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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, July 21, 2008.

Met according to adjournment at eleven o'clock A.M. (Mr. Timilty 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. Timilty), members, guests and employees then recited the pledge of allegiance to the flag.

Report of a Committee.

By Mr. Petrucci, for the committee on Municipalities and Regional Government, on petition (accompanied by bill, Senate, No. 1197), an Order relative to authorizing the joint committee on Municipalities and Regional Government to make an investigation and study of a certain current Senate document relative to various local affairs (Senate, No. 2813);

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

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 2256), a Bill relative to the sale of alcoholic beverages in the city of Somerville (Senate, No. 2815) [Local approval received on Senate, No. 2256];

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

Committee Discharged.

Mr. Downing, for the committee on Ethics and Rules, reported, asking to be discharged from further consideration Of the Senate Bill to increase access to oral healthcare (Senate, No. 2567); and Of the Senate Bill related to dental assistants (Senate, No. 2707);

And recommending that the same severally be referred to the Senate committee on Ways and Means.

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

PAPERS FROM THE HOUSE.

Bills

Relative to county highways in the town of Granville (House, No. 4796,— on House, No. 1990); and Authorizing the Commissioner of Capital Asset Management and Maintenance to lease certain property to the town of Natick (House, No. 4806,— on House, No. 4633);

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

A Bill designating rolling rock as the official glacial rock of the Commonwealth (House, No. 4823,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill authorizing the town of Sudbury to use certain insurance or recovery proceeds (House, No. 4835,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Notice was received from the House announcing the following appointment:

That Representative Hill of Ipswich has been appointed by the Minority Leader to the special commission established (under Chapter 2 of the Resolves of 2007) to make an investigation and study of the hygienic procedures pertaining to band instruments and the prevention of the spread of contagious diseases through the use of such instruments in schools and to minimize the risks of cross-contamination when instruments are transferred from one musician to another.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Messrs. Antonioni and Augustus, Ms. Chandler and Messrs. Brewer and Moore) “congratulating Mark Polaski for his public service and athletic achievements”;

Resolutions (filed by Messrs. Joyce and Timilty) “congratulating Austin Capen Marsters Dill on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Moore) “promoting falls prevention awareness; and

Resolutions (filed by Mr. Pacheco) “congratulating Russell G. James on his retirement.”

Motion to Reconsider.

Mr. Brown moved that the Senate reconsider the vote by which, at a previous session, it had passed to be engrossed the Senate Bill further regulating publicly-assisted affordable housing for certain low-income residents (Senate, No. 2799, amended); and, there being no objection, the motion prevailed.

Pending the recurring question on passing the bill to be engrossed, Ms. Tucker presented an amendment in section 1, in the definition “Publicly-assisted housing”, by striking out, in lines 98 to 106, inclusive, the words”; and (xvii) other financing programs as identified by the department; provided, however, that housing that receives relief from local zoning in exchange for providing a percentage of units as affordable to low or moderate-income residents and that does not receive a financial subsidy shall not be considered publicly-assisted housing”.

The amendment was adopted.

The recurring question on passing the bill, as amended, to be engrossed was then considered; and the bill was again engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Order.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith and adopted in concurrence, as follows:

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on the Judiciary shall be granted until Thursday, July 31, 2008, within which to report on House, Nos. 500, 1304, 1308, 1311, 1313, 1317, 1318, 1325, 1331, 1332, 1333, 1334, 1335, 1337, 1383, 1388, 1389, 1479, 1532, 1547, 1662, 1672, 1688, 1700, 1718, 1720, 1746, 1749, 3738, 3865, 3875, 3876, 3877, 3991 and 4476.

Engrossed Bill.

An engrossed Bill further regulating the Essex Regional Retirement System (see Senate, No. 2635) (which originated in the Senate), 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. Timilty) and laid before the Governor for his approbation.

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to dementia special care units in long-term care facilities (Senate, No. 425),— **ought to pass, with an amendment in section 1, by striking out the last sentence.**

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. 425, amended) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill regarding fees for justices of the peace (Senate, No. 801),— **ought to pass.**

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.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill providing for the registration of naturopathic doctors (Senate, No. 1321),— **ought to pass.**

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.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill updating the animal control laws (Senate, No. 2450),— ought to pass, with an amendment in section 17, line 208, by striking out the first paragraph of Section 139 and inserting in place thereof the following paragraph:—

“The fee for every license shall, except as otherwise provided, be determined by a city or town, provided this fee is not less than \$6 for a spayed or neutered dog and not less than \$20 for an intact dog. Three dollars of the license fee for a dog is a surcharge which shall be deposited in the General Fund. A portion of this amount, subject to appropriation, shall be used by the commission for the purpose of animal control. The department shall establish rules and regulations relating to the spay/neuter program to distribute these funds in an effective manner targeting low-income pet owners and feral cats”; and by striking out section 120 and inserting in place thereof the following new section:—

“SECTION 120. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations and to meet certain requirements of law, the sum set forth in this section is hereby appropriated from the General Fund unless specifically designated otherwise in this section for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2008. This sum shall be in addition to any amounts previously appropriated and made available for the purposes of this item. 2511-0101 The commissioner of the department of agricultural resources may expend not more than \$250,000 from revenues collected from fees under section 139 of chapter 140 for the purposes of operating an animal control program, including spay/neuter programs, in the commonwealth; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that the department shall annually file a report with the house and senate committees on ways and means detailing the manner of expenditures under this item in the preceding fiscal year and the amount of funding necessary to operate the animal control program, including spay/neuter programs, in the upcoming fiscal year 250,000.”.

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. 2450, amended) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to the estate of homestead (Senate, No. 2653),— **ought to pass.**

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.

Recess.

There being no objection, at ten minutes past eleven o'clock A.M., the Chair (Mr. Timilty) declared a recess subject to the call of the Chair; and, at sixteen minutes past one o'clock P.M., the Senate reassembled, Mr. Timilty in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Mark Stanton, an employee of the Department of Public Health (see Senate, No. 2677), 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. Timilty) and sent to the House for enactment.**

Engrossed Bills.

The following engrossed bills (all 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. Timilty) and laid before the Governor for his approbation, to wit:

Authorizing the town of Milton to issue one additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (see Senate, No. 2485);

Relative to educational expenditures in the town of Milton (see Senate, No. 2486); and

Relative to rates for human and social service programs (see Senate, No. 2764, amended).

Order Adopted.

On motion of Mr. Brown,—

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. Tisei, at eighteen minutes past one o'clock P.M., the Senate adjourned to meet on the following day at one o'clock P.M.