FROM THE HOUSE.

*Emergency Preamble Adopted.*

An engrossed Bill authorizing the conveyance of certain land in the town of Tewksbury to Robert W. Lafreniere (see House, No. 1421), 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 3 to 0.

**The bill was signed by the Acting President and sent to the House for enactment.**

*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 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. **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 Bonding, Capital Expenditures and State Assets.**

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 Robert L. Hedlund and James M. Murphy for legislation to further regulate the disposition of certain abandoned motor vehicles.

**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 Transportation. Severally sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4335) of Emile J. Goguen relative to the annual street listing of voters in the Commonwealth;

**Under suspension of Joint Rule 12, to the committee on Election Laws.**

Petition (accompanied by bill, House, No. 4336) of Emile J. Goguen and Jeffrey Davis Perry relative to the appointment of certain directors to the Massachusetts Sheriffs' Association;

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

Petition (accompanied by bill, House, No. 4337) of Antonio F. D. Cabral for legislation to further regulate the licensing of private detectives;

**Under suspension of Joint Rule 12, to the committee on Public Safety and Homeland Security.**

Petition (accompanied by bill, House, No. 4338) of J. Mark Treadup relative to creditable service for uncompensated elected officials;

Petition (accompanied by bill, House, No. 4339) of Emile J. Goguen for legislation to establish the economically targeted investment authority to generate returns on investments of public pension funds; and

Petition (accompanied by bill, House, No. 4340) of Antonio F.D. Cabral relative to creditable service for Jose Antonio Raposo; **Severally, under suspension of Joint Rule 12, to the committee on Public Service.**

Petition (accompanied by bill, House, No. 4341) of Dianne Wilkerson and Emile J. Goguen relative to increasing Services or supplies in certain contracts with vendors by public agencies;

**Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.**

*Order Adopted.*

On motion of Mr. Augustus,—

*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 Mr. Augustus, at seven minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.