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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, October 26, 2006.

Met at ten 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.

Distinguished Guests.

There being no objection, the Chair (Mr. Havern) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr introduced dignitaries from the Republic of Italy. The dignitaries came to the State House for the purpose of presenting the Medal of Merit from the President of the Senate of the Republic of Italy to Senate President Travaglini and Senator Tarr. Senator Tarr welcomed Dino DiGregorio, Slovak Consul to Italy, Massimiliano Bracale, Mr. DiGregorio's Translator, Mirella Tauro, Salvatore Biscozzi,

Fabrizio Palladino, Antonio Ritrovato, Henry Zunino, Giuseppe Canistro, Mario Cacavilla, Salvatore Biscozzi, President and CEO of Kenton and Miles International S.p.A., Raffaele Umbriano, Vice President of Kenton and Miles International S.p.A., Gea Sarin, Marketing Manager of Kenton and Miles International S.p.A., Andrew Rajapakse, member of the Board of Prevention and Dr. Massimiliano Bracale, President of the Swiss School of Management.

Mr. DiGregorio then addressed the Chamber and presented Senate President Travaglini and Senator Tarr with the Medal of Merit from the Italian Parliament for their work and leadership in the Senate. The President then briefly addressed the Chamber and thanked Mr. DiGregorio along with the rest of the dignitaries for bestowing upon him the Medal of Merit and welcomed them to the State House and this August Senate Chamber. Mr. Tarr also thanked and welcomed the group of distinguished guests. Mr. DiGregorio then signed the guest book and along with the delegation, withdrew from the Chamber.

Communications.

The following communications were severally read and placed on file, to wit:

A communication from The Honorable Brian P. Lees, Minority Leader announcing the appointment of Senator Scott P. Brown to serve on the Special Commission of Long Term Care for Persons with Adult Onset Disabilities (pursuant to Section 7 of Chapter 305 of the Acts of 2006),— **was placed on file.**

A communication from The Honorable Brian P. Lees, Minority Leader announcing the appointment of Senator Bruce E. Tarr to serve on the advisory board for the Commonwealth Information Technology Initiative (CITI) Fund.

Reports.

The following reports were severally read and placed on file:

A report of the Division of Standards (under the provisions of Section 57 of Chapter 98 of the General Laws) submitting its 2005 annual report (received Friday, August 11, 2006); and

A report of the Merrimack Valley Regional Transit Authority (under the provisions of Chapter 161B of the General Laws) submitting its annual report for fiscal year 2006 (received Wednesday, October 18, 2006).

Petition.

Ms. Resor presented a petition (subject to Joint Rule 12) of Pamela P. Resor and James B. Eldridge for legislation to authorize the Division of Capital Asset Management and Maintenance to lease certain property to the town of Shirley,— **and the same was referred, under the Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Report of a Committee.

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition (accompanied by bill, House, No. 5306), a Bill relative to the protection of our natural bodies of water (Senate, No. 2733);
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

PAPERS FROM THE HOUSE.

A Bill relative to the payment of pensioners for services after retirement (House, No. 263,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Appointments Received from the House.

Notice was received from the House announcing the following appointment:
That Representatives Harkins of Needham, Lantigua of Lawrence, LeDuc of Marlborough, Speranzo of Pittsfield and St. Fleur of Boston have been appointed by the Speaker to the Special Commission (established pursuant to section 363 of chapter 149 of the Acts of 2004 as amended by section 56 of chapter 122 of the Acts of 2006) to investigate and study middle education in the Commonwealth.

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 the month of November, 2006, as Family Literacy Month in the city of Worcester”; and
Resolutions (filed by Mr. Barrios) “recognizing 40 years of commitment to economically and educationally disadvantaged youth by Choice Thru Education, Inc.”

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 Cynthia S. Creem for legislation to clarify Chapter 27 of the Acts of 2005, “an act enhancing regenerative medicine in the Commonwealth”.

**Senate Rule 36 was suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Economic Development and Emerging Technologies.
Sent to the House for concurrence.**

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 the town of Topsfield to establish a department of public works (House, No. 4223),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Reports of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to patient and physician safety and protection (Senate, No. 1263),— **ought to pass.**

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, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act establishing an advisory committee to investigate the working conditions of resident physicians.”

Sent to the House for concurrence.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to stealing registration plates and the possession of stolen registration plates (Senate, No. 1873),— **ought to pass.**

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

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill reestablishing a regional office of the Massachusetts Commission Against Discrimination in the city of Worcester (Senate, No. 2674),— **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 payroll deductions for employees of the University of Massachusetts (House, No. 1256),— **ought to pass.**

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, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing payroll deductions to support higher education.”

PAPERS FROM THE HOUSE.

A Bill relative to horse and greyhound racing in the Commonwealth (House, No. 5291,— on House, No. 5221),— **was read.** Mr. Pacheco moved that the rules be suspended so that the matter could be considered forthwith; but objection was made thereto by Mr. Tarr.

Engrossed Bills.

The following engrossed bills (the first three 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:

Reducing the supplemental reserve fund requirement for the city of Pittsfield (see Senate, No. 2149);

Providing veteran status to Michael L. Buckley (see Senate, No. 2468);

Eliminating the property holdings cap for the Boston Public Library (see Senate, No. 2484, amended);

Modifying the schedule for deposits of revenue for the service of civil process by constables (see House, No. 3576);

Establishing a tourism revenue preservation fund in the town of Yarmouth (see House, No. 4945, changed and amended);

Authorizing certain investments for the town of Warwick free public library (see House, No. 4947); and

Relative to the Massachusetts Insurers Insolvency Fund (see House, No. 5216, amended).

Order Adopted.

On motion of Mr. Pacheco,—

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.

Recess.

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

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5325) of Eugene L. O'Flaherty for legislation to establish a personal leave bank for Michael LoPriore, an employee of the Trial Court Department,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.**

Adjournment in Memory of Barbara Amrhein.

The Senator from Norfolk and Plymouth, Mr. Morrissey, presented a request that when the Senate adjourns today, it do so as a mark of respect to the memory of Barbara Amrhein, the mother of Ellen Amrhein, director of Senate Personnel who passed away this past Tuesday.

Barbara Amrhein was a graduate of the Jeremiah Burke High School and Boston Clerical School. Barbara worked at the Boston navy yard and then became a stay at home mom raising her two daughters Ellen and Nancy. She later returned to work for the internal revenue service where she worked for 30 years. She is survived by her daughters Ellen Amrhein and Nancy Ferrara and two grandsons, Brian and Michael Ferrara.

Accordingly, as a mark of respect to the memory of Ms. Barbara Amrhein, at thirteen minutes before twelve o'clock noon on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.