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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, May 8, 2008.

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

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

Petition.

Mr. Rosenberg presented a petition (accompanied by bill, Senate, No. 2686) of Stanley C. Rosenberg and Stephen Kulik (by vote of the town) for legislation relative to SBA income in the town of Sunderland [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Municipalities and Regional Government. Sent to the House for concurrence.**

Reports of Committees.

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition, a Bill providing the town of Saugus financial assistance for the replacement of water mains located under certain portions of the state highway rt. 1 in the town of Saugus (Senate, No. 1874); and

By the same Senator, for the same committee, on petition, a Bill authorizing a governmental body to enter into contracts for the operation and maintenance, lease or sale and modification of water storage and treatment facilities and wastewater treatment facilities, collection and distribution systems, sewers and pump stations. (Senate, No. 1896);

Severally read and under Joint Rule 1F, referred to the committee on Bonding, Capital Expenditures and State Assets.

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on petition (accompanied by bill, Senate, No. 2392), a Bill authorizing the commissioner of Capital Asset Management and Maintenance to grant easements to the city of Somerville and to convey certain land to FR Sturtevant Street, LLC (Senate, No. 2687) [Local approval received on Senate, No. 2392];

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition, a Bill promoting alternative resolution of certain public works disputes (Senate, No. 1848);

By the same Senator, for the same committee, on petition, a Bill relative to the disposal of obsolete materials and supplies (Senate, No. 1852);

By the same Senator, for the same committee, on petition, a Bill relative to landscape sprinkler systems (Senate, No. 1853);

By the same Senator, for the same committee, on petition, a Bill relative to meetings of the springfield finance control board (Senate, No. 1856);

By the same Senator, for the same committee, on petition, a Bill relative to notice of contract; identification of property owners (Senate, No. 1859);

By the same Senator, for the same committee, on petition, a Bill requiring sealed bids or competitive proposals for the award of school transportation contracts (Senate, No. 1865);

By the same Senator, for the same committee, on petition, a Bill relative to privatization contracts (Senate, No. 1867);

By the same Senator, for the same committee, on petition, a Bill relative to direct payments (Senate, No. 1875);
By the same Senator, for the same committee, on petition, a Bill relative to the authority of the boards of registration (Senate, No. 1885);
By the same Senator, for the same committee, on petition, a Bill providing for health alternatives in vending machine (Senate, No. 1887);
By the same senator, for the same committee, on petition, a Bill relative to MWRA employees (Senate, No. 1893);
By the same Senator, for the same committee, on petition, a Bill improving certain public construction processes (Senate, No. 1895);
By the same Senator, for the same committee, on petition, a Bill relative to human contact with state agencies (Senate, No. 1910);
By the same Senator, for the same committee, on petition, a Bill relative to vehicular rental transaction contracts in the city of Boston (Senate, No. 1915);
By the same Senator, for the same committee, on petition, a Bill relative to state funded activities (Senate, No. 1917);

By Mr. Morrissey, for the committee on Telecommunications, Utilities and Energy, on petition, a Bill relative to the tdd/tty system (Senate, No. 1943);
By the same Senator, for the same committee, on petition, a Bill further regulating directory assistance (Senate, No. 1944);
By the same Senator, for the same committee, on petition, a Bill relative to the temporary relocation of utility wires (Senate, No. 1965);
By the same Senator, for the same committee, on petition, a Bill prohibiting the fraudulent use of certain telephone technology. (Senate, No. 1981);

By Mr. Marzilli, for the committee on Tourism, Arts and Cultural Development, on petition, a Bill relative to the distribution of motion pictures (Senate, No. 1995);
By the same Senator, for the same committee, on petition, a Bill establishing the Massachusetts cultural trust fund (Senate, No. 2015);

By Mr. Baddour, for the committee on Transportation, on petition, a Bill relative to penalties for overweight and speeding vehicles (Senate, No. 2563);

By Mr. McGee, for the committee on Veterans and Federal Affairs, on petition, a Bill relative to worker's compensation as it relates to employees who are members of the armed services or national guard (Senate, No. 1079);
By the same Senator, for the same committee, on petition, a Bill expediting receipt of certain federal funds (Senate, No. 2124);
By the same Senator, for the same committee, on petition, a Bill relative to veterans' discrimination (Senate, No. 2131);
By the same Senator, for the same committee, on petition, a Bill relative to the retention of certain revenues by the Soldiers' Home in Holyoke (Senate, No. 2135);
By the same Senator, for the same committee, on petition, a Bill relative to Massachusetts veterans (Senate, No. 2137) and;
By the same Senator, for the same committee, on petition, a Bill concerning the World War II bonus (Senate, No. 2146);
Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition, a Bill an act establishing godparent's day (Senate, No. 1905);
By the same Senator, for the same committee, on petition, a Bill waiving construction permit fees to promote accessibility (Senate, No. 1909);

By Mr. Morrissey, for the committee on Telecommunications, Utilities and Energy, on petition, a Bill providing for the annual inspection of schools, churches, hospitals, theatres, arenas and other public buildings by gas corporations in the commonwealth (Senate, No. 1941);
By the same Senator, for the same committee, on petition, a Bill relative to municipal light plants (Senate, No. 1954);

By Mr. Marzilli, for the committee on Tourism, Arts and Cultural Development, on petition, a Bill amending the cultural council requirements (Senate, No. 1998);
By the same Senator, for the same committee, on petition, a Bill to designate certain bridges in the town of Millville in honor of John Dean (Senate, No. 2565); and

By Mr. McGee, for the committee on Veterans and Federal Affairs, on petition, Resolutions to the United States Congress relative to the advertising of drugs by pharmaceutical companies (Senate, No. 2143);
Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

By Mr. Petrucci, for the committee on Municipalities and Regional Government, on petition; a Bill authorizing the city of Melrose to issue pension funding bonds or notes (Senate, No. 2602);

By Mr. Marzilli, for the committee on Tourism, Arts and Cultural Development, on the recommitted petition, a Bill establishing a

project mitigation contribution (“linkage”) program for open space and historic preservation in the city of Somerville (Senate, No. 2167) [Local approval received];

By the same Senator, for the same committee, on the recommitted petition, a Bill authorizing the establishment of a municipal open space and historic preservation trust fund in the city of Somerville (Senate, No. 2171) [Local approval received]; and

By Mr. Baddour, for the committee on Transportation, on petition, a Bill relating to the speed limits in the town of Williamsburg (Senate, No. 2265) [Local approval received];

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

Committees Discharged.

Mr. Downing, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Transportation to make an investigation and study of certain current Senate document numbered 2065 relative to transportation (Senate, No. 2681),— **and recommending that the same be referred to the Senate committee on Ethics and Rules.**

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

Mr. Downing, for the committee on Ethics and Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Public Safety and Homeland Security to make an investigation and study of certain current Senate documents relative to building and construction safety, fire safety and prevention, firearms and firearms licensing, law enforcement, criminal data collection and corrections (Senate, No. 2610), reports, asking to be discharged from further consideration of the Senate petition (accompanied by bill, Senate, No. 1349) of Jarrett T. Barrios for legislation relative to port security,— **and recommending that the same be recommitted to the committee on Public Safety and Homeland Security.**

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

PAPER FROM THE HOUSE.

A Bill relative to nursing home transfers and discharges (House, No. 4721 on House, No. 2141),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Resolutions.

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

Resolutions (filed by Messrs. Augustus, Brewer and Brown, Ms. Chandler, Ms. Creem, Mr. Hart, Ms. Jehlen, Messrs. Knapik and Montigny, Ms. Resor, Mr. Rosenberg, Ms. Tucker and Ms. Walsh) “commending the Massachusetts Letter Carriers on their sixteenth anniversary of dedicated service to the food banks, food pantries and shelters”;

Resolutions (filed by Mr. Brown and Ms. Spilka) “congratulating Fire Chief Gene Sabourin on the occasion of his retirement from the Natick Fire Department”;

Resolutions (filed by Ms. Creem) “congratulating Rodney and Betsy Barker on their fiftieth anniversary”;

Resolutions (filed by Ms. Creem, Messrs. Augustus, Brewer and Brown, Ms. Candaras, Ms. Chandler, Mr. Downing, Ms. Fargo, Messrs. Galluccio and Hedlund, Ms. Jehlen, Messrs. Joyce, McGee, Montigny, Moore, O’Leary, Pacheco and Panagiotakos, Ms. Resor, Mr. Rosenberg, Ms. Spilka, Messrs. Timilty and Tisei, Ms. Tucker, Ms. Walsh and Ms. Wilkerson) “commemorating the sixtieth anniversary of the founding of the modern state of Israel”;

Resolutions (filed by Messrs. Morrissey and Brewer, Ms. Jehlen, Messrs. Downing and Creedon, Ms. Fargo, Messrs. Moore and Rosenberg and Ms. Spilka) on the twenty-fifth anniversary of the Massachusetts Council on Compulsive Gambling”; and

Resolutions (filed by Mr. Panagiotakos) “honoring Robert M. Welch, Jr. upon his retirement as Chief of Police in the town of Westford.”

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The Senate Bill relative to the removal of certain positions from civil service (Senate, No. 2545),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Rosenberg moved that the bill be amended by substituting a new draft entitled An Act exempting certain positions in the city of Northampton from the civil service law” (Senate, No. 2688).

This amendment was adopted.

The bill (Senate, No. 2688) was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill relative to the special police officers in the city known as the town of West Springfield (House, No. 4080) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Buoniconti moved that the bill be amended in section 4, by striking out the words “shall have the right to an appointment” and inserting in place thereof the words:— “may be

appointed”.

This amendment was adopted.

The bill was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Marie Silva, an employee of the Department of Mental Retardation (House, No. 4567),— **ought to pass.**

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

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4732) of Karyn E. Polito and others relative to the disposition of certain property in the town of Westborough by the Division of Capital Planning and Operations and said town;

Under suspension of Joint Rule 12, to the committee on Bonding, Capital Expenditures and State Assets.

Petition (accompanied by bill, House, No. 4733) of William Lantigua and others for legislation to establish a moratorium on foreclosures of certain property and providing for judicial review of all such mortgage foreclosures in the Commonwealth;

Petition (accompanied by bill, House, No. 4734) of Elizabeth A. Malia and others for legislation to further regulate the eviction of tenants or occupants of foreclosed properties; and

Petition (accompanied by bill, House, No. 4735) of Frank I. Smizik and others for legislation to require judicial review of foreclosures on residential mortgages;

Severally, under suspension of Joint Rule 12, to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 4736) of Robert L. Rice, Jr., and others for legislation to establish a sick leave bank for Jesse Goguen, an employee of the Department of Correction.

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

Order Adopted.

On motion of Mr. Hedlund,—

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