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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, March 15, 2007.

Met at one minute past eleven o'clock A.M. (Mr. Havern 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. Havern), members, guests and employees then recited the pledge of allegiance to the flag.

PAPERS FROM THE HOUSE.

A Bill releasing a nondevelopment covenant restriction on certain land located in the town of Leicester (House, No. 19, amended,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill designating a certain pier in the town of Winthrop as the Charles J. Famolare Pier (House, No. 1931,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Reports

Of the committee on Bonding, Capital Expenditures and State Assets, asking to be discharged from further consideration
Of the petition (accompanied by bill, House, No. 27) of Colleen M. Garry relative to the sale of alcoholic beverages when Christmas occurs on a Sunday;

Of the petition (accompanied by bill, House, No. 28) of Colleen M. Garry relative to the sale of alcoholic beverages on Thanksgiving Day; and

Of the petition (accompanied by bill, House, No. 46) of David M. Nangle relative to the advertising of alcoholic beverages on Massachusetts Bay Transportation Authority property;

And recommending that the same severally be referred to the committee on Consumer Protection and Professional Licensure.

Of the petition (accompanied by bill, House, No. 39) of William Lantigua relative to the date for holding state primaries,— **and recommending that the same be referred to the committee on Election Laws.**

Of the petition (accompanied by bill, House, No. 31) of Bradley H. Jones, Jr., and others relative to municipal relief; and

Of the petition (accompanied by bill, House, No. 38) of Stephen Kulik and others amending the micropurchasing threshold under chapter 149;

And recommending that the same severally be referred to the committee on Financial Services.

Of the petition (accompanied by bill, House, No. 16) of Demetrius J. Atsalis relative to tort and contract actions; and

Of the petition (accompanied by bill, House, No. 52) of George N. Peterson, Jr. relative to state agency compensation for owners of private property taken by eminent domain for regulatory purposes;

And recommending that the same severally be referred to the committee on the Judiciary.

Of the petition (accompanied by bill, House, No. 17) of Bruce J. Ayers relative to the disposition of surplus motor vehicles owned by the Commonwealth,— **and recommending that the same be referred to the committee on Municipalities and Regional Government.**

Of the petition (accompanied by bill, House, No. 66) of Steven M. Walsh and others relative to safeguarding and monitoring prescription drugs,— **and recommending that the same be referred to the committee on Public Health.**

Of the petition (accompanied by bill, House, No. 44) of Elizabeth A. Malia and others for legislation to establish a sick leave bank for Janice Brown, an employee of the Appellate Tax Board; and

Of the petition (accompanied by bill, House, No. 63) of Walter F. Timilty and others relative to establishing the Massachusetts law enforcement memorial fund;

And recommending that the same severally be referred to the committee on Public Service.

Of the petition (accompanied by bill, House, No. 51) of Douglas W. Petersen and others relative to creating the division of sustainable building design in the Executive Office of Environmental Affairs and Energy,— **and recommending that the same be referred to the committee on State Administration and Regulatory Oversight.**

Of the petition (accompanied by bill, House, No. 32) of Bradley H. Jones, Jr., and others relative to alternative fuel usage; and

Of the petition (accompanied by bill, House, No. 35) of Louis L. Kafka and others for an investigation and study relative to ethanol and the feasibility of assisting gas station owners in the installation of ethanol “85” gasoline pumps;

And recommending that the same severally be referred to the committee on Telecommunications, Utilities and Energy.

Of the committee on Children, Families and Persons with Disabilities, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 79) of Bruce J. Ayers for legislation to protect consumers from telemarketing fraud,— **and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure.**

Of the petition (accompanied by bill, House, No. 139) of Frank I. Smizik and Michael J. Moran that the Board of Education be authorized to provide multiple forms of assessments in determining the level of competency under the Massachusetts Comprehensive Assessment System (MCAS) for students in the Commonwealth,— **and recommending that the same be referred to the committee on Education.**

Of the petition (accompanied by bill, House, No. 80) of Bruce J. Ayers that banking and lending institutions be required to issue certain information on monthly statements to mortgage loan customers,— **and recommending that the same be referred to the committee on Financial Services.**

Of the petition (accompanied by bill, House, No. 75) of Bruce J. Ayers for legislation to establish penalties for the filing of false reports against police officers;

Of the petition (accompanied by bill, House, No. 77) of Bruce J. Ayers and James R. Miceli relative to the penalty for killing, maiming or poisoning of animals;

Of the petition (accompanied by bill, House, No. 78) of Bruce J. Ayers for legislation to establish the crime of resisting or obstructing public safety personnel in the performance of their;

Of the petition (accompanied by bill, House, No. 102) of Bradley H. Jones, Jr., and others relative to protecting children from domestic violence;

Of the petition (accompanied by bill, House, No. 115) of Stephen P. LeDuc and others for legislation to require background checks for persons working with children and certain disabled persons; and

Of the petition (accompanied by bill, House, No. 144) of Martin J. Walsh, Thomas Sannicandro and others relative to national criminal offender record information checks for persons working with individuals served by the Department of Mental Retardation;

And recommending that the same severally be referred to the committee on the Judiciary.

Of the petition (accompanied by bill, House, No. 76) of Bruce J. Ayers relative to safety precautions for users of automatic teller machines,— **and recommending that the same be referred to the committee on Public Safety and Homeland Security.**

Of the committee on Election Laws, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 630) of Bruce J. Ayers relative to the funding of waterway projects and coastal protection initiatives,— **and recommending that the same be referred to the committee on Environment, Natural Resources and Agriculture.**

Of the petition (accompanied by bill, House, No. 629) of Bruce J. Ayers and Michael W. Morrissey for legislation to establish an emergency equipment grant program for fire fighters; and

Of the petition (accompanied by bill, House, No. 697) of Tom Sannicandro that auxiliary, reserve and part-time police officers be eligible for reimbursement grants for the purchase of bullet proof vests;

And recommending that the same severally be referred to the committee on Public Safety and Homeland Security.

Of the petition (accompanied by bill, House, No. 631) of Bruce J. Ayers that cities and towns be authorized to issue temporary placards for handicapped parking spaces,— **and recommending that the same be referred to the committee on Transportation.**

Of the committee on Higher Education, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1172) of Ruth B. Balser and others for legislation to prohibit public agencies from applying for federal grants for abstinence education,— **and recommending that the same be referred to the committee on Public Health.**

Of the committee on Public Service, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2714) of Michael J. Rodrigues and others for legislation to clarify the law protecting employee compensation,— **and recommending that the same be referred to the committee on Labor and Workforce Development.**

Of the committee on Revenue, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 2839) of Bruce J. Ayers for legislation to authorize the Department of Highways to acquire certain land in the city of Quincy and the town of Milton for flood control and prevention purposes,— **and recommending that the same be referred to the committee on the Judiciary.**

Of the petition (accompanied by bill, House, No. 2981) of Jay R. Kaufman and others relative to the Board of Directors of the

Port Authority,— **and recommending that the same be referred to the committee on Transportation.**

Of the committee on Telecommunications, Utilities and Energy, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 3324) of Paul Kujawski relative to the timing of reimbursement for federal manufacturers excise tax,— **and recommending that the same be referred to the committee on Revenue.**

Of the petition (accompanied by order, House, No. 3378) of Louanne Fucci for legislation to regulate the movement of motor vehicles after students have alighted from or boarded school buses,— **and recommending that the same be referred to the committee on Transportation.**

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

A report of the committee on Telecommunications, Utilities and Energy, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3317) of Bradley H. Jones, Jr., and others for legislation to promote the development of renewable energy and the use of alternative fuel in the Commonwealth, and recommending that the same be referred to the House committee on Ways and Means,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence, insomuch as relates to the discharge of the joint committee.**

Notice was received from the House announcing the following appointment:

That Representative Richardson of Framingham has been appointed by the Speaker to the After School and Out of School Time Special Commission (established pursuant to line item 9700-0100 of section 2 of chapter 45 of the Acts of 2005).

Resolutions.

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

Resolutions (filed by Mr. Barrios) “recognizing the twenty-fifth anniversary of the Threshold Program”; and

Resolutions (filed by Ms. Spilka) “congratulating the Summit Montessori School of Framingham.”

Petitions.

On motion of Mr. Tisei, Senate Rule 20 and were suspended on the petition, presented by Mr. Brewer, (accompanied by bill) of Stephen M. Brewer, James E. Timilty, Richard T. Moore, Scott P. Brown and other members of the General Court for legislation to provide for tuition and fee waivers for veterans,— **and the same was referred to the committee on Higher Education. Sent to the House for concurrence.**

On motion of Mr. Knapik, Senate Rule 20 and were suspended on the petition, presented by Mr. Brewer, (accompanied by bill) of Stephen M. Brewer for legislation relative to sustainable farming protection,— **and the same was referred to the committee on Veterans and Federal Affairs. Sent to the House for concurrence.**

On motion of Mr. Tisei, Senate Rule 20 and were suspended on the petition, presented by Mr. Brewer, (accompanied by bill) of Stephen M. Brewer for legislation to establish a property tax exemption for members of the National Guard,— **and the same was referred to the committee on Veterans and Federal Affairs. Sent to the House for concurrence.**

On motion of Mr. Knapik, Senate Rule 20 and were suspended on the petition, presented by Mr. Brewer, (accompanied by bill) of Stephen M. Brewer and John A. Hart, Jr. for legislation to change the title of the Department of Mental Retardation,— **and the same was referred to the committee on State Administration and Regulatory Oversight. Sent to the House for concurrence.**

PAPER FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill establishing a sick leave bank for Karen White, an employee of the Trial Court of the Commonwealth (see House, No. 1659, 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 3 to 0.**

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

Adjournment in Memory of Justice Martha B. Sosman.

The Senator from Middlesex, Ms. Fargo, presented a request that when the Senate adjourns today, it do so in memory of Massachusetts Supreme Court Justice Martha B. Sosman.

Justice Sosman passed away on Saturday after a distinguished legal career in the state. Raised in Concord, Justice Sosman worked as a Boston lawyer and assistant U.S. attorney before being appointed to the SJC in 2000. Her honorable and distinguished service to the Commonwealth will not soon be forgotten.

Accordingly, as a mark of respect to the memory of Justice Martha B. Sosman, at nineteen minutes past eleven o'clock A.M. on motion of Mr. Knapik, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.