

**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.

*Monday, February 11, 2008.*

Met at two minutes past eleven o'clock A.M. (Mr. Timilty in the Chair).

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

#### *Reports.*

The following reports were severally read and placed on file:

A report of the Special Commission relative to ending homelessness in the Commonwealth (under the provisions of Chapter 2 of the Resolves of 2006 and Chapter 1 of the Resolves of 2007) submitting its 5 Year Plan (received Thursday, January 31, 2008);

A report of the Administrative Office of the Trial Court (under the provisions of item 0330-3200 contained in Section 2 of Chapter 45 of the Acts of 2005) detailing the number of court officers and associate court officers located in each of the Trial Courts (received Thursday, January 31, 2008);

A report of the Pension Reserves Investment Management Board (under the provisions of Section 2 of Chapter 151 of the Laws of 2007) submitting a copy of the preliminary list of restricted securities (received Tuesday, February 5, 2008);

A report of the Office of Community Corrections (under the provisions of line item 0339-1004 in the Fiscal Year 2008 Budget) submitting a copy of the Office of Community Corrections Spending and Management Plan (received Thursday, February 7, 2008);

A report of the Executive Office of Transportation (pursuant to line items 6000-0100 and 6010-0001 of the General Appropriation Act for Fiscal Year 2005 and Chapter 87 of the Acts of 2000) submitting various reports (received Friday, February 8, 2008); and

A report of the Public Employee Retirement Administration Commission (under the provisions of Section 3 of Chapter 114 of the Acts of 2000) submitting its annual report relative to an alternative retirement benefit program for members of the State Teachers' Retirement System and Boston teachers (received Friday, February 8, 2008).

#### *Petitions.*

Petitions were presented and referred, as follows:

By Mr. Galluccio, a petition (subject to Joint Rule 12) of Anthony D. Galluccio, Stephen S. Smith, Robert L. Hedlund, Michael W. Morrissey and other members of the General Court for legislation relative to safe transportation of explosive and inflammable materials; and

By the same Senator, a petition (subject to Joint Rule 12) of Anthony D. Galluccio, Stephen S. Smith, Robert L. Hedlund, Michael W. Morrissey and other members of the General Court for legislation relative to responsibility for damages resulting from the transportation of explosive and inflammable materials;

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

#### *Report of a Committee.*

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill regulating certain insurance benefits for elected officials of the town of Easton (Senate, No. 1525),— **ought to pass;**

**Referred, under Senate Rule 26, to the committee on Ethics and Rules.**

**Subsequently, Mr. Downing, for the said committee on Ethics and Rules, reported that the matter be placed in the Orders of the Day for the next session.**

**Placed in the Orders of the Day for the next session, the question being on passing the bill to be engrossed.**

#### **PAPERS FROM THE HOUSE.**

A Bill establishing a sick leave bank for Suzanne L. Soucie, an employee of the Trial Court (House, No. 4505,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill relative to the Essex Regional Retirement System (printed as Senate, No. 1540, changed,— on petition,— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

#### *Resolutions.*

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

Resolutions (filed by Mr. Berry and Ms. Wilkerson) “congratulating Douglas S. Baird for his outstanding leadership, advocacy and commitment to children and families”; and

Resolutions (filed by Mr. Rosenberg) “congratulating Marlene Mondor on her retirement from the South Hadley Housing Authority.”

#### *Communication.*

The Clerk read the following communication:

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

*February 11, 2008.*

William Welch, Clerk  
Massachusetts State Senate  
State House, Room 335  
Boston, MA 02133

Dear Mr. Clerk:

Due to the fact that I am recuperating from a recent illness, I was unable to vote on several matters that came before the Senate on February 7, 2008. Had I been present, I would have voted in the following manner:

- Yes, House Bill 4488
- Yes, on the ruling of the Chair relative to amendment #12 regarding Senate Bill 2472

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for February 7, 2008. Thank you in advance for your attention to this important matter.

Sincerely,  
FREDERICK E. BERRY,  
Majority Leader.

On motion of Mr. Tisei, 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 Senate Bill relative to the operation of the sewer system of the town of Ipswich (Senate, No. 2446),— **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 issuance of certain bonds by the town of Wellfleet (House, No. 4036),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the appointment of certain persons as firefighters in the city of Fall River (House, No. 4089),— **was read a third time.**

**Mr. Augustus, for the committee on Bills in the Third Reading, reported, asking to be discharged from further consideration thereof.**

**This report was accepted.**

**The bill was then passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Harwich to acquire certain cemetery property (House, No. 4255),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing a land conveyance in the town of Westford (House, No. 4431),— **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 the town of Westford to convey certain land”.**

#### *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 relative to defining principals contracts (Senate, No. 273).

**There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time and ordered to a third reading.**

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 exempting certain bank fees (House, No. 975).

**There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time and ordered to a third reading.**

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 designating May 24 as Phenylketonuria Awareness Day (House, No. 3174).

**There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time and ordered to a third reading.**

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 designating Norman Rockwell as the official artist of the Commonwealth (House, No. 4228).

**There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time and ordered to a third reading.**

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 Robert S. Creedon, Jr. and Frank I. Smizik for legislation relative to strengthening the Anti-Slapp Law.

**Senate Rule 36 was suspended, on motion of Mr. Tisei, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the House for concurrence.**

#### *Order Adopted.*

On motion of Mr. Tisei,—

*Ordered,* That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session.

On motion of the same Senator, at twenty-five minutes past eleven o'clock P.M., the Senate adjourned to meet on the following day at one o'clock P.M.