

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, November 2, 2006.

Met at five 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.

Communication.

A communication from the Comptroller of the Commonwealth (under the provisions of Section 12 of Chapter 7A of the General Laws) submitting the Commonwealth's Statutory Basis Financial Report (SBFR) for the fiscal year ended June 30, 2006 (received Tuesday, October 31, 2006),— was placed on file.

Reports.

A report of the committee on Post Audit and Oversight (pursuant to Section 63 of Chapter 3 of the General Laws, as most recently amended by Chapter 557 of the Acts of 1986) submitting a report entitled Are We Really Prepared? A Comprehensive Study of Homeland Security in Massachusetts (Senate, No. 2737) (received Monday, October 30, 2006),— was placed on file.

The following reports were severally read and sent to the House for its information:

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the South Middlesex Pre-Release Center (received Tuesday, October 24, 2006); and

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Hampshire County Jail and House of Correction (received Monday, October 30, 2006).

Petitions.

Petitions were presented and referred as follows:

By Ms. Murray, a petition (accompanied by bill, Senate, No. 2740) of Therese Murray and Jeffrey Davis Perry (by vote of the town) for legislation to authorize the town of Sandwich to grant an additional license for the sale of Sandwich to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises [Local approval received];

Under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.

By Mr. Augustus, a petition (accompanied by bill, Senate, No. 2738) of Edward M. Augustus, Jr. and Paul K. Frost (by vote of the town) for legislation relative to the town of Auburn's Authority to convey a certain parcel of land;

By Ms. Murray, a petition (accompanied by bill, Senate, No. 2741) of Therese Murray and Jeffrey Davis Perry (by vote of the town) for legislation to amend the charter of the town of Sandwich [Local approval received]; and

By Mr. Rosenberg, a petition (accompanied by bill, Senate, No. 2739) of Stanley C. Rosenberg and Peter V. Kocot (with the approval of mayor and city council) for legislation to amend the charter of the city of Northampton to include 2 elected positions for the community preservation committee;

**Severally, under Senate Rule 20, to the committee on Municipalities and Regional Government.
Severally sent to the House for concurrence.**

Mr. Brewer presented a petition (subject to Joint Rule 12) of Stephen M. Brewer for legislation to establish a sick leave bank for Todd J. Martinson, an employee of the Monson Developmental Center,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of a Committee.

By Mr. Buoniconti, for the committee on Ethics and Rules, on Senate, No. 2633, in part, a “Bill regulating sex offender registration name changes” (Senate, No. 958);

Read and, under Senate Rule 27, referred to the committee on Ways and Means.

Mr. Buoniconti, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill relative to the safe operation of railroad cars or locomotives (House, No. 2143).

PAPERS FROM THE HOUSE.

A Bill establishing a personal leave bank for Michael LoPriore, an employee of the Massachusetts Trial Court (House, No. 5325, changed,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill relative to the membership of the Metropolitan Area Planning Council (House, No. 3143,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Resolutions.

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

Resolutions (filed by Mr. Brown) “congratulating Santa Claus Almeida”;

Resolutions (filed by Mr. Brown) “honoring the service of veterans from the town of Millis and across the United States of America”;

Resolutions (filed by Mr. Pacheco) “on the occasion of the one hundred twelfth birthday of Kathryn Gemme”;

Resolutions (filed by Mr. Pacheco) “commending Representative Thomas O’Brien”;

Resolutions (filed by Mr. Rosenberg) “commending the VNA & Hospice of Cooley Dickinson, Inc.”

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Karen Ann Devine, an employee of the Department of Corrections (see Senate, No. 2728), 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 (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 relative to the appointment of police officers in the town of Boxford (House, No. 5048),— **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 regulating the appointment of police officers in the town of Boxford”.**

The House Bill providing certain benefits for call firefighters in the town of Wenham (House, No. 5141),— **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 Ipswich to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5182),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Reports of Committees.

Mr. Buoniconti, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill designating Benjamin Franklin as the official inventor of the Commonwealth (House, No. 4690).

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.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill authorizing the Commissioner of Capital Asset Management and Maintenance to grant a certain easement in the town of Belchertown (Senate, No. 2727),— **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. Sent to the House for concurrence.**

By Ms. Murray, for the committee on Ways and Means, that the House Bill protecting children from persons who offer to pay for sexual contact (House, No. 859),— **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, after remarks, passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

A Bill establishing an appointed superintendent of streets in the town of Lakeville (House, No. 4296,— on petition),— **was read [Local approval received] 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.**

A Bill relative to the prevention of Shaken Baby Syndrome (House, No. 4959,— on Senate, No. 1254 and House, Nos. 2701 and 3952),— **was read. 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, after remarks, 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 providing for the prevention of shaken baby syndrome”.**

Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to hazardous material mitigation (see House, No. 1315, amended) [for message, see House, No. 5248],— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:—

By striking out all after the enacting clause and inserting in place thereof the following:

“Section 5 of chapter 21K of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following subsection:—

(m) the commonwealth shall, subject to appropriation, reimburse a for costs incurred for the emergency mitigation response of its members of a hazardous materials mitigation emergency response team and shall pay an annual stipend of \$3,000 to each member of that team.”.

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 adopted, in concurrence.

Sent to the House for re-enactment.

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 town of Lincoln to grant a license for the sale of wines and malt beverages to be drunk on the premises (see Senate, No. 2503);

Further regulating payment agreements for local taxes (see House, No. 2463);

Establishing an affordable housing trust fund in the town of Wellfleet (see House, No. 4094, amended); and

Authorizing the town of Topsfield to establish a department of public works (see House, No. 4223).

Report 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 Robert A. Antonioni for legislation relative to student instruction.

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 Education.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5331) of Philip Travis and others relative to penalties for leaving certain unattended children in a motor vehicle;

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

Petition (accompanied by bill, House, No. 5332) of Douglas W. Petersen and Thomas M. McGee that the retirement system of the Water Resources Authority be authorized to grant creditable service to George Denhard as an employee of the Bay State Skills Corporation;

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 seventeen minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.