

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, February 19, 2008.

Met according to adjournment at 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.

Reports.

The following reports were severally read and sent to the House for its information:

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Old Colony Correctional Center (received Thurs-day, February 14, 2008); and

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Massachusetts Treatment Center (received Thurs-day, February 14, 2008).

Petitions.

Petitions were presented and referred, as follows:

By Mr. O'Leary, a petition (subject to Joint Rule 12) of Robert A. O'Leary and Matthew C. Patrick for legislation to authorize the Mashpee Water District to hold elections for Board of Water Commissioners concurrent with the elections for the town of Mashpee; and

By the same Senator, a petition (subject to Joint Rule 12) of Robert A. O'Leary for legislation to grant creditable service to Linda Stetson Willoughby;

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

Reports of Committees.

By Mr. Antonioni, for the committee on Education, on petition, a Bill establishing a charter school working group (Senate, No. 282);

By the same Senator, for the same committee, on Senate, Nos. 292 and 326, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to special education (Senate, No. 2498);

By the same Senator, for the same committee, on Senate, Nos. 301, 336, 339, 352 and 362, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to the School Building Authority and civil rights (Senate, No. 2499);

By the same Senator, for the same committee, on Senate, Nos. 303, 319, 330 and 360, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to school transportation (Senate, No. 2500);

By the same Senator, for the same committee, on Senate, Nos. 314, 323, 324, 358 and 2342, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to charter schools

(Senate, No. 2501);

By the same Senator, for the same committee, on Senate, Nos. 297, 307, 312, 363, 368, 376 and 388, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to governance and bilingual education (Senate, No. 2502);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 375), an Order relative to authorizing the joint committee on Education to make an investigation and study of a certain current Senate document relative to skin cancer education (Senate, No. 2503); and

By the same Senator, for the same committee, on Senate, Nos. 288, 289 and 321, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to health education (Senate, No. 2504);

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Antonioni, for the committee on Education, on petition, a Bill to provide substance abuse awareness education in schools (Senate, No. 383); and

By the same Senator, for the same committee, on Senate, No. 334 and House, Nos. 408, 435, 491, 492 and 499, a Bill to improve quality physical education (Senate, No. 2497);

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

By Mr. Antonioni, for the committee on Education, on petition, a Bill regarding school transportation (Senate, No. 277);

By the same Senator, for the same committee, on petition, a Bill to improve augmentative and alternative communication opportunities for children with disabilities (Senate, No. 278);

By the same Senator, for the same committee, on petition, a Bill relative to special education compliance (Senate, No. 279);

By the same Senator, for the same committee, on petition, a Bill relative to special education and parent advisory councils (Senate, No. 280);

By the same Senator, for the same committee, on petition, a Bill to maintain transition age requirements for students with disabilities (Senate, No. 286);

By the same Senator, for the same committee, on petition, a Bill providing for expanded access to vocational education (Senate, No. 320);

By the same Senator, for the same committee, on petition, a Bill relative to out-of-state price authorization for chapter 766 students (Senate, No. 337);

By the same Senator, for the same committee, on petition, a Bill relative to the teaching of American sign language (Senate, No. 374);

By the same Senator, for the same committee, on petition, a Bill establishing a drug prevention pilot program in schools (Senate, No. 384);

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill to protect public water supply lands (Senate, No. 488);

By the same Senator, for the same committee, on petition, a Bill relative to the Peninsula yacht club (Senate, No. 501);

By the same Senator, for the same committee, on petition, a Bill an act to provide increased sewer rate relief (Senate, No. 551); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 466), a Bill relative to the prohibition of fishing gear containing lead (Senate, No. 2505);

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

By Mr. Antonioni, for the committee on Education, on petition, a Bill relative to educator licensure in the Commonwealth (Senate, No. 271, changed in line 11 after the word "score" by adding the words "that is" and by striking out the word "two" and inserting in place thereof the word "one" and after the word "passing" by adding the words "or lees" and in line 12 by striking out the word "Department" and inserting in place thereof the word "Commissioner"); and

By the same Senator, for the same committee, on petition, a Bill to maintain short term objectives for students with disabilities (Senate, No. 311);

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

PAPER FROM THE HOUSE.

Notice was received from the House announcing the following appointments:

That Representatives Jones of North Reading and Rushing of Boston have been appointed by the Speaker of the House to the Special Commission (pursuant to Executive Order No. 497) for the purpose of developing a program of activities to honor the 200th anniversary of Abraham Lincoln.

Resolutions.

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

Resolutions (filed by Mr. Moore) "commending Beth Israel Deaconess Medical Center for its unparalleled leadership in health care quality and patient safety."

PAPERS FROM THE HOUSE.

A report of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 788) of Peter V. Kocot and others relative to agricultural production and profitability, and recommending that the same be referred to the committee on Revenue,— **was considered forthwith, under Senate Rule 36.**

**On motion of Mr. Hedlund, the Senate NON-concurred in the discharge to the committee on Revenue.
Sent to the House for its action.**

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to unemployment insurance rates (see House, No. 4528) [for message, see House, No. 4540],— came from the House with an amendment in the form 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 I. Notwithstanding section 14 of chapter 151A of the General Laws, the experience rate of an employer qualifying therefore under subsection (b) of said section 14 shall be the rate which appears in the column designated in paragraph (1) of subsection (i) of said section 14 for calendar year 2008.”.

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. Hedlund, and the Governor’s amendment was considered forthwith and adopted, in concurrence.

Sent to the House for re-enactment.

A petition (accompanied by bill, House, No. 4541) of Salvatore F. DiMasi relative to certain open space and parkland known as the Rose Kennedy Greenway in the city of Boston,— **was referred, in concurrence, under suspension of Joint Rules 12 and 9, to the committee on Environment, Natural Resources and Agriculture.**

Engrossed Bill.

An engrossed Bill authorizing the Middlesex Retirement Board to grant a certain pension to James Charles Mickel (see Senate, No. 2208) (which originated in the Senate), 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. Petrucci) and laid before the Governor for his approbation.

Recess.

There being no objection, at twenty-three minutes past eleven o’clock A.M. the Chair (Mr. Petrucci) declared a recess; and at seven minutes before twelve o’clock noon, the Senate reassembled, Mr. Petrucci in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Re-Enacted.

An engrossed Bill relative to unemployment insurance rates (see House, No. 4528, amended), 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 (Mr. Petrucci) and sent to the House for re-enactment.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been re-enacted in that branch.

The Senate then passed the bill to be re-enacted; and it was signed by the Acting President (Mr. Petrucci) and again laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Hedlund,—

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.

On motion of the same Senator, at two minutes before twelve o’clock noon, the Senate adjourned to meet on the following Thursday at eleven o’clock A.M.