

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 12, 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.

Report.

A report of the Merrimack Valley Regional Transit Authority (under the provisions of Chapter 161B of the General Laws) submitting its annual report for fiscal year 2005 (received Thursday, December 8, 2005),— **was placed on file.**

Petitions.

Petitions were presented and referred, as follows:

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer, Stanley C. Rosenberg, Richard T. Moore, Andrea F. Nuciforo, Jr. and other members of the General Court for legislation an act to amend the heating energy assistance and tax relief;

By Ms. Chandler, a petition (subject to Joint Rule 12) of Harriette L. Chandler, Richard T. Moore, Peter J. Koutoujian, Susan C. Fargo and other members of the General Court for legislation to further regulate organ and tissue donations;

By Mr. O'Leary, a petition (subject to Joint Rule 12) of Robert A. O'Leary for legislation to establish a sick leave bank for Susan Moulaison, an employee of the Barnstable District Court; and

By the same Senator, a petition (subject to Joint Rule 12) of Robert A. O'Leary and Eric Turkington for legislation relative to certain benefits for Lynda Watts;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of a Committee.

By Ms. Spilka, for the committee on Children and Families, on petition, a Bill relative to caregiver medical and educational consent (Senate, No. 68);

By the same Senator, for the same committee, on Senate, Nos. 88 and 118, a Bill relative to multi-year social service contracts (Senate, No. 88);

By the same Senator, for the same committee, on Senate, No. 97 and House, No. 2820, a Bill relative to the preservation of families (Senate, No. 97); and

By the same Senator, for the same committee, on petition, a Bill relative to an assessment of case load rates in the executive office of health and human services (Senate, No. 128, changed in section 1, by striking out the word “humans” in line 5, and inserting in place thereof the words “human services” and by striking out the words “health and human services” in line 9 and inserting in place thereof the words “children and families”);

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

By Ms. Spilka, for the committee on Children and Families, on petition, a Bill relative to disabilities alone not being deemed as abuse or neglect of a child under the age of eighteen years of age (Senate, No. 63); and

By the same Senator, for the same committee, on Senate, No. 86 and House, No. 3858, a Bill relative to the reporting of child abuse to local law enforcement officials (Senate, No. 86, changed by striking out section 1 in its entirety);

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

Committee Discharged.

Ms. Spilka, for the committee on Children and Families, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 69) of Robert S. Creedon, Jr. for legislation to promote the permanent placement of children with fit parents; and

Of the petition (accompanied by bill, Senate, No. 70) of Robert S. Creedon, Jr. for legislation to further the interests of children in need of services;

And recommending that the same severally be referred to the committee on the Judiciary.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at a certain town meeting in the town of Wareham (House, No. 4538),— **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

The House Bill relative to milk control law transactions (House, No. 3711),— **came from the House with the endorsement that it had been referred to the committee on Environment, Natural Resources and Agriculture; and the Senate concurred in the reference.**

Bills

Increasing the amount of benefit to children who are survivors in the case of an accidental death benefit (House, No. 13,— on House, No. 353, and on House, No. 12, in part);

Relative to payroll deductions for employees of the University of Massachusetts (House, No. 1256,— on petition);

Relative to HIV and Hepatitis C prevention (House, No. 4176, amended,— on Senate, Nos. 1272 and 1312 and House, Nos. 2632, 2653, 2655 and 2741) (Estimated cost :— \$10,290.00);

Relative to the Reggie Lewis Track at Roxbury Community College (House, No. 4366,— on House, No. 1229);

Relative to licensure of court reporters (House, No. 4505,— on House, No. 3446); and

Authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Sterling (House, No. 4507,— on petition);

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

Bills

Authorizing a public waterfront walkway to be exempted from the harbor line in the Charlestown Navy Yard in the city of Boston (House, No. 1305, changed,— on petition);

Relative to the Northern Berkshire Solid Waste District (House, No. 1340,— on petition);

Designating a certain bridge in the Hyde Park section of the city of Boston as the Joseph M. Kearney Bridge (House, No. 1694,— on petition);

Designating a certain bridge in the Hyde Park section of the city of Boston as the Thomas J. Geraghty Bridge (House, No. 1695,— on petition);

Designating a certain rest area in the town of Barnstable as the Korean War Veterans Memorial Rest Area (House, No. 1984,— on petition);

Relative to the leasing of real property to civic or social organizations by municipalities (House, No. 3438,— on petition);

Relative to the membership of the Salem and Beverly Water Supply Board (House, No. 3595,— on petition);

Requiring public notice prior to restricting MassHealth Coverage (House, No. 4284,— on Senate, No. 700 and House, No. 3910);

Relative to the Northern Berkshire Industrial Park and Development Corporation (House, No. 4376,— on petition);

Authorizing the towns of Fairhaven, Marion, Mattapoisett and Rochester to make certain conveyances of well field and water supply and protection land to the Mattapoisett River Valley Water District (House, No. 4379,— on petition); and

Further regulating meetings of municipal boards (House, No. 4489, amended,— on House, No. 4227);

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

Bills

Authorizing Peter Jakub Jegorow to take the civil service examination for the position of firefighter in the city of Haverhill notwithstanding the maximum age requirement (House, No. 295,— on petition) [Local approval received];

Establishing an affordable housing trust fund in the town of Wellfleet (House, No. 4094,— on petition) [Local approval received];

Authorizing the town of Brewster to establish an affordable housing fund (House, No. 4130,— on petition) [Local approval received];

Relative to the school department in the town of Fairhaven expending revenue derived from advertising in schools without further appropriation by the town (House, No. 4221, amended,— on House, No. 4131) [Local approval received on House, No. 4131];

Establishing a department of public works in the town of West Newbury (House, No. 4271,— on petition) [Local approval received];

Establishing the Concord Housing Development Corporation (House, No. 4320,— on petition) [Local approval received];

Relative to construction of sewer system extensions in the town of Concord (House, No. 4364,— on House, No. 4146) [Local approval received on House, No. 4146]; and

Establishing a revolving fund in the town of Sudbury (House, No. 4389, changed,— on petition) [Local approval received];

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

Notice was received from the House that the Speaker had announced the changes to the membership of the special commission established (pursuant to item 4512-0200 of section 2 of chapter 149 of the Acts of 2004) to make an investigation and study of the diagnosis, prevention and treatment of cervical cancer in the Commonwealth, as follows:

That Representative Koutoujian of Newton had been relieved of duty (at his own request) as chairperson and that he had been appointed to the fifth position on said commission, that Ms. Christie Hager of Boston had respectfully declined her appointment to said commission, and that Representative Harkins of Needham had been appointed to the third position, and Representative Canavan of Brockton had been appointed to the fourth position on said commission.

The membership of said commission on the part of the House is as follows:

Representative Candaras of Wilbraham (Chairperson);

Representative Balser of Newton (Vice-Chairperson);

Representative Harkins of Needham;

Representative Canavan of Brockton; and

Representative Koutoujian of Waltham.

Report of a Committee.

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

The Senate Bill relative to automatic amusement devices (Senate, No. 1350).

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time.

Mr. Creedon presented an amendment, adding the following section:—

“SECTION 2. This act shall take effect on December 31, 2005.”; and by inserting before the enacting clause the following emergency preamble:—

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to exempt automatic amusement devices from certain requirements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted.

The bill (Senate, No. 1350, amended) was then ordered to a reading, read a third time and passed to be engrossed, in concurrence.

Sent to the House for concurrence.

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 town of Auburn to convey a certain parcel of land (Senate, No. 2162),— **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.

There being no objection, at five minutes past eleven o'clock A.M., the Chair (Mr. Tolman), declared a recess subject to the call of the Chair; and, at sixteen minutes past two o'clock P.M., the Senate reassembled, 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).

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Maureen A. Sullivan, an employee of the Massachusetts Parole Board (see House, No. 4357), 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 2 to 0.

The bill was signed by the Acting President (Mr. Tolman) and sent to the House for enactment.

Engrossed Bill.

An engrossed Bill establishing the office of finance director in the city of Northampton (see House, No. 4186, changed) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. Tolman) and laid before the Governor for his approbation.**

Order Adopted.

On motion of Mr. Knapik,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow 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 eighteen minutes past two o'clock P.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.