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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, April 24, 2008.

Met according to adjournment at eleven o'clock A.M. (Mr. Timilty in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

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

Reports.

The following reports were severally read and placed on file:

A report of the MassDevelopment (under the provisions of Section 27 of Chapter 498 of the Acts of 1993) submitting its narrative report of activities and financial statement of operations at Devens for fiscal year 2007 (received Wednesday, February 20, 2008); and

A report of the Health Care Quality and Cost Council (under the provisions of Section 16L(k) of Chapter 6A of the General Laws) submitting its Annual Report (received Wednesday, April 23, 2008).

Petition.

Mr. Tarr presented a petition (subject to Joint Rule 12) of Bruce E. Tarr, Scott P. Brown, Richard R. Tisei, Michael R. Knapik and other members of the General Court for legislation relative to the appropriate use of public funds,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on Senate, Nos. 159, 160, 161, 162, 163, 165, 166, 167, 169, 170, 171, 172, 175, 176, 177, 178, 179, 180, 181, 182, 183, 185, 187, 188, 189, 190, 191, 192, 194, 195, 196, 199, 201, 203, 207, 210, 212, 213, 215, 216, 221, 222, 223, 225, 230, 231, 232, 233, 234, 235, 236, 238, 239, 240, 241, 242, 244, 245, 247, 2183, 2381, 2419 and 2506, an Order relative to authorizing the joint committee on Consumer Protection and Professional Licensure to make an investigation and study of certain current Senate documents relative to consumer protection related issue in the Commonwealth (Senate, No. 2626);

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on Senate, Nos. 472, 475, 491, 492, 493, 495, 499, 500, 503, 505, 507, 510, 513, 520, 526, 528, 530, 532, 547, 548, 550, 552, 556, 560 and 1901, an Order relative to authorizing the joint committee on the Environment, Natural Resources and Agriculture to make an investigation and study of certain current Senate documents relative to environmental matters (Senate, No. 2593);

By Mr. Buoniconti, for the committee on Financial Services, on Senate, Nos. 563, 568, 571, 572, 578, 582, 583, 584, 585, 586, 587, 589, 593, 601, 602, 605, 606, 607, 608, 609, 611 and 612, 613, 614, 616, 617, 619, 622, 623, 627, 628, 630, 631, 632, 634, 636, 639, 644, 1443, 2188 and 2394, an Order relative to authorizing the joint committee on Financial Services to make an investigation and study of certain current Senate documents relative to insurance (Senate, No. 2614);

By Mr. McGee, for the committee on Labor and Workforce Development, on Senate, Nos. 256, 260, 269, 1049, 1050, 1051, 1054, 1058, 1062, 1064, 1067, 1069, 1070, 1071, 1074, 1076, 1077, 1078, 1080, 1081, 1082 and 1086, 1089, 1091, 1092, 1097, 1098, 1100, 1102, 1105, 1108, 1109, 1110, 1112, 1113 and 2245, an Order relative to authorizing the joint committee on Labor and Workforce Development to make an investigation and study of certain current Senate documents relative to labor and workforce development issues (Senate, No. 2615) (Senator Jehlen dissenting Senate, Nos. 1069 and 1089);

By the same Senator, for the same committee, on Senate, Nos. 1090, 1093 and 1099, an Order relative to authorizing the joint committee on Labor and Workforce Development to make an investigation and study of certain current Senate documents relative to labor and workforce development (Senate, No. 2658);

By Mr. Petrucci, for the committee on Municipalities and Regional Government, on Senate, Nos. 1146, 1160, 1161, 1163, 1164, 1165, 1166, 1168, 1170, 1171, 1174, 1175, 1182, 1183, 1184, 1191, 1195, 1199, 1200, 1203, 1205, 1206, 1207 and 2172, an Order relative to authorizing the joint committee on Municipalities and Regional Government to make an investigation and study of certain current Senate documents relative to various local affairs issues (Senate, No. 2619) [Local approval received on Senate, No. 2172]; and

By Ms. Fargo, for the committee on Public Health, on Senate, Nos. 1208, 1209, 1212, 1215, 1216, 1223, 1228, 1240, 1258, 1259, 1270, 1275, 1280, 1281, 1285, 1289, 1290, 1291, 1292, 1293, 1295, 1302, 1303, 1305, 1307, 1308, 1309, 1310, 1312, 1314, 1320, 1325, 1327, 1329, 1337 and 1338, an **Order relative to authorizing the joint committee on Public Health to make an investigation and study of certain current Senate documents relative to public health (Senate, No. 2598);**

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill establishing a permanent commission on the social status of black males (Senate, No. 2182);

Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.

By Ms. Jehlen, for the committee on Elder Affairs, on petition, a Bill relative to medication technician (Senate, No. 392);

By the same Senator, for the same committee, on petition, a Bill relative to the adult foster care program (Senate, No. 417);

By the same Senator, for the same committee, on petition, a Bill further regulating investigation of abuse against residents of long term care facilities (Senate, No. 418);

By the same Senator, for the same committee, on petition, a Bill requiring pharmacies to inform the Department of Public Health of medication dispensing errors (Senate, No. 432);

By the same Senator, for the same committee, on petition, a Bill regarding continuity of prescription drug coverage (Senate, No. 433); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 401), a Bill relative to adult day transportation (Senate, No. 2571);

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill relative to home improvement contractor registration (Senate, No. 168);

By the same Senator, for the same committee, on petition, a Bill prohibiting alcoholic beverage vaporizers (Senate, No. 193);

By the same Senator, for the same committee, on petition, a Bill relative to protecting the consumer rights of wheelchair owners (Senate, No. 202);

By the same Senator, for the same committee, on petition, a Bill to study and expand charitable gaming (Senate, No. 209);

By Mr. Antonioni, for the committee on Education, on the recommitted petition, a Bill requiring proof of residency of charter school students (Senate, No. 2489, changed in line 4 by striking out the words “at least the names, addresses, and dates of birth” and inserting in place thereof the words “the number”, and further in line 6 by inserting after the word “the”, the words “number of”);

By Ms. Jehlen, for the committee on Elder Affairs, on petition, a Bill providing for internet and network compatible computer equipment in senior centers (Senate, No. 414);

By the same Senator, for the same committee, on petition, a Bill relative to meals on wheels (Senate, No. 424);

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition, a Bill to promote public bidding for educational services (printed as House, No. 3220); and

By the same Senator, for the same committee, on petition, a Bill to update the State Building Code automatically to conform to the International Energy Conservation Code and any future revisions (printed as House, No. 3221);

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

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill relative to the period of registration of real estate appraisers (Senate, No. 164);
By the same Senator, for the same committee, on petition, a Bill to reduce unwanted communications from creditors to protect the peace and privacy of residents (Senate, No. 184);
By the same Senator, for the same committee, on petition, a Bill removing the requirement to provide notice to the department of mental health of a license granted to a guardian to sell real estate (Senate, No. 186);
By the same Senator, for the same committee, on petition, a Bill relative to an underage law enforcement agent, enabling them to lawfully participate in a selective liquor enforcement program (Senate, No. 197);
By Mr. Augustus, for the committee on Election Laws, on petition, a Bill providing further public information and strengthening petition anti-fraud safeguards for initiative and referendum questions (Senate, No. 436);
By the same Senator, for the same committee, on petition, a Bill relative to absentee voting (printed as House, No. 687); and
By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition, a Bill relative to the Board of Directors at the Massachusetts Port Authority (printed as House, No. 3229);
Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill authorizing the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (Senate, No. 2300) [Local approval received];
By the same Senator, for the same committee, on petition, a Bill authorizing the town of Milton to issue one additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (Senate, No. 2485) [Local approval received];
By the same Senator, for the same committee, on petition, a Bill authorizing the town of Sandwich to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2524) [Local approval received]; and
By Mr. Galluccio, for the committee on Public Service, on petition, a Bill relative to the removal of certain positions from civil service (Senate, No. 2545) [Local approval received];
Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

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 Transportation to make an investigation and study of certain current Senate documents (Senate, No. 2599), reported in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2103) of James E. Timilty, David P. Linsky, Bruce E. Tarr, John F. Quinn and other members of the General Court for legislation relative to operating a motor vehicle when approaching stationary emergency vehicles,— **and recommending that the same be recommitted to the committee on Transportation.**
Under Senate Rule 36, the report was considered forthwith and accepted.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Antonioni) “recognizing Roger L. Tousignant for 50 years of service to the GFA Federal Credit Union”;

Resolutions (filed by Mr. Hart) “congratulating Comcast on its celebration of Comcast Cares Day”;

Resolutions (filed by Mr. Joyce) “congratulating John James Creavin on the occasion of his retirement”;

Resolutions (filed by Messrs. Joyce, Augustus and Brewer, Ms. Fargo, Messrs. Pacheco and Panagiotakos and Ms. Resor,) “congratulating the Greater Boston Chapter of the American Society of Safety Engineers on its celebration of North American Occupational Safety and Health Week”;

Resolutions (filed by Messrs. Montigny, Antonioni, Augustus, Baddour, Berry, Brewer, Brown and Buoniconti, Ms. Candaras, Ms. Chandler, Mr. Creedon, Ms. Creem, Mr. Downing, Ms. Fargo, Messrs. Galluccio, Hart and Hedlund, Ms. Jehlen, Messrs. Joyce, Knapik, Marzilli and McGee, Ms. Menard, Messrs. Moore and Morrissey, Ms. Murray, Messrs. O’Leary, Pacheco, Panagiotakos, Petruccelli, Ms. Resor, Mr. Rosenberg, Ms. Spilka, Messrs. Tarr, Timilty, Tisei and Tolman, Ms. Tucker, Ms. Walsh and Ms. Wilkerson) “congratulating the Adult Onset Disability Alliance on its celebration of Adult Onset Disability Week”;

Resolutions (filed by Mr. Pacheco) “congratulating Doctor Francis J. Connor on his retirement from the Dighton-Rehoboth Regional School District”;

Resolutions (filed by Ms. Walsh) “congratulating Robert T. Lucas on the occasion of his fiftieth birthday”; and

Resolutions (filed by Ms. Walsh) “congratulating Michael Weir on being named 2008 Legionnaire of the Year.”

Communication.

The Clerk read the following communication:

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

April 18, 2008.

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

Dear Mr. Clerk:

On April 17, I was absent from the Senate Chamber during the roll call vote on engrossment of

S-2650. Had I been present, I would have voted in the affirmative on S-2650.

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for Thursday, April 17, 2008. Thank you for your assistance in this matter.

Sincerely,
BRIAN A. JOYCE,
State Senator.

On motion of Mr. Brown, the above communication was ordered printed in the Journal of the Senate.

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 Pamela P. Resor, Benjamin B. Downing, Robert L. Hedlund, Richard T. Moore and other members of the General Court for legislation to preserve drinking water quality and reliability.

Senate Rule 36 was suspended, on motion of Mr. Brown, 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 Mr. Downing, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Robert A. O'Leary, Therese Murray, Sarah K. Peaks, Cleon H. Turner and other members of the General Court for legislation to establish the Cape Cod and Islands commission on the status of women.

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

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 Dianne Wilkerson, Steven C. Panagiotakos, Stanley C. Rosenberg, Susan C. Fargo and other members of the General Court for legislation relative to the annual observance of Massachusetts Nonprofit Awareness Day.

Senate Rule 36 was suspended, on motion of Mr. Brown, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Severally sent to the House for concurrence.

Order Adopted.

Mr. Petruccelli presented an order, to wit:—

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government be granted until Friday, May 2, 2008, within which to make its final report on Senate document numbered 2525 relative to a lease agreement between the City of

New Bedford and the University of Massachusetts-Dartmouth.

Under the rules, referred to the committees on Rules of the two branches, acting concurrently.

Subsequently, Mr. Downing, for the said committees, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Brown, and the order was considered forthwith and adopted.

PAPERS FROM THE HOUSE.

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 Acting President (Mr. Timilty) and laid before the Governor for his approbation, to wit:

Authorizing bilingual ballots in municipal elections in the city of Worcester (see Senate, No. 2362);

Relative to the appointment of retired police officers in the town of Westford (see House, No. 4463); and

Placing a certain question on the ballot of the November 2008 state election in the town of Palmer (see House, No. 4558).

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:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Environment, Natural Resources and Agriculture shall be granted until Thursday, May 15, 2008, within which to report on House, No. 4541; and

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Housing shall be granted until Thursday, May 1, 2008, within which to report on Senate, Nos. 759, 770, 772, 774, 782, 2152, 2192 and House, Nos. 1276, 1284, 1289, 1295, 3950, 4051 and 4433.

Order Adopted.

On motion of Mr. Brown,—

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 the same Senator, at eight minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.