

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.

Thursday, March 22, 2007.

Met at three minutes past one o'clock P.M. (Mr. Panagiotakos in the Chair).

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

Distinguished Guests.

There being no objection, the President introduced Brendan Sullivan and Beth Caron, two juniors from Wakefield High School, who are shadowing the Minority Leader, Senator Tisei for the day.

There being no objection, the President handed the gavel to Mr. Morrissey for the purpose of an introduction. Mr. Morrissey and Mr. Baddour recognized United Parcel Service on the occasion of their 100th anniversary. The Senators presented Chip Barnes, Vice President of UPS, Neal Rossi, Public Affairs Director of UPS, and John Doyle, Controller for UPS, with Resolutions from the Senate and a citation from the Governor and Lt. Governor.

There being no objection, the President introduced guests of former Senate President Robert Travaglini, Dr. Boaz Ganor, Dr. Eitan Azani, Dr. Ely Karmon from the Israeli Institute of Counter-terrorism. They were accompanied by Nadav Tamir, the Consul General of Israel from New England. All four signed the guest book and withdrew from the Chamber.

Communications.

Mr. Panagiotakos in the Chair, the following communications were severally placed on file:

Communication from the Department of Public Health relative to a plan of correction submitted pursuant to inspection of M.C.I. Framingham (received Friday, March 9, 2007); and

Communication from the Joint Committee on Consumer Protection and Professional Licensure (under the provisions of Joint Rule 1) relative to the rules of procedure for said committee for the 2007-2008 legislative session (received Wednesday, March 14, 2007).

Report.

A report of the State Office of Minority and Women Business Assistance (SDMWBA) (under the provisions of Chapter 193 of the Acts of 2004 of the General Laws) submitting its Annual Affirmative Marketing Report on Municipal design and construction contract and subcontract awards to minority-owned business enterprises (MBEs) and women-owned business enterprises (WBEs) on state-assisted building projects (received Thursday, March 15, 2007),— was placed on file.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Barrios, a petition (subject to Joint Rule 12) of Jarrett T. Barrios, William N. Brownsberger, Benjamin Swan, Denise Provost and other members of the General Court for legislation to create the office of inspector general of corrections;

By Mr. Berry, a petition (subject to Joint Rule 12) of Frederick E. Berry for legislation to establish a sick leave bank for Yaniris Cabera, an employee of the Trial Court;

By Mr. Brown, a petition (subject to Joint Rule 12) of Scott P. Brown and David Sherman for legislation relative to proxy medical decisions and guardians;

By Mr. Buoniconti, a petition (subject to Joint Rule 12) of Stephen J. Buoniconti for legislation to direct the State Retirement Board to retire Robert Emmet Fitzgerald;

By the same Senator, a petition (subject to Joint Rule 12) of Stephen J. Buoniconti and Joyce A. Spiliotis for legislation to prohibit discrimination against physical therapists and physical therapist assistants in securing medical malpractice insurance;

By Ms. Candaras, a petition (subject to Joint Rule 12) of Gale D. Candaras, Todd M. Smola, Bradford Hill and Richard T. Moore for legislation relative to operating a motor vehicle after license suspension, operating to endanger and drag racing;

By the same Senator, a petition (subject to Joint Rule 12) of Gale D. Candaras for legislation relative to retirement provisions for Daniel Dirico;

By Ms. Creem, a petition (subject to Joint Rule 12) of Cynthia S. Creem for legislation relative to voter registration;

By Mr. Downing, a petition (subject to Joint Rule 12) of Benjamin B. Downing and Denis E. Guyer for legislation relative to the enforcement of decisions by the Appellate Tax Board;

By Mr. Montigny, a petition (subject to Joint Rule 12) of Mark C. Montigny for legislation to open enrollment to Prescription Advantage;

By the same Senator, a petition (subject to Joint Rule 12) of Mark C. Montigny for legislation to establish municipal criminal assessments;

By Mr. Pacheco, a petition (subject to Joint Rule 12) of Marc R. Pacheco for legislation relative to waste tire abatement;

By Mr. Panagiotakos, a petition (subject to Joint Rule 12) of Steven C. Panagiotakos for legislation to require the use of helmets by certain children during winter sporting activities;

By Mr. Tarr, a petition (subject to Joint Rule 12) of Bruce E. Tarr, Bradley H. Jones Jr. and Patricia Colella for legislation to enhance the health of students;

By the same Senator, a petition (subject to Joint Rule 12) of Bruce E. Tarr, Marian Walsh, Richard R. Tisei, Michael R. Knapik and other members of the General Court for legislation to increase penalties for child endangerment;

By Mr. Tolman, a petition (subject to Joint Rule 12) of Steven A. Tolman for legislation relative to criminal offender record information checks for assisted living employees;

By the same Senator, a petition (subject to Joint Rule 12) of Steven A. Tolman for legislation relative to the founders of Boston University;

By the same Senator, a petition (subject to Joint Rule 12) of Steven A. Tolman for legislation to authorize the transfer of a registration plate;

By Ms. Wilkerson, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation relative to coverage for asthma education and training;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to enhance emergency responses in public buildings and facilities;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to create wealth within low and moderate income households of the Commonwealth;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation relative to discrimination and use of criminal offender record;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to accelerate the sealing of non-conviction criminal offender record information;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to create a license to practice natural hair cultivation;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to reduce asthma rates and their associated costs;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to establish a statewide environmental illness incidence registry;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to exclude payments for foster care in computing rent and determining eligibility for subsidized housing;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to permit the purging of juvenile records;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to provide for greater insurance coverage of prostate cancer exams;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to provide proceeds of drug case confiscations to drug treatment;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to expand the scope of the Commonwealth's drug treatment program to allow for the diversion of low-level offenders under court supervision;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to improve the jury system of the Commonwealth;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to authorize certain public defenders creditable retirement service time for service as an employee of Roxbury defenders;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to require the disclosure of location and conditions of manufacture of services and supplies furnished to the Commonwealth;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to further protect civil rights;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to create environmental justice;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to establish a permanent commission on the social status of black males;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to make permanent the special status of MassArt;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to increase access to oral healthcare;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to authorize the chief of police to the Massachusetts Bay Transportation Authority Police Department to appoint police cadets under certain circumstances to the police department of said authority summary;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to reduce asthma and other health threats from cleaning products used in schools, hospitals and public housing;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to authorize municipalities to protect low and moderate income tenants and units of governmentally involved housing/expiring use properties;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to establish community reinvestment obligations for certain mortgage lenders;

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to prohibit discrimination in insurance policies; and

By the same Senator, a petition (subject to Joint Rule 12) of Dianne Wilkerson for legislation to protect homeowners facing foreclosure;

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

Committees Discharged.

Mr. Moore, for the committee on Health Care Financing, reported, asking to be discharged from further consideration Of the petition (accompanied by bill, Senate, No. 658) of Susan C. Fargo for legislation relative to public health regionalization in the Commonwealth; and

Of the petition (accompanied by bill, Senate, No. 678) of Richard T. Moore for legislation to improve the effectiveness of public health services;

And recommending that the same severally be referred to the committee on Public Health; and

Ms. Murray, for the committee on Ways and Means, reported, asking to be discharged from further consideration Of the petition (accompanied by bill, Senate, No. 2150) of Stanley C. Rosenberg and Stephen Kulik for legislation to establish the local aid stabilization fund; and

Of the petition (accompanied by bill, Senate, No. 2151) of Richard R. Tisei, Bradley H. Jones, Jr., Bruce E. Tarr, Paul J. Loscocco and other members of the General Court for legislation to limit a portion of the “rainy day” fund to mitigate local aid cuts;

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

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

Severally sent to the House for concurrence in the reference to the joint committee.

PAPERS FROM THE HOUSE.

A Bill providing for the immediate capital improvement needs of the Commonwealth (printed in House, No. 2915, amended,— being a message from His Excellency the Governor),— *was read and, under Senate Rule 27, referred to the committee on Ways and Means.*

Reports

Of the committee on Health Care Financing, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1151) of John A. Lepper and others relative to caregiver consent for medical and educational decisions for minors;

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

Of the petition (accompanied by bill, House, No. 2081) of James B. Eldridge and others for legislation to make certain changes in the law relative to the authority of the Disabled Persons Protection Commission;

Of the petition (accompanied by bill, House, No. 2082) of James B. Eldridge and others for legislation to further define the term “disabled person” as used by the Disabled Persons Protection Commission;

Of the petition (accompanied by bill, House, No. 2083) of James B. Eldridge and others for legislation to further define the authority of the Disabled Persons Protection Commission;

Of the petition (accompanied by bill, House, No. 2145) of Peter V. Kocot for legislation to authorize the installation of chair lifts in dental offices for the assistance of patients with physical limitations; and

Of the petition (accompanied by bill, House, No. 2212) of Alice Hanlon Peisch for legislation to clarify the investigative powers of the Disabled Persons Protection Commission;

And recommending that the same severally be referred to the committee on Children, Families and Persons with Disabilities.

Of the petition (accompanied by bill, House, No. 2235) of Byron Rushing and others that public offices be prohibited from denying benefits on the grounds of race, color or national origin;

Of the petition (accompanied by bill, House, No. 2264) of A. Stephen Tobin relative to establishing new sentencing guidelines; and

Of the petition (accompanied by bill, House, No. 2265) of A. Stephen Tobin relative to establishing new sentencing guidelines;

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

Of the petition (accompanied by bill, House, No. 2230) of John F. Quinn relative to an investigation and study by the committee on Election Laws of the General Court of the safety of political sign holders on public roadways,— **and recommending that the same be referred to the committee on Public Safety and Homeland Security.**

Of the petition (accompanied by bill, House, No. 2258) of Thomas M. Stanley and Louanne Fucci relative to post trip inspections

by school bus drivers,— **and recommending that the same be referred to the committee on Transportation.**
Of the petition (accompanied by bill, House, No. 2139) of Thomas P. Kennedy for legislation to grant creditable service for retirement purposes to public employees for service in the armed forces,— **and recommending that the same be referred to the committee on Veterans and Federal Affairs.**
Of the committee on Public Safety and Homeland Security, asking to be discharged from further consideration
Of the petition (accompanied by bill, House, No. 2290) of Antonio F. D. Cabral and others relative to gun use;
Of the petition (accompanied by bill, House, No. 2337) of Stephen P. LeDuc and Karyn E. Polito for legislation to prohibit the sale or equipping of motor vehicles with hidden compartments for the purpose of concealing contraband;
Of the petition (accompanied by bill, House, No. 2353) of Harold P. Naughton, Jr., relative to background checks for grid workers; and
Of the petition (accompanied by bill, House, No. 2362) of Anthony Petruccelli and others relative to the recording of firearm sales, rental and leases in the Commonwealth;
And recommending that the same severally be referred to the committee on the Judiciary.
Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Recess.

There being no objection, at four minutes past one o'clock P.M., the Chair (Mr. Panagiotakos) declared a recess; and at five minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Antonioni) “on the dedication of the Westminster Town Hall”; and
Resolutions (filed by Mr. Morrissey) “on the one hundredth anniversary of the United Parcel Service of America.”

Communications.

The Clerk read the following communication:

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

March 21, 2007.

Mr. William F. Welch
Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

Due to a family emergency, I was forced to leave the Senate Chamber prior to Roll Call No. 6, the question on the election of the President of the Senate. Had I been present, I would have been honored to have cast my vote for the Senator from Plymouth and Barnstable, the Honorable Therese Murray.

I respectfully request that this letter be printed in the Senate Journal as part of the official record for March 21, 2007. Thank you for your assistance on this matter.

With Every Good Wish,
JAMES E. TIMILTY,
Senator,
Bristol and Norfolk District.

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

The following communication, which was received in the Office of the Clerk of the Senate on Wednesday, March 21, 2007, was read and placed on file to wit:

OFFICE OF THE PRESIDENT
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

March 21, 2007.

Ms. Therese Murray
President of the Senate
State House
Boston, MA 02133

Dear Madam President:

I, Robert E. Travaglini, hereby respectfully resign my position at the close of business today, Wednesday, March 21, 2007 as Massachusetts State Senator.

Sincerely,
ROBERT E. TRAVAGLINI,
State Senator.

On motion of Ms. Chandler, the above communication was ordered printed in the Journal of the Senate.

Order Adopted.

Ms. Jehlen offered the following order to wit.

Ordered, That by the authority of article IV of section II of chapter I of the Constitution, the Senate declares that, by reason of the resignation of Robert E. Travaglini as senator from the first Suffolk and Middlesex district, the office of senator from the first Suffolk and Middlesex district is vacant. By the authority of article XXIV of the Amendments to the Constitution, the Senate directs the president of the Senate to issue a precept setting forth June 26, 2007, as the day for holding an election to fill the vacancy in the first Suffolk and Middlesex district, comprising ward 1, precincts 1 to 14, inclusive, ward 3, precincts 1 to 6, inclusive, and ward 5, precinct 3, in the city of Boston; wards 1 to 5, inclusive, in the city of Revere and the town of Winthrop, in the county of Suffolk; and wards 1 and 2, ward 3, precincts 1 and 3, wards 4 and 5, and ward 8, precinct 3, in the city of Cambridge, in the county of Middlesex.

There being no objection, the order was considered forthwith and adopted.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill providing for the immediate capital improvement needs of the Commonwealth (printed in House, No. 2915, amended),— **ought to pass.**

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

Pending the question on ordering the bill to a third reading, Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved to amend the bill in item 1102-1994 by striking out the following words:— “provided, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects”;

In item 2000-2014 by striking out the following words:— “provided further, that amounts expended for agency employees may include salary and salary related expenses of these employees to the extent that they work on or in support of these projects”;

In item 6033-0716 by striking out the following words:— “and provided further, that amounts expended for department employees may include salary and salary-related expenses of these employees to the extent that they work on or in support of these projects”; and

In item 6033-0717 by striking out the following words:— “and provided further, that amounts expended for department employees may include salary and salary-related expenses of these employees to the extent that they work on or in support of these projects”.

After debate, the amendment was *rejected*.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved to amend the bill in item 1790-2015 by inserting after the words “and related projects” the following:— “; provided that not less than \$3,000,000 shall be expended for the enhancement and modernization of the information technology systems for the Group Insurance Commission”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at a quarter before three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 5 — nays 31*) [**Yeas and Nays No. 7**]:

YEAS.

Brown, Scott P.

Tarr, Bruce E.

Hedlund, Robert L. Tisei, Richard R. — 5.
Knapik, Michael R.

NAYS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Barrios, Jarrett T. Morrissey, Michael W.
Berry, Frederick E. O’Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Buoniconti, Stephen J. Panagiotakos, Steven C.
Candaras, Gale D. Resor, Pamela
Chandler, Harriette L. Rosenberg, Stanley C.
Creedon, Robert S., Jr. Spilka, Karen E.
Downing, Benjamin Timilty, James E.
Brackett
Fargo, Susan C. Tolman, Steven A.
Hart, John A., Jr. Tucker, Susan C.
Havern, Robert A. Walsh, Marian
Jehlen, Patricia D. Wilkerson, Dianne —
31.
McGee, Thomas M.

ABSENT OR NOT VOTING.

Creem, Cynthia Stone Joyce, Brian A. — 2.

The yeas and nays having been completed at five minutes before three o’clock P.M., the amendment was *rejected*.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved to amend the bill in section 13 by adding at the end thereof the following new section:—

“SECTION _____. The secretary for administration and finance shall file a report with the house and senate committees on ways and means, the joint committee on bonding, capital expenditures and state assets, and the house and senate clerks no later than June 30, 2007. This report shall include written documentation of a strategy to phase out the practice of expending amounts appropriated with funding from bonds to fulfill salaries and salary-related expenses for employees of the commonwealth.” After debate, the amendment was *rejected*.

Messrs. Hedlund, Tisei, Tarr, Knapik and Brown moved to amend the bill in section 13 by adding at the end thereof the following new section:—

“SECTION _____. The secretary for transportation and public works, in consultation with the general manager of the massachusetts bay transportation authority shall file a report with the house and senate committees on ways and means, the joint committee on transportation, capital, and the house and senate clerks no later than June 30, 2007. This report shall include written documentation of a strategy to limit or phase out the practice of expending amounts appropriated with funding from bonds and general appropriation spending plans to fulfill the obligations of the massachusetts bay transportation authority in excess of the sums they are statutorily authorized to expend pursuant to section 35T of chapter 10 and said report shall additionally include a future timeline of anticipated funding needs and a comprehensive fiscal strategy to meet those needs.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at eight minutes past three o'clock P.M., on motion of Mr. Hedlund, as follows, to wit (*yeas 5 — nays 31*) [**Yeas and Nays No. 8**]:

YEAS.

Brown, Scott P. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R. — **5**.
Knapik, Michael R.

NAYS.

Antonioni, Robert A. Menard, Joan M.
Augustus, Edward M., Jr. Montigny, Mark C.
Baddour, Steven A. Moore, Richard T.
Barrios, Jarrett T. Morrissey, Michael W.
Berry, Frederick E. O'Leary, Robert A.
Brewer, Stephen M. Pacheco, Marc R.
Buoniconti, Stephen J. Panagiotakos, Steven C.
Candaras, Gale D. Resor, Pamela
Chandler, Harriette L. Rosenberg, Stanley C.
Creedon, Robert S., Jr. Spilka, Karen E.
Downing, Benjamin Timilty, James E.
Brackett
Fargo, Susan C. Tolman, Steven A.
Hart, John A., Jr. Tucker, Susan C.
Havern, Robert A. Walsh, Marian
Jehlen, Patricia D. Wilkerson, Dianne —
31.
McGee, Thomas M.

ABSENT OR NOT VOTING.

Creem, Cynthia Stone Joyce, Brian A. — **2**.

The yeas and nays having been completed at eighteen minutes past three o'clock P.M., the amendment was *rejected*.
The bill was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

PAPER FROM THE HOUSE.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill releasing a nondevelopment covenant restriction on certain land located in the town of Leicester (see House, No. 19, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-one minutes past three o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 9**]:

YEAS.

Antonioni, Robert A. McGee, Thomas M.

Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Candaras, Gale D.	Resor, Pamela
Chandler, Harriette L.	Rosenberg, Stanley C.
Creedon, Robert S., Jr.	Spilka, Karen E.
Downing, Benjamin Brackett	Tarr, Bruce E.
Fargo, Susan C.	Timilty, James E.
Hart, John A., Jr.	Tisei, Richard R.
Havern, Robert A.	Tolman, Steven A.
Hedlund, Robert L.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Knapik, Michael R.	Wilkerson, Dianne —

36.

NAYS — 0.

ABSENT OR NOT VOTING.

Creem, Cynthia Stone Joyce, Brian A. — **2.**

The yeas and nays having been completed at twenty-four minutes past three o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Petitions.

On motion of Ms. Jehlen, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Timilty (accompanied by bill) of James E. Timilty, John H. Rogers, Richard J. Ross and Louis L. Kafka for legislation to authorize the Massachusetts Water Resources Authority to provide certain services between the town of Walpole and the town of Sharon,— **and the same was referred to the committee on Environment, Natural Resources and Agriculture. Sent to the House for concurrence.**

On motion of Ms. Chandler, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Timilty (accompanied by bill) of James E. Timilty, John H. Rogers, Stanley C. Rosenberg and Louis L. Kafka for legislation to authorize the Massachusetts Water Resources Authority to provide certain services between the town of Walpole and the town of Foxborough,— **and the same was referred to the committee on Environment, Natural Resources and Agriculture. Sent to the House for concurrence.**

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3965) of Salvatore F. DiMasi, Brian S. Dempsey and Daniel E. Bosley for legislation to establish the green communities act of 2007 through the development of a comprehensive energy policy for the Commonwealth,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Telecommunications, Utilities and Energy.**

Reports of Committees.

By Mr. Tolman, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Steven A. Tolman for legislation relative to the founders of Boston University.

Senate Rule 36 was suspended, on motion of Mr. Tolman, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Higher Education.

By Mr. Tolman, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Steven A. Tolman for legislation to authorize the transfer of a registration plate.

Senate Rule 36 was suspended, on motion of Mr. Tolman, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Severally sent to the House for concurrence.

Recess.

There being no objection, at seventeen minutes before four o'clock P.M., the President declared a recess; and at twenty-eight minutes past four o'clock P.M., the Senate reassembled, Mr. Panagiotakos in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill providing for the immediate capital improvement needs of the Commonwealth (see House Bill, printed in House, No. 2915, 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 12 to 0.**

The bill was signed by the Acting President (Mr. Panagiotakos) and sent to the House for enactment.

Engrossed Bill — State Loan.

An engrossed Bill providing for the immediate capital improvement needs of the Commonwealth (see House Bill, printed in House, No. 2915, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage; and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eighteen minutes before five o'clock P.M., as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 10**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Candaras, Gale D.	Resor, Pamela
Chandler, Harriette L.	Rosenberg, Stanley C.
Creedon, Robert S., Jr.	Spilka, Karen E.
Downing, Benjamin Brackett	Tarr, Bruce E.
Fargo, Susan C.	Timilty, James E.

Hart, John A., Jr. Tisei, Richard R.
Havern, Robert A. Tolman, Steven A.
Hedlund, Robert L. Tucker, Susan C.
Jehlen, Patricia D. Walsh, Marian
Knapik, Michael R. Wilkerson, Dianne —
 35.
McGee, Thomas M.

NAYS — 0.

ABSENT OR NOT VOTING.

Barrios, Jarrett T. Joyce, Brian A. —**3.**
Creem, Cynthia Stone

The yeas and nays having been completed at thirteen minutes before five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Panagiotakos) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Hart,—

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

Adjournment in Memory of Dr. John W. Lederle.

The Senator from Hampshire and Franklin, Mr. Rosenberg, and the Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer, presented a request that when the Senate adjourns today, it do so in memory of Dr. John W. Lederle, former President of the University of Massachusetts.

Dr. Lederle served as President of the University of Massachusetts from 1960 to 1970, a period of time that saw unprecedented growth both on the Amherst campus and within the University system. During his tenure as president, UMass Amherst was transformed from a small, rural campus with fewer than 6,000 students to a major research university. Nearly 50 major buildings were begun or completed on the Amherst campus, student enrollment tripled, and the number of faculty, the total operating budget and number of books in the library quadrupled. The number of faculty grew from 366 to 1,157. Faculty salaries in the advanced academic programs and the overall number of programs doubled, while the number of graduate students increased by nearly 300 percent in this time period,

Among the key programs begun during Dr. Lederle's tenure are the Polymer Research Institute, the Research Computing Center, the Five College Radio Astronomy Observatory and the Water Resources Research Center, the Labor Relations Research Center, the Committee for the Collegiate Education of Black Students and establishment of overseas programs in England, Germany, Italy, Spain and France. The Lederle Graduate Research Center, a prominent building on campus, was named after him in 1983. Other innovations included the university press, a public radio station, and collaborative arrangements among the local colleges. The University's first endowed professorship was established during his tenure. Attracting federal research dollars, the institutional budget grew by 700 percent to more than \$100 million.

Accordingly, as a mark of respect to the memory of Dr. John W. Lederle, at twelve minutes before five o'clock P.M., on motion of Mr. Tolman, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.