

**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, December 22, 2005.*

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

#### *Distinguished Guests.*

There being no objection, the Chair (Ms. Wilkerson) handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, seated in the Senate Gallery, the Foxborough High School Varsity Football, Golf, and Field Hockey Teams. Senator Timilty has invited these three championship teams to the State House to honor them as well as the coaches, faculty, administrators and parents for outstanding athletic accomplishments and excellence this past fall.

Senator Timilty recognized the Foxborough Football team for their drive to a division 2 Superbowl, the Golf team for winning the division 3 state title, and the Field Hockey team for capturing the Hocomock league championship.

There being no objection, the Chair (Ms. Wilkerson) introduced John Sedgwick. Mr. Sedgwick is a relation of the late Colonel Robert Gould Shaw, Commander of the 54th Massachusetts Infantry Regiment, the first African American Regiment ever formed. Mr. Sedgwick is also related to Theodore Sedgwick, former Speaker of the House of Representatives in Washington D.C.

#### *Report.*

A report of the Fall River District Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and Section 2KKK of Chapter 29 of the General Laws) submitting a plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received Tuesday, December 20, 2005),— **was placed on file.**

#### *Petitions.*

Petitions were presented and referred, as follows:

By Mr. Brown, a petition (subject to Joint Rule 12) of Scott P. Brown and Alice Hanlon Peisch for legislation to designate a certain bridge in the town of Wellesley as state Senator David H. Locke Bridge; and

By Mr. Hart, a petition (subject to Joint Rule 12) of John A. Hart, Jr. for legislation relative to the protection of child witnesses; **Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Report of Committees.*

By Mr. Antonioni, for the committee on Education, on petition, a Bill relative to special education and parent advisory councils (Senate, No. 291);

**Read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Mr. Antonioni, for the committee on Education, on petition (accompanied by bill, Senate, No. 302), a Bill making corrective changes to an Act Establishing the Essex North Shore Agricultural and Technical School District (Senate, No. 2317);

**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 changing the term of office for the town moderator in the town of Milton (Senate, No. 2095) [Local approval received]; and

By Mr. Morrissey, for the committee on Telecommunications, Utilities and Energy, on petition (accompanied by bill, Senate, No. 2271), a Bill relative to the Braintree Electric & Light Department generating project (Senate, No. 2318) [Local approval received on Senate, No. 2271];

**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 relative to the Hampshire County Housing Authority (Senate, No. 2283).

#### PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4579) of Michael F. Kane and Michael R. Knapik (with the approval of the mayor and city council) relative to preliminary elections in the city of Holyoke;

**To the committee on Election Laws.**

Petition (accompanied by bill, House, No. 4580) of Arthur J. Broadhurst and Steven A. Baddour (with the approval of the mayor and city council) relative to the eligibility of Matthew A. Kraunelis to the position of chief of staff to the mayor of the city of Methuen;

**To the committee on Municipalities and Regional Government.**

A report of the committee on House Steering, Policy and Scheduling, asking to be discharged from further consideration of the Senate Bill relative to the recycling of ink cartridges (Senate, No. 534), and recommending that the same be referred to the committee on the Judiciary,— **was considered forthwith, under Senate Rule 35, and accepted, in concurrence, inasmuch as relates to the reference to the joint committee.**

#### *Resolutions.*

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

Resolutions (Filed by Mr. Baddour) “honoring the memory of Mr. Alexander Mastorakos.”

#### PAPERS FROM THE HOUSE.

#### *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 (Ms. Wilkerson) and laid before the Governor for his approbation, to wit:

Relative to the Montachusett Regional Planning Commission (see Senate, No. 1405);

Authorizing the town of Palmer to grant two additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 2281);

Relative to the board of selectmen of the town of Topsfield (see House, No. 4224, changed);

Providing for two associate conservation commission members in the town of Hanover (see House, No. 4349); and

Authorizing the city of Gardner to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4558).

*Motion to Reconsider Petition Referral — Objection.*

Mr. Pacheco asked unanimous consent that the Senate reconsider the referral of 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 which at a previous session had referred the matter to the committee on the Judiciary; but objection was made thereto by Mr. Creedon.

**Sent to the House for concurrence in the reference to the committee on the Judiciary.**

*Report of a Committee.*

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 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).

**There being no objection, the rules were suspended, on motion of Mr. Pacheco, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

A Bill extending the simulcast expiration date for the horse and greyhound racing industry in the Commonwealth (House, No. 4571,— on Senate, No. 2227, in part), was read.

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

Pending the question on ordering the bill to a third reading, Messrs. Brown and Morrissey moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following:—

“SECTION 1. The first paragraph of section 12A of chapter 494 of the acts of 1978 is hereby amended by inserting after the word ‘inclusive’, inserted by section 29 of chapter 139 of the acts of 2001, the following words:— , and until March 31, 2006.

SECTION 2. The last paragraph of said section 12A of said chapter 494 is hereby amended by striking out the words ‘December 31, 2005’, inserted by section 30 of said chapter 139, and inserting in place thereof the following words:— March 31, 2006.

SECTION 3. The introductory paragraph of section 13 of said chapter 494 is hereby amended by inserting after the word ‘inclusive’, inserted by section 31 of said chapter 139, the following words:— , and until March 31, 2006.

SECTION 4. Section 15 of said chapter 494 is hereby amended by inserting after the word ‘inclusive’, inserted by section 32 of said chapter 139, the following words:— , and until March 31, 2006.

SECTION 5. The first paragraph of section 9 of chapter 277 of the acts of 1986 is hereby amended by inserting after the word ‘inclusive’, inserted by section 33 of said chapter 139, the following words:— , and until March 31, 2006.

SECTION 6. The first sentence of the first paragraph of section 3 of chapter 114 of the acts of 1991 is hereby amended by inserting after the word ‘inclusive’, inserted by section 34 of said chapter 139, the following words:— , and until March 31, 2006.

SECTION 7. The last paragraph of said section 3 of said chapter 114 is hereby amended by striking out the words ‘December 31, 2005’, inserted by section 35 of said chapter 139, and inserting in place thereof the following words:— March 31, 2006.

SECTION 8. The first paragraph of section 4 of said chapter 114 is hereby amended by inserting after the word ‘inclusive’, inserted by section 36 of said chapter 139, the following words:— , and until March 31, 2006.

SECTION 9. The last paragraph of said section 4 of said chapter 114 is hereby amended by striking out the words ‘December 31, 2005’, inserted by section 36 of said chapter 139, and inserting in place thereof the following words:— March 31, 2006.

SECTION 10. The first paragraph of section 5 of said chapter 114 is hereby amended by inserting after the word ‘inclusive’, inserted by section 34 of said chapter 139, the following words:— , and until March 31, 2006.

SECTION 11. Section 13 of chapter 101 of the acts of 1992 is hereby amended by striking out the words ‘December 31, 2005’, inserted by section 39 of said chapter 139, and inserting in place thereof the following words:— March 31, 2006.

SECTION 12. Section 45 of chapter 139 of the acts of 2001 is hereby amended by striking out the words ‘December 31, 2005’ and inserting in place thereof the following words:— March 31, 2006.”

**The amendment was adopted.**

**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.**

A Bill relative to the board of selectmen of the town of Upton (House, No. 4373,— on petition) [Local approval received],— was read.

**There being no objection, the rules were suspended, on motion of Mr. Pacheco, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

*Petition.*

On motion of Mr. Timilty, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Tisei, (accompanied by bill) of Richard R. Tisei for legislation to authorize campaign contributions by debit card,— **and the same was referred to the committee on Election Laws.**

**Sent to the House for concurrence.**

*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 Susan C. Fargo, Pamela P. Resor and James B. Eldridge for legislation to designate certain land in the towns of Acton and Concord as conservation, agriculture, open space and passive recreational purposes.

**Senate Rule 36 was suspended, on motion of Mr. Creedon, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Bonding, Capital Expenditures and State Assets.**

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 Stephen M. Brewer for legislation to require the mandatory use of ski helmets on any school outing that involves skiing or snow boarding.

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

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 Susan C. Tucker, David M. Torrisi, William Lantigua and Barry R. Finegold for legislation to reduce automobile insurance rates.

**Senate Rule 36 was suspended, on motion of Mr. Creedon, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Financial Services.**

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 Pamela P. Resor and Harold P. Naughton, Jr. for legislation to grant additional creditable service to Ray Silva.

**Senate Rule 36 was suspended, on motion of Mr. Creedon, 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.**

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 Tom Keane for legislation relative to creditable service for vocational education teachers.

**Senate Rule 36 was suspended, on motion of Mr. Creedon, 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.**

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 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.

**Senate Rule 36 was suspended, on motion of Mr. Creedon, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Telecommunications, Utilities and Energy.**

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 Robert A. O'Leary, Stanley C. Rosenberg, Steven A. Tolman, Bruce E. Tarr and other members of the General Court for legislation relative to exposure to depleted uranium and other hazardous materials by members and veterans of the Massachusetts National Guard.

**Senate Rule 36 was suspended, on motion of Mr. Creedon, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Veterans and Federal Affairs.**

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

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4588) of James R. Miceli and Susan C. Tucker for legislation to authorize the certification of Robert C. Conley as a state police officer, notwithstanding the maximum age requirements;  
**Under suspension of Joint Rule 12 to the committee on Public Service.**

Petition (accompanied by bill, House, No. 4589) of Jennifer L. Flanagan and others that the Registrar of Motor Vehicles be authorized to issue Gold Star registration plates to families of certain deceased veterans; and

Petition (accompanied by bill, House, No. 4490) of Matthew C. Patrick and others for legislation to further regulate the use of break down lanes on certain roadways in the Commonwealth;  
**Severally, under suspension of Joint Rule 12, to the committee on Transportation.**

Petition (accompanied by bill, House, No. 4491) of Matthew C. Patrick and others relative to benefits for members of the National Guard exposed to depleted uranium in the Persian Gulf War and the current conflict in Iraq;  
**Under suspension of Joint Rule 12, to the committee on Veterans and Federal Affairs.**

*Engrossed Bill.*

An engrossed Bill establishing a sick leave bank for Maureen A. Sullivan, an employee of the Massachusetts Parole Board (see House, No. 4357) (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 (Ms. Wilkerson) and laid before the Governor for his approbation.**

*Recess.*

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

*Committee Changes.*

The Chair (Ms. Wilkerson) announced the resignation of Senator Brewer of Worcester, Hampden, Hampshire and Franklin a member of the committee on Bills in the Third Reading and the appointment of Senator Menard of Bristol and Plymouth to fill the vacancy.

PAPER FROM THE HOUSE.

A Bill establishing a sick leave bank for Marion Dawicki, an employee of the Trial Court (House, No. 4554,— on petition),— was read.

**There being no objection, the rules were suspended, on motion of Ms. Menard, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

*Committee Changes.*

The Chair (Ms. Wilkerson) announced the resignation of Senator Menard of Bristol and Plymouth as a member of the committee on Bills in the Third Reading and the reappointment of Senator Brewer of Worcester, Hampden, Hampshire and Franklin thereto.

*Order Adopted.*

On motion of Mr. Brown,—

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Tuesday 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 four o'clock P.M., the Senate adjourned to meet on the following Tuesday at eleven o'clock A.M.