

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, August 16, 2007.

Met at five 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) introduced Julie, Michael, Alex and Blake Riley of Los Angeles, California, relatives of Representative Martin Walsh of Boston. The Rileys were accompanied by Representative Walsh and were the guests of Senator Hart.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Montigny, a petition (subject to Joint Rule 12) of Mark C. Montigny, Richard T. Moore, Jay R. Kaufman, Antonio F. D. Cabral and other members of the General Court for legislation to punish corporate criminal conduct;

By Mr. Pacheco, a petition (subject to Joint Rule 12) of Marc R. Pacheco and Susan W. Gifford for legislation to designate a certain bridge in the town of Carver as the Julian M. Southworth and Nelson J. Garnett Bridge; and

By Mr. Tarr, a petition (subject to Joint Rule 12) of Bruce E. Tarr, Steven A. Baddour, Marc R. Pacheco, John V. Fernandes and other members of the General Court for legislation to increase the penalties for corporations committing manslaughter;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill establishing a sick leave bank for Savina J. Whitney, an employee of the Department of Social Services (see House, No. 4192), 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. Hart) and sent to the House for enactment.

Subsequently, the bill, which originated in the House, 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. Hart) and laid before the Governor for his approbation.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:— Resolutions (filed by Messrs. Brewer, Baddour, Augustus, Hart, McGee, Downing and Brown) “honoring James T. Brown of

Salisbury for his years of service in defense of the United States and in support of the veterans of the Commonwealth”; Resolutions (filed by Mr. Moore) “congratulating the Dudley Senior League Girls Softball Team on winning the 2007 Massachusetts League State Championship”; and Resolutions (filed by Mr. Pacheco) “congratulating Robert Perruzzi on the occasion of his retirement.”

Communication.

The Clerk read the following communication:

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

August 2, 2007.

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

Dear Mr. Clerk:

On Tuesday, July 31, 2007 I was absent from the Senate Chambers during formal session to attend to a matter of significant importance. During my absence from the chamber, I missed a roll call vote relative to Senate Bill 2209, a land taking enactment relative to the Wallace Civic Center; H-4165, a land taking enactment relative to Westford; and H-3754, a land taking enactment relative to Provincetown.

Had I been present, I would have voted in the affirmative on all three enactments.

I would respectfully request that this letter be published in the Senate Journal as part of the official record for Tuesday, July 31, 2007. Thank you in advance for your assistance in this matter.

Sincerely,
DIANNE WILKERSON,
Senator,
Second Suffolk District.

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

Reports of Committees.

By Mr. Augustus, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by His Excellency the Governor to the engrossed Bill relative to establishing a sick leave bank for John J. Bish, an employee of the Trial Court (see Senate, No. 2285, amended) [for message, see Senate, No. 2312],— reported, that the amendment recommended by the Governor be considered in the following form:— by striking out, in the last sentence, the words “extended illness leave bank” and inserting in place thereof the following words:— “trial court paid leave bank”.

The report was **accepted**.

The Chair (Mr. Hart) stated that under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment,

On motion of Mr. Tarr, the Senate then adopted the amendment in the form recommended by the committee on Bills in the Third Reading.

Sent to the House for its action.

Sent to the House for re-enactment.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Deborah King, an employee of the Department of Mental Retardation (Senate, No. 1644),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill 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.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Rosemary Rozak, an employee of the Department of Revenue (Senate, No. 2302),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill 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.**

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rules 12 and 7B be suspended on the Senate petition of Bruce E. Tarr, Harriett L. Stanley and Barbara A. L'Italien for legislation to provide for the establishment of a strong fire chief in the town of Georgetown [Local approval received].

**Senate Rule 36 was suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rules 12 and 7B were suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.
Sent to the House for concurrence.**

PAPER FROM THE HOUSE.

The House Bill relative to the licensing requirements for certain tidelands (House, No. 4184),— came from the House with the endorsement that the House had NON-concurred in the Senate amendments striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2309; striking out the emergency preamble and inserting in place thereof the following emergency preamble:

“Whereas, The deferred 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.” and appointed a committee of conference; and that Representatives Smizik, DeLeo and deMacedo had been appointed on the part of the House.

On motion of Mr. Tarr, the Senate insisted in its amendments, and concurred in the appointment of a committee of conference on the disagreeing votes of the two branches; and Senators Resor, Baddour and Tarr were appointed to the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Recess.

There being no objection, at twenty-two minutes before twelve o'clock noon, the Chair (Mr. Hart) declared a recess; and at three minutes past one o'clock P.M., the Senate reassembled, Mr. Hart in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Re-Enacted.

An engrossed Bill establishing a sick leave bank for John J. Bish, an employee of the Trial Court (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 2 to 0.

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

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

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

Engrossed Bill.

An engrossed Bill relative to the disability retirement of Neil Sullivan, a firefighter for the city of Melrose (see Senate, No. 2241, amended) (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. Hart) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tarr,—

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 the same Senator, at ten minutes past one o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.