

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, January 31, 2008.

Met according to adjournment, at eleven o'clock A.M. (Ms. Spilka in the Chair).

The Chair (Ms. Spilka), members, guests and employees then recited the pledge of allegiance to the flag.

Report.

A report of the Office of Community Corrections (under the provisions of Section 5 of Chapter 211F of the General Laws) submitting its Annual Report (received Tuesday, January 29, 2008),— **was placed on file.**

Petitions.

Petitions were presented and referred, as follows:

By Mr. Creedon, a petition (subject to Joint Rule 12) of Robert S. Creedon, Jr. and Frank I. Smizik for legislation relative to strengthening the Anti-Slapp Law; and

By Mr. O'Leary, a petition (subject to Joint Rule 12) of Robert A. O'Leary for legislation relative to certain benefits for Lynda Watts;

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

Report of Committees.

By Mr. Petrucci, for the committee on Municipalities and Regional Government, on petition, a Bill relative to the financing by the city of Westfield of its portion of public improvements associated with the Westfield Pavilion development (Senate, No. 2439) [Local approval received];

Read and, under Joint Rule 1F, referred to the committee on Bonding, Capital Expenditures and State Assets.

By Ms. Fargo, for the committee on Public Health, on Senate, No. 136 and House, Nos. 2050, 2100, 2200 and 2214, a Bill relative to food allergy awareness in restaurants (Senate, No. 136); and

By the same Senator, for the same committee, on petition, a Bill relating to training for certified nurses' aides and direct care workers (Senate, No. 1242, changed in line 2 by striking the figure "4L" and inserting in place thereof the figure "4M"; and in line 3 by striking the figure "4M" and inserting in place thereof the figure "4N");

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

By Mr. Petrucci, for the committee on Municipalities and Regional Government, on petition, a Bill to establish the Whitin Reservoir Watershed District in the town of Douglas (Senate, No. 2344);

By the same Senator, for the same committee, on petition, a Bill relative to incurring indebtedness in the town of Ipswich

(Senate, No. 2445, changed in line 3 by striking the words "Chapter 11" and inserting in place thereof the words "Chapter II");

By the same Senator, for the same committee, on petition, a Bill relative to the operation of the sewer system of the town of

Ipswich (Senate, No. 2446); and

By the same Senator, for the same committee, on petition, a Bill authorizing the town of Orleans to operate a sewer system (Senate, No. 2452) [Local approval received];

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

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4504) of Karyn E. Polito and others (by vote of the town) that the town of Westborough be authorized to grant a license for the sale of alcoholic beverages to be drunk on the premises to Sapporo Restaurant;

To the committee on Consumer Protection and Professional Licensure.

Joint petition (accompanied by bill, House, No. 4500) of Todd M. Smola and Stephen M. Brewer (by vote of the town) for legislation to place certain questions on the ballot in the town of Palmer relative to the establishment of a charter commission for said town.

To the committee on Election Laws.

Motion to Reconsider.

There being no objection, on motion of Mr. Brown, the Senate reconsidered the vote by which it had at a previous session adopted the following order:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill relative to child abuse and neglect (House, No. 4333, amended) as reported by the committee on Ways and Means with a new text (Senate, No. 2472), shall be placed in the Orders of the Day for consideration of its second reading on Tuesday, January 29, 2008.

All amendments to the bill shall be filed electronically in the office of the Clerk of the Senate by 1:30 p.m. on Tuesday, January 29, 2008. All such amendments shall be second-reading amendments, but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Pending the recurring question on adoption of the order, Mr. Pana-giotakos presented an amendment that the order be amended by striking out the phrase "1:30 p.m. on Tuesday, January 29, 2008" and inserting in place thereof the following phrase "5:00 p.m. on Friday, February 1, 2008".

The amendment was adopted.

The recurring question on adoption of the order, as amended was then considered; and the order was again adopted.

PAPERS FROM THE HOUSE.

Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill designating a certain bridge in the town of Dalton as the Benjamin-Muraca Bridge (see House, No. 3503) [for message, see House, No. 4330],— came from the House with endorsement that the House adopted the amendment as approved by the committee on Bills in the Third Reading, as follows: By striking out section 1 and inserting in place thereof the following section:—

"SECTION 1. The bridge No. D-01-005 on Route 8 spanning the Housatonic river in the town of Dalton shall be designated and known as the Benjamin-Muraca Bridge, in memory of Gary Thomas Benjamin and Patrick John Muraca, Vietnam veterans who were killed in action."

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

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

Sent to the House for re-enactment.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4507) of Joseph Pedorella relative to the classifications of risks and premium charges under the motor vehicle insurance laws; and

Petition (accompanied by bill House, No. 4508) of Ronald Mariano that the Commissioner of Insurance be directed to promulgate rules and regulations for the protection of members of the armed forces from predatory insurance practices; Severally, under suspension of Joint Rule 12, to the committee on Financial Services.

Petition (accompanied by bill, House, No. 4509) of John J. Binienda and others that visiting nurses be exempt from certain parking regulations in cities and towns; and

Petition (accompanied by bill, House, No. 4510) of William Smitty Pignatelli for legislation to designate the bridge over Route 7

in the town of Sheffield as the Veterans Memorial Bridge;
Severally, under suspension of Joint Rule 12, to the committee on Transportation.

Report of a Committee.

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 volleyball as the official recreational and team sport of Massachusetts (Senate, No. 2004).

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 designating volleyball as the official recreational and team sport of the Commonwealth.”

Sent to the House for concurrence.

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 Keith Ryan.

The Senator from Plymouth and Norfolk, Mr. Hedlund, requested that when the Senate adjourns today, it adjourn in memory of Keith Ryan.

Keith Ryan, a native of Hingham, had been stationed at the United States Embassy in Pakistan where he was an attache for the U.S. Immigration and Customs Enforcement agency. He is also the son of Boston Globe sports columnist Bob Ryan. He leaves behind a wife and three children.

Accordingly, as a mark of respect to the memory of Keith Ryan, at nine 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.