

**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.

*Wednesday, February 13, 2008.*

Met at five minutes before two o'clock P.M. (Mr. Brewer in the Chair).

#### *Communication.*

A communication from the Honorable Therese Murray, President of the Senate, announcing her appointment of Senators Stephen M. Brewer and Minority Leader Richard R. Tisei as the Senate membership to the Abraham Lincoln Bicentennial Commission,— was placed on file.

#### **PAPERS FROM THE HOUSE.**

A report of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 522) of Michael W. Morrissey for legislation to expand pleasure boat access to Boston harbor, and recommending that the same be referred to the committee on Bonding, Capital Expenditures and State Assets,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

A report of the committee on Revenue, asking to be discharged from further consideration of certain sections of the message from His Excellency the Governor (accompanied by bill, House, No. 4234) recommending legislation relative to providing for the investment in and expansion of the life sciences industry in the Commonwealth, and recommending that sections 7 and 14 to 23 referred to the committee on House Ways and Means,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence, insomuch as relates to the discharge of the joint committee.**

#### *Recess.*

There being no objection, at four minutes before two o'clock P.M., the Chair (Mr. Brewer), declared a recess subject to the call of the Chair; and, at twenty-nine minutes before three o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

#### *Communication.*

The Clerk read the following communication:

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

*February 13, 2008.*

William Welch, Clerk  
Massachusetts State Senate  
State House, Room 335  
Boston, MA 02133

Dear Mr. Clerk:

Due to the fact that I am recuperating from a recent illness, I was unable to vote on several matters that came before the Senate on February 12, 2008. Had I been present, I would have voted in favor of the following matters:

- House Bill, No. 975
- House Bill, No. 4228

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for February 12, 2008. Thank you in advance for your attention to this important matter.

*Sincerely,*  
Frederick E. Berry,  
*Majority Leader.*

On motion of Ms. Menard, the above communication was ordered printed in the Journal of the Senate.

**PAPER FROM THE HOUSE.**  
*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Suzanne L. Soucie, an employee of the Trial Court (see House, No. 4505), 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 5 to 0. The bill was signed by the President and sent to the House for enactment.**

*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 incurring indebtedness in the town of Ipswich (Senate, No. 2445, changed),— **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

The House Bill authorizing the town of Cohasset Water Department to provide water services to entities outside Cohasset (House, No. 4014) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill regulating the distribution of household cleaning products containing phosphorous (Senate, No. 536, changed and amended),— **came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4523. After remarks, the House amendment was adopted, in concurrence.**

*Report of a Committee.*

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Resolve providing for an investigation and study by a special commission relative to the hidden wounds of war on Massachusetts service members (House, No. 4526),— **ought to pass. There being no objection, the rules were suspended, on motion of Mr. Tolman, and the bill was read a second time, and, after remarks, was ordered to a third reading.**

**PAPERS FROM THE HOUSE.**  
*Engrossed Bill Returned with Recommendation of Amendment.*

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to exchange certain land in the town of Needham (see House, No. 4367) [for message, see House, No. 4408],— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:—

By striking out section 5, as follows:

“In Section 2, by inserting after the word “In”, in line 1, (as printed) the word “partial” ; and by adding the following three

sections:

“SECTION 3. In further consideration for the conveyance authorized in section 1, George Berejik, trustee of BMI Realty Trust, shall pay to the commonwealth a sum, as determined by an independent appraisal, that represents the amount by which the full and fair market value of the property described in section 2.

SECTION 4. George Berejik, trustee of the BMI Realty Trust, shall assume the cost of any appraisals, surveys, deed preparation and other expenses considered necessary by the commissioner of the division of capital asset management and maintenance to execute the conveyance authorized by this act.”

**The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.**

**The rules were suspended, on motion of Mr. Panagiotakos, and the Governor’s amendment was considered forthwith and adopted, in concurrence. (as corrected BTR).**

**Sent to the House for re-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 President and laid before the Governor for his approbation, to wit:

Abolishing the North East Solid Waste Committee (see Senate, No. 549, amended);

Further regulating the disclosure of certain financial information to the division of medical assistance (see House, No. 975);

Designating May 24 as Phenylketonuria Awareness Day (see House, No. 3174);

Further regulating water betterments in the town of Brewster (see House, No. 3955);

Relative to the issuance of certain bonds by the town of Wellfleet (see House, No. 4036);

Authorizing the appointment of certain persons as firefighters in the city of Fall River (see House, No. 4089);

Designating Norman Rockwell as the official artist of the Commonwealth (see House, No. 4228);

Authorizing the town of Harwich to acquire certain cemetery property (see House, No. 4255);

Further amending the charter of the town of Braintree (see House, No. 4398); and

Exempting certain positions in the city of Worcester from the civil service law (see House, No. 4497).

A Bill relative to unemployment insurance rates (House, No. 4528,— on House, No. 1799, in part),— **was read.**

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

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4531) of David L. Flynn and Marc R. Pacheco that the board of library trustees of the town of Bridgewater be authorized to establish a revolving fund for the purchase of books and other materials for the library of said town;

**Under suspension of Joint Rule 7B, to the committee on Municipalities and Regional Government.**

Joint petition (accompanied by bill, House, No. 4532) of Paul C. Casey and Patricia D. Jehlen for legislation to establish a sick leave bank for Brian Leonard, an employee of the Department of Revenue;

**Under suspension of Joint Rule 12, to the committee on Public Service.**

Petition (accompanied by bill, House, No. 4533) of Anne M. Gobi for legislation to provide for the appointment of a poet laureate of the Commonwealth;

**Under suspension of Joint Rule 12, to the committee on Tourism, Arts and Cultural Development.**

*Engrossed Bill.*

An engrossed Bill establishing a sick leave bank for Suzanne L. Soucie, an employee of the Trial Court (see House, No. 4505) (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 President and laid before the Governor for his approbation.

*Engrossed Bill — Land Taking for Conservation, Etc.*

An engrossed Bill authorizing the town of Harwich to acquire certain real property (see House, No. 4257) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at thirteen minutes past three o’clock P.M., as follows, to wit (*yeas 37 — nays 0*) **[Yeas and Nays No. 177]:**

<b>YEAS.</b>	
Antonioni, Robert A.	McGee, Thomas M.

Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Brown, Scott P.	Morrissey, Michael W.
Buoniconiti, Stephen J.	O’Leary, Robert A.
Candaras, Gale D.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Petrucelli, Anthony
Creem, Cynthia Stone	Resor, Pamela
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Galluccio, Anthony D.	Timilty, James E.
Hart, John A., Jr.	Tisei, Richard R.
Hedlund, Robert L.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
Knapik, Michael R.	Wilkerson, Dianne — <b>37.</b>
Marzilli, Jim	
<b>NAYS — 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Berry, Frederick E.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at seventeen minutes past three o’clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

The Senate Bill further regulating employee compensation (Senate, No. 1059),— came from the House passed to be engrossed, in concurrence with an amendment inserting after section 4 the following section:

SECTION 4A. Section 148 of said chapter 149, as so appearing, is hereby amended by striking out, in line 2, the words “weekly or bi-weekly” and inserting in place thereof the following words:— weekly, bi-weekly or semi-monthly.

**Senate Rule 36 was suspended, on motion of Mr. Tolman, and the House amendment was considered forthwith. On further motion of Mr. Panagiotakos, the Senate NON-concurred in the House amendment. The bill was returned to the House endorsed accordingly.**

*Recess.*

There being no objection, at twenty-three minutes past three o'clock P.M., the President declared a recess subject to the call of the Chair; and, at sixteen minutes before four o'clock P.M., the Senate reassembled, the President in the Chair.

**PAPER FROM THE HOUSE.**

*Emergency Preamble Adopted.*

An engrossed Bill relative to unemployment insurance rates (see House, No. 4528), 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 3 to 0.**  
**The bill was signed by the President and sent to the House for enactment.**

*Recess.*

There being no objection, at fourteen minutes before four o'clock P.M., the President declared a recess subject to the call of the Chair; and, at seven minutes before four o'clock P.M., the Senate reassembled, the President in the Chair.

**PAPERS FROM THE HOUSE.**

*Emergency Preamble Adopted.*

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to exchange certain land in the town of Needham (see House, No. 4367 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 President and sent to the House for enactment.**

*Engrossed Bill.*

An engrossed Bill relative to unemployment insurance rates (see House, No. 4528) (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 President and laid before the Governor for his approbation.

*Order Adopted.*

On motion of Mr. Tisei,—

*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 Mr. Tarr, at six minutes before four o'clock P.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.