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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, March 13, 2008.

Met according to adjournment at eleven o'clock A.M. (Mr. Brewer 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. Brewer), members, guests and employees then recited the pledge of allegiance to the flag.

Petition.

Ms. Candaras presented a petition (subject to Joint Rule 12) of Gale Candaras for legislation to establish a sick leave bank for Alice Eldridge, an employee of the Department of Revenue,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on petition, a Bill relative to the Max Ulin rink (Senate, No. 41);

By the same Senator, for the same committee, on petition, a Bill releasing certain land in Dudley from the operation of an agricultural preservation restriction (Senate, No. 46);

By the same Senator, for the same committee, on petition, a Bill transfer of a parcel of land in the city of Taunton (Senate, No. 54);

By the same Senator, for the same committee, on petition, a Bill relative to Rutland Heights State Hospital (Senate, No. 2353);

By the same Senator, for the same committee, on petition, a Bill authorizing and directing the Division of Capital Asset Management to grant a sewer easement in certain land in the town of Belchertown to the town of Belchertown (Senate, No. 2355) [Local approval received];

By Ms. Tucker, for the committee on Housing, on petition, a Bill to prevent homelessness among elderly and disabled persons and families facing no-fault evictions (Senate, No. 773);

By Ms. Creem, for the committee on Revenue, on petition (accompanied by bill, Senate, No. 1773), a Bill establishing the Nantucket Community Housing Bank (Senate, No. 2544) [Local approval received on Senate, No. 1773];

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1776), a Bill establishing the Martha's Vineyard Housing Bank (Senate, No. 2546) [Local approval received on Senate, No. 1776]; and

By Mr. McGee, for the committee on Veterans and Federal Affairs, on petition, a Bill to establish the Soldier's Home in Massachusetts Capital Maintenance Trust Fund and the Soldier's Home in Holyoke Capital Maintenance Trust Fund (Senate, No. 2136, changed in line 1 by striking the number "2004" and inserting in place thereof the number "2006"; and in line 16, after the word "Means" by inserting the words "and the Joint Committee on Veterans and Federal Affairs");

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

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on petition, a Bill relative to naming a portion of the Bremen Street Park in East Boston (Senate, No. 2393); and

By Mr. McGee, for the committee on Veterans and Federal Affairs, on petition, a Bill relating to claim for personal injury and

property damage in the national guard (Senate, No. 2128, changed in line 1, by striking out the number “2002” and inserting in place thereof the number “2006”; and in line 2, after the word “amended”, by inserting the words “in lines 10 and 11”);

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

By Ms. Tucker, for the committee on Housing, on petition, a Bill for the establishment and administration of rent regulations and the control of evictions in mobile home park accommodations in the town of Norwell (Senate, No. 2320) [Local approval received];

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

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 Education to make an investigation and study of a certain current Senate document relative to charter schools (Senate, No. 2537);

Of the Senate 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);

Of the Senate 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);

Of the Senate Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to non-Chapter 70 finance (Senate, No. 2541);

Of the Senate Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to personnel (Senate, No. 2542);

Of the Senate Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to Chapter 70 (Senate, No. 2543); and

Of the Senate Order relative to authorizing the joint committee on Veterans and Federal Affairs to make an investigation and study of certain current Senate documents relative to veterans affairs (Senate, No. 2547);

And recommending that the same severally be referred to the Senate committee on Ethics and Rules.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Mr. Downing, for the committee on Ethics and Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Tourism, Arts and Cultural Development to make an investigation and study of certain current Senate documents relative to historic district preservation (Senate, No. 2431) reports, asking to be discharged from further consideration

Of the Senate petition (accompanied by bill, Senate, No. 2167) of Patricia D. Jehlen, Carl M. Sciortino, Jr. and Timothy J. Toomey, Jr. (with the approval of the mayor and board of aldermen) for legislation to establish a project mitigation contribution (“linkage”) program for open space and historic preservation in the city of Somerville; and

Of the petition (accompanied by bill, Senate, No. 2171) of Patricia D. Jehlen, Carl M. Sciortino, Jr. and Timothy J. Toomey, Jr. (with the approval of the mayor and board of aldermen) for legislation to authorize the establishment of a municipal open space and historic preservation trust fund in the city of Somerville,— **and recommending that the same severally be recommitted to the committee on Tourism, Arts and Cultural Development.**

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

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4599) of Brian S. Dempsey (with the approval of the mayor and city council) that the city of Haverhill be authorized to sell a certain parcel of land located in the town of Boxford,— **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

The House Resolutions providing for a declaration of intent of the House of Representatives and the Senate relative to the amount and distribution of local aid to the Commonwealth’s cities, towns and regional school districts for fiscal year 2009 (House, No. 4595),— **were referred, under Senate Rule 27, to the committee on Ways and Means.**

Reports

Of the committee on Public Health, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2144) of Kay Khan and others relative to medical services at the Bridgewater State Hospital,— **and recommending that the same be referred to the committee on Mental Health and Substance Abuse.**

Of the committee on Veterans and Federal Affairs, asking to be discharged from further consideration of the joint petition (accompanied by bill, House, No. 3703) of Geoffrey D. Hall and others relative to authorizing the Registrar of Motor Vehicles to issue distinctive registration plates to certain former and current members of the United States Marine Corps,— **and recommending that the same be referred to the committee on Transportation.**

Of the committee on Public Service, asking to be discharged from further consideration of the joint petition (accompanied by bill, House, No. 4270) of Antonio F. D. Cabral and others for legislation to regulate the investment of public pension funds in certain

companies doing business in the countries of Iran and South Africa,— **and recommending that the same be referred to the committee on State Administration and Regulatory Oversight.**

Were severally 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. Baddour) “congratulating Leo Joubert on the occasion of his retirement”;

Resolutions (filed by Mr. Hedlund) “honoring the memory of Leonard ‘Lennie’ Hersch for his contributions to the town of Hull”;

and

Resolutions (filed by Mr. Tolman) “congratulating the town of Belmont on the occasion of the groundbreaking ceremony for a permanent senior center.”

PAPER FROM THE HOUSE.

The House 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),— came from the House with the endorsement that the House had concurred in the Senate 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 section 16 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.” with a further amendment by inserting after section 3A the following new section:—

“SECTION 3B. Said fifth sentence of said section 3 of said chapter 192, is hereby further amended by inserting after the word ‘technologies’, as appearing in section 4A of chapter 16 of the acts of 2007, the following words:— and the house vice chairman of the committee on revenue.”

Senate Rule 36 was suspended, on motion of Mr. Knapik, and the House amendment was considered forthwith and adopted, in concurrence, as corrected by the committee on Bills in the Third Reading.
Sent to the House for its action.

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 providing for the establishment of a fire department in the town of Georgetown (Senate, No. 2343) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Tarr presented an amendment, in section 4, striking out subsection (c) and inserting in place thereof the following subsection:—

“(c) A contract between the town of Georgetown and the Erie Fire Association No. 4, Inc. or the Central Fire Company of Georgetown, Mass., Inc. shall not exceed a period of 10 years; provided, however, that the board of selectmen may extend such contract, or negotiate any new contract, for up to 2 additional periods of up to 10 years each. The financial obligation of the town of Georgetown under any such contract shall be subject to annual appropriation.”

This amendment was adopted.

The bill (Senate, No. 2343, amended) was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill authorizing the city of Salem to issue additional licenses for the sale of alcoholic beverages (House, No. 4275),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of North Andover to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4517),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Tewksbury to lease land conveyed for cemetery and recreation purposes (House, No. 4135),— was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Tucker presented an amendment striking out all after the enacting clause and inserting in place thereof the following text:—

“Notwithstanding any general or special law to the contrary, the town of Tewksbury may lease, for a period of 50 years, a parcel of land consisting of approximately 11 acres and shown as Lot 62-19-3 on a plan entitled ‘Plan of Land in Tewksbury, Massachusetts Drawn for the Town of Tewksbury’ by Robert P. Morris and dated February 14, 2001, for cemetery or recreation purposes, in accordance with chapter 251 of the acts of 2002. This parcel was originally acquired by the town for cemetery and recreation purposes pursuant to said chapter 251.”

This amendment was adopted.

The bill was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

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 House Bill validating the actions taken at the annual town meeting held by the town of Phillipston (printed in House, No. 4438).

There being no objection, the rules were suspended, on motion of Mr. Tisei, 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 Reading to read as follows: "An Act validating the actions taken at a certain annual town meeting held in the town of Phillipston".

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 Benjamin B. Downing for legislation relative to service quality standards.

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 Consumer Protection and Professional Licensure.

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 Benjamin B. Downing for legislation relative to procurement by the Commonwealth.

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 State Administration and Regulatory Oversight.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4604) of Sean Curran for legislation to require the Office of Child Care Services to obtain the approval of cities and towns for the licensing of day care centers for children;

Under suspension of Joint Rule 12, to the committee on Children, Families and Persons with Disabilities.

Petition (accompanied by bill, House, No. 4605) of Steven J. D'Amico that the Teachers' Retirement Board be directed to grant creditable service to Jeanne Hicks for service outside of the Commonwealth;

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

Engrossed Bills.

The following engrossed bills (both of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Brewer) and laid before the Governor for his approbation, to wit:

Increasing the local property tax relief to nonprofit veterans organizations in certain cities and towns (see House, No. 3045); and Establishing a charter for the town of Medway (see House, No. 4460).

Order Adopted.

Mr. Knapik offered the following order, to wit:

Ordered, That the General Court is hereby authorized and directed to accept the report of the Massachusetts Dairy Farm Revitalization Task Force (pursuant to the provisions of section 17 of Chapter 42 of the Acts of 2007), the time within which said task force was required to file having expired.

Under the rules, referred to the committee on Ethics and Rules. Subsequently, Mr. Downing, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Knapik, and the order was considered forthwith and adopted.

Sent to the House for concurrence.

Recess.

There being no objection, at thirteen minutes past eleven o'clock A.M., the Chair (Mr. Brewer) declared a recess; and at three minutes past two o'clock P.M., the Senate reassembled, Mr. Brewer in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4589, 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. Brewer) and sent to the House for enactment.

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

The Senate than passed the bill to be enacted; and it was signed by the Acting President (Mr. Brewer) and laid before the Governor for his approbation.

Engrossed Bill.

An engrossed Bill validating the actions taken at a certain annual town meeting held in the town of Phillipston (see House Bill, printed in House, No. 4438) (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, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President (Mr. Brewer) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tarr,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday 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 twenty-two minutes past two o'clock P.M., the Senate adjourned to meet on the following Tuesday at eleven o'clock A.M.