

**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, March 10, 2008.*

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

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

#### *Report.*

A report of the Massachusetts Capital Resource Company (under the provisions of Section 20 of Chapter 816 of the Acts of 1977) relative to the taxable year for domestic life insurance companies ended December 31, 2007 (received Wednesday, March 5, 2008),— **was placed on file.**

#### *Petitions.*

Mr. Rosenberg presented a petition (accompanied by bill, Senate, No. 2545) of Stanley C. Rosenberg and Peter V. Kocot for legislation relative to the removal of certain positions from civil service [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Public Service.**  
**Sent to the House for concurrence.**

Petitions were presented and referred, as follows:

By Mr. Downing (by request), a petition (subject to Joint Rule 12) of Sandra J. Whitcomb for legislation relative to the creditable service of Sandra Whitcomb; and

By the same Senator, a petition (subject to Joint Rule 12) of Benjamin B. Downing for legislation relative to service quality standards;

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

#### *Reports of a Committee.*

By Mr. Antonioni, for the committee on Education, on petition (accompanied by bill, Senate, No. 2489), an Order relative to authorizing the joint committee on Education to make an investigation and study of a certain current Senate document relative to charter schools (Senate, No. 2537);

By the same Senator, for the same committee, on Senate, Nos. 287, 335, 338, 341, 361, 371, 372 and 385, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to miscellaneous educational issues (Senate, No. 2538); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 355), an Order relative to authorizing the joint committee on Education to make an investigation and study of a certain current Senate document relative to early education (Senate, No. 2539);

**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 Senate, No. 274 and House, No. 578, a Bill relative to the improvement of early literacy skills for at risk children (Senate, No. 274);

By the same Senator, for the same committee, on petition, a Bill relative to studying alternative sources for funding local and state aid to public schools (Senate, No. 365); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 283), a Bill establishing a grant program for the purpose of expanding learning time and improving student success (Senate, No. 2536);

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

#### *Committees Discharged.*

Mr. Downing, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Tourism, Arts and Cultural Development to make an investigation and study of a certain current Senate document relative to tourism (Senate, No. 2532),— **and recommending that the same be referred to the Senate committee on Ethics and Rules.**

**Under Senate Rule 36, the report was considered forthwith and accepted.**

#### **PAPER FROM THE HOUSE.**

A report of the committee on Public Service, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2638) of Barbara A. L'Italien and others for legislation to designate the "necktie" as the official men's accessory of the Commonwealth, and recommending that the same be referred to the committee on State Administration and Regulatory Oversight,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:— Resolutions (filed by Mr. Brown) "congratulating Spread the Bread, Inc. on the occasion of its celebration of World Spread the Bread Day"; and

Resolutions (filed by Mr. O'Leary) "observing March 31 through April 4, 2008, as Public Higher Education Week."

#### *Report of a Committee.*

By Mr. Augustus, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by His Excellency the Governor to the engrossed Bill establishing the North Carver Water District (see Senate, No. 2308) [for message, see Senate, No. 2483],— reported, that the amendment recommended by the Governor be considered in the following form:

In section 1, by inserting after the word "federal", in lines 19 and 20, in each instance, the following words:— or state;

In section 2, by inserting, in line 1, after the word "created" the following words:— within the town of Carver, a body politic and corporate and political subdivision to be known as;

In section 3, by striking out, in line 5, the word "not";

In paragraph (f) of section 4 by striking out the last sentence and inserting in place thereof the following 3 sentences:— If an owner fails to comply with an order of the commission relating to any such structure within a reasonable time to be fixed in the order, the commission may discontinue and remove the tracks, conduits, pipes, wires, poles or other property, and may relocate them, and the cost of the discontinuance, removal or relocation shall be repaid to the commission by the owner. No discontinuance, removal or relocation shall entitle the owner of the affected property to any damages on account thereof, except for reimbursement of costs as provided in this section. This section shall not apply to facilities on property of the commonwealth under the control of the department of highways or the department of conservation and recreation or installed under licenses or permits granted by those departments, except with the department's approval.;

In paragraph (a) of section 5 by adding the following 4 sentences:— In order to provide for the collection and enforcement of any charges for fees, rates and other charges, the commission shall have the benefit, without further acceptance of sections 42A to 42F, inclusive, of chapter 40 of the General Laws or filing of any certificate relating thereto, of liens for unpaid fees, rates, rents, assessments and other charges as provided in sections 42A and 42B of said chapter 40 to the extent applicable and consistent with this act. The commission shall certify to the town tax collector any fee, rate or charge for which a lien has arisen, and the assessors shall add them to the property tax assessed on the property to which it relates when the annual assessment of town property taxes is made. The town tax collector shall act as collector for the district and collect the rate, fee or charge as provided in section 42D of said chapter 40. The collector or town treasurer shall pay over to the district any amounts collected on account of such rates, fees or charges.;

In said section 5, by striking out paragraph (d) and inserting in place thereof the following paragraph:—

(d) The district may make special assessments under sections 42G, 42H, 42I and 42K of chapter 40 of the General Laws by vote of the commission. The commission shall certify any district special assessment or betterment to the town assessors, and the assessors shall commit them to the town tax collector as provided in chapter 80 of the General Laws. The town tax collector shall act as collector for the district and collect any betterments or special assessments as provided in chapter 80. The collector shall include on municipal lien certificates of the town any district water rates, fees or charges that are liens, and shall issue certificates under section 12 of said chapter 80 to dissolve liens for special assessments or betterments of the district when such

assessments or betterments have been paid in full or abated.; and  
In section 5, by striking out paragraph (h).

**The report was accepted.**

**The Chair (Mr. Baddour) stated that under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.**

**On motion of Mr. Knapik, the Senate then adopted the Governor's amendment in the form recommended by the committee on Bills in the Third Reading.**

**Sent to the House for its action.**

*Recess.*

There being no objection, at ten minutes past eleven o'clock A.M., the Chair (Mr. Baddour) declared a recess; and at twenty-nine minutes before two o'clock P.M., the Senate reassembled, Mr. Baddour in the Chair.

#### **PAPER FROM THE HOUSE.**

A Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4589,— on a part of House, No. 4511),— **was read.**

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

Panagiotakos presented an amendment inserting after section 3 the following section:—

“SECTION 3A. The fifth sentence of section 3 of chapter 192 of the acts of 1994 as appearing in section 2 of chapter 3 of the acts of 2005, as most recently amended by section 4A of chapter 1C of the acts of 2007, is hereby further amended by inserting after the words ‘financial services,’ the first time they appear, the following words:— and the senate and house chairmen of the joint committee on revenue.”

**The amendment was adopted.**

**The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.**

**Sent to the House for concurrence in the amendment.**

*Resolutions.*

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—  
Resolutions (filed by Mr. Timilty) “in memory of Charles Brassil.”

*Communication.*

The Clerk read the following communication:

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

*March 7, 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 March 6, 2008. Had I been present, I would have voted in the following manner:

- Yes, Senate Bill, No. 1204
- Yes, Senate Bill, No. 2318

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for March 6, 2008.  
Thank you in advance for your attention to this important matter.

*Sincerely,*  
FREDERICK E. BERRY,  
*Majority Leader.*

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

*Recess.*

There being no objection, at twenty-four minutes before two o'clock P.M., the Chair (Mr. Baddour) declared a recess; and at eight minutes past three o'clock P.M., the Senate reassembled, Mr. Petruccelli in the Chair.

*Order Adopted.*

On motion of Mr. Knapik,—

*Ordered*, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

*Adjournment in Memory of John J. Linnehan.*

The Senator from Essex, Mr. Baddour, requested that when the Senate adjourns today, it adjourn in memory of John J. Linnehan of Haverhill, Massachusetts.

John J. Linnehan was born in Haverhill on Nov. 30, 1932, son of the late Helen Connell and C. Frank Linnehan. He graduated from Haverhill High School and Tufts University, Medford.

He worked on Senator John F. Kennedy's 1960 Presidential Campaign and served in both the Kennedy and Johnson Administrations. He was Treasurer of Senator Edmund Muskie's 1972 Presidential Campaign. He also served as Speaker Thomas P. O'Neill's Treasurer for many years. He continued to be active in Massachusetts and local politics throughout his life.

Mr. Linnehan served as Legislative Consultant for the National Funeral Directors Association and for over three decades he was the Legislative and Regulatory Affairs Committee Chairperson for the Massachusetts Funeral Directors Association. Mr. Linnehan succeeded his father as the owner of the C. Frank Linnehan and Son Funeral Homes in Haverhill and Bradford in 1973.

Mr. Linnehan was the husband of Claire (Gaffey) Linnehan who passed away June 14, 1998. He is survived by daughters, Courtney C. Linnehan of Boston, and Seana and her husband Roger H. Wood; and grandchildren, Isabelle Wood, Aldan Wood and Oliver Wood, all of New York.

Accordingly, as a mark of respect to the memory of John J. Linnehan, at ten minutes past three o'clock P.M., on motion of Mr. Knapik, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.