

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, July 30, 2007.

Met at one minute past eleven o'clock A.M. (Mr. Rosenberg in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Senator from Middlesex and Essex, Mr. Tisei, led the Chair (Mr. Rosenberg), 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 appointments of Senators James E. Timilty (co-chairman), Karen E. Spilka and Steven A. Tolman to the Special Commission established (pursuant to Section 87 of Chapter 61 of the Acts of 2007) relative to making an investigation and study of the existing level of services offered by the Department of Correction, county jails and houses of correction; and

A communication from the Honorable Therese Murray, President of the Senate, announcing the appointment of Senators Benjamin B. Downing and Gale D. Candaras to the Special Commission established (pursuant to Section 85 of Chapter 61 of the Acts of 2007) relative to making an investigation and study of the accessibility and quality of the doctors who specialize in obstetric, gynecological and neurosurgical care of women in Berkshire, Franklin, Hampden and Hampshire counties.

A communication from the Hampden County Sheriff's Office relative to corrective measures taken pursuant to a Department of Public Health Inspection of the Hampden County Sheriff's Department and Correctional Center on May 23, 2007 (received Wednesday, July 18, 2007),— **was read and sent to the House for its information.**

Reports.

The following reports were severally read and placed on file:

A report of the Public Employee Retirement Administration Commission submitting its Financial Bulletin for Second Quarter 2007 (received Friday, July 20, 2007);

A report of the Division of Unemployment Assistance (under the provisions of Section 14F of Chapter 151A of the General Laws) relative to the condition of the Unemployment Insurance Trust Fund for the month of July 2007 (received Wednesday, July 25, 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 Reading to become a member of the Massachusetts Water Resources Authority (MWRA) Water Works (received Thursday, July 26, 2007).

Petitions.

Petitions were presented and referred as follows:

By Mr. Joyce, a petition (accompanied by bill, Senate, No. 2300) of Brian A. Joyce, Linda D. Forry, Walter P. Timilty and

Angelo M. Scaccia (by vote of the town) for legislation to authorize the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant [Local approval received];

Under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.

By Mr. Morrissey, a petition (accompanied by bill, Senate, No. 2304) of Michael W. Morrissey, Ronald Mariano and Joseph R. Driscoll (by vote of the town) for legislation relative to recall elections in the town of Holbrook [Local approval received];

Under Senate Rule 20, to the committee on Election Laws.

By Mr. Joyce, a petition (accompanied by bill, Senate, No. 2305) of Brian A. Joyce, Bruce J. Ayers, Joseph R. Driscoll and Walter F. Timilty (by vote of the town) for legislation to amend the representative town meeting procedures in the town of Randolph [Local approval received];

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

Severally sent to the House for concurrence.

Mr. Brewer presented a petition (subject to Joint Rule 12) of Stephen M. Brewer, Stanley C. Rosenberg, Stephen J. Buoniconti, Christopher J. Donelan and other members of the General Court for legislation relative to members of the Executive Council,—**and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of a Committee.

By Mr. Baddour, for the committee on Transportation, on petition, a Bill designating a certain bridge in the towns of Erving and Orange as the Franklin County Purple Heart Memorial Bridge (Senate, No. 2036);

By the same Senator, for the same committee, on petition, a Bill designating a certain portion of land at the intersection of Routes 122 and 32 in Barre as “Trifilo Square” (Senate, No. 2039);

By the same Senator, for the same committee, on petition, a Bill designating a certain bridge in the town of Southampton as the Southampton Veterans Memorial Bridge (Senate, No. 2066);

By the same Senator, for the same committee, on petition, a Bill designating a certain bridge in the town of Dover as the Governor Francis W. Sargent bridge (Senate, No. 2099); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2100), a Bill relative to designating a certain bridge in the town of Medfield as the Senator Leverett Saltonstall bridge (Senate, No. 2303);

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

Committee Discharged.

Mr. Panagiotakos, for the committee on Ways and Means, reported, asking to be discharged from further consideration of the Senate Bill to update the computer crime laws of the Commonwealth (Senate, No. 1849),—**and recommending that the same be referred to the committee on the Judiciary.**

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

Sent to the House for concurrence in the reference to the joint committee.

PAPERS FROM THE HOUSE.

Bills

Providing that certain physical conditions shall be presumed to have been suffered in the line of duty (House, No. 2578,— on House, Nos. 2449, 2524, 2627 and 2700);

Providing for a certain exemption from the sales tax (House, No. 2876,— on petition);

Establishing a sick leave bank for Linda M. Supernor, an employee of the Department of Revenue (House, No. 4163,— on petition); and

Relative to the licensing requirements for certain tidelands (House, No. 4184,— on House, No. 3757) (Representative Brownsberger of Belmont of the committee on Environment, Natural Resources and Agriculture dissenting);

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

Bills

Relative to the regional school budget process (House, No. 586, changed,— on petition); and

Directing the superintendent of state office buildings to place a monument in honor of African Americans (House, No. 3193, changed,— on petition);

Were severally 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 Mr. Downing) “congratulating Josephine Ann Bonneau on the occasion of her eightieth birthday”;

Resolutions (filed by Mr. Moore) “congratulating Lawrence B. Bombara on being named one of the top ten Leaders of the Year by the American Public Works Association”; and

Resolutions (filed by Mr. Moore) “commemorating the two hundred and fiftieth birthday of Waters Farm in Sutton, Massachusetts.”

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 authorizing the town of Belmont to establish another postemployment benefits trust fund (House, No. 1441),—
was read a third time and passed to be engrossed, in concurrence.

Report of a Committee.

Ms. Menard, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill relative to child passenger safety (Senate, No. 2018).

There being no objection, the rules were suspended, on motion of Mr. Petrucci, and the bill was read a second time and ordered to a third reading.

PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill relative to the charter of the town of Bourne (see Senate, No. 1177) (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. Rosenberg) and laid before the Governor for his approbation.

The Senate Bill to continue the safe placement of newborn infants (Senate, No. 2177, amended),— came from the House passed to be engrossed, in concurrence with an amendment in section 1, lines 1 through 2, inclusive, by striking out “Chapter 119 of the General Laws is hereby amended in Section 39½ by inserting at the end thereof the following paragraph” and inserting in place thereof the following:— “Section 39½ of chapter 119 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph:— “ ; and in section 1, line 29, by inserting after the word “on” the following words:— “or before”.

The rules were suspended, on motion of Ms. Wilkerson, and the House amendment was considered forthwith and adopted, in concurrence (as corrected BTR).

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House bills

Providing for a certain exemption from the sales tax (House, No. 2876),— ought to pass; and
Relative to the licensing requirements for certain tidelands (House, No. 4184),— ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2306; by inserting before the enacting clause the following emergency preamble:

“Whereas, The deterred operation of this act would defeat its purpose, which is to authorize a regulatory exemption for certain landlocked tidelands from license requirements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience”; and by striking out the title and inserting in place thereof the following title:
“An Act regarding the licensing requirements for landlocked filled tideland.”;

Order Adopted.

Ms. Wilkerson offered the following order, to wit:

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

- (1) the House Bill relative to the licensing requirements for certain tidelands (House, No. 4184); and
- (2) the House Bill relative to a sales tax holiday (House, No. 2876) as reported by the committee on Ways and Means shall be placed in the Orders of the Day for consideration of its second reading on Tuesday, July 31, 2007.
- (3) All amendments to the bills shall be filed electronically in the office of the Clerk of the Senate by 5:00 p.m. on Monday, July 30, 2007. 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.
- (4) After each 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, Ms. Menard for the said committee, reported, recommending that the order ought to be adopted. The rules were suspended, on motion of Mr. Tisei, and the order was considered forthwith and adopted. Subsequently, House, Nos. 2876 and 4184, were severally placed in the Orders of the Day for the next session, with the amendment pending on House, No. 4184.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Donna Towner, an employee of the Trial Court (House, No. 4114),— **ought to pass.**
There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time and ordered to a third reading.

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted; Engrossed Bills Enacted.

An engrossed Bill establishing a sick leave bank for Daniel Curran, an employee of the Department of Correction (see Senate, No. 2280), 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 adapted, in concurrence, by a vote of 3 to 0.

The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.

Subsequently, the bill, which originated in the Senate, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.

An engrossed Bill establishing a sick leave bank for John J. Bish, an employee of the East Brookfield Division of the District Court Department (see Senate, No. 2285, amended), 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. Rosenberg) and sent to the House for enactment.

Subsequently, the bill, which originated in the Senate, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4191) of Salvatore F. DiMasi and others relative to child abuse and neglect; Under suspension of Joint Rule 12, to the committee on Children, Families and Persons with Disabilities.

Petition (accompanied by bill, House, No. 4192) of Denise Provost and Timothy J. Toomey, Jr., for legislation to establish a sick leave bank for Savina J. Whitney, an employee of the Department of Social Services;

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

The engrossed House Bill relative to written majority authorization evidence of collective bargaining results (see House, No. 2465, amended),— came from the House amended as follows: inserting after section 1, at the end, the following 2 sections:—

“Section 1A. Section 3 of said chapter 150A, as so appearing, is hereby amended by adding the following sentence:— An employee shall also have the right to refrain from any such activities, except to the extent of making payment of service fees to an exclusive representative.

Section 1B. Section 4A of said chapter 150A, as so appearing, amended by inserting after the word “therein”, in line 20, the following words:— ; or (4) To interfere with, restrain or coerce an employer or employee in the exercise of right guaranteed under this chapter.”

The rules were suspended, on motion of Mr. Petrucci, and the House amendment was considered forthwith and adopted, in concurrence (as corrected BTR).

Order Adopted.

On motion of Mr. Tisei,—

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 the same Senator, at nineteen minutes before twelve o'clock noon, the Senate adjourned to meet on the following day at one o'clock P.M.