

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, May 12, 2008.

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

Distinguished Guests.

There being no objection, the Chair (Mr. Petrucci) introduced guests of Representative Robert DeLeo. Eighth and ninth grade students from Belmont Hill School were accompanied by two teachers, Michael Grant and George Seeley. The students observed the Senate Session and withdrew from the Chamber.

Communication.

A communication from the Honorable Therese Murray, President of the Senate, announcing her appointment of Senator Stephen M. Brewer to the Special Committee to Study the Effects Of War on Returning Massachusetts Service members,— **was placed on file.**

Petitions.

Petitions were presented and referred as follows:

By Mr. Augustus, a petition (accompanied by bill, Senate, No. 2689) of Edward M. Augustus, Jr. and John J. Binienda (by vote of the town) for legislation relative to the use of certain land in the town of Leicester [Local approval received];

By Ms. Murray, a petition (accompanied by bill, Senate, No. 2690) of Therese Murray and Thomas J. Calter, III (by vote of the town) for legislation relative to the town of Kingston [Local approval received]; and

By the same Senator, a petition (accompanied by bill, Senate, No. 2691) of Therese Murray and Thomas J. Calter, III (by vote of the town) for legislation to authorize the town of Kingston to install, finance and operate wind energy facilities [Local approval received];

Severally, under Senate Rule 20, to the committee on Municipalities and Regional Government.

Severally sent to the House for concurrence.

Reports of Committees.

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester County 4H Center (Senate, No. 30);

By the same Senator, for the same committee, on petition, a Bill amending the conveyance of a certain parcel of land in the town of Grafton (Senate, No. 32);

By the same Senator, for the same committee, on petition, a Bill designating certain land in the towns of Acton and Concord for conservation, agriculture, open space and recreational purposes (Senate, No. 38);

By the same Senator, for the same committee, on petition, a Bill authorizing the division of capital asset management and maintenance to convey certain land in the town of Milford (Senate, No. 48);

By the same Senator, for the same committee, on petition, a Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land in the town of Foxborough (Senate, No. 58);

By the same Senator, for the same committee, on petition, a Bill relative to a parcel of land in the city of Lowell (Senate, No. 2153);

By the same Senator, for the same committee, on petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town of Holden (Senate, No. 2420) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to the use of a building in the town of Whitman (Senate, No. 2474);

By Mr. Moore, for the committee on Health Care Financing, on petition, a Bill requiring the Division of Medical Assistance to provide reimbursement for home health agencies for the costs associated with criminal background screening (Senate, No. 350) [Estimated cost — \$531,000];

By the same Senator, for the same committee, on petition, a Bill to establish a vision care registry (Senate, No. 1273) [Estimated cost — more than \$100,000];

By the same Senator, for the same committee, on petition, a Bill relative to the statewide head injury program (Senate, No. 1276) [Estimated cost — more than \$100,000];

By the same Senator, for the same committee, on petition, a Bill implementing technical corrections ensuring access to medically necessary services (Senate, No. 1286) [Estimated cost — \$500,000];

By the same Senator, for the same committee, on bill (accompanied by bill, Senate, No. 2497), a Bill to improve the quality of physical education (Senate, No. 2671) [Estimated cost — \$250,000]; and

By the same Senator, for the same committee, on Senate, No. 1243 and House, No. 1161, a Bill relative to a medical emergency response plan for schools (Senate, No. 2673) [Estimated cost — more than \$100,000];

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

By Mr. Moore, for the committee on Health Care Financing, on petition, a Bill relative to MassHealth enrollment for persons leaving correctional facilities (Senate, No. 1253) [Estimated cost — less than \$100,000];

By the same Senator, for the same committee, on petition, a Bill modernizing determination of need review for non-acute hospitals (Senate, No. 1287) [Estimated cost — less than \$100,000];

By the same Senator, for the same committee, on petition, a Bill requiring health care employers to develop and implement programs to prevent workplace violence (Senate, No. 1345) [Estimated cost — less than \$100,000];

By the same Senator, for the same committee, on petition, a Bill establishing the Massachusetts Vision Coalition Fund (Senate, No. 2071) [Estimated cost — less than \$100,000];

By the same Senator, for the same committee, on Senate, No. 2493 and House, No. 1895, a Bill concerning the right of persons receiving services from programs or facilities of the Department of Mental Health to daily access to fresh air and the outdoors (Senate, No. 2493) [Estimated cost — \$0];

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1247), a Bill relative to safe work hours for physicians in training and protection of patients (Senate, No. 2666) [Estimated cost — less than \$100,000]; and

By the same Senator, for the same committee, on bill (accompanied by bill, Senate, No. 2568), a Bill relative to public health regionalization in the Commonwealth (Senate, No. 2672) [Estimated cost — \$0];

Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on petition, a Bill relative to the financing by the city of Westfield of its portion of public improvements associated with the Westfield Pavilion development (Senate, No. 2439) [Local approval received];

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

Committee Discharged.

Mr. Moore, for the committee on Health Care Financing, reported, asking to be discharged from further consideration of the Senate Bill relative to juvenile mental health (Senate, No. 2407),— **and recommending that the same be referred to the House committee on Ways and Means.**

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

Sent to the House for concurrence in the discharge of the joint committee and reference to the House committee on Ways and Means.

PAPER FROM THE HOUSE.

A Bill establishing a waterways dredge and maintenance program receipts reserved capital improvements fund in the town of Dennis (House, No. 4108,— on petition) [Local approval received],— **was 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 Ms. Chandler) “congratulating Temple Sinai of the city of Worcester on its fiftieth anniversary”;
Resolutions (filed by Ms. Creem and Mr. Tolman) “congratulating Dr. John Michael Gray on the occasion of his retirement from the Newton Public Schools”;
Resolutions (filed by Ms. Creem and Mr. Tolman) “congratulating Dr. Carolyn Dobbs Wyatt on the occasion of her retirement from the Newton Public Schools”;
Resolutions (filed by Mr. McGee) “congratulating William C. Juffre on the occasion of his one hundredth birthday”;
Resolutions (filed by Mr. Pacheco) “congratulating John Bove on the dedication of the Taunton State Hospital Auditorium in his name”; and
Resolutions (filed by Ms. Spilka, Mr. Brown, Ms. Chandler, Messrs. Marzilli and Panagiotakos, Ms. Tucker and Ms. Wilkerson) “supporting Taiwan in its application for observer status at the World Health Organization.”

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill to improve augmentative and alternative communication opportunities for children with disabilities (Senate, No. 278),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2692).**
There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.
The bill (Senate, No. 2692) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill to maintain transition age requirements for students with disabilities (Senate, No. 286),— **ought to pass.**
There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Marya Panzica, an employee of the Department of Mental Retardation (House, No. 4924),— **ought to pass.**
There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and ordered to a third reading.

Order Adopted.

Mr. Panagiotakos offered the following order:

Ordered, That notwithstanding Senate Rule 7, Rule 27A, or any other rule to the contrary:

- (1) The general appropriations bill as reported by the Committee on Ways and Means shall be placed in the Orders of the Day for Wednesday, May 21, 2008, for its second reading.
 - (2) All amendments to the bill shall be filed electronically in the office of the Clerk of the Senate by 12:00 noon on Friday, May 16, 2008. All such amendments shall be second-reading amendments, but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.
 - (3) After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.
- Under the rules, referred to the committee on Ethics and Rules.**
Subsequently, Mr. Downing, for the said committee, reported, recommending that the order ought to be adopted.
The rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

Report 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 James Jackson for legislation relative to the official slogan of the Commonwealth.
Senate Rule 36 was suspended, on motion of Mr. Tarr, 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.
Sent to the House for concurrence.

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. Petruccelli) and laid before the Governor for his approbation, to wit:
Authorizing the town of Rockland to establish a school building capital trust fund (see Senate, No. 2264, amended); and
Authorizing the appointment of Brian Santarlaschi as a police officer in the city of Haverhill notwithstanding the maximum age requirement (see House, No. 4462).

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4740) of Daniel K. Webster that the Department of Fish and Game be authorized to acquire a conservation restriction on certain land in the town of Hanson for the protection of habitat and passive recreation purposes;

Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 4741) of Martin J. Walsh for legislation to establish a sick leave bank for James Coveney, an employee of the Trial Court;

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

Petition (accompanied by bill, House, No. 4742) of Robert S. Creedon, Jr., for legislation to establish a sick leave bank for Judith Sargent, an employee of the Department of Public Health.

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

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Marie Silva, an employee of the Department of Mental Retardation (see House, No. 4567), 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. Petruccelli) and sent to the House for enactment.**

Order Adopted.

On motion of Mr. Tarr,—

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