

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, September 28, 2006.

Met at eleven 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.

Reports.

The following reports were severally read and placed on file:

A report of the Massachusetts Turnpike Authority (pursuant to Section 9 of Chapter 87 of the Acts of 2000) relative to the status of the Central Artery/Tunnel Project (CA/T) for the quarter ending June 30, 2006 (received Tuesday, September 26, 2006); and A report of the Division of Unemployment Assistance (under the provisions of Section 14F of Chapter 151A of the General Laws) relative to the condition of the Unemployment Insurance Trust Fund for the month of September (received Tuesday, September 26, 2006).

Petition.

Ms. Creem presented a petition (subject to Joint Rule 12) of Cynthia S. Creem for legislation to clarify Chapter 27 of the Acts of 2005, "an act enhancing regenerative medicine in the Commonwealth",— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5293) of William Smitty Pignatelli (by vote of the town) relative to the retirement and health insurance of certain elected officials of the town of Tyringham; and

Petition (accompanied by bill, House, No. 5298) of Antonio F.D. Cabral and others (local approval received) for legislation to authorize the town of New Bedford to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises;

Severally to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 5285) of Stephen Kulik and Stanley C. Rosenberg (by vote of the town) that the Brick House Community Resource Center, Inc., in the town of Montague be exempt from paying certain real estate taxes;

To the committee on Revenue.

A Bill establish a sick leave bank for Leo D. Shea, an employee of the Trial Court (House, No. 5252,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill proclaiming December 15 annually as Bill of Rights Day (House, No. 4600,— on petition) **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Bills

Providing for recall elections in the town of Littleton (House, No. 4072,— on petition) [Local approval received]; and
Relative to the charter of the city of Somerville (House, No. 4643,— on petition) [Local approval received];
Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Augustus and Ms. Chandler) “recognizing Reverend Father Dean N. Paleologos for his 25 years of dedicated service and spiritual leadership to the Saint Spyridon Community”;
Resolutions (filed by Messrs. Timilty and Joyce) “congratulating Russell S. Mann upon his retirement from the Sharon Police Department”; and
Resolutions (filed by Ms. Wilkerson) “honoring Jean Fox-Way.”

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for a certain employee of the Department of Social Services (see Senate, No. 2665, amended), 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.**

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 House Bill designating Mitochondrial Disease Awareness Week (House, No. 4358),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Needham to construct and maintain a common sewer through land acquired for conservation purposes (House, No. 4767),— **was read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

A Bill relative to the board of health of the town of North Andover (House, No. 4863,— on petition) [Local approval received],— **was read.**

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

A Bill authorizing the certification and eligibility as firefighters in the city of Taunton (House, No. 4977,— on petition),— **was read.**

There being no objection, the rules were suspended, on motion of Mr. Pacheco, 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 authorizing the certification and eligibility of certain firefighters in the city of Taunton”.

Reports of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to Marcia Lukon (Senate, No. 1402),— ought to pass, with an amendment by striking out, in line 12, the words “regular interest” and inserting in place thereof the following words:— “buyback interest”.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 1402, amended) was then 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 authorizing the teachers’ retirement board to grant creditable service to Marcia Lukon.”

Sent to the House for concurrence.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Sandra Brennan, an employee of the Department of Mental Retardation (Senate, No. 2710),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Pacheco, and the bill 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.**

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to data collection of government assisted housing in Massachusetts (House, No. 4978),— ought to pass, with an amendment in section 1, by striking out the figure “2006”, in line 24, and inserting in place thereof the following figure:— “2007”.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill, as amended, was then 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 relative to data collection for government assisted housing in Massachusetts.”

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

Engrossed Bills.

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 transfer of certain parcels of land in the city of Taunton (see Senate, No. 2666);

Relative to certain elder abuse assessment reports (see House, No. 1490, amended);

Exempting Scott Lemay from the maximum age requirement for firefighters in the city of Methuen (see House, No. 4118);

Granting retirement benefits to Dennis Mullen (see House, No. 4419);

Authorizing the town of North Andover to hold a license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4693);

Authorizing the appointment of Christina M. Orzyck as a police officer in the city of Worcester (see House, No. 4865);

Designating a portion of the Captain William K. Webb Memorial State Park in the town of Weymouth as the Robert B. Ambler Walkway (see House, No. 4921);

Authorizing the town of Norwood to lease certain land (see House, No. 5015); and

Authorizing the town of Norwood to grant access to its sewer system and to assess charges therefor (see House, No. 5058).

Petitions.

On motion of Mr. Pacheco, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Rosenberg, (accompanied by bill) of Stanley C. Rosenberg, Brian P. Lees, Stephen Kulik and Thomas M. Petrolati for legislation to authorize the Commissioner of Capital Asset Management and Maintenance to grant a certain easement in the town of Belchertown,— **and the same was referred to the committee on Bonding, Capital Expenditures and State Assets.**

Sent to the House for concurrence.

On motion of Mr. Tarr, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Morrissey, (accompanied by bill) of Michael W. Morrissey, Joseph R. Driscoll and Brian A. Joyce for legislation to establish a sick leave bank for Karen Ann Devine, an employee of the Department of Corrections,— **and the same was referred to the committee on Public Service.**

Sent to the House for concurrence.

Reports of Committees.

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that the Joint Rule 7B be suspended on the Senate petition of Mark C. Montigny, Antonio F. D. Cabral, Robert M. Koczera, Stephen R. Canessa and other members of the General Court (with approval of mayor and city council) for legislation relative to the railroad depot contamination remediation and redevelopment project of the city of New Bedford [Local approval received].

Senate Rule 36 was suspended, on motion of Mr. Pacheco, and the report was considered forthwith. Joint Rule 7B was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture.

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 Steven A. Baddour, Bruce E. Tarr, Marc R. Pacheco and Gregory W. Sullivan for legislation to provide for reform in public construction.

Senate Rule 36 was suspended, on motion of Mr. Pacheco, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5306) of Stephen R. Canessa and others for legislation to establish an invasive aquatic plants control and prevention fund to be administered by the Department of Conservation and Recreation;

Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 5305) of Michael A. Costello relative to the rates of interest to be charged upon apportioned betterment assessments by the town of Newbury and the city of Newburyport for the extension of water and sewer services to Plum Island;

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

Petition (accompanied by bill, House, No. 5307) of Michael J. Rodrigues for legislation to establish a sick leave bank for Paul LaFrance, an employee of the Department of Correction;

Under suspension of Joint Rule 12, to the committee on Public Service.

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for a certain employee of the Department of Social Services (see Senate, No. 2665, amended) (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 (Mr. Havern) and laid before the Governor for his approbation.

Recess.

There being no objection, at twenty-four minutes past eleven o'clock A.M., the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and, at twenty-eight minutes before one o'clock P.M., the Senate reassembled, Mr. Havern in the Chair.

PAPER FROM THE HOUSE.

A Bill making appropriations for fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5304,— on House, No. 5145, in part).

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

Recess.

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

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5304), 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.

Order Adopted.

On motion of Mr. Tarr,—

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.