

**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, March 31, 2008.

Met at one minute past eleven o'clock A.M. (Mr. Timilty in the Chair).

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

#### *Distinguished Guest.*

There being no objection, the Chair (Mr. Timilty) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced the Counsel General from Greece, Constantinos Orphanides. He was recognized as a representative of Greece and the Senate welcomed him with applause. Constantinos Orphanides signed the guest book and withdrew from the Chamber.

#### *Communication.*

A communication from the Department of Public Health relative to a plan of correction submitted pursuant to inspection of MCI Norfolk (received Wednesday, March 26, 2008),— **was placed on file.**

#### *Report.*

A report of the Public Employee Retirement Administration Commission (under the provisions of Section 50 of Chapter 7 of the General Laws) filing its rules and regulations governing retirement of public employees in Massachusetts (received Thursday, March 27, 2008),— **was placed on file.**

#### *Petitions.*

Mr. Antonioni presented a petition (accompanied by bill, Senate, No. 2589) of Robert A. Antonioni and Stephen L. DiNatale (with the approval of the mayor and city council) for legislation to authorize the city of Fitchburg to use certain park land for the Wallace Civic Center and Planetarium and to lease the same to the Commonwealth,— **and the same was referred, under Senate Rule 20, to the committee on Bonding, Capital Expenditures and State Assets. Sent to the House for concurrence.**

Petitions were presented and referred, as follows:

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey for legislation to establish a sick leave for Karen Fowles, an employee of the Massachusetts Rehabilitation Commission;

By Ms. Wilkerson, a petition (subject to Joint Rule 12) of Dianne Wilkerson, Patricia D. Jehlen, Edward M. Augustus, Jr., Marc R. Pacheco and other members of the General Court for legislation to require judicial foreclosure;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson, Patricia D. Jehlen, Edward M. Augustus, Jr., Marc R. Pacheco and other members of the General Court for legislation relative to a temporary moratorium on foreclosures; and

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson, Patricia D. Jehlen, Edward M. Augustus, Jr., Marc R. Pacheco and other members of the General Court for legislation to require just cause for eviction and foreclosed

properties;

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

*Reports of Committees.*

By Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill relative to rates for human and social service programs (Senate, No. 65, changed in line 52, by inserting after the words "Disability Providers," the following words: "SEIU Local 509,");

**Referred, under Joint Rule 1E, to the committee on Health Care Financing.**

By Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, on petition (accompanied by bill, Senate, No. 113), a Bill regarding children and families engaged in services (Senate, No. 2570);

By Mr. Petrucci, for the committee on Municipalities and Regional Government, on petition, a Bill relative to the financial control board in the city of Springfield (Senate, No. 1155);

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to missing persons (Senate, No. 1366);

By the same Senator, for the same committee, on petition, a Bill establishing a fire safety task force (Senate, No. 1372, changed in line 2, by inserting after the words "ex officio;" the following words: "the state fire marshal:");

By the same Senator, for the same committee, on petition, a Bill relative to improving playgrounds (Senate, No. 1392);

By the same Senator, for the same committee, on petition, a Bill relative to property rights (Senate, No. 1400);

By the same Senator, for the same committee, on petition, a Bill prohibiting the confiscation of lawfully owned firearms during a state of emergency (Senate, No. 1401);

By the same Senator, for the same committee, on petition, a Bill exempting low emission vehicles from maintenance and emissions inspections (Senate, No. 1409);

By the same Senator, for the same committee, on petition, a Bill establishing the Western Massachusetts Fire Training Academy (Senate, No. 1415);

By the same Senator, for the same committee, on petition, a Bill an act to promote regional security in the Commonwealth (Senate, No. 1418);

By the same Senator, for the same committee, on petition, a Bill relative to swimming pool safety (Senate, No. 1420);

By the same Senator, for the same committee, on petition, a Bill to prevent highway rest area crime (Senate, No. 1426);

By the same Senator, for the same committee, on petition, a Bill relative to safe transportation of explosive and inflammable materials (Senate, No. 2522);

By Mr. Galluccio, for the committee on Public Service, on petition, a Bill authorizing the State Board of Retirement to grant creditable service to Kelly Kearns Aveni (Senate, No. 1433, changed in line 3, by striking out the number "2005" and inserting in place thereof the number "2004");

By the same Senator, for the same committee, on the recommitted petition, a Bill establishing the rank of first lieutenant (Senate, No. 1505);

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for John J. Suprenant, an employee of the Department of Social Services (Senate, No. 2533);

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Ronald James an employee of the Department of Mental Retardation (Senate, No. 2534, changed in line 3, by striking the word "and" and inserting in place thereof the word "an"); and

By Mr. Baddour, for the committee on Transportation, on petition (accompanied by bill, Senate, No. 2063), a Bill requiring the posting of certain street signs (Senate, No. 2569);

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

By Mr. Moore, for the committee on Health Care Financing, on petition (accompanied by bill, Senate, No. 2203), a Bill to increase access to oral healthcare (Senate, No. 2567) [Estimated cost — less than \$100,000];

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Bill to prohibit price gouging during states of emergency (Senate, No. 1375, changed in line 1, by inserting after the words "Section 9H", the following words: "and inserting in place thereof");

By the same Senator, for the same committee, on petition, a Bill relative to parking for handicapped individuals and disabled veterans (Senate, No. 1382);

By the same Senator, for the same committee, on petition, a Bill relative to the sale and possession of bb, pellet and paintball guns (Senate, No. 1424); and

By the same Senator, for the same committee, on petition, a Bill relative to the dissemination of information to private detectives (Senate, No. 1428);

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

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to drag racing in the city of Taunton (Senate, No. 1411) [Local approval received];

**Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

*Committee Discharged.*

Mr. Galluccio, for the committee on Public Service, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1480) of Robert S. Creedon, Jr., Corey Atkins and Edward M. Augustus, Jr. for legislation relative to creditable service for school business administrators,— **and recommending that the same be referred to the Senate committee on Ways and Means.**

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

**Sent to the House for concurrence in the discharge of the joint committee.**

**PAPERS FROM THE HOUSE.**

A communication from the Public Employee Retirement Administration Commission (under Section 50 of Chapter 7 of the General Law) submitting proposed amendments to 840 CMR 10.12, 10.14 and 13.00 relative to governing retirement of public employees in the Commonwealth (House, No. 4622),— **was referred in concurrence to the committee on Public Service.**

*Bills*

Further regulating parking for handicapped persons (House, No. 3499, changed,— on House, No. 716); and

Designating a certain street in the city of Boston as Reverend Paul A. Phinn Way (House, No. 3620,— on petition).

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

A Bill exempting all positions in the town of Franklin's department of public works from the civil service law (House, No. 4103,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

*Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:— Resolutions (filed by Mr. Brewer) “congratulating Richard and Madeleine Cloutier on the occasion of their fiftieth wedding anniversary”;

Resolutions (filed by Ms. Creem) “congratulating Michael B. Alexander on his installation as the ninth President of Lasell College”;

Resolutions (filed by Mr. Joyce) “congratulating Boy Scout Matthew Carlo Romano of Boy Scout Troop 88 on earning the prestigious Eagle Scout Award”;

Resolutions (filed by Ms. Murray) “congratulating David Cusolito on his retirement as Chief of Police for the town of Falmouth”;

and Resolutions (filed by Mr. Tarr, Ms. Candaras, Mr. Panagiotakos, Ms. Chandler, Ms. Fargo, Messrs. Galluccio, Moore, Tisei and Augustus) “memorializing the President and Congress of the United States and the United States Department of State to encourage Turkey to respect the religious rights of all people.”

*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 House Bill increasing the membership of the board of selectmen in the town of Georgetown (House, No. 4166),— **was read a third time and passed to be engrossed, in concurrence.**

**PAPER FROM THE HOUSE.**

A Bill authorizing the city of Salem to grant an additional liquor license to Upper Crust (House, No. 4456,— on petition) [Local approval received],— **was read.**

**There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the city of Salem to grant an additional license for the sale of wine and malt beverages to be drunk on the premises”.**

*Reports of Committees.*

By Mr. Downing, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Mark C. Montigny, Richard T. Moore, Jay R. Kaufman, Antonio F. Cabral and other members of the General Court for legislation to punish corporate criminal conduct.

**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 Judiciary.**

By Mr. Downing, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Thomas M. McGee for legislation to establish a sick leave bank for Lois Tobin an employee of the Department

of Mental Retardation.

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

*Order Adopted.*

On motion of Mr. Tarr,—

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Wednesday 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 ten minutes past eleven o'clock A.M., the Senate adjourned to meet on Wednesday next at eleven o'clock A.M.