

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 28, 2007.

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

Communications.

The following communications were severally received and placed on file:

A communication from the Honorable Therese Murray, President of the Senate, announcing the resignation of Senator Richard T. Moore (at his own request) as the appointee of the Senate President to the MassHealth Payment Policy Advisory Council;

A communication was received from the Honorable Therese Murray, President of the Senate, announcing the appointment (pursuant to Section 16M of Chapter 6A of the General Laws) of Dr. David Torchiana to the MassHealth Payment Policy Advisory Council; and

A communication was received from the Honorable Richard R. Tisei, Senate Minority Leader, announcing the appointment (pursuant to Section 17 of Chapter 42 of the Acts of 2007) of Michael R. Knapik as a member of the Dairy Farm Revitalization Task Force.

Reports.

The following reports were severally read and placed on file:

A report of the Norfolk County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit Oversight) (received Wednesday, June 27, 2007);

A report of the Human Resources Division (under the provisions of Section 61A of Chapter 31 and Section 5(3)(a) of Chapter 32 of the General Laws) submitting its revisions to regulations for Initial Medical and Physical Fitness Standards Tests of Municipal Public Safety Personnel (received Wednesday, June 27, 2007); and

A report of the Water Resources Commission (pursuant to Section 8C of Chapter 21 and 313 CMR 4.06(3)) submitting its decision for approval to an Interbasin Transfer Act request from the Town of Wilmington to become a member of the Massachusetts Water Resources Authority (MAMA.) Water Works System (received Wednesday, June 27, 2007),

Petition.

Mr. Buoniconti presented a petition (subject to Joint Rule 12) of Stephen J. Buoniconti for legislation relative to child custody,—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. Antonioni, for the committee on Education, on Senate, Nos. 340 and 345 and House, Nos. 404, 522, 554, 588, 592 and 3761, a Bill promoting a framework for civic education (Senate, No. 340);

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

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition (accompanied by bill, Senate, No. 529), a Bill relative to oceans (Senate, No. 2281);

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

Committee Discharged.

Mr. Panagiotakos, for the committee on Ways and Means, reported, asking to be discharged from further consideration Of the Senate Bill relative to smart growth housing trust fund (Senate, No. 132); and

Of the Senate Bill relative to renewal communities and smart growth zoning (Senate, No. 156);

And recommending that the same severally be referred to the committee on Housing.

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

Severally sent to the House for concurrence in the reference to the joint committee.

PAPERS FROM THE HOUSE.

A Bill to reduce the stress on local property taxes through enhanced pension fund investment (House, No. 4125,— on House, No. 3749 (section 5)),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill establishing the Massachusetts College of Arts and Design (House, No. 4088,— on House, No. 3989, in part);

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

Bills

Authorizing the town of Weymouth to make conveyance and sale of certain water supply land (House, No. 1975,— on petition) [Local approval received]; and

Relative to the school department of the town of Tewksbury (House, No. 4117, changed,— 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. Hart) “on the occasion of the retirement of Joseph D. Cronin”;

Resolutions (filed by Mr. O’Leary) “congratulating Lynne Poyant on her selection as the Mercy Otis Warren Cape Cod Woman of the Year”;

Resolutions (filed by Mr. Tarr) “on the celebration of Saint Peter’s Fiesta in the city of Gloucester”; and

Resolutions (filed by Mr. Tolman) “celebrating St. Stephen’s Armenian Apostolic Church’s fiftieth anniversary.”

Motion to Reconsider — Amended.

On motion of Mr. Knapik, the Senate reconsidered the vote by which, at the previous session, it had passed to be engrossed the House bill to promote quality and affordable municipal health insurance through the Group Insurance Commission (House, No. 4110, amended).

Pending the recurring question on passing the bill to be engrossed, Mr. Panagiotakos presented the following amendment:— striking out sections 3A and 3B and inserting in place thereof the following section:—

“SECTION 3A. Said chapter 32A is hereby further amended by striking out section 3, as so appearing, and inserting in place thereof the following section:—

Section 3. There shall be established within the executive office of administration and finance, but not under its jurisdiction, a special unpaid commission, to be known as the group insurance commission, consisting of the commissioner of administration and finance, the commissioner of insurance, and 1 nonvoting member to be appointed by the governor who shall be member of a regional school district committee, to be selected from a list of nominations submitted by the Massachusetts Association of School Committees and 9 voting members to be appointed by the governor, 1 of whom shall be a retired state employee, 1 of whom shall be a health economist, and at least 3 of whom shall be full time state employees, of whom 1 shall be a member of the Massachusetts Public Employees Council, #93, AFSCME, Massachusetts State Labor Council, AFL-CIO, 1 of whom shall be a member of the Massachusetts State Employees Association, NAGE, and 1 of whom shall be a member of Local 254, S.E.I.U., Massachusetts State Labor Council, AFL-CIO. In addition, there shall be 2 municipal representatives that shall be members of the commission, to be appointed as follows: one management representative shall be appointed by the governor from a list of 3 representatives nominated by the Massachusetts Municipal Association, and 1 labor representative shall be appointed by the governor from a list of 3 representatives nominated by the president of the teachers’ union with the greatest amount of active and

retired members enrolled in commission health plans. In addition, upon the transfer of 45,000 subscribers from municipal governmental units to the group insurance commission pursuant to section 19 of chapter 32B, there shall be a second management representative appointed by the governor from a list of 3 representatives nominated by the Massachusetts Municipal Association and a second labor representative by the governor from a list of 3 representatives of municipal public safety employees nominated by the president of the Massachusetts Chapter of the AFL-CIO. Whenever an organization nominates a list of representatives for appointment by the governor under this section, the organization may nominate additional candidates if the governor declines to appoint any of those originally nominated. Not more than 55 per cent of the appointive members of the commission shall be members of the same political party. No member appointed by the governor shall be an insurance agent, broker, employee or officer of any insurance company. Upon the expiration of the term of office of any appointive member, his successor shall be appointed in like manner for a term of 3 years. The commission shall be provided with suitable offices and may, subject to appropriation, incur expenses and appoint an executive director who shall be the executive and administrative head thereof and who shall not be subject to the provisions of chapter 31. The commission may empower the executive director to appoint such employees as may be necessary to administer the provisions of this chapter. There shall be paid by the commonwealth to each appointive member of said commission the necessary expenses actually incurred in the discharge of his official duties. The commission shall adopt such reasonable rules and regulations as may be necessary for the administration of this chapter and shall make an annual report to the governor and to the general court which shall include any modifications or amendments made to contracts executed under this chapter and shall be in such form as to enable employees to understand the benefits available from the insurance program, including the cost thereof.”; and by striking out section 3C (as printed) and inserting in place thereof the following section:—

“**SECTION 3C.** Said chapter 32A is hereby amended by inserting after section 3A the following section:—

Section 3B. This chapter shall become effective for a commonwealth charter school by a majority vote of its board of trustees and, for an education collaborative, by a majority vote of its board of directors.”; and by striking out section 6 (as printed) and inserting in place thereof the following section:—

“**SECTION 6.** Notwithstanding any general or special law to the contrary, the town of Saugus may transfer subscribers to the group insurance commission in accordance with section 19 of chapter 32B of the General Laws on or after the effective date of this act.”

The amendment was **adopted**.

The bill was then again passed to be engrossed, in concurrence, with the Senate amendment previously adopted (text of Senate document numbered 2279), as amended.

Sent to the House for concurrence in the amendment.

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Thomas A. Connolly, an employee of the Department of Correction (see House, No. 4023), 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. Havern) and sent to the House for enactment.**

Petition.

On motion of Mr. Knapik, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Brewer, (accompanied by bill) of Stephen M. Brewer for legislation to establish a sick leave bank for John J. Bish, an employee of the East Brookfield Division of the District Court Department,— **and the same was referred to the committee on the Judiciary. Sent to the House for concurrence.**

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 authorizing the town of Sandwich to grant an additional liquor license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2268),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

The Senate Bill authorizing the town of Ipswich to grant one additional license for the sale of all alcoholic beverages to be drunk on the premises to Ipswich RE Holdings, LLC for the establishment located at 30 South Main St., Ipswich, Massachusetts (Senate, No. 2269),— **was read a second time and ordered to a third reading.**

The Senate Bill authorizing the town of Rehoboth to grant a license for the sale of alcoholic beverages not to be drunk on the premises (Senate, No. 2270),— **was read a second time and ordered to a third reading.**

The Senate Bill authorizing the town of Ashburnham to grant an additional license for the sale of alcoholic beverages to be drunk off the premises (Senate, No. 2271),— **was read a second time and ordered to a third reading.**

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill relative to the use of a voting equipment system in the city of Haverhill (see House, No. 4040) (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. Havern) and laid before the Governor for his approbation.

Recess.

There being no objection, at sixteen minutes past eleven o'clock A.M., the Chair (Mr. Havern) declared a recess; and at one minute past one o'clock P.M., the Senate reassembled, Mr. Havern in the Chair.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill to reduce the stress on local property taxes through enhanced pension fund investment (House, No. 4125),— ought to pass, with an amendment in section 2, in the proposed paragraph (c½), by striking out the first sentence and inserting in place thereof the following sentence:— “The commission shall annually review the investment performance and funded ratio of all systems using data compiled as of January 1 of the year in which said review occurs. If, on or before July 1 the funded ratio data as of January 1 is not available, the most recent data shall be used.”; in section 2, in the proposed paragraph (c½), by striking out the third paragraph and inserting in place thereof the following paragraph:—

“A system ordered by the commission to transfer its assets under this section may appeal for an exemption to a review board which shall consist of the executive director of the PRIM board or his designee, the secretary of administration and finance or his designee, and a member selected by the state treasurer from a list of 3 names submitted by the Massachusetts Association of Contributory Retirement Systems. The system shall file written notice of its appeal with the secretary of administration and finance not later than 30 days after receiving the commission’s order to transfer its assets. The review board may establish rules for its own procedure, but such rules shall not be required to comply with chapter 30A. The review board may grant an exemption from the transfer requirement of this section if its rate of return has exceeded the PRIT Fund rate of return; for the previous 2 years or if the system’s rate of return was affected by other extenuating circumstances. The review board may also consider the system’s management costs, its risk return ratio and any other factors it deems appropriate. The grant of an exemption shall require the concurrence of at least 2 of the 3 members or their designees. A system may seek judicial review of the review board’s decision to deny an exemption in the manner provided in section 14 of chapter 30A.”; and in section 3, by striking out the first sentence and inserting in place thereof the following sentence:— “Notwithstanding any general or special law to the contrary, pursuant to section 2, the public employee retirement administration commission established pursuant to section 49 of chapter 7 of the General Laws shall review the investment performance and funded ratio of all systems using data compiled as of January 1, 2007. If an updated actuarial valuation is not completed by October 1, 2007, the most recent valuation completed shall be used.”

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

The bill, as amended, was then ordered to a third reading.

Reports of Committees.

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stephen J. Buoniconti for legislation relative to child custody.

Senate Rule 36 was suspended, on motion of Mr. Knapik, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Children, Families and Persons with Disabilities.

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stephen J. Buoniconti and Rosemary Sandlin for legislation relative to community housing and senior centers.

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

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Thomas A. Connolly, an employee of the Department of Correction (see House, No. 4023) (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. Havern) and laid before the Governor for his approbation.

Communication.

The Clerk read the following communication:

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

June 25, 2007.

Mr. William Welch
Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

During the Senate Session held on June 21, 2007, I was absent from the Chamber due to a previously scheduled speaking engagement at the National Conference of State Legislatures' State Health Chairs Conference in Washington, D.C. I was, consequently, not recorded on several roll call votes. Had I been present, I would have voted in the affirmative on the Creedon amendment to Senate Bill 860 relative to internet hunting; in the affirmative on House Bills 53, 1954, 1955, 3475, and 3954 all relative to land takings in certain communities; in the negative on the Tisei amendment to House Bill 4084; and in the affirmative on engrossing House Bill 4084 relative to film industry tax credits. I appreciate your assistance printing this communication in the Senate Journal. Thank you.

Sincerely,
RICHARD T. MOORE,
Senator,
Worcester and Norfolk District.

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

Recess.

There being no objection, at nine minutes past one o'clock P.M., the Chair (Mr. Havern) declared a recess; and at twenty-one minutes past five o'clock P.M., the Senate reassembled, Mr. Havern in the Chair.

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:
The House Bill relative to the school department of the town of Tewksbury (House, No. 4117, changed),— **was read a second time and ordered to a third reading.**

Order Adopted.

On motion of Mr. Knapik,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at one o'clock P.M., in a full formal session without a calendar.

On motion of the same Senator, at twenty-three minutes past five o'clock P.M., the Senate adjourned to meet on the following Monday at one o'clock P.M.