

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, September 6, 2007.

Met according to adjournment at eleven o'clock A.M. (Mr. Petrucci 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. Petrucci), 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 Richard R. Tisei, Senate Minority Leader, announcing the appointment of Mr. James Juliano, Director of Public Safety at Bunker Hill Community College, as his representative to serve on the Special Task Force established (pursuant to Section 83 of Chapter 61 of the Acts of 2007) to examine existing policies, procedures and programs and make recommendations to reduce and prevent incidents of campus violence; and
A communication from the Honorable Richard R. Tisei, Senate Minority Leader, announcing the appointment of Senator Michael R. Knapik to the Special Commission established (pursuant to Section 82 of Chapter 61 of the Acts of 2007) relative to retiree health care liability.

Reports.

The following reports were severally read and placed on file:

A report of the Boston University/Chelsea Partnership (under the provisions of Section 13 of Chapter 133 of the Acts of 1989) submitting its legislative report for 2006-2007 (received Tuesday, September 4, 2007);
A report of the Massachusetts Capital Resource Company (under the provisions of Section 20 of Chapter 816 of the Acts of 1977) relative to the taxable year for domestic life insurance companies ended September 1, 2007 (received Tuesday, September 4, 2007); and
A report of the State Ethics Commission (under the provisions of Section 2(1) of Chapter 268B of the General Laws) submitting its annual report for Fiscal Year 2007 (received Thursday, September 6, 2007).

A report of the Department of Public Health (under the provisions of sections 5 and 20 of Chapter 111 of the General Laws) relative to an investigation of a Salmonella outbreak at M.C.I. Shirley Medium Security Facility (received Wednesday, September 5, 2007),— **was read and sent to the House for its information.**

Petitions.

Petitions were presented and referred, as follows:

By Mr. Baddour, a petition (subject to Joint Rule 12) of Steven A. Baddour for legislation to designate the Merrimac Valley

Regional Transit Authority Transportation Center in the town of Amesbury as the Senator Nicholas J. Costello Transportation Center; and

By the same Senator (by request), a petition (subject to Joint Rule 12) of James Thivierge for legislation to establish the Taxpayer Relief Act;

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

PAPER FROM THE HOUSE.

A Bill relative to garages in the first fire zone in the city of Boston (House, No. 4167,— on petition) [Local approval received],— **was 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 Ms. Creem) “commending Dr. Arthur S. Obermayer”;

Resolutions (filed by Messrs. Joyce and Timilty) “congratulating Shawn Michael Bailey of Stoughton on earning the Eagle Scout Award”;

Resolutions (filed by Messrs. Joyce and Timilty) “congratulating Matthew Russell of Sharon on earning the Eagle Scout Award”;

Resolutions (filed by Mr. Moore) “recognizing September 24, 2007 as Family Day — a day to eat dinner with your children”;

and
Resolutions (filed by Mr. Morrissey) “recognizing the three hundredth anniversary of the First Congregational Church of Braintree.”

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Mary Hardiman, an employee of the Department of Public Health (House, No. 4210, amended),— ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the following text:

Notwithstanding any general or special law or rule or regulation to the contrary the department of public health shall establish a sick leave bank for Mary Hardiman, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Mary Hardiman. When Mary Hardiman terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

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, 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.

Engrossed Bill.

An engrossed Bill authorizing the town of Rehoboth to grant a license for the sale of all alcoholic beverages not to be drunk on the premises (see Senate, No. 2270) (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. Petrucci) and laid before the Governor for his approbation.

Recess.

There being no objection, at seventeen minutes before twelve o'clock noon, the Chair (Mr. Petrucci) declared a recess subject to the call of the Chair; and, at three minutes past one o'clock P.M., the Senate reassembled, Mr. Petrucci in the Chair.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4235) of John D. Keenan that the Department of Education be directed to establish a sick leave bank for Robert Bozarjian, an employee of said department;

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

Petition (accompanied by bill, House, No. 4232) of Michael F. Rush relative to the payment of funeral and burial expenses for fire fighters and police officers killed in the line of duty;

Under suspension of Joint Rule 12, to the House committee on Rules; and the Senate concurred in the suspension of said rule.

A Bill relative to payment of funeral and burial expenses for firefighters and police officers killed in performance of duties (House, No. 4233,— on House, No. 4232),— **was read.**

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.

Recess.

There being no objection, at nineteen minutes before two o'clock P.M., the Chair (Mr. Petruccelli) declared a recess subject to the call of the Chair; and, at twenty minutes past two o'clock P.M., the Senate reassembled, Mr. Petruccelli in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill relative to payment of funeral and burial expenses for firefighters and police officers killed in performance of duties (see House, No. 4233), 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. Petruccelli) 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. Petruccelli) and laid before the Governor for his approbation.

Engrossed Bills.

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

Relative to brain aneurysm awareness month (see Senate, No. 1870);

Designating a certain pier in the town of Winthrop as the Charles J. Famolare Pier (see House, No. 1931); and

Authorizing the town of Natick to enter into a certain lease agreement (see House, No. 3968, amended).

Order Adopted.

On motion of Mr. Brown,—

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 Boston Fire Fighters Paul Cahill and Warren Payne.

The Senator from Plymouth and Barnstable, Ms. Murray, the Senator from Middlesex and Norfolk, Ms. Creem, the Senator from Norfolk, Bristol, and Plymouth, Mr. Joyce, and the Senator from Suffolk and Norfolk, Ms. Walsh, presented a request that when the Senate adjourns today, it do so in memory of Boston Firefighters Paul J. Cahill and Warren J. Payne, who were killed in the line of duty on August 29th. At the time of their deaths, the two distinguished firefighters were responding to a four-alarm blaze at a restaurant in West Roxbury. While the tragic loss of these two brave men are hardest on their families and friends, their deaths are mourned by all of us throughout the Commonwealth and across the nation.

Paul Cahill grew up in Dedham, the oldest of six. After graduating from Dedham High School, Cahill joined the Navy, serving on a tugboat in Newport, RI. Cahill followed in his family's footsteps of public service when he joined the Boston Fire Department in May 1993.

He is survived by his wife, Anne, and his three children Brendan, Adam, and Shauna, and is remembered as a simple man who enjoyed fishing, taking vacations, walking along the beach, and gardening.

Warren Payne grew up in Roxbury and Dorchester. After studying liberal arts at Bunker Hill Community College, Warren Payne had several jobs before becoming an emergency medical technician. He became a firefighter in 1988 and was assigned to Ladder 25, where he spent 19 years saving lives and protecting the property of Bostonians.

His colleagues remember Payne as someone who loved his job, and was known for his courage. He is survived by his two sons Johnathan, 16 and Jeremy, 14, who live in Newton with their mother, Cheryl Payne. He also leaves his mother, Florence Payne, who lives in Dorchester.

The Senate is grateful for the job our firefighters do each day putting themselves in danger to protect all of us and our communities, and we honor those who have paid the ultimate price for our safety. Our thoughts and prayers are with the Cahill and Payne families, and the entire Boston Fire Department, during this sad and difficult time.

Accordingly, as a mark of respect to the memory of Boston Firefighters Paul J. Cahill and Warren J. Payne, at twenty-nine minutes past two o'clock P.M., on motion of Mr. Brown, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.