

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 30, 2006.

Met at six 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.

Communications.

The following communications were severally received from the Honorable Brian P. Lees, Minority Leader of the Senate, announcing the following appointments:

Senator Michael R. Knapik has been appointed to the Special Commission established (pursuant to Section 1 of Chapter 2 of the Resolves) relative to ending homelessness in the Commonwealth;

Senator Bruce E. Tarr has been appointed (pursuant to Section 4A of Chapter 15A of the General Laws) to the Robert H. Goddard Council on Science, Technology, Engineering and Mathematics Education; and

Senator Scott P. Brown has been appointed (pursuant to Section 11 of Chapter 23H of the General Laws) to the Performance Standards and Workforce Accountability Task Force.

The communications were placed on file.

A communication from the Department of Public Health relative to a plan of correction submitted pursuant to inspection of the Women in Transition-Salisbury (received Tuesday, November 28, 2006),— **was placed on file.**

Reports.

A report of the Department of Education (under the provisions of Section 432 of Chapter 159 of the Acts of 2000) relative to students with disabilities (received Wednesday, November 29, 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 Middlesex County House of Correction and Jail (received Tuesday, November 28, 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 Suffolk County House of Correction (received Monday, November 27, 2006).

Petitions.

Mr. Pacheco presented a petition (accompanied by bill, Senate, No. 2751) of Marc R. Pacheco and David L. Flynn (by vote of the town) for legislation to exempt Timothy R. Grabarz and Thomas E. Cady from the maximum age requirement for appointment as a police officer in the town of Raynham [Local approval received], and the same was referred, under Senate Rule 20, to the committee on Public Service.

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 Timothy Morrissey, an employee of the Templeton Developmental Center,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Mr. Timilty, for the committee on Municipalities and Regional Government, on petition, a Bill relative to the town of Auburn's authority to convey a certain parcel of land (Senate, No. 2738);

By the same Senator, for the same committee, on petition, a Bill amending the charter of the city of Northampton to include 2 elected positions for the community preservation committee (Senate, No. 2739); and

By the same Senator, for the same committee, on petition, a Bill amending the charter of the town of Sandwich (Senate, No. 2741) [Local approval received];

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

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 Senate Bill clarifying coordination of the Diane Zaniboni Breast Cancer Research Fund (Senate, No. 2732).

PAPERS FROM THE HOUSE.

A Bill relative to the issuance of certain alcoholic beverage licenses (Rouse, No. 3340, changed,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Bills

Relative to the North East Solid Waste Committee Enterprise Fund balance in the town of Acton (House, No. 4944, changed,— on petition) [Local approval received]; and

Authorizing the town of Belmont to establish another post-employment benefits trust fund (House, No. 5076,— on petition) [Local approval received];

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

Resolutions.

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

Resolutions (filed by Ms. Fargo) “congratulating Boston IVF for 20 years of outstanding service”;

Resolutions (filed by Mr. Timilty) “congratulating Lois Honey Mallon on the joyous celebration of her one hundredth birthday”;

Resolutions (filed by Mr. Tolman and Ms. Wilkerson) “congratulating Helen Cox of the Fenway for 40 years of community service”; and

Resolutions (filed by Ms. Wilkerson) “commending Judy Ann Bigby, M.D.”

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 Senate Bill relative to the issuance of certain temporary loans in anticipation of bonds in the town of Arlington (Senate, No. 2579, changed),— **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 authorizing the town of Arlington to issue certain temporary loans in anticipation of bonds”.**

Sent to the House for concurrence.

The Senate Bill amending the representative form of town meeting in Randolph (Senate, No. 2724),— **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.

The House Bill providing for recall elections in the town of Canton (House, No. 4387),— **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 Wenham to grant certain alcoholic beverages licenses (House, No. 5333),— 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 Wenham to grant certain licenses for the sale of all alcoholic beverages to be drunk on the premises.”

Reports of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to nonpublic school service (Senate, No. 1585, changed),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2752).**

There being no objection, the rules were suspended, on motion of Mr. Brown, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2572) was then 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 relative to the Barnstable Probate Court (Senate, No. 2106),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Tisei, 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 authorizing increased payment of pensioners for services after retirement (House, No. 263),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Knapik, 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 increased payment of pensioners for services after retirement”.

By Ms. Murray, for the committee on Ways and Means, that the House Bill regulating vehicle protection product warranties (House, No. 3062),— **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2753.**

There being no objection, the rules were suspended, on motion of Mr. Brown, 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, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

The Senate Bill relative to medical peer review committees (Senate, No. 2418, amended),— **came from the House passed to be engrossed, in concurrence with an amendment in section 4, by striking out at the end thereof the following sentence:**

“Information gathered by a medical peer review committee under these sections shall not be confidential if the individual group formed the committee for the sole purpose of keeping information confidential.”

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

A Bill relative to the terms of certain bonds to be issued by the Commonwealth (printed in House, No. 5237,— being a message from His Excellency the Governor),— **was read.**

Mr. Brown moved to suspend the rules to consider the matter forthwith; but objection was made thereto by Mr. Tisei. Under Senate Rule 27, referred to the committee on Ways and Means.

Engrossed Bills.

The following engrossed bills (the first two 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 private road betterment borrowing by the town of Brewster (see Senate, No. 1198);

Designating the garter snake as the official reptile of the Commonwealth (see Senate Bill, printed as House, No. 3453);

Relative to the Wayland wastewater management district commission (see House, No. 4631);

Authorizing additional borrowing for the geriatric authority of the city of Holyoke (see House, No. 4866);

Authorizing the certification and eligibility of certain firefighters in the city of Taunton (see House, No. 4977); and

Regulating interests rates for betterment assessments for Plum Island municipal sewer and water services (see House, No. 5305, changed).

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 Marc R. Pacheco, Edward M. Augustus, Jr., Susan C. Tucker, Matthew C. Patrick and other members of the General Court for legislation to update property exempt from execution.

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 the Judiciary.

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 Marc R. Pacheco, Joan M. Menard, William M. Straus and Susan W. Gifford for legislation relative to the

Wareham Fire District.

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 Municipalities and Regional Government.

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 2 be suspended on the Senate petition of Stephen M. Brewer for legislation to establish a sick leave bank for Todd J. Martinson, an employee of the Monson Developmental Center.

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 Public Service. Severally sent to the House for concurrence.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5352) of Robert Coughlin and others for legislation to designate the rotunda in the West Roxbury Division of the Trial Court Department as the James Joseph Rush Rotunda,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.**

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