

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 29, 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.

Reports of a Committee.

By Ms. Fargo, for the committee on Public Health, on petition, a Bill relative to a board of registration in midwifery (Senate, No. 1269); and

By the same Senator, for the same committee, on petition, a Bill relative to the modernization of optometric patient care (Senate, No. 1277);

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

PAPERS FROM THE HOUSE.

Bills

Relative to the charter of the town of Eastham (House, No. 4103,— on petition) [Local approval received];

Relative to the charter of the town of Southbridge (House, No. 4382,— on petition) [Local approval received]; and

Authorizing the town of Groton to lease or otherwise transfer a portion of the Groton town forest to the West Groton Water Supply District (House, No. 4523, 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 Honorable Bradley H. Jones, Jr., Minority Leader of the House of Representatives announcing the appointment of Representative Susan W. Pope of Wayland to the Special Commission established (pursuant to Section 12 of Chapter 130 of the Acts of 2005) to make an investigation and study of tuition and fee waiver programs for veterans and the appointment of Representative Jeffrey D. Perry of Sandwich to the Department of Corrections Advisory Council established (pursuant to Executive Order 461) to study improvements to the safety and efficiency of the Massachusetts correctional system.

Resolutions.

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

Resolutions (filed by Mr. O'Leary) "on the retirement of Peter O. Bettencourt."

PAPERS FROM THE HOUSE.

The Senate Bill providing emergency prescription drug coverage for seniors and the disabled (Senate, No. 2310, amended),— came from the House with the endorsement that the House had insisted on its amendments in section 2, striking out the following: “December 31, 2006” and inserting in place thereof the following: “March 31, 2006”; and in section 3, striking out the following: “December 21, 2006” and inserting in place thereof the following:— “March 31, 2006”.

Senate Rule 36 was suspended, on motion of Mr. Joyce, and the House action was considered forthwith.

Mr. Montigny presented a motion that the Senate concur in the House amendment *with further amendments* in section 2, by striking out the words “March 31, 2006” (inserted by amendment by the House) and inserting in place thereof the following words:— “June 30, 2006”; and in section 3, by striking out the words “March 31, 2006” (inserted by amendment by the House) and inserting in place thereof the following words:— “June 30, 2006”.

**The motion was accepted and the amendments were adopted.
Sent to the House for concurrence in the further amendments.**

A Bill establishing a mayor/city council for the town of Braintree (House, No. 4483, changed,— on petition) [Local approval received],— was read.

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

Mr. Morrissey presented an amendment in paragraph (a) of Section 5-4 of Article 5 of the charter, by striking out the second sentence and inserting in place thereof the following sentence:— “The department of municipal finance shall be responsible for the coordination of all of the duties and responsibilities related to fiscal and financial activities which are performed by or under the authority of the town accountant, the treasurer, the collector of taxes, the Trust Fund commissioners, the board of assessors, the finance committee, and the MIS department, and it may have such additional powers, duties and responsibilities with respect to fiscal and financial-related functions and activities as may from time to time be provided by ordinance.”; and in the second sentence of paragraph (a) of Section 5-5 of said Article 5 of the charter, by striking out the words “, prior to the adoption of the Charter, were” and inserting in place thereof the following word:— “are”.

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, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act establishing a mayor/town council for the town of Braintree”.

Sent to the House for concurrence in the amendment.

Distinguished Guest.

There being no objection, the Chair (Ms. Wilkerson) handed the gavel to the Senator from Suffolk and Middlesex, Mr. Tolman, who introduced Matthew McKenna, a member of his staff about to begin a tour of duty in Afghanistan.

Communication.

Mr. Tolman in the Chair, the Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

December 29, 2005.

Senate President Robert E. Travaglini
First Suffolk and Middlesex District
State House Room 511-B
Boston, MA 02113

Dear Mr. President,

Please be informed that Matthew P. McKenna, Sergeant in the one hundred and second infantry of the National Guard, has been activated for a period of eighteen months and is scheduled to depart on January 4, 2006. Matthew has been an invaluable member of my staff and my family, and he will be sorely missed.

Sincerely,
STEVEN A. TOLMAN.

On motion of Mr. Hedlund, the above communication was ordered printed in the Journal of the Senate.

PAPERS FROM THE HOUSE.

Ms. Wilkerson in the Chair, a petition (accompanied by bill, House, No. 4602) of Salvatore F. DiMasi and Robert E. Travaglini that the Division of Capital Asset Management and Maintenance be authorized to convey certain land in the city of Boston to the Greater Boston Food Bank, Inc.,— came from the House with the endorsement that the House had suspended Joint Rule 12 and referred it to the committee on Bonding, Capital Expenditures and State Assets.

The Senate concurred in the suspension of Joint Rule 12 and NON-concurred in the referral to the committee on Bonding, Capital Expenditures and State Assets.

On motion of Mr. Tolman, the Senate referred the petition to the committee on State Administration and Regulatory Oversight.

Sent to the House for concurrence in the referral to the committee.

A Bill providing for the establishment of a department of public works in the town of East Bridgewater (House, No. 4547,— on petition) [Local approval received],— was read.

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

A Bill relative to town meetings in the town of North Reading (House, No. 4573,— on petition),— was read.

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

Recess.

There being no objection, at seventeen minutes past eleven o'clock A.M., the Chair (Ms. Wilkerson) declared a recess; and at two minutes past one o'clock P.M., the Senate reassembled, Ms. Wilkerson in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill providing emergency prescription drug coverage for seniors and the disabled (see Senate, No. 2310, amended), 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 and sent to the House for enactment.

Subsequently, the bill, which originated in the Senate, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President and laid before the Governor for his approbation.

Engrossed Bills.

The following engrossed bills (all of which originated in the House), 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 and laid before the Governor for his approbation, to wit:

Authorizing the town of Mansfield to establish an affordable housing trust fund (see House, No. 4197);

Establishing a housing corporation in the town of Mansfield (see House, No. 4334);

Providing for the establishment of a department of public works in the town of East Bridgewater (see House, No. 4547); and

Relative to town meetings in the town of North Reading (see House, No. 4573).

Order Adopted.

On motion of Mr. Hedlund,—

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.

Adjournment in Memory of Former Southborough Police Chief William Colleary Jr.

The Senator from Middlesex and Worcester, Ms. Resor, presented a request that when the Senate adjourns today, it do so as a mark of respect to the memory of former Southborough Police Chief William Colleary, Jr.

Chief William Colleary Jr., a lifelong Southborough resident, served the police department for four decades. Mr. Colleary died on November 15, 2005 after a battle with lung cancer. First appointed to the Southborough Police Department in 1962, Chief Colleary retired from the force in December, 2003 after 41 years of service, including 17 years as police chief.

The chief was called “Willie” by all who knew and loved him. He loved being a police officer and serving his home town of Southborough. He was much admired for his personal strength, particularly after returning to the force after being shot in the line of duty when he was 28. Chief Colleary’s sense of humor and willingness to help others are greatly missed. He is remembered for his philosophy of community policing, his frugality, and his commitment to the town of Southborough.

Accordingly, as a mark of respect to the memory of Former Southborough Police Chief William Colleary Jr., at eleven minutes past one o’clock P.M., on motion of Mr. Hedlund, the Senate adjourned to meet again on Tuesday next at eleven o’clock A.M.