

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 23, 2007.

Met at five 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.

A communication from the Honorable Therese Murray, President of the Senate, announcing the appointment of Mrs. Deborah Goldberg, pursuant to Section 35EE of Chapter 10 of the General Laws, to the Commonwealth Covenant Fluid,— **was placed on file.**

A communication from His Excellency the Governor submitting His Five-Year Capital Investment Plan (FY2008-2012) (received Tuesday, August 21, 2007),— **was placed on file.**

Petitions.

Petitions were presented and referred as follows:

By Mr. Brewer, a petition (accompanied by bill, Senate, No. 2328) of Stephen M. Brewer and Todd M. Smola (by vote of the town) for legislation to establish a special fund in the town of Brimfield [Local approval received]; and

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2326) of Marc R. Pacheco and Susan W. Gifford (by vote of the town) for legislation relative to the membership of the conservation commission of the town of Carver [Local approval received];

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

By Mr. Brewer, a petition (accompanied by bill, Senate, No. 2327) of Stephen M. Brewer and Robert L. Rice (by vote of the town) for legislation relative to property tax deferments for senior citizens in the town of Winchendon [Local approval received];
Under Senate Rule 20, to the committee on Revenue.
Severally sent to the House for concurrence.

Petitions were presented and referred, as follows:

By Mr. Joyce, a petition (subject to Joint Rule 12) of Brian A. Joyce, Scott P. Brown, Robert L. Hedlund, James E. Vallee and other members of the General Court for legislation to require police notification to certain neighbors of level 2 sex offenders; and

By the same Senator, a petition (subject to Joint Rule 12) of Brian A. Joyce, Mark C. Montigny, Bruce E. Tarr, Bradley H. Jones, Jr. and other members of the General Court for legislation relative to the divestment of state assets from nations that sponsor

terrorism;

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

Reports of Committees.

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill relative to providing for homeownership opportunities in weak markets (Senate, No. 2162),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2325);
(Senator Wilkerson dissenting);

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

By Mr. Antonioni, for the committee on Education, on petition (accompanied by bill, Senate, No. 2239), a bill authorizing the Wachusett Regional School District to borrow money for the cleanup of oil contamination and related costs (Senate, No. 2322);

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

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Colleen Hanon, an employee of the trial court (House, No. 4183,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A communication from the City Council of the City of Boston submitting a copy of a Resolution of said city council, adopted on August 1, urging the Legislature to take up the criminal offender record information (CORI) program issue during its 2007-2008 session (having been sent by the House to the Senate for its information),— **was read and returned to the House to be placed on file.**

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Buoniconti) “recognizing National Assisted Living Week 2007 ‘Legacies of Love’ ”;

Resolutions (filed by Mr. Montigny and Ms. Murray) “celebrating the twenty-fifth anniversary of the gifting of the Schooner Ernestina by the people of Cape Verde”;

Resolutions (filed by Mr. Moore, Ms. Tucker and Mr. Panagiotakos) “congratulating Mr. and Mrs. Edward Ziaja on the occasion of their twenty-fifth wedding anniversary”;

Resolutions (filed by Ms. Wilkerson) “commemorating the fiftieth anniversary of Masjid Al-Qur’an of Dorchester in the city of Boston”; and

Resolutions (filed by Ms. Wilkerson) “commending Imam W. D. Mohammed.”

Reports of Committees.

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 increasing the minimum age for appointment as a University of Massachusetts police officer (Senate, No. 1639).

There being no objection, the rules were suspended, on motion of Mr. Timilty, 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.

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 House Bill validating the actions taken at the annual town election held in the town of Southamptton (printed in House, No. 4149).

There being no objection, the rules were suspended, on motion of Mr. Brown, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing the Bristol County Commission on the status of women (Senate, No. 1172),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Timilty, 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. Augustus, for the committee on Election Laws, on petition, a Bill relative to elections in the city of Lowell in the current year (Senate, No. 2323) [Local approval received].

There being no objection, the rules were suspended, on motion of Mr. Brown, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act relative to elections in the city of Lowell in 2007". Sent to the House for concurrence.

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 Natick to enter into a certain lease agreement (House, No. 3968),— **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. Brown and Ms. Spilka moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following new text:—

"Notwithstanding any general or special law to the contrary, the board of selectmen of the town of Natick is hereby authorized to enter into a lease agreement for the property at 20 Middlesex Avenue for a term not to exceed 99 years for the purpose of construction, operation and management of a facility to provide public parking, residential use or commercial use and parking associated with said residential or commercial use; provided, however, that said lease shall be subject to the provisions of section 16 of chapter 30B."

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPER FROM THE HOUSE.

The Senate Bill establishing a sick leave bank for Todd J. Martinson, an employee of the Monson Developmental Center in the Department of Mental Retardation (Senate, No. 1457),— **came from the House passed to be engrossed, in concurrence with an amendment inserting before the enacting clause the following emergency preamble:**

"Whereas, The deferred operation of this act would tend to defeat Its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of mental retardation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The rules were suspended, on motion of Mr. Timilty, and the House amendment was considered forthwith and adopted, in concurrence.

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 Mark C. Montigny, C. Samuel Sutter, Robert M. Koczera, James E. Timilty and other members of the General Court for legislation to amend the dangerousness statute.

Senate Rule 36 was suspended, on motion of Mr. Brown, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.

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 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.

Senate Rule 36 was suspended, on motion of Mr. Brown, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

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 M. Brewer for legislation relative to property tax benefits for senior citizen volunteers.

Senate Rule 36 was suspended, on motion of Mr. Brown, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue.

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 M. Brewer for legislation to designate a certain bridge in Barre to be named after Severino D'Annolfo.

Senate Rule 36 was suspended, on motion of Mr. Brown, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4221) of John P. Fresolo that certain retired veterans be entitled to additional benefits under the public employees non-contributory disability retirement law,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Engrossed Bills.

The following engrossed bills (the first two 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. Havern) and laid before the Governor for his approbation, to wit:

Further regulating the placement of certain children (see Senate, No. 75);

Authorizing the town of Ipswich to grant 1 additional license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No, 2269);

Increasing the salaries of the licensing board in the city of Boston (see House, No. 2012); and

Authorizing the town of Natick to borrow a certain sum of money (see House, No. 3969).

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill establishing a sick leave bank for Rosemary Rozak, an employee of the Department of Revenue (see Senate, No. 2302), 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. Havern) 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. Havern) and laid before the Governor for his approbation.

Engrossed Bills.

The following engrossed bills (both of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be re-enacted and were signed by the Acting President (Mr. Havern) and again laid before the Governor for his approbation, to wit:

Authorizing the town of Belmont to establish another post-employment benefits trust fund (see House, No. 1441, amended); and

Relative to the procedures of town meeting in Burlington (see House, No. 2014, amended).

Order Adopted.

On motion of Mr. Timilty,—

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.

Adjournment in Memory of Staff Sergeant Alicia A. Birchett of Mashpee.

The Senator from Plymouth and Barnstable, Ms. Murray, and the Senator from Cape and Islands, Mr. O'Leary, presented a request that when the Senate adjourns today, it do so in memory of Staff Sergeant Alicia A. Birchett of Mashpee.

Staff Sergeant Birchen died August 9 as a result of injuries sustained while serving her country in Baghdad. She was a member of the 887th Engineer Company, 326th Engineer Battalion, 101st Sustainment Brigade, and 101st Airborne Division, as well as a beloved mother of three and member of the Mashpee Wampanoag tribe.

Accordingly, as a mark of respect to the memory of Staff Sergeant Alicia A. Birchett of Mashpee, at twenty-five minutes past eleven o'clock A.M., on motion of Mr. Brown, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.