

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, December 11, 2006.

Met at four minutes past eleven o'clock A.M. (Mr. Tolman 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. Tolman), members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the Chair (Mr. Tolman) introduced, seated in the Senate Gallery, Dorothy Devlin, Melody Anderson, and Greg Hughes who were joined by Boston Fire Lieutenant William Ostiguy. The group from New York was touring the William J. Ostiguy Recovery High School in Boston.

Report.

A report of the Division of Health Care Finance and Policy (under the provisions of Chapter 139 of the Acts of 2006, line item 4100-0060 and Section 25 of Chapter 203 of the Acts of 1996 submitting its fifth report in a series of reports on biennial surveys of health insurance coverage (received Wednesday, December 6, 2006),— **was placed on file.**

PAPERS FROM THE HOUSE.

Petition (accompanied by bill, House, No. 5364) of Daniel E. Bosley (by vote of the town) relative to the payment in lieu of taxes by a certain electric generation facility in the town of Florida; and
Petition (accompanied by bill, House, No. 5365) of Daniel E. Bosley (by vote of the town) relative to the payment in lieu of taxes by a certain electric generation facility in the town of Monroe;

Severally to the committee on Revenue.

A Resolve in favor of Burton W. Gerrig, Esquire (House, No. 4048,— on petition); and

Bills

Establishing a sick leave bank for Carol Denault, an employee of the Department of Mental Health (House, No. 5342,— on petition); and

Establishing a sick leave bank for Lori Mazanec, an employee of the Trial Court of the Commonwealth (House, No. 5343,— on petition);

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

Bills

Relative to group marketing plans (House, No. 4974,— on House, No. 1547); and

Relative to the Swansea Water District (House, No. 5179,— on petition);

Were severally read and, under Senate Rule 26, referred to the committee on Senate Ethics and Rules.

Bills

Authorizing the town of Belmont to place a certain question relative to the sale of wine and malt beverages on the town's election ballot (House, No. 5274,— on House, No. 5075) [Local approval received on House, No. 5075];
Relative to the granting of special licenses for the sale of alcoholic beverages in the town of Belmont (House, No. 5275,— on House, No. 5077) [Local approval received on House, No. 5077]; **and**
Authorizing the town of Chatham to lease certain buildings (House, No. 5313,— on petition) [Local approval received];
Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Petitions were referred, in concurrence, as follows:

Communication from the Division of Energy Resources of the Office of Consumer Affairs and Business Regulation (accompanied by report, House, No. 5358) (under the provisions of section 12 of Chapter 25A of the General Laws submitting proposed amendments to Regulation 9 (225 CMR 9.00) relative to energy efficiency standards, testing and certification of certain appliances,— was referred, in concurrence, to the committees on State Administration and Regulatory Oversight and Telecommunication, Utilities and Energy, acting jointly.

Appointments Received from the House.

Notice was received from the House announcing the following appointment:

That Representatives Bosley of North Adams and Rodrigues of Westport have been appointed by the Speaker to the Robert H. Goddard Council on Science, Technology, Engineering and Mathematics Education (established pursuant to section 8 of chapter 123 of the Acts of 2006).

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Baddour) “on the occasion of the sixtieth birthday of Honorable James P. Jajuga”; and
Resolutions (filed by Messrs. Brewer and Augustus, Ms. Spilka and Mr. Moore) “commending Marilyn L. Travinski.”

Engrossed Bill Returned by Governor.

The engrossed Bill designating the garter snake as the official reptile of the Commonwealth (see Senate Bill, printed as House, No. 3453) (which on Thursday, November 30, 2006, had been laid before the Governor for his approbation), was returned to the Senate Clerk by the Lieutenant-Governor, Acting Governor on Thursday, December 7, 2006 at eight minutes before four o'clock P.M., with a message recommending an amendment.

The message (Senate, No. 2760) was referred, in concurrence, to the committee on Public Service. was referred, in concurrence, to the committee on Public Service.

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 amending the charter of the city of Northampton to include 2 elected positions for the community preservation committee (Senate, No. 2739),— was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Rosenberg presented an amendment in section 3, by striking out, in line 4, the words “at every biennial municipal election” and inserting in place thereof the following words:— “every fourth year”.

The amendment was adopted.

**The bill (Senate, No. 2739, amended) was then 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 amending the charter of the city of Northampton to include 2 elected members of the community preservation committee”.
Sent to the House for concurrence.**

The Senate Bill exempting the position of Chief of Police in the town of Shrewsbury from the civil service law (Senate, No. 2749),— 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 relative to the town manager of the town of Weston (House, No. 4861),— was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Reports of Committees.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to landscape sprinkler systems (Senate, No. 2272),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2762).

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

The bill (Senate, No. 2762) 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 House Bill relative to the Worcester DCU Arena and Convention Center (House, No. 5128),— ought to pass, with an amendment inserting in clause (ii) of subsection (a) of section 3, after the word “district” the following words:— “and which was first opened for patronage or available for transfer on or after July 1, 2004”.

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

Ms. Murray, for the committee on Ways and Means, on Senate, No. 2412, in part, a Bill providing relief to certain flood victims (Senate, No. 2763).

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

A report of the committee on Municipalities and Regional Government, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 2735) of Edward M. Augustus, Jr. and Paul K. Frost (by vote of the town) for legislation relative to the sewerage facilities and betterments in the town of Millbury.

There being no objection, on motion of Mr. Pacheco, the rules were suspended so that the matter could be considered forthwith. The same Senator moved that the report be amended by substitution of a “Bill relative to the sewerage facilities and betterments in the town of Millbury (Senate, No. 2735).

The motion was accepted and the bill was substituted for the report of the committee.

The bill was read.

There being no objection, on motion of Mr. Moore, the rules were suspended 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 regulating the sewerage facilities and betterments in the town of Millbury.”

Sent to the House for concurrence.

By Mr. Baddour, for the committee on Transportation, on petition, a Bill designating the Broadway Bridge in South Boston as the James M. Kelly Bridge (Senate, No. 2761).

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.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill relative to the terms of certain bonds to be issued by the Commonwealth (see printed in House, No. 5237), 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 4 to 0.

The bill was signed by the Acting President (Mr. Tolman) and sent to the House for 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. Tolman) and laid before the Governor for his approbation, to wit:

Authorizing the licensing authority of the town of Northborough to grant five additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 2557, amended);

Authorizing transfers from the North East Solid Waste Committee Enterprise Fund balance in the town of Acton (see House, No. 4944, changed); and

Authorizing the town of Reoboth to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 5183).

Order Adopted.

On motion of Ms. Wilkerson,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday 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. Pacheco, at twenty minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.