

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, April 30, 2007.

Met at four minutes past eleven o'clock A.M. (Mr. McGee 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. McGee), members, guests and employees then recited the pledge of allegiance to the flag.

Report.

A report of the Division of Unemployment Assistance (under the provisions of Section 14F of Chapter 151A of the General Laws) relative to the condition of the Unemployment Insurance Trust Fund for the month of April 2007 (received Tuesday, April 24, 2007),— **was placed on file.**

Petition.

Mr. Morrissey presented a petition (subject to Joint Rule 12) of Michael W. Morrissey, William R. Keating, Norfolk County District Attorney, Robert S. Creedon, Jr., Lida E. Harkins and other members of the General Court for legislation relative to juvenile intimidation of witnesses, jurors and persons furnishing information in connection with criminal proceedings,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees on Proposals for Legislative Amendments to the Constitution.

Mr. Augustus, for the committee on Election Laws, on the petition (accompanied by proposal, Senate, No. 23) of Richard T. Moore for a legislative amendment to the Constitution relative to emergency appointments of elected officials,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 23), ought to pass (Senator Creedon dissenting).

The same Senator, for the same committee, on the joint petition (accompanied by proposal, House, No. 664) of Jay R. Kaufman and others for a legislative amendment to the Constitution relative to a vacancy in the office of Governor or Lieutenant-Governor,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 664), ought to pass (Senator Creedon dissenting).

Mr. Creedon, for the committee on the Judiciary, on the joint petition (accompanied by proposal, House, No. 1497) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution prohibiting eminent domain takings for the purpose of economic development,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 1497), ought to pass.

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 1771) of Martha M. Wale and others for a legislative amendment to the Constitution relative to eminent domain takings,— reported, in accordance with a

provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 1771), ought to pass.
The reports were severally read and placed on file, in accordance with the requirements of said rule.

Mr. Antonioni, for the committee on Education, on the petition (accompanied by proposal, Senate, No. 20) of Charles Ormsby for a legislative amendment to the Constitution relative to state aid to private institutions,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 20), ought NOT to pass.

Mr. Augustus, for the committee on Election Laws, on the petition (accompanied by proposal, Senate, No. 21) of Richard T. Moore and Cleon H. Turner for a legislative amendment to the Constitution to increase the term of the General Court from two to four years,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 21), ought NOT to pass (Senator Spilka and Representatives Atsalis of Barnstable and Rogeness of Longmeadow dissenting).

The same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 22) of Richard T. Moore, Susan C. Tucker, Pamela P. Resor, Karen E. Spilka and other members of the General Court for a legislative amendment to the Constitution establishing an independent redistricting commission and criteria for redistricting for state House, Senate, and Councillor districts,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 22), ought NOT to pass (Senators Augustus, Spilka and Brown and Representatives Eldridge of Acton, Rogeness of Longmeadow and Frost of Auburn dissenting).

The same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 24) of Stanley C. Rosenberg for a legislative amendment to the Constitution promoting the representative character of ballot questions,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 24), ought NOT to pass.

The same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 25) of Richard R. Tisei, Bruce E. Tarr, Michael R. Knapik, Robert L. Hedlund and other members of the General Court for a legislative amendment to the Constitution relative to Constitutional officers,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 25), ought NOT to pass (Senator Brown and Representatives Rogeness of Longmeadow and Frost of Auburn dissenting).

The same Senator, for the same committee, on the joint petition (accompanied by proposal, House, No. 661) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution establishing an independent redistricting commission and criteria for redistricting for state house of representatives, senate, and councilor districts,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 661), ought NOT to pass (Senators Augustus, Spilka and Brown and Representatives Eldridge of Acton, Rogeness of Longmeadow and Frost of Auburn dissenting).

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 685) of George N. Peterson, Jr. for a legislative amendment to the Constitution to change the length of term for Representatives and Senators from two years to four years,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 685), ought NOT to pass (Senator Spilka and Representatives Atsalis of Barnstable and Rogeness of Longmeadow dissenting).

The reports were severally read and placed on file, in accordance with the requirements of said rule.

Under the provisions of Joint Rule 23, the following proposals were placed on file, the time within which the said committees were required to report having expired:

Of the committee on the Judiciary, ought NOT to pass (under Joint Rule 23):

On the petition (accompanied by proposal, Senate, No. 26) of Cynthia S. Creem, Ruth B. Balser, Edward M. Augustus, Jr., James E. Timilty and other members of the General Court for a legislative amendment to the Constitution to preserve civil rights and equal protection;

On the petition (accompanied by proposal, Senate, No. 27) of Stanley C. Rosenberg for a legislative amendment to the Constitution relative to legislative action on proposed Constitutional amendments;

On the petition (accompanied by proposal, House, No. 1368) of Jim Thivierge for a legislative amendment to the Constitution to provide for a minimum standard for charter revisions;

On the petition (accompanied by proposal, House, No. 1705) of Richard J. Ross and others for a legislative amendment to the Constitution relative to eminent domain;

On the petition (accompanied by proposal, House, No. 1727) of Theodore C. Speliotis and Christopher J. Donelan for a legislative amendment to the Constitution relative to legislative action on initiative amendments;

On the petition (accompanied by proposal, House, No. 1772) of Alice K. Wolf and others for a legislative amendment to the Constitution relative to initiative petitions;

On the petition (accompanied by proposal, House, No. 3878) of Douglas W. Petersen for a legislative amendment to the Constitution relative to civil and legal rights; and

Of the committee on Revenue, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, House, No. 3059) of Matthew C. Patrick for a legislative amendment to the Constitution instituting a tax on income for the support public schools; and

Of the committee on Joint Ways and Means, ought NOT to pass (under Joint Rule 23), on the joint petition (accompanied by proposal, House, No. 3834) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution providing for a two year budget process for the Commonwealth.

Report of a Committee.

By Mr. Augustus, for the committee on Election Laws, ought NOT to pass, on the petition (accompanied by proposal, Senate, No. 453) of Richard T. Moore, Jarrett T. Barrios, Bradford Hill, Thomas A. Golden, Jr. and other members of the General Court for legislation to establish an independent redistricting commission and criteria for redistricting for congressional districts;

Referred, under Senate Rule 36, to the committee on Ethics and Rules.

Committee Discharged.

Mr. Moore, for the committee on Health Care Financing, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 667) of Mark C. Montigny and Steven A. Tolman for legislation relative to restoring health benefits to eligible legal immigrants,— **and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities.**

**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 reducing gun violence (House, No. 3991),— **was referred, in concurrence, to the committee on the Judiciary.**

Bills

Authorizing the town of North Reading to convey and acquire land (House, No. 1954,— on petition) [Local approval received]; and

Authorizing the town of North Reading to convey and acquire land (House, No. 1955,— on petition) [Local approval received];
Were severally 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. Baddour, Ms. Resor, Mr. Tarr and Ms. Tucker) “congratulating June Black on the occasion of being awarded the 2007 Congressman John Joseph Moakley Award for exemplary public service”;

Resolutions (filed by Messrs. Brewer and Antonioni) “congratulating Thomas G. O’Brien and the success of ‘Johnny O’ Night in the Fight Against ALS”;

Resolutions (filed by Mr. Morrissey) “on the occasion of the retirement of Dana J. Kelly”; and

Resolutions (filed by Mr. Pacheco) “congratulating Matthew P. Camara upon his elevation to Eagle Scout”

Reports of Committees.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill further regulating access to birth certificates (Senate, No. 63),— ought to pass, with an amendment inserting after the enacting clause the following section:—

“SECTION 1. Clause Twenty-sixth of section 7 of chapter 4 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after subclause (p) the following subclause:—

(q) Adoption contact information and indices therefore of the adoption contact registry established by section 31 of chapter 46”;

In section 1, as printed, by striking out, in line 8, the word “of” and inserting place thereof the following word:— “or”;

In section 1, as printed, by striking out, in line 10, the words “biological parent or parents listed on the initial birth certificate” and inserting in place thereof the following words:— “parent or parents listed on the birth certificate prior to adoption”;

In section 4, as printed, in line 24, by striking out the word “birth”; and

In section 4, as printed, in line 26, by striking out the words “original birth record” and inserting in place thereof the following words:— “birth certificate registered prior to adoption”;

In section 5, as printed, by striking out, in line 28, the words “SECTION 31. (a) Section 31.” and inserting in place thereof the following words:— “Section 31. (a)”;

In section 5, as printed, by striking out lines 37 to 39.

There being no objection, the rules were suspended, on motion of Ms. Wilkerson, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 63, amended) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill to continue the safe placement of newborn infants (Senate, No. 2177) ,— ought to pass, with an amendment in section 1, by striking out, in line 10, the words “the act’s” and inserting in place thereof the following words:— “this section’s”;

In section 1, by striking out, in lines 13, 15, 17 and 19, the word “act” and inserting in place thereof, in each instance, the following word:— “section”;

In section 1 by striking out, in line 29, the number “2010” and inserting place thereof the following number:— “2008”; and

By striking out sections 2 and 3 and inserting in place thereof the following section:—

“SECTION 2. Sections 2 and 3 of chapter 227 of the acts of 2004 are hereby repealed.”.

There being no objection, the rules were suspended, on motion of Mr. Brown, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2177, amended) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Yaniris Cabera, an employee of the Trial Court (Senate, No. 2181),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Ms. Wilkerson, and the bill was read a second time and ordered to a third reading.

Ms. Menard, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill relative to volunteers at state parks (Senate, No. 786).

There being no objection, the rules were suspended, on motion of Mr. Brown, and the bill was read a second time and ordered to a third reading.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Dennis McNamara, an employee of the Department of Fish and Game (see House, No. 3940, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. McGee) and laid before the Governor for his approbation.

Recess.

There being no objection, at fourteen minutes past eleven o’clock A.M., the Chair (Mr. McGee) declared a recess subject to the call of the Chair; and, at twenty-one minutes before twelve o’clock noon, the Senate reassembled, Mr. McGee in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted.

An engrossed Bill authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to a certain property in the town of Sharon (see Senate, No. 2212), 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 2 to 0.**

The bill was signed by the Acting President (Mr. McGee) and sent to the House for enactment.

An engrossed Bill authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to a certain property in the town of Foxborough (see Senate, No. 2213), 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. McGee) and sent to the House for enactment.

Order Adopted.

On motion of Mr. Tisei,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session.

On motion of Mr. Timilty, at sixteen minutes before twelve o'clock noon, the Senate adjourned to meet again tomorrow at one o'clock P.M.