

**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 21, 2005.*

Met at one minute past eleven o'clock A.M. (Mr. Tolman in the Chair).

The Chair (Mr. Tolman), members, guests and employees then recited the pledge of allegiance to the flag.

#### *Engrossed Bill — Laid Before the Governor.*

The engrossed Bill relative to direct wine shipments (see House, No. 4498, amended) (which originated in the House), having been passed to be enacted and signed by the President on Thursday, November 17, 2005,— **was laid before the Governor for his approbation on Friday, November 18, 2005.**

#### *Communication.*

A communication from the Honorable Robert E. Travaglini, President of the Senate, announcing the appointments of Senators Thomas M. McGee, Robert A. O'Leary, Robert A. Antonioni and Karen E. Spilka to the special commission (pursuant to section 2, item 9700-0100 of Chapter 45 of the Acts of 2005) to make an investigation and study of methods to better coordinate, expand, finance, and improve accessible, affordable, quality out-of-school time programming for school age children in all settings.

#### *Reports.*

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 Barnstable County Correctional Facility (received Wednesday, November 16, 2005);

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 M.C.I. Plymouth (received Wednesday, November 16, 2005); 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 Suffolk County House of Correction (received Wednesday, November 16, 2005).

#### *Petitions.*

Petitions were presented and referred, as follows:

By Mr. Buoniconti, a petition (subject to Joint Rule 12) of Stephen J. Buoniconti for legislation to establish uniform standards for bail proceedings; and

By Mr. Rosenberg, a petition (subject to Joint Rule 12) of Stanley C. Rosenberg, Brian P. Lees, Scott P. Brown, Mark C. Montigny and other members of the General Court for legislation relative to regional transit authority current financing and service fund;  
**Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

*Reports of Committees.*

By Mr. Moore, for the committee on Health Care Financing, that the Senate Bill further regulating college student meningococcal disease immunization (Senate, No. 2173),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2290).  
**Referred, under Senate Rule 26, to the committee on Ethics and Rules.**

By Ms. Spilka, for the committee on Children and Families, on petition (accompanied by resolve, Senate, No. 103), a Resolve studying trafficking of persons and involuntary servitude (Senate, No. 2289);  
**Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.**

By Ms. Fargo, for the committee on Public Health, on petition, a Bill to ensure consumer choice of nurse practitioner services (Senate, No. 1248);

By the same Senator, for the same committee, on petition, a Bill relative to tax credits for the purchase of hearing aids (Senate, No. 1251); and

By the same Senator, for the same committee, on petition, a Bill relative to the registration of the occupational history of certain cancer patients (Senate, No. 1316);  
**Read and, under Joint Rule 1E, referred to the committee on Health Care Financing.**

By Ms. Spilka, for the committee on Children and Families, on petition, a Bill penalizing domestic abusers (Senate, No. 65, changed in section 1 by striking out the number “46”, in line 3, and inserting in place thereof the number “47”);  
**Read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Ms. Fargo, for the committee on Public Health, ought NOT to pass:

On the petition (accompanied by bill, Senate, No. 1214) of Charles E. Shannon and Brian Knuuttila for legislation relative to local smoking exemptions; and

On the petition (accompanied by bill, Senate, No. 1228) of Stephen M. Brewer and Anne M. Gobi for legislation relative to smoking in bars and taverns within the Commonwealth;  
**Severally referred, under Senate Rule 36, to the committee on Ethics and Rules.**

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 reporting of revenue for the service of civil process by constables (House, No. 3576).

PAPER FROM THE HOUSE.

A Bill relative to creditable service for judges (House, No. 4496,— on House, No. 3977),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

*Resolutions.*

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

Resolutions (filed by Mr. Hart) “congratulating Mary M. Lassen”; and

Resolutions (filed by Ms. Walsh) “congratulating Commander Jeffrey J. Brodeur.”

*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 authorizing the late filing of certain application for classification of land in the town of Wendell (Senate, No. 2155) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**  
**Sent to the House for concurrence.**

PAPER FROM THE HOUSE.

A Bill authorizing the town of Arlington to establish another post employment benefits trust fund (House, No. 4272,— on petition) [Local approval received],— was read.

**There being no objection, the rules were suspended, on motion of Mr. Timilty, 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 town of Arlington to establish an other postemployment benefits trust fund.”**

*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 Mark C. Montigny, John F. Quinn, Barbara L’Italien, Douglas W. Petersen and other members of the General Court for legislation to prohibit alcohol beverages vaporizers.

**Senate Rule 36 was suspended, on motion of Mr. Knapik, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Consumer Protection and Professional Licensure.**

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 Mark C. Montigny for legislation to relocate certain harbor lines in the Fairhaven and New Bedford harbors.

**Senate Rule 36 was suspended, on motion of Mr. Knapik, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture.**

**Severally sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4521) of Eugene L. O’Flaherty and another relative to rental deductions under the income tax laws,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Revenue.**

The Senate Bill establishing a project mitigation contribution (“linkage”) program for affordable housing in the city of Somerville (Senate, No. 2044, amended),— came from the House passed to be engrossed, in concurrence *with an amendment* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4474.

**The rules were suspended, on motion of Mr. Timilty, and the House amendment was considered forthwith and adopted, in concurrence.**

*Order Adopted.*

On motion of Mr. Knapik,—

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Wednesday 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. Timilty, at six minutes past eleven o’clock A.M., the Senate adjourned to meet on the following Wednesday at eleven o’clock A.M.