

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, October 6, 2005.

Met according to adjournment at one o'clock P.M. (Mr. Havern in the Chair).

Recess.

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

The following prayer was offered by Father Bernard McLaughlin of St. Gerard's Parish in Canton:

Oh God Bless our elected leaders. In their name they pursue our common weal. Give them the insight and courage to do what their consciences tell them. May their actions strengthen our Commonwealth and our Nation — and all of us who pledge them allegiance.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Augustus for the purpose of an introduction. Mr. Augustus introduced standing in the rear of the Chamber the Shrewsbury High School Girl's Crew Team and their coach. The team recently came in second in the regional New England Meet. They were the guests of Senator Augustus and Representative Polito.

Resolutions.

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

Resolutions (filed by Mr. Joyce) "on the dedication of the Joseph A. Uliano Square";

Resolutions (filed by Mr. Morrissey) "on the fiftieth wedding anniversary of James and Judith McCarthy";

Resolutions (filed by Messrs. Morrissey and Joyce) "recognizing South Shore Day Care Services, Inc."; and

Resolutions (filed by Mr. Nuciforo) "congratulating Ralph "Buddy" Iannaco."

Orders of the Day.

The Orders of the Day were considered, as follows:

The Senate bills

Relative to the Martha's Vineyard Land Bank (Senate, No. 1199); and

Relative to the procurement officer of the city of Somerville (Senate, No. 2048);

**Were severally read a third time and passed to be engrossed.
Severally sent to the House for concurrence.**

The House Bill establishing an affordable housing trust fund in the town of Duxbury (House, No. 3155),— **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill further regulating horse and greyhound racing and associated gaming (Senate, No. 2215) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

Pending the question on passing the bill to be engrossed, Messrs. Morrissey, Lees, Ms. Menard, Messrs. Berry, Panagiotakos and Pacheco moved that the bill be amended by inserting after the enacting clause the text of Senate document numbered 2226.

After debate and pending the question on adoption of the amendment, Messrs. Joyce, Brewer and Pacheco moved to amend the amendment (Morrissey et al), in section 6, in the first paragraph of proposed subsection (b) of section 4 of chapter 10A of the General Laws, by striking out the last sentence and inserting in place thereof the following sentence:— “Of the remaining funds collected by the commission under this paragraph on behalf of the commonwealth, one-third shall be deposited in the General Fund, one-third shall be deposited in the Commonwealth Stabilization Fund, and one-third shall be deposited in the Local Aid Fund.”

After remarks, the further amendment (Joyce/Brewer) was adopted.

Messrs. Joyce and Creedon moved to amend the pending amendment (Morrissey et al), in section 6, in the second sentence of proposed subsection (i) of section 4 of chapter 10A of the General Laws, by inserting after the words “the town of Plainville shall receive not less than 5% from said fund,” the following words:— “the town of Easton shall receive not less than 5% from said fund.”

The amendment was *rejected*.

After further remarks, the question on adoption of the pending amendment (Morrissey et al) as amended, was determined by a call of the yeas and nays, at fourteen minutes before three o'clock P.M., on motion of Ms. Tucker, as follows, to wit (yeas 26 — nays 9) [**Yeas and Nays No. 156**]:

YEAS.

| | |
|--------------------------|-----------------------|
| Antonioni, Robert A. | Hart, John A., Jr. |
| Augustus, Edward M., Jr. | Havern, Robert A. |
| Baddour, Steven A. | Hedlund, Robert L. |
| Berry, Frederick E. | Joyce, Brian A. |
| Brewer, Stephen M. | Knapik, Michael R. |
| Buoniconti, Stephen J. | Lees, Brian P. |
| Chandler, Harriette L. | McGee, Thomas M. |
| Creedon, Robert S., Jr. | Menard, Joan M. |
| Morrissey, Michael W. | Tarr, Bruce E. |
| Murray, Therese | Tisei, Richard R. |
| Nuciforo, Andrea F., Jr. | Tolman, Steven A. |
| Pacheco, Marc R. | Travaglini, Robert E. |
| Panagiotakos, Steven C. | Wilkerson, Dianne — |

26.

NAYS.

| | |
|----------------------|-----------------------|
| Creem, Cynthia Stone | Rosenberg, Stanley C. |
| Fargo, Susan C. | Spilka, Karen E. |
| Montigny, Mark C. | Tucker, Susan C. |
| O'Leary, Robert A. | Walsh, Marian — |

9.

Resor, Pamela

ABSENT OR NOT VOTING.

Barrios, Jarrett T. Moore, Richard T.
Brown, Scott P. Timilty, James E. — 4.

The yeas and nays having been completed at ten minutes before three o'clock P.M., the pending amendment was adopted, as amended.

**The bill (Senate, No. 2227, printed as amended) was then passed to be engrossed.
Sent to the House for concurrence.**

Communication.

On motion of Mr. Lees, the Clerk read the following communication:

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

October 6, 2005.

Mr. William F. Welch
Clerk of the Massachusetts Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

I will be out of the country on official business from October 4th through October 11th, and therefore unable to be present for the recently scheduled formal session of October 6th.

Due to my absence from today's session, I will not be able to vote on Senate Bill 2215, An Act Extending the Simulcast Date for the Horse and Greyhound Racing Industry in the Commonwealth.

Nevertheless, I wish to convey to my colleagues, my support for this legislation and my unwavering commitment to the racing industry and the many benefits it brings to the State, that are currently being exported to our neighboring states.

The racing industry is a source of many jobs in my district. If strengthened and expanded, the racing industry can hold on to thousands of good jobs with the potential of creating hundreds of new ones, and injecting much needed revenue into our region.

I would appreciate your assistance with the printing of this communication in today's Senate Journal. Thank you for your attention to this matter.

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

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

PAPER FROM THE HOUSE.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the city of Lowell to grant a permanent easement in certain parkland to abutters (see House, No. 3227) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eight minutes before three o'clock P.M., as follows, to wit (yeas 34 — nays 0) [Yeas and Nays No. 157]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Montigny, Mark C.

Jr.

| | |
|-------------------------|----------------------------|
| Baddour, Steven A. | Morrissey, Michael W. |
| Berry, Frederick E. | Murray, Therese |
| Brewer, Stephen M. | Nuciforo, Andrea F., Jr. |
| Buoniconti, Stephen J. | O'Leary, Robert A. |
| Chandler, Harriette L. | Pacheco, Marc R. |
| Creedon, Robert S., Jr. | Panagiotakos, Steven C. |
| Creem, Cynthia Stone | Resor, Pamela |
| Fargo, Susan C. | Rosenberg, Stanley C. |
| Hart, John A., Jr. | Spilka, Karen E. |
| Havern, Robert A. | Tarr, Bruce E. |
| Hedlund, Robert L. | Timilty, James E. |
| Joyce, Brian A. | Tisei, Richard R. |
| Knapik, Michael R. | Tolman, Steven A. |
| Lees, Brian P. | Tucker, Susan C. |
| McGee, Thomas M. | Walsh, Marian — 34. |

NAYS — 0.

ABSENT OR NOT VOTING.

| | |
|---------------------|-------------------------------|
| Barrios, Jarrett T. | Moore, Richard T. |
| Brown, Scott P. | Wilkerson, Dianne — 4. |

Mr. Havern in the Chair (having been appointed by the President under the authority conferred by Senate Rule 4, to perform the duties of the chair) the yeas and nays having been completed at three minutes before three o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it 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

October 6, 2005.

Mr. William F. Welch
Clerk of the Senate
State House, Room 335
Boston, Massachusetts 02133

Dear Mr. Clerk:

On Thursday, October 6, 2005, I will be out of state attending a meeting of the Executive Committee of the National Conference of State Legislatures.

Consequently, I will miss the Senate formal session scheduled for that day. Any roll calls missed on that date are for the reasons stated in this letter. I respectfully ask that this letter be entered in the Senate Journal.

Thank you for your attention to this matter.

Sincerely,
RICHARD T. MOORE,
State Senator,
Worcester and Norfolk District.

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

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 and laid before the Governor for his approbation, to wit:

Relative to the towns of Westborough and Shrewsbury treatment of wastewater (see Senate Bill, printed as House, No. 4199);
and

Maximizing federal reimbursement for family planning services (see House, No. 4178).

A petition (accompanied by bill, House, No. 4428) of Charles A. Murphy and others relative to tax classifications in the cities and towns of the Commonwealth,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Revenue.**

Order Adopted.

On motion of Mr. Rosenberg,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday 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. Hart, at three o'clock P.M., the Senate adjourned to meet on the following Tuesday at eleven o'clock A.M.