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, October 11, 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 Essex and Middlesex, Mr. Tarr, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Communication.

A communication was received from the Honorable Michael W. Morrissey under the provisions of Chapter 268A.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Brown, a petition (subject to Joint Rule 12) of Scott P. Brown, Anthony J. Verga, Stephen M. Brewer, Richard R. Tisei and other members of the General Court for legislation to promote veterans' benefits; and
By Mr. Petruccelli, a petition (subject to Joint Rule 12) of Anthony W. Petruccelli for legislation relative to naming a portion of the Bremen Street Park in East Boston;
Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Report of a Committee on State Administration and Regulatory Oversight Executive Reorganization Pan No. 2 of 2007.

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on the Reorganization Plan No. 2 of 2007 (submitted by the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) relative to increasing the efficiency, effectiveness, and fairness of the Commonwealth's labor relations agencies (see House, No. 4244) [for Majority Report, see Senate, No. 2359; for Minority Report see Senate, No. 2360],— reported, in accordance with a provision of Joint Rule 23A,— recommending that said Reorganization Plan No. 2 "ought to be approved".
Placed in the Orders of the Day for the next session, the question being "Shall this reorganization plan be approved?".

Reports of Committees.

By Mr. O'Leary, for the committee on Higher Education, on petition, a Bill relating to BCC (Senate, No. 727);
Read and, under Joint Rule 1F, referred to the committee on Bonding, Capital Expenditures and State Assets.

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill relative to a certain motor vehicle number plate (printed as House, No. 221);
Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4274) of John D. Keenan (with the approval of the mayor and city council) for legislation to authorize the city of Salem to issue an additional license for the sale of beer and wine not to be drunk on the premises to Salem Wine Imports, LTD; and
Petition (accompanied by bill, House, No. 4275) of John D. Keenan (with the approval of the mayor and city council) for legislation to authorize the city of Salem to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises to New Boston Ventures, LLC;
Severally to the committee on Consumer Protection and Professional Licensure.
Petition (accompanied by bill, House, No. 4277) of Christopher J. Donelan and Stephen M. Brewer (by vote of the town) relative to the holding of annual town meetings of the town of Orange;
Petition (accompanied by bill, House, No. 4278) of Christopher J. Donelan and Stephen M. Brewer (by vote of the town) that the town of Orange be authorized to establish a firearms licensing fund; and
Petition (accompanied by bill, House, No. 4279) of David M. Torrisi and others (by vote of the town) that the town of North Andover be authorized to establish a neighborhood conservation district;
Severally to the committee on Municipalities and Regional Government.

A report of the committee on House Steering, Policy and Scheduling, asking to be discharged from further consideration of the House Bill relative to the maximum storage charges on motor vehicles involuntarily towed (House, No. 319), and recommending that the same be referred to the committee on Transportation,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Augustus and Ms. Chandler) "recognizing the White Eagle Association of the city of Worcester on its seventieth anniversary";
Resolutions (filed by Mr. Augustus and Ms. Chandler) "honoring Daybreak Resources of Central Massachusetts on its observance of October, 2007, as Domestic Violence Awareness Month";
Resolutions (filed by Mr. Pacheco) "congratulating Alex Brendan Mosher on receiving the Eagle Scout Award"; and
Resolutions (filed by Mr. Pacheco) "congratulating the Wareham Fire District on the one hundredth anniversary of its establishment."

PAPER FROM THE HOUSE.

A petition (accompanied by bill, Senate No. 2361) of Stephen M. Brewer, Robert A. Antonioni, Anne M. Gobi, Robert L. Rice and other members of the General Court for legislation relative to the leasing of a certain parcel of land in the town of Gardner,— came from the House with endorsement that the House concurred in the suspension of Joint Rule 12; and had NON-concurred in the reference to the committee on Higher Education. The petition bore the further endorsement that the matter had been referred to the committee on Bonding, Capital Expenditures and State Assets.
On motion of Mr. Petruccelli, the Senate receded from its reference to the committee on Higher Education and concurred in the reference to the committee on Bonding, Capital Expenditures and State Assets.

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:
The Senate Bill authorizing the town of Wakefield to issue pension obligation bonds or notes (Senate, No. 1650),— **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.

The House Bill relative to the Department of Public Works in the town of Hatfield (printed as Senate, No. 2238),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Lori Silva, an employee of the Trial Court (Senate, No. 2351),— **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.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4283) of Louis L. Kafka that health insurance policies be required to provide coverage for the treatment of children with cleft lips and palates;
Under suspension of Joint Rule 12, to the committee on Financial Services.
Petition (accompanied by bill, House, No. 4284) of Geraldo Alicea and others for legislation to protect certain students and clients of public or private institutions from inappropriate sexual contact of employees;
Under suspension of Joint Rule 12, to the committee on the Judiciary.
Petition (accompanied by bill, House, No. 4285) of Denis E. Guyer for legislation to establish a sick leave bank for William Ryan, an employee of the Department of Correction in the sheriff's department of Berkshire County; and
Petition (accompanied by bill, House, No. 4286) of Peter V. Kocot for legislation to establish a sick leave bank for Rhea Lindstet, an employee of the Department of Revenue;
Severally, under suspension of Joint Rule 12, to the committee on Public Service.
Petition (accompanied by bill, House, No. 4287) of William Smitty Pignatelli relative to retirement and health benefits for certain elected officials in the town of Tyringham;
Under suspension of Joint Rule 7B, to the committee on Public Service.
Petition (accompanied by bill, House, No. 4288) of Angelo J. Puppolo, Jr., and others that the Governor of the Commonwealth issue an annual proclamation declaring the month of November as Thrombosis Awareness Month;
Under suspension of Joint Rule 12, to the committee on State Administration, and Regulatory Oversight.
Petition (accompanied by bill, House, No. 4289) of Stephen P. LeDuc for legislation to transfer the city of Marlborough to the Metrowest Regional Transit Authority;
Under suspension of Joint Rule 12, to the committee on Transportation.

The Senate Bill relative to pension divestment (Senate, No. 2255, amended),— **came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4172.**
The rules were suspended, on motion of Mr. Tarr, and the House amendment was considered forthwith and adopted, in concurrence.

Recess.

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

PAPERS FROM THE HOUSE.

A Bill making appropriations for the fiscal year 2007 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4282,— on House, No. 4127, in part),— **was read.**
There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time.
Mr. Panagiotakos presented a request that the bill be amended by inserting after section 61 the following section:—
"SECTION 61A. Chapter 61 of the acts of 2007 is hereby amended by striking out section 577and inserting in place thereof the following section:—
Section 57. Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the office of the state treasurer, the executive office of administration and finance and the executive office of health and human services, develop a schedule and make a series of transfers not to exceed $346,000,000 from the General Fund to the MassHealth provider payment account in the Medical Assistance Trust Fund established pursuant to section 2QQQ of chapter 29 of the General Laws, provided that the comptroller has determined that General Fund revenues are sufficient to accommodate the schedule of transfers. Any transfer from the General Fund to the Medical Assistance Trust Fund under this section totaling in excess of $281,000,000 in fiscal year 2008 shall be made only after the secretary of health and human services has certified that any resulting increase in payments from the trust fund shall not exceed the negotiated limit for section 1115 waiver spending. The secretary of health and human services shall notify, in writing, the house and senate committees on ways and means and the joint committee on healthcare financing of its certification within 15 days after the certification. The non-federal share of $504,000,000 in payments to the Cambridge Public Health Commission's hospital provider network shall be funded by a transfer from the Cambridge Public Health Commission of its funds to the Medical Assistance Trust Fund of $252,000,000 and such payments to the Cambridge Public Health Commission's hospital provider network may be made only after such transfer. The Cambridge Public Health Commission shall use a federally-permissible source of funds to satisfy the non-federal share of such payments. Payments from the Medical Assistance Trust Fund shall be made only in accordance with the terms and conditions of an agreement with the executive office of health and human services which shall be consistent with federal funding requirements, From the $504,000,000, the secretary shall make a payment of $208,000,000 from the fund to the Cambridge Public Health Commission's hospital network for dates of service in state and federal fiscal year 2008 and, in the event that federal financial participation is not available for the full amount, the secretary shall seek recoupment of not more than $148,000,000."
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.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for the fiscal year 2007 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4282), 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 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. Rosenberg) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tisei,—

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 two minutes before eight o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.