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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, April 7, 2008.

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

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

Report.

A report of the Department of Higher Education submitting its Quarterly Report on the Massachusetts, Science, Technology & Engineering Grant Fund (the STEM Pipeline Fund) (received Thursday, April 3, 2008),— **was placed on file.**

Petitions.

Mr. McGee presented a petition (accompanied by bill, Senate, No. 2625) of Thomas M. McGee, Anthony D. Galluccio, Mark V. Falzone and Kathi-Anne Reinstein (by vote of the town) for legislation relative to the Kasabuski Rink in Saugus [Local approval received],— **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. Antonioni, a petition (subject to Joint Rule 12) of Robert A. Antonioni and Stephen L. DiNatale for legislation relative to public parking in the city of Fitchburg; and

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey for legislation relative to compliance with reserve requirements of life insurers;

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

Committee Discharged.

Mr. Downing, for the committee on Ethics and Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Education to make an investigation and study of a certain current Senate document (Senate, No. 2537), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. (2489) of Anthony D. Galluccio, Patricia D. Jehlen, Denise Provost, Carl M. Sciortino, Jr. and other members of the General Court for legislation requiring proof of residency of charter school students,— **and recommending that the same be recommitted to the committee on Education.**

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

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4648) of Paul J. Donato and others (with the approval of the mayor and city council)

for legislation to authorize the city of Medford to increase the number of licenses for the sale of wines and malt beverages to be drunk on the premises;

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4636) of Thomas M. Stanley (with the approval of the mayor and city council) for legislation to authorize the city of Waltham to lease a certain parcel of land for the construction of a golf course;

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4642) of Robert A. DeLeo, Kathi-Anne Reinstein and Robert E. Travaglini (with the approval of the mayor and city council) that the city of Revere be authorized to install devices for a traffic control signal violation monitoring system for regulating the operation of motor vehicles in said city;

Under suspension of Joint Rule 12, to the committee on Transportation.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Antonioni) “commending Ann J. Reale for her many years of dedicated service to the Commonwealth”;
Resolutions (filed by Mr. Baddour) “congratulating Laura Greenwald on being awarded a 2008 Prudential Spirit of Community Award”; and
Resolutions (filed by Mr. McGee, Ms. Murray and Mr. O’Leary) “honoring Sydney L. Chase for 40 years of service as a Veterans’ Service Officer of the Commonwealth.”

Engrossed Bill Returned by Governor With Recommendation of Amendment.

The engrossed Bill authorizing the establishment of the Whittin Reservoir Watershed District in the town of Douglas (see Senate, No. 2344) (which on Thursday, March 27, 2008, had been laid before the Governor for his approbation), was returned to the Senate Clerk by the Governor on Friday, April 4, 2008 at twenty-seven minutes before ten o’clock A.M., with a message recommending an amendment.

The message (Senate, No. 2617) was read and the Senate proceeded to reconsider the bill, in accordance with the provisions of Article LVI of the Amendments to the Constitution.

Pending action thereon, the bill was referred to the committee on Bills in the Third Reading, on motion of Mr. Hedlund.

PAPERS FROM THE HOUSE.

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill establishing a charter for the town of Medway (see House, No. 4460) [for message, see House, No. 4923],— came from the House with endorsement that the House adopted the amendment recommended by the Governor (as approved by the committee on Bills in the Third Reading), as follows:

In Section 1, by striking out subsection 3-12-3 and inserting in place thereof the following subsections:

“3-12-3. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with this certificate to the board of selectmen without delay, and the board of selectmen shall forthwith give written notice to the officer sought to be recalled of the receipt of the certificate and shall, if the officer does not resign within 5 days thereafter, order a recall election to be held on a day fixed by them not less than 64 nor more than 90 days after the date of the town clerk’s certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within 100 days after the date of said certificate, the board of selectmen may, in its discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall proceed as provided in this section.”.

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. Hedlund, and the amendment considered forthwith and adopted, in concurrence (as corrected BTR).

Sent to the House for re-enactment.

Orders.

The following House Orders (severally approved by the committees on Rules of the two branches, acting concurrently) were severally considered forthwith and adopted, in concurrence, as follows, to wit:

Ordered, That notwithstanding the provisions of Joint Rule 10, the Committee on Community Development and Small Business be granted until Friday, April 25th, 2008, the time within which to report on current Senate documents numbered 130, 131, 134, 135, 137, 139, 141, 143, 144, 146, 148, 149, 150, 151, 152, 153, 154, 155, 157, 158 and 224 and House documents numbered 147, 151, 152, 156, 157, 158, 161, 162, 1.63, 164, 165, 166, 167, 168, 171, 175, 177, 179, 180, 181, 183, 184, 185, 186, 187, 193, 2351, 3840 and 4519.

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Education be granted until Wednesday, April 30, 2008, the time within which to report on Senate documents numbered 284, 293, 298 and House documents numbered 397, 406, 415, 443, 451, 466, 502, 508, 560 and 3776, relative to education.

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Economic Development and Emerging Technologies be granted until Thursday, May 15, 2008, to make its final report on current Senate documents numbered 248, 249, 251, 252, 253, 255, 257, 259, 261, 262, 263, 264, 265, 267 and 268 and current House documents numbered 349, 350, 351, 352, 353, 359, 364, 365, 367, 368, 369, 370, 376, 381, 383, 3773, 3924 and 4222.

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Election Laws be granted until Wednesday, May 21, 2008, within which to report on current House document numbered 705, relative to campaign finance.

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Environment, Natural Resources and Agriculture be granted until Friday, May 30, 2008, the time within which to report on the current Senate document numbered 485.

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Environment, Natural Resources and Agriculture be granted until Tuesday, April 15, 2008, the time within which to report on the current House document numbered 4541.

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Financial Services be granted until Wednesday, April 9, 2008, the time within which to make its final report on House documents numbered 909, 919, 920, 992, 1054, 1062, 1067, 1089, 1099, 1119 and 3740 and Senate documents numbered 590, 624 and 625.

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Labor and Workforce Development be granted until Friday, April 18, 2008, the time within which to report on current House document numbered 1803 and Senate document numbered 1073, relative to paid sick days; House documents numbered 1819 and 1853 and Senate documents numbered 1090 and 1093, relative to electronic monitoring in the workplace; Senate document numbered 1099, relative to tax and insurance fraud; Senate document numbered 1055, relative to apprentice training; Senate document numbered 2476, relative to high school plumbing projects; and House documents numbered 1866 and 3797 and Senate document numbered 1088, relative to workplace safety.

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on State Administration and Regulatory Oversight be granted until Friday, April 18, 2008, the time within which to report on Senate documents numbered 1872, 1854, 1888 and 1900 and House documents numbered 38, 3171, 3172, 3182, 3205, 3209, 3249, 3260 and 4450, relative to state administration.

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Thursday, May 1, 2008, within which time to make its final report on current House document numbered 3592.

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Thursday, May 1, 2008, within which time to make its final report on current House documents numbered 3661, 3682, 3691 and 4305.

Motion to Reconsider.

Mr. Hedlund moved that the Senate reconsider the vote by which, at a previous session it had passed to be engrossed, the House Bill financing improvements to the Commonwealth's transportation system (see House, No. 4637); and, there being no objection, the motion prevailed.

The recurring question came passing the bill to be engrossed, Mr. Baddour moved that the bill be amended, in section 19, by striking out, in line 74, the words "an employee" and inserting in place thereof the following words:—"a retiree"; in section 20, by striking out the second paragraph and inserting in place thereof the following paragraph:—

"Notwithstanding any provision of this section to the contrary, the regulations and guidelines promulgated hereunder shall ensure that the awarding authority of the public works contract has the authority to determine the appropriate traffic control measures; provided, however, that when a municipality is the awarding authority, the traffic control measures shall be consistent with the ordinances or bylaws of the municipality wherein the public works project is being undertaken and the measures shall not affect any applicable provisions of a collective bargaining agreement under chapter 150E of the General Laws."; and by striking out section 34 and inserting in place thereof the following section:—

"SECTION 34. Sections 17 and 19 shall apply to persons who retire after December 31, 2008."

The amendment was adopted.

The recurring question on passing the bill, as amended to be engrossed, in concurrence, was then considered; and the bill

**was again engrossed, in concurrence, with the amendments.
Sent to the House for concurrence in the amendments.**

Order Adopted.

On motion of Mr. Hedlund,—

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 the same Senator, at twenty-four minutes past eleven o'clock A.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.