

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, December 6, 2007.

Met at two minutes past 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.

Communication.

A communication was received from the Honorable Therese Murray, President of the Senate, announcing the following appointments:

Senators Richard T. Moore and Thomas M. McGee, (pursuant to Chapter 130 of the Acts of 2007) to the Electronic Health Records System Task Force; and

Senators Pamela P. Resor and Benjamin B. Downing as part of the Senate membership to the Biofuels Task Force.

The communication was placed on file.

Reports.

The following reports were severally read and placed on file:

A report of the Special Commission to review the current state of the homeowners insurance market in the Commonwealth (under the provisions of Section 84 of Chapter 61 of the Acts of 2007) submitting its final recommendations for consideration (received Friday, November 30, 2007); and

A report of the Department of Conservation and Recreation (under the provisions of Section 3C of Chapter 21 of the General Laws, as amended by Section 84 of Chapter 26 of the Acts of 2003) submitting a copy of its Annual Report for Fiscal Year 2007 (received Tuesday, December 4, 2007).

Reports of Committees.

By Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill to increase participation in children's health insurance programs (Senate, No. 72);

By the same Senator, for the same committee, on petition, a Bill ensuring access to basic health care for children and young adults (Senate, No. 95);

By the same Senator, for the same committee, on petition, a Bill to promote healthy behaviors (Senate, No. 96);

By the same Senator, for the same committee, on petition, a Bill relative to eligibility criteria for nursing homes serving pediatric residents (Senate, No. 121); and

By the same Senator, for the same committee, on petition, a Bill relative to improvements in private duty nursing care for developmentally disabled children (Senate, No. 122, changed in line 33, by striking out the words, "human services and elderly affairs" and inserting in place thereof the words "children, families and persons with disabilities" and in line 36 by striking out the words "human services and elderly affairs" and inserting in place thereof the words "children, families and persons with

disabilities”);

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on petition (accompanied by bill, Senate, No. 55), a Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property to the town of Acton (Senate, No. 2442);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 56), a Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property to the town of Shirley (Senate, No. 2443);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2294), a Bill authorizing the Division of Capital Asset Management and Maintenance to grant certain easements in the towns of Russell and Montgomery over lands held for conservation and recreation purposes (Senate, No. 2444);

By Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill penalizing domestic abusers (Senate, No. 62); and

By Mr. Galluccio, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Kevin J. Fitzgerald, an employee of the Department of Correction (Senate, No. 2441);

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

PAPER FROM THE HOUSE.

A Bill relative to the mortgage industry (House, No. 4385,— on House, No. 1028),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A report of the committee on Telecommunications, Utilities and Energy, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1781) of Thomas J. Calter relative to energy efficiency in municipal buildings, and recommending that the same be referred to the House committee on Ways and Means,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence, insomuch as relates to the discharge of the joint committee.**

Resolutions.

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

Resolutions (filed by Mr. Brown) “congratulating Milton Conrad Schmidt on his ninetieth birthday and commending his dedication to the sport of hockey”; and

Resolutions (filed by Mr. Moore) “congratulating the Greater Milford Ballet on its twenty-fifth performance of the Nutcracker.”

Communication.

The Clerk read the following communication:—

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

November 29, 2007.

Mr. William F. Welch
Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

On Monday November 5, 2007, due to a scheduling conflict I was unable to be present in the Senate Chamber during the formal session.

Had I been present, I would have voted in the affirmative in regard to the following matters:

On the question of enactment of House Bill No. 4324, as amended, relative to the licensing requirements for certain tidelands.

On the question of enactment of Senate Bill No. 2211, as amended, authorizing the conveyances of certain easements in the towns of Lynnfield, Saugus and Wakefield to the Tennessee Gas Pipeline Company.

On the question of enactment of House Bill No. 1975, authorizing the town of Weymouth to make conveyance and sale of certain water supply land.

On the question of enactment of House Bill No. 4265, authorizing the town of Nantucket to grant an easement over town owned property.

On the question of enactment of House Bill No. 4266, authorizing the town of Nantucket to use, convey or otherwise dispose of certain land in the town of Nantucket for municipal purposes.

On the question of engrossment of Senate Bill No. 2374, as amended, further protecting Buzzards Bay.

On the question of engrossment of Senate Bill No. 2397, an act to promote veterans benefits.

On the question of engrossment of Senate Bill No. 2372, relative to veterans' burial benefits.

I respectfully request that this communication be read into the record and printed in the Journal of the Senate.

Sincerely,
KAREN E. SPILKA,
Second Middlesex and Norfolk District.

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

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 House Bill authorizing a retirement allowance for Leo Senecal (House, No. 4139),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing a superannuation retirement allowance for Leo Senecal”.**

The House Bill prohibiting certain multiple office holdings in the town of Burlington. (House, No. 3946) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

Reports of Committees.

Mr. Downing, 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 designating a certain bridge in the town of Dover as the Governor Francis W. Sargent bridge (Senate, No. 2099).

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

Mr. Downing, 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 designating a certain bridge in the town of Medfield as the Senator Leverett Saltonstall bridge (Senate, No. 2303).

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

Mr. Downing, 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 designating a certain corner in the West Roxbury section of the city of Boston as the Nicholas G. Beram Veterans Association Corner (Senate, No. 2313).

There being no objection, the rules were suspended, on motion of Mr. Hedlund, 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 designating a certain corner in the West Roxbury section of the city of Boston as the Nicholas G. Beram Veterans Association Corner”.
Sent to the House for concurrence.

Mr. Downing, 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 relative to eligibility for cooperative housing corporations (House, No. 1224).

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time,

ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act relative to the articles and by-laws of cooperative housing corporations”.

By Mr. Downing, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Mark Montigny, Robert M. Koczera, Stephen R. Canessa, Antonio F. Cabral and other members of the General Court for legislation to relocate certain harbor lines in the Fairhaven and New Bedford Harbors.

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

By Mr. Downing, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of James Thivierge for legislation to establish the taxpayer relief act.

Senate Rule 36 was suspended, on motion of Mr. Knapik, 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 Mr. Downing, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Susan C. Fargo, Kathi-Anne Reinstein, Steven A. Baddour, Paul J. Donato and other members of the General Court for legislation to establish the Lung Cancer Early Detection and Treatment Research Fund.

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

PAPERS FROM THE HOUSE.

A Bill authorizing Michael McHugh to take the civil service examination for police officer (House, No. 4271,— on petition),— **was read.**

There being no objection, the rules were suspended, on motion of Mr. Tolman, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence (as corrected BTR), its title having been changed by the committee on Bills in the Third Reading to read as follows:— “An Act authorizing Michael McHugh to take the civil service examination for the position of police officer notwithstanding the maximum age requirement”.

Petitions were referred, in concurrence, as follows:—

Petition (accompanied by bill, House, No. 4416) of John W. Scibak relative to the appointment of a first assistant clerk for the Juvenile Court of Franklin and Hampshire counties;

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

Joint petition (accompanied by bill, House, No. 4417) of Stephen Kulik and Stanley C. Rosenberg for legislation to provide for the merger of the Turners Falls Fire District and the Lake Pleasant Water Supply District in the town of Montague;

Under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4418) of Thomas M. Petrolati for legislation to establish a sick leave bank for Patricia Hiersche, an employee of the Department of Mental Retardation;

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

Petition (accompanied by bill, House, No. 4419) of John W. Scibak relative to exempting the position of school custodian in the town of South Hadley from the provisions of civil service law;

Under suspension of Joint Rule 7B, to the committee on Public Service.

House Order.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith, as follows, to wit:

Ordered, That the Clerks of the House of Representatives and the Senate be authorized to receive the final report of the special commission established (under Section 84 of Chapter 61 of the Acts of 2007) to review the current state of the homeowners insurance market in the Commonwealth, said report having been due on October 1, 2007.

The order was adopted, in concurrence.

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Karen Rice, an employee of the Massachusetts teachers' retirement system (see House, No. 4243) (which originated in the House), 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. Petruccelli) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tolman,—

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 Katharine R. Nugent.

The Senator from Hampshire and Franklin, Mr. Rosenberg, requested that when the Senate adjourns today, adjourn in memory of Katharine R. Nugent of Hadley, Massachusetts, who died November 28, 2007.

Kate, a graduate of the University of New Hampshire, had been active in many areas of Hadley town government and had served as a member of the Selectboard for almost six years. She was 60 years old.

In addition to her service to the Town of Hadley, Kate had been employed for many years at Blue Cross of New Jersey and retired as a vice president of Empire Blue Cross of New York. She moved to Hadley 10 years ago and quickly made it her "hometown."

Kate is survived by her sister, Beth, her husband, Allan of Amherst, her brother, Donald, and his wife, Carol Gora of Flagstaff, Arizona, and her dog, Teddy Nugent.

Accordingly, as a mark of respect to the memory of Katharine R. Nugent, at twelve minutes past eleven o'clock A.M., on motion of Mr. Tolman, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.