

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, April 5, 2007.

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

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

Communication.

A communication from the Joint Committee on Public Service (under the provisions of Joint Rule 1) relative to rules of procedure for said committee for the 2007-2008 legislative session (received Monday, April 2, 2007),— **was placed on file.**

Reports.

The following reports were severally read and placed on file:

A report of the Transportation Finance Commission (pursuant to Section 13 of Chapter 196 of the Acts of 2004) relative to the its analysis of the Commonwealth's ability to fund needed surface transportation improvements (received Wednesday, March 28, 2007);

A report of the Norfolk County 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 its 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 Monday, April 2, 2007);

A report of the Massachusetts Bay Transportation Authority (under the provisions of Section 11 of Chapter 161A of the General Laws) submitting its net operating investment per passenger mile ratio for fiscal years 2005 through 2009 (received Monday, April 2, 2007); and

A report of the Massachusetts State Lottery Commission (under the provisions of Section 38 of Chapter 10 of the General Laws) submitting its 2006 annual report for the Charitable Gaming Division (received Wednesday, March 28, 2007).

The following reports were severally read and sent to the House for its information:

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Dedham Alternative Center (received Wednesday, March 28, 2007);

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Norfolk County Correctional Center (received Wednesday, March 28, 2007);

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws)

relative to inspection of the Bristol County Jail (received Wednesday, March 28, 2007); and

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of MCI Concord (received Tuesday, April 3, 2007).

Reports of a Committee.

By Mr. Timilty, for the committee on Municipalities and Regional Government, on Senate, No. 1186 and House, No. 1939, a Bill relative to the Wareham fire district (Senate, No. 1186);

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 authorizing the town of Middleborough to deposit certain tax payments received into its land acquisition fund (Senate, No. 1187) **[Local approval received];**

By the same Senator, for the same committee, on petition, a Bill authorizing the town of Middleborough to convey town-owned conservation land in exchange for other land to be used as conservation and recreation land (Senate, No. 1188) **[Local approval received]; and**

By the same Senator, for the same committee, on petition, a Bill authorizing the town of Middleborough to use a portion of town-owned land for purposes other than water supply protection and storage (Senate, No. 1189) **[Local approval received];**
Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor (under the pro-visions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at an annual town election held in the town of Dudley (House, No. 3971),— **was referred, in concurrence, to the committee on Election Laws.**

A Bill further regulating the Massachusetts Commission Against Discrimination (House, No. 3967, changed,— on Senate, No. 1846 and House, No. 3967),— **was read.**

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

Report of a Committee.

By Mr. O'Leary, for the committee on Higher Education, on petition, a Bill relative to the founders of Boston University (Senate, No. 2163).

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

Reports of Committees.

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to establish a permanent commission on the social status of black males. **Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Children, Families and Persons with Disabilities.**

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to create a license to practice natural hair cultivation. **Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Consumer Protection and Professional Licensure.**

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to create environmental justice. **Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture.**

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation relative to coverage for asthma education and training.

Senate Rule 36 was suspended, on motion of Mr. Moore, 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 Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to create wealth within low and moderate income households of the Commonwealth.

Senate Rule 36 was suspended, on motion of Mr. Moore, 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 Ms. Menard, for the committees, on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to establish community reinvestment obligations for certain mortgage lenders.

Senate Rule 36 was suspended, on motion of Mr. Moore, 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 Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to prohibit discrimination in insurance policies.

Senate Rule 36 was suspended, on motion of Mr. Moore, 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 Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to provide for greater insurance coverage of prostate cancer exams.

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

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to make permanent the special status of MassArt.

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

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to exclude payments for foster care in computing rent and determining eligibility for subsidized housing.

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

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to authorize municipalities to protect low and moderate income tenants and units of governmentally involved housing/expiring use properties.

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

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation relative to distribution and use of criminal offender record.

Senate Rule 36 was suspended, on motion of Mr. Moore, 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 Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to accelerate the sealing of non-conviction criminal offender record information.

Senate Rule 36 was suspended, on motion of Mr. Moore, 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 Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to permit the purging of juvenile records.

Senate Rule 36 was suspended, on motion of Mr. Moore, 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 Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to provide proceeds of drug case confiscations to drug treatment.

Senate Rule 36 was suspended, on motion of Mr. Moore, 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 Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to expand the scope of the commonwealth's drug treatment program to allow

for the diversion of low-level offenders under court supervision.

Senate Rule 36 was suspended, on motion of Mr. Moore, 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 Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to improve the jury system of the Commonwealth.

Senate Rule 36 was suspended, on motion of Mr. Moore, 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 Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to further protect civil rights.

Senate Rule 36 was suspended, on motion of Mr. Moore, 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 Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to protect homeowners facing foreclosure.

Senate Rule 36 was suspended, on motion of Mr. Moore, 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 Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to reduce asthma rates and their associated costs.

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

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to establish a statewide environmental illness incidence registry.

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

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to increase access to oral healthcare.

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

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that be suspended on the Senate petition of Dianne Wilkerson for legislation to reduce asthma and other health threats from cleaning products used in schools, hospitals and public housing.

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

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to enhance emergency responses in public buildings and facilities.

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

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to authorize certain public defenders creditable retirement service time for service as an employee of Roxbury Defenders.

Senate Rule 36 was suspended, on motion of Mr. Moore, 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 Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson for legislation to authorize the chief of police to the Massachusetts Bay Transportation Authority Police Department to appoint police cadets under certain circumstances to the police department of said authority summary.

Senate Rule 36 was suspended, on motion of Mr. Moore, 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.

Recess.

There being no objection, at seven minutes past eleven o'clock A.M., the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and, at twenty-five minutes past one o'clock P.M., the Senate reassembled, Mr. Havern in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill further regulating the Massachusetts Commission Against Discrimination (see House, No. 3967, changed), 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 Acting President (Mr. Havern) and sent to the House for enactment.

Subsequently, the bill, which originated in the House, 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 (Mr. Havern) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Morrissey,—

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.

Adjournment in Memory of Army Specialist Christopher M. Wilson.

The Senator from Hampden and Hampshire, Mr. Knapik, presented a request that when the Senate adjourns today, it do so in memory of Army Specialist Christopher M. Wilson of Chicopee.

Army Specialist Wilson was a member of the 10th Mountain Division, Company A, 1st Battalion, 32nd Infantry Regiment, stationed at Fort Drum, New York, who was killed by a grenade in Afghanistan on March 19th. Specialist Wilson, a trained rifleman, was a dedicated and accomplished soldier even at the young age of 24. He was awarded the Purple Heart and the Bronze Star Medal, as well as the Afghanistan Campaign Medal, among other honors. He is survived by his mother and stepfather, Ilka and Scott Halliday of Chicopee, his sister Christina Evans and his daughter Jayden of Maine.

Accordingly, as a mark of respect to the memory of Army Specialist Christopher M. Wilson, at twenty-three minutes before two o'clock P.M., on motion of Mr. Tisei, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.