

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.

Monday, November 14, 2005.

Met at four minutes past eleven o'clock A.M. (Ms. Walsh in the Chair).

The Senator from Plymouth and Norfolk, Mr. Hedlund, led the members, guests and employees in the recitation of the pledge of allegiance to the flag.

Petition.

Mr. Tarr presented a petition (accompanied by bill, Senate, No. 2280) of Bruce E. Tarr and Bradford Hill (by vote of the town) for legislation to authorize the town of Manchester-By-The-Sea to recall elected municipal officials [Local approval received],—**and the same was referred, under Senate Rule 20, to the committee on Election Laws.**

Reports of Committees.

By Mr. Nuciforo, for the committee on Financial Services, on petition, a Bill relative to non-payment of insurance premiums from escrowed funds by lending institutions (Senate, No. 621);

By the same Senator, for the same committee, on petition, a Bill relative to securities violations (Senate, No. 625);

By the same Senator, for the same committee, on petition, a Bill relative to credit union mortgages (Senate, No. 660); and

By the same Senator, for the same committee, on petition, a Bill relative to the payment of referral fees to unlicensed employees of insurance producers (Senate, No. 2060);

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

By Mr. Nuciforo, for the committee on Financial Services, on petition, a Bill relative to execution of certain mortgage related instruments (Senate, No. 577); and

By the same Senator, for the same committee, on petition, a Bill relative to protecting banking consumers (Senate, No. 600);
Severally read, and under Senate Rule 26, referred to the committee on Ethics and Rules.

By Mr. Timilty, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the town of Auburn to convey a certain parcel of land (Senate, No. 2162) [Local approval received];

Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

PAPER FROM THE HOUSE.

A Resolve providing for an investigation and study by a special commission relative to liquefied natural gas siting and use in the Commonwealth (House, No. 4449,— on House, No. 1663),— **was read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.**

Resolutions.

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

Resolutions (filed by Messrs. Brown, Hart, Havern, Hedlund, Joyce, Lees and Montigny, Ms. Murray, Mr. Nuciforo, Ms. Resor, Ms. Spilka, Messrs. Timilty, Tisei and Tolman and Ms. Tucker) “recognizing the USS Boston ships that have protected our nation and the brave and dedicated veterans who have served on the USS Boston ships”;

Resolutions (filed by Ms. Creen) “congratulating the opening of the Irving K. Zola Center for Persons with Disabilities at Brigham House”;

Resolutions (filed by Messrs. Hedlund and Brewer) “commemorating the seventy-fifth anniversary of the Massachusetts Health Information Manager Association”;

Resolutions (filed by Mr. Tisei) “celebrating the grand opening of Sunrise Assisted Living of Lynnfield”; and

Resolutions (filed by Messrs. Travaglini and Creedon) “recognizing National Adoption Month in Massachusetts.”

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 Senate Bill relative to the licensure of message therapists in Massachusetts (Senate, No. 2212),— was read a second time and was amended, as previously recommended by the committee on Ways and Means, by substituting a new draft with the same title (Senate, No. 2258).

The bill (Senate, No. 2258) was then ordered to a third reading.

Reports of Committees.

By Mr. Nuciforo, for the committee on Financial Services, on petition (accompanied by bill, Senate, No. 624), a Bill to provide remedies to consumers for clearing title after payoff of mortgages (Senate, No. 2278).

There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and ordered to a third reading.

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 C. Panagiotakos, David M. Nangle, Kevin J. Murphy, Thomas A. Golden, Jr. and other members of the General Court for legislation relative to lifetime community parole.

Senate Rule 26 was suspended, on motion of Mr. Hedlund, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the House for concurrence.

Recess.

There being no objection, at eight minutes past eleven o'clock A.M., the Chair (Ms. Walsh) declared a recess subject to the call of the Chair; and, at a half past twelve o'clock noon, the Senate reassembled, Ms. Walsh in the Chair.

Reports of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the House Bill relative to heating energy assistance and tax relief (House, No. 4473),— ought to pass, *with amendments* in item 7004-1000 of section 2, by striking out the following words:— “provided however, that such additional assistance awarded by such program shall be expended in the following order of priority: (1) all eligible households not previously awarded assistance by said federal program; and (2) households previously awarded federally funded assistance in fiscal years 2005 and 2006;”; in section 6 (as printed), by striking out, in subsection (b), the words “December 1, 2005” and inserting in place thereof the following:— “November 1, 2005.”; in section 11, as printed, by striking out, in subsections (a) and (b), the words “February 28, 2006” and inserting in place thereof the following:— “March 31, 2006”; in section 13, by striking out, in the first paragraph, the words “December 1, 2005” and inserting in place thereof the following:— “November 1, 2005”; in section 14, by striking out, in the first paragraph, the words “December 1, 2005” and inserting in place thereof the following:— “November 1, 2005.”; and by striking out sections 18, 20 and 21.

There being no objection, the rules were suspended, on motion of Mr. Hedlund, 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.**

By Ms. Murray, for the committee on Ways and Means, that the House Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4443),— ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2279 [Estimated cost: Total Direct Appropriations: \$240,759,246.].

Order Adopted.

Ms. Murray presented the following order, to wit:

Ordered, That, notwithstanding Senate rule 7 or any other rule to the contrary:

(1) The House Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4443), with the proposed new text reported by the Committee on Ways and Means (Senate, No. 2279) pending, shall be placed in the Orders of the Day for Tuesday, November 15, 2005 for its second reading;

(2) All amendments to the bill shall be filed electronically in the office of the Clerk of the Senate by 6:00 p.m. on Monday, November 14, 2005;

(3) All such amendments shall be second-reading amendments, but further amendments in the third degree to such amendments shall be in order. After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the Committee on Bills in the Third Reading.

There being no objection, the order was considered forthwith and adopted.

The bill was then placed in the Orders of the Day for the next session for a second reading with the amendments pending.

PAPER FROM THE HOUSE.

A Bill relative to genetic testing results (House, No. 3899,— on House, No. 3949),— was read.

There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and ordered to a third reading.

Order Adopted.

On motion of Mr. Hedlund,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session.

On motion of the same Senator, at twenty-six minutes before one o'clock P.M., the Senate adjourned to meet on the following day at one o'clock P.M.