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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, March 29, 2007.

Met at five minutes past eleven o'clock A.M. (Mr. McGee in the Chair).

The Chair (Mr. McGee), members, guests and employees then recited the pledge of allegiance to the flag.

Petitions.

Petitions were presented and referred as follows:

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 2165) of Patricia D. Jehlen and Timothy J. Toomey, Jr. (with the approval of the mayor and board of aldermen) for legislation to amend the charter of the city of Somerville to provide for an operations manager of waterworks and 311 director **[Local approval received];**

By the same Senator, a petition (accompanied by bill, Senate, No. 2166) of Patricia D. Jehlen and Timothy J. Toomey, Jr. (with the approval of the mayor and board of aldermen) for legislation to create a municipal hearing officer to hear appeals of violation notices issued in the city of Somerville in accordance with G.L.C., 40 SS 21D **[Local approval received];**

By the same Senator, a petition (accompanied by bill, Senate, No. 2168) of Patricia D. Jehlen, Timothy J. Toomey, Jr. and Carl M. Sciortino, Jr. (with the approval of the mayor and board of aldermen) for legislation relative to health inspectors of the city of Somerville **[Local approval received]; and**

By the same Senator, a petition (accompanied by bill, Senate, No. 2169) of Patricia D. Jehlen, Carl M. Sciortino, Jr. and Timothy J. Toomey, Jr. (with the approval of the mayor and board of aldermen) for legislation to amend the charter of the city of Somerville **[Local approval received];**

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 2170) of Patricia D. Jehlen and Timothy J. Toomey, Jr. (with the approval of the mayor and board of aldermen) for legislation to pertain to off-duty work details or special details performed by public employees in the city of Somerville **[Local approval received]; and**

By the same Senator, a petition (accompanied by bill, Senate, No. 2172) of Patricia D. Jehlen and Timothy J. Toomey, Jr. (with the approval of the mayor and board of aldermen) for legislation to authorize the Somerville Retirement Board to purchase or lease property, facilities and equipment **[Local approval received];**
Severally, under Senate Rule 20, to the committee on Municipalities and Regional Government.

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 2167) of Patricia Jehlen, Carl M. Sciortino, Jr. and Timothy J. Toomey (with approval of mayor and city council) for legislation to establish a project mitigation contribution ("linkage") program for open space and historic preservation in the city of Somerville **[Local approval received]; and**

By the same Senator, a petition (accompanied by bill, Senate, No. 2171) of Patricia D. Jehlen, Carl M. Sciortino, Jr. and Timothy

J. Toomey, Jr. (with approval of mayor and city council) for legislation to authorize the establishment of a municipal open space and historic preservation trust fund in the city of Somerville [**Local approval received**];
Severally, under Senate Rule 20, to the committee on Tourism, Arts and Cultural Development.
Severally sent to the House for concurrence.

Petitions were presented and referred, as follows:

By Mr. Berry, a petition (subject to Joint Rule 12) of Frederick E. Berry for legislation relative to provide parent discretion in classroom placement of multiple birth children;

By Mr. Creedon, a petition (subject to Joint Rule 12) of Robert Creedon for legislation to clarify the review of actions of the chief justice for administration and management;

By the same Senator, a petition (subject to Joint Rule 12) of Robert Creedon for legislation to improve juror service;

By the same Senator, a petition (subject to Joint Rule 12) of Robert Creedon for legislation relative to the community preservation trust fund;

By Ms. Creem, a petition (subject to joint Rule 12) of Cynthia S. Creem, Alice H. Peisch and Scott P. Brown for legislation relative to certain easements held by the Commonwealth of Massachusetts and the Massachusetts Water Resources Authority in the town of Wellesley;

By Mr. Downing, a petition (subject to Joint Rule 12) of Benjamin B. Downing, Brian A. Joyce, James E. Timilty, Denise Provost and other members of the General Court for legislation to provide for an investigation and study by a special commission relative to the recruitment and retention of college graduates and skilled workers for the Commonwealth's workforce;

By the same Senator, a petition (subject to Joint Rule 12) of Benjamin B. Downing, Jay R. Kaufman, Richard R. Tisei, Bradley H. Jones, Jr. and other members of the General Court for legislation to further regulate the appointment of police officers;

By Ms. Menard, a petition (subject to Joint Rule 12) of Joan M. Menard for legislation relative to child care providers;

By Mr. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore, Lida E. Harkins, Susan C. Fargo, Benjamin B. Downing and other members of the General Court for legislation to encourage private support for public schools; and

By Mr. Timilty, a petition (subject to Joint Rule 12) of James E. Timilty and Louis L. Kafka for legislation relative to the rights of certain residents of mobile homes in the town of Foxborough;

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

Report of a Committee.

By Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill further regulating access to birth certificates (Senate, No. 63);

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

Committee Discharged.

Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 102) of Richard T. Moore for legislation to require immunization of children against human papilloma virus,— **and recommending that the same be referred to the committee on Health Care Financing.**

Under Senate Rule 36, the report was considered forthwith and accepted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to providing the terms of certain bonds to be issued by the Commonwealth (House, No. 3966),— **was referred, in concurrence, to the committee on Bonding, Capital Expenditures and State Assets.**

Petitions were referred, in concurrence, as follows:

Joint petition (accompanied by bill, House, No. 2532) of Charles A. Murphy and Robert A. Havern (by vote of the town) for legislation to authorize the town of Burlington to issue additional license for the sale of all alcoholic beverages to be drunk on the

premises;

To the committee on Consumer Protection and Professional Licensure.

Joint petition (accompanied by bill, House, No. 2363) of Charles A. Murphy and Robert A. Havern (by vote of the town) for legislation to exempt the positions of police and fire chiefs in the town of Burlington from the civil service law;

To the committee on Public Service.

A joint petition (accompanied by bill, House, No. 3787) of Cleon H. Turner and Robert A. O'Leary relative to the Jacob Sears Memorial Library,— **was referred, in concurrence, under suspension of Joint Rule 9, to the committee on Tourism, Arts and Cultural Development.**

Reports

Of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 514) of Brian A. Joyce for legislation relative to the Ponkapaog golf course,—

and recommending that the same be referred to the committee on Bonding, Capital Expenditures and State Assets.

Of the petition (accompanied by bill, House, No. 717) of Bruce J. Ayers relative to providing for an income tax credit for families caring for relatives at home who are elderly or victims of Alzheimer's disease,— **and recommending that the same be referred to the committee on Elder Affairs.**

Of the petition (accompanied by bill, House, No. 718) of Bruce J. Ayers relative to real estate tax exemptions for persons sixty-five years of age or older,— **and recommending that the same be referred to the committee on Revenue.**

Of the petition (accompanied by bill, House, No. 716) of Bruce J. Ayers and Michael W. Morrissey relative to the penalty for the improper use of handicapped parking spaces; and

Of the committee on Health Care Financing, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1154) of Paul J. P. Loscocco and others relative to the financing of operating expenses of the Central Artery Project, so-called, in the city of Boston;

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

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Appointments Received from the House.

Notice was received from the House announcing the following appointment:

That Representative Eldridge of Acton has been appointed by the Speaker to the Special Commission (established pursuant to Section 117 of Chapter 123 of the Acts of 2006) for the purpose of studying and making recommendations concerning the development of financial assets as a way to ensure that all people in the state of Massachusetts achieve long-term, sustainable economic security and self-sufficiency and enjoy economic opportunity.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Barrios) “honoring Shirley Owens-Hicks for over twenty years of service in the House of Representatives”;

Resolutions (filed by Ms. Fargo) “in recognition of Doris Donovan on being named the 2007 Waltham Women's Alliance ‘Woman of the Year’ ”;

Resolutions (filed by Mr. Hart) “recognizing Robert Paul ‘Elliott’ Powers on the occasion of his seventy-fifth birthday”;

Resolutions (filed by Mr. Joyce) “commending Lieutenant Robert Devine of the Stoughton Police Department”;

Resolutions (filed by Mr. Moore) “congratulating Laurie Martinelli for her years of health care advocacy”;

Resolutions (filed by Mr. Pacheco) “congratulating Zachary M. Card upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Pacheco) “congratulating Paul M. Kelly, Jr. upon his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Mr. Pacheco) “congratulating Michael Varraso upon his elevation to the rank of Eagle Scout.”

Reports of Committees.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to the conveyance of a certain parcel of land in the town of Grafton (House, No. 3745, amended),— **ought to pass;**

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

By Mr. Tolman, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Frederick E. Berry for legislation to establish a sick leave bank for Yaniris Cabrera, an employee of the Trial Court.

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

By Mr. Tolman, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stephen J. Buoniconti and Joyce A. Spiliotis for legislation to prohibit discrimination against physical therapists and physical therapist assistants in securing medical malpractice insurance.

Senate Rule 36 was suspended, on motion of Mr. Tarr, 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. Tolman, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Benjamin B. Downing and Denis E. Guyer for legislation relative to the enforcement of decisions by the appellate tax board.

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

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill authorizing the town of South Hadley to grant additional alcoholic beverages licenses (House, No. 3752, changed,— on petition),— **was read [Local approval received].**

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, in concurrence.

A petition (accompanied by bill, House, No. 3967) of Byron Rushing and others for legislation to establish the Massachusetts Commission Against Discrimination within the office of Administration and Finance,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.**

Order Adopted.

On motion of Ms. Wilkerson,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday 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. Tarr, at two minutes past twelve o'clock noon, the Senate adjourned to meet on the following Monday at eleven o'clock A.M.