

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.

Thursday, June 5, 2008.

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

Distinguished Guests.

There being no objection, the Chair (Mr. Hart) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, seated in the Senate gallery, the third grade class of Winthrop School in Hamilton, Massachusetts. The Senate applauded the students and they withdrew from the gallery.

Petition.

Mr. Galluccio presented a petition (subject to Joint Rule 12) of Anthony D. Galluccio for legislation relative to preserving homeownership,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

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 the Judiciary to make an investigation and study of certain current Senate documents relative to issues concerning criminal procedures and penalties, CORI, torts, sex offenders, real estate, probate, the courts of the Commonwealth and other related legal matters (Senate, No. 2727); and

Of the Senate Order relative to authorizing the joint committee on Telecommunications, Utilities and Energy to make an investigation and study of a certain current Senate document relative to wireless telephone issues (Senate, No. 2723);

And recommending that the same severally be referred to the Senate committee on Ethics and Rules.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Judith Sargent, an employee of the Department of Public Health (House, No. 4742,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Designating a certain bridge in the Hyde Park section of the city of Boston as the Joseph M. Kearney Bridge (House, No. 3627, changed,— on petition);

Designating a certain bridge in the Hyde Park section of the city of Boston as the Thomas J. Geraghty Bridge (House, No. 3628,

changed,— on petition);

Designating a certain traffic rotary in the town of Everett as the Edward G. Connolly memorial rotary (House, No. 3634,— on petition);

Protecting the public health (House, No. 4346,— on House, Nos. 2051 and 2147);

Establishing the nursing and allied health trust fund (House, No. 4575,— on Senate, No. 674 and House, No. 2109); and

Designating a certain bridge in the town of Sheffield as the Sheffield Veterans Memorial Bridge (House, No. 4703,— on House, No. 4510).

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

Bills

Relative to vacancies in the Beacon Hill Architectural Commission (House, No. 3269,— on petition) [Local approval received];

Exempting certain positions in the town of Hull from the civil service law (House, No. 4219,— on petition) [Local approval received]; and

Relative to the leasing of certain property in the city of Waltham (House, No. 4636,— on petition) [Local approval received];

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

The House Bill requiring safety belts for passengers on public school buses (House, No. 2300),— **came from the House with the endorsement that it had been referred to the committee on Transportation; and the Senate concurred therein.**

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 House Bill establishing the Caleb Chase trust fund revenue account in the town of Dennis (House, No. 3153),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill exempting the position of chief of police in the city known as the town of Methuen from the civil service law (House, No. 4461) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill exempting the position of deputy chief of police in the town of Dartmouth from the civil service law (House, No. 4464),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to the homeowners' residential tax exemption in the city of Boston (House, No. 4104),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Order Adopted.

Mr. Montigny offered the following order, to wit:—

Ordered, That notwithstanding the provisions of Joint Rule 10, the Committee on Bonding, Capital Expenditures and State Assets be granted until June 12, 2008 within which time to make its final report on current Senate documents numbered 34, 36, 50, 51, 57, 1874, 1896, 2219, 2411, 2550 and 2674, relative to bonding, capital expenditures and state assets.

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 be adopted.

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

Sent to the House for concurrence.

Reports of a Committee.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:—

Of the committee on Health Care Financing, ought NOT to pass (under Joint Rule 10), on the Bill relative to medication technician (Senate, No. 392).

On motion of Mr. Brown, the bill was recommitted to the Joint Committee on Health Care Financing.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:—

Of the committee on Health Care Financing, ought NOT to pass (under Joint Rule 10), on the Bill relative to the adult foster care program (Senate, No. 417).

On motion of Mr. Baddour, the bill was recommitted to the Joint Committee on Health Care Financing.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:—

Of the committee on Health Care Financing, ought NOT to pass (under Joint Rule 10), on the Bill further regulating

**investigation of abuse against residents of long term care facilities (Senate, No. 418),
On motion of Mr. Baddour, the bill was recommitted to the Joint Committee on Health Care Financing.**

The following report was laid before the Senate, the time within which the said committee was required to report having expired:—

Of the committee on Health Care Financing, ought NOT to pass (under Joint Rule 10), on the Bill to support residential care facilities for frail elders and persons with disabilities (Senate, No. 430).

On motion of Mr. Baddour, the bill was recommitted to the Joint Committee on Health Care Financing.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:—

Of the committee on Health Care Financing, ought NOT to pass (under Joint Rule 10), on the Bill regarding continuity of prescription drug coverage (Senate, No. 433).

On motion of Mr. Tarr, the bill was recommitted to the Joint Committee on Health Care Financing.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:—

Of the committee on Health Care Financing, ought NOT to pass (under Joint Rule 10), on the Bill relative to promoting a transparent, fair and equitable pricing structure in the insurance industry (Senate, No. 562).

On motion of Mr. Brown, the bill was recommitted to the Joint Committee on Health Care Financing.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:—

Of the committee on Health Care Financing, ought NOT to pass (under Joint Rule 10), on the Bill relative to prescription drug voice synthesizers (Senate, No. 564).

On motion of Mr. Baddour, the bill was recommitted to the Joint Committee on Health Care Financing.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:—

Of the committee on Health Care Financing, ought NOT to pass (under Joint Rule 10), on the Bill relative to increasing coverage for infertility treatments (Senate, No. 599).

On motion of Mr. Baddour, the bill was recommitted to the Joint Committee on Health Care Financing.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:—

Of the committee on Health Care Financing, ought NOT to pass (under Joint Rule 10), on the Bill relative to adult day transportation (Senate, No. 2571).

On motion of Mr. Baddour, the bill was recommitted to the Joint Committee on Health Care Financing.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:—

Of the committee on Health Care Financing, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 681) of Richard T. Moore, William C. Galvin and Geoffrey D. Hall for legislation relative to the treatment of blood disorders.

On motion of Mr. Brown, the petition was recommitted to the Joint Committee on Health Care Financing.

Orders Adopted.

Mr. Timilty offered the following order, to wit:—

Ordered, That notwithstanding the provisions of Joint Rule 10, the joint committee on Public Safety and Homeland Security be granted until Friday, July 11, 2008 within which to make its final report on a certain current Senate document numbered 2682 relative to the Massachusetts military reservation fire department.

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 be adopted.

**The rules were suspended, on motion of Mr. Baddour and the order was considered forthwith and adopted.
Sent to the House for concurrence.**

Mr. Morrissey offered the following order, to wit:—

Ordered, That notwithstanding the provisions of Joint Rule 10, the joint committee on Telecommunications, Utilities and Energy be granted until Thursday, July 3, 2008 within which to make its final report on current Senate document numbered 1993 relative to double poles in the Commonwealth.

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 be adopted. The rules were suspended, on motion of Mr. Tisei, and the order was considered forthwith and adopted. Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill authorizing the town of Topsfield to issue a license for the sale of wines and malt beverages not to be drunk on the premises (see House, No. 4428) (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. Hart) and laid before the Governor for his approbation.

Petitions were referred, in concurrence, as follows:—

Petition (accompanied by bill, House, No. 4817) of Mark McDonald that public safety employees and emergency medical technicians employed by the Commonwealth and its political subdivisions be required to submit to drug and alcohol testing under standards promulgated by the Executive Office of Public Safety;

Under suspension of Joint Rule 12, to the committee on Public Safety and Homeland Security.

Petition (accompanied by bill, House, No. 4818) of Garrett J. Bradley that the Board of Retirement be directed to grant a pension to Tavesri-Jantima Boudreau, widow of Joseph R. Boudreau, a retired state police officer; and

Joint petition (accompanied by bill, House, No. 4819) of Robert L. Rice, Jr. and Stephen M. Brewer for legislation to establish a sick leave bank for Richard K. Ward III, an employee of the Department of Correction.

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

Order.

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 Election Laws shall be granted until Wednesday June 18, 2008, within which to report on House, No. 705.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Labor and Workforce Development shall be granted until Sunday, June 15, 2008, within which to report on House, No. 4569.

Order Adopted.

On motion of Mr. Baddour,—

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