

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.

Tuesday, October 23, 2007.

Met at four minutes past one o'clock P.M.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Communication.

A communication from the Honorable Therese Murray, President of the Senate, announcing certain changes to Joint Standing Committees that have been ratified by the Majority Party Caucus:

Senator Benjamin B. Downing — Chair, Senate Committee on Ethics and Rules (replacing Senator Joan M. Menard);
Senator Karen E. Spilka — Vice Chair Senate Committee on Ethics and Rules (replacing Senate President Therese Murray);
Senator Anthony Galluccio — Chair, Joint Committee on Public Service;

Also, Senator Galluccio will sit on the Joint Committees on Public Health, State Administration and Regulatory Oversight, and Municipalities and Regional Government.

Report.

A report of the committee on Post Audit and Oversight (pursuant to Section 63 of Chapter 3 of the General Laws, as most recently amended by Chapter 557 of the Acts of 1986) submitting a report entitled Getting in the Game: Increasing Massachusetts' Presence in a Globalized World (Senate, No. 2377) (received Tuesday, October 23, 2007),— **was placed on file.**

Petitions.

Petitions were presented and referred, as follows:

By Mr. Creedon (by request), a petition (subject to Joint Rule 12) of James Jackson for legislation relative to the official slogan of the Commonwealth; and

By Mr. Tisei, a petition (subject to Joint Rule 12) of Richard R. Tisei, Bruce E. Tarr, Michael R. Knapik, Robert L. Hedlund and other members of the General Court for legislation to stabilize state lottery revenues to provide predictable aid to cities and towns;

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

Reports of Committees.

By Mr. Augustus, for the committee on Election Laws, on petition, a Bill relative to the street list (Senate, No. 455); and
By Mr. Baddour, for the committee on Transportation, on petition, a Bill relative to electronic vehicle registration (Senate, No.

2021);

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

By Mr. Moore, for the committee on Health Care Financing, on petition (accompanied by bill, Senate, No. 575, changed), a Bill to establish standards for long term care insurance (Senate, No. 2367) [Estimated cost — \$0]; and

By Mr. Baddour, for the committee on Transportation, on petition, a Bill authorizing the transfer of a registration plate (Senate, No. 2164);

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

By Mr. Augustus, for the committee on Election Laws, on petition, a Bill relative to bilingual ballots in municipal elections in the city of Worcester (Senate, No. 2362) [Local approval received]; and

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to special police in Fall River (Senate, No. 2251) [Local approval received];

Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

PAPER FROM THE HOUSE.

Notice was received from the House announcing the following appointment:

That Representative Rodrigues of Westport has been appointed by the Speaker of the House to the Massachusetts Life Sciences Talent Initiative, sponsored by the Life Sciences Center, the University of Massachusetts and the Massachusetts Biotechnology Council, for the purpose of developing a collaborative statewide strategy among business, government and higher education to ensure that the state's talent needs for life sciences are met.

Order Adopted.

On motion of Ms. Menard,—

Ordered, That a committee of the Senate be appointed to wait upon His Excellency the Governor, Deval L. Patrick, Constitutional Officers and the Honorable Council and inform them that the Senate is in session and awaits their presence for the swearing in of Anthony D. Galluccio as Senator from the Middlesex, Suffolk and Essex district.

Senators Rosenberg, Resor and Knapik were appointed to the committee.

Subsequently, Mr. Rosenberg for the committee reported that His Excellency the Governor, Deval L. Patrick, and the Honorable Council would immediately attend upon the Senate.

The committee was discharged.

Soon after Deval L. Patrick, the Governor, and the Honorable Council came into the Senate Chamber under the escort of the Sergeant-at-Arms.

The Honorable Anthony D. Galluccio, at nineteen minutes past one o'clock P.M., on Tuesday, October 23, 2007, before the Governor and Council, did take and subscribe the oath of office as State Senator from the Middlesex, Suffolk and Essex District. After taking the oath of office, Senator Galluccio briefly addressed the Senate.

The President then recognized Senator Galluccio's mother, sisters Lo and Lissa, Governor Deval L. Patrick, William F. Galvin, Secretary of the Commonwealth, Timothy P. Cahill, Treasurer and Receiver-General, and several dignitaries in attendance, including former Senator Robert D. Wetmore.

The Sergeant-at-Arms then proceeded to escort His Excellency the Governor, the Constitutional Officers and the Honorable Council from the Chamber.

Seat Assignment.

The President announced the assignment of Senator Anthony Galluccio to seat number 15 on the President's Right.

Communication.

The Clerk read the following communication from the Secretary of the Commonwealth, to wit:

**THE COMMONWEALTH OF MASSACHUSETTS
SECRETARY OF THE COMMONWEALTH
STATE HOUSE, BOSTON, MASSACHUSETTS**

October 23, 2007.

To the Honorable Senate:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the ninth day of October, 2007, for Senator in General Court, Middlesex, Suffolk and Essex District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the Senate, as required by the Constitution.

Very truly yours,
WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

FOR STATE SENATOR IN GENERAL COURT
1st SUFFOLK AND MIDDLESEX SENATORIAL DISTRICT
(to fill vacancy)

Anthony Galluccio of Cambridge (Democrat) has	2,232 votes
All others	121 "
Blanks	94 "
Total Votes Cast	2,447 "

Order Adopted.

On motion of Mr. O'Leary,—

Ordered, That the returns of votes for Senator to fill a vacancy in the Middlesex, Suffolk and Essex district be referred to a special committee to consist of three members of the Senate.

Senators Spilka, Buoniconti and Tarr were appointed the committee.

Subsequently, Ms. Spilka, for the committee, reported, that from an examination of the returns, it appears the Honorable Anthony Galluccio of Cambridge had been duly elected to said district.

The report was read and accepted.

Recess.

There being no objection, at sixteen minutes before two o'clock P.M., the President declared a recess subject to the call of the Chair; and, at fourteen minutes before three o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Authorizing the city of Brockton to convey certain park land (House, No. 4164);

Authorizing the town of Aquinnah to issue licenses for the sale of wine and malt beverages to be drunk on the premises (House, No. 4179);

Approving the town of Nantucket to use, or to sell, convey or otherwise dispose of certain land situated in the town of Nantucket for any lawful purpose (House, No. 4265); and

Approving the town of Nantucket to use, or to sell, convey or otherwise dispose of certain land situated in the town of Nantucket for any lawful purpose (House, No. 4266);

Were severally read a second time and ordered to a third reading.

The Senate Bill establishing a sick leave bank for Peter Hebert, an employee of the Department of Mental Retardation (Senate, No. 2376),— was read a third time and passed to be engrossed.

Sent to the House for concurrence.

The House bills

Establishing a sick leave bank for Michael Antonucci, an employee of the Department of Correction (House, No. 4224); and

Establishing a sick leave bank for Deborah Gosselin, an employee of the Department of Social Services (House, No. 4272, amended);

Were severally read a third time and passed to be engrossed, in concurrence.

The Senate Bill authorizing the conveyance of an easement over certain conservation and recreation lands in the town of Blackstone (Senate, No. 45) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time and, after remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at nine minutes before three o'clock P.M., on motion of Mr. Moore, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 123**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Candaras, Gale D.	Petrucelli, Anthony
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Spilka, Karen E.
Downing, Benjamin B.	Tarr, Bruce E.
Fargo, Susan C.	Timilty, James E.
Galluccio, Anthony D.	Tisei, Richard R.
Hart, John A., Jr.	Tolman, Steven A.
Hedlund, Robert L.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 37.
Knapik, Michael R.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
McGee, Thomas M. — 1.	

The yeas and nays having been completed at two minutes before three o’clock P.M., the bill was passed to be engrossed. Sent to the House for concurrence.

The Senate Bill relative to the Barnstable County Probate Court (Senate, No. 989),— was read a third time. Pending the question on passing the bill to be engrossed, Mr. O’Leary moved that the bill be amended by striking out, in line 4, the words “a salary” and inserting in place thereof the following words:— “additional compensation”.

After remarks, the amendment was adopted.

The bill (Senate, No. 989 amended) was then passed to be engrossed. Sent to the House for concurrence.

The Senate Bill relative to District Court clerks (Senate, No. 1004),— **was read a third time and, after remarks, was passed to be engrossed. Sent to the House for concurrence.**

The Senate Bill relative to providing homeownership opportunities in weak markets (Senate, No. 2325, amended),— **was read a third time.**

Pending the question on passing the bill to be engrossed, on motion of Ms. Tucker, the further consideration thereof was postponed until the next session.

The Senate Bill further protecting Buzzards Bay (Senate, No. 2374),— **was read a third time.**

Pending the question on passing the bill to be engrossed, on motion of Mr. Panagiotakos, the further consideration thereof was postponed until the next session.

The Senate Bill relative to members of the Executive Council (Senate, No. 2332),— was considered; the main question being on ordering the bill to a third reading.

The pending motion, previously moved by Mr. Tisei, to lay the matter on the table,— was considered; and it was negatived.

The pending amendment previously moved by Messrs. Tisei and Hedlund by striking out the text and inserting in place thereof the following new text:—

“Section 4(c) of chapter 268 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting at the end thereof the following:—‘No member of the executive council may make an appearance in a representative capacity, for compensation, before a court of the commonwealth.’,— was considered.

During consideration, Mr. Tisei moved that the bill be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

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 public safety (Senate, No. 1353) (the committee on Ethics and Rules having recommended that the bill be amended by inserting in section 1, in line 2, by striking out the word “Whereas” and inserting in place thereof the following words:— “The general court hereby finds that law enforcement officials have testified about practical problems related to the enforcement of section 120E½ of chapter 266 of the General Laws; that”).

There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time and was amended, as recommended by the committee on Ethics and Rules.

After remarks, the bill (Senate, No. 1353, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill relative to pension divestment (see Senate, No. 2255, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, after remarks, was passed to be enacted and was signed by the President 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 Thursday next at eleven o’clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Moment of Silence.

At the request of the President, the members, guests and employees stood in a moment of silence and reflection to the memory of former Representative and Sergeant-at-Arms Kevin W. Fitzgerald.

Adjournment in Memory of Kevin Fitzgerald.

The Senator from Suffolk, Mr. Hart, presented a request that when the Senate adjourns today, it do so in memory of Kevin Fitzgerald.

Kevin Fitzgerald was a member of the House of Representatives from the Mission Hill section of Boston from 1975 to 2002.

From 2003 to 2007 he served with distinction as the Sergeant-at-Arms of the General Court.

Accordingly, as a mark of respect to the memory of Kevin Fitzgerald, at sixteen minutes before four o’clock P.M., on motion of Mr. Downing, the Senate adjourned to meet again on Thursday next at eleven o’clock A.M.