

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 26, 2007.

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

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

Communication.

A communication from the Joint Committee on Revenue (under the provisions of Joint Rule 1) for legislation relative to rules of procedure for said committee for the 2007-2008 legislative session (received Thursday, March 22, 2007),— **was placed on file.**

Report.

A report of the Committee for Public Counsel Services (pursuant to line item 0321-1500 in the Commonwealth Fiscal Year 2007 Budget) for legislation submitting its Committee for Public Counsel Services 2007 Report to the Legislature (received Thursday, March 22, 2007),— **was placed on file.**

PAPERS FROM THE HOUSE.

Bills

Establishing a sick leave bank for Janice Brown an employee of the Appellate Tax Board (House, No. 44,— on petition); and Establishing a sick leave bank for Antoinette Romes, an employee of the Department of Transitional Assistance (House, No. 3941, changed,— on petition);

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

Reports

Of the committee on Consumer Protection and Professional Licensure, asking to be discharged from further consideration Of the petition (accompanied by bill, House, No. 312) of John H. Rogers for legislation to eliminate the requirement to provide notice to the Department of Mental Health of a license granted to a guardian to sell real estate,— **and recommending that the same be referred to the committee on the Judiciary.**

Of the petition (accompanied by bill, House, No. 223) of Kathi-Anne Reinstein and others for legislation to establish a fire equipment grant program,— **and recommending that the same be referred to the committee on Public Safety and Homeland Security.**

Of the committee on Higher Education, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1173) of Paula Besson for legislation to provide for an exemption from certain private business school regulations,— **and recommending that the same be referred to the committee on Education.**

Of the committee on Mental Health and Substance Abuse, asking to be discharged from further consideration Of the petition (accompanied by bill, House, No. 1876) of Michael A. Costello and others relative to changing the title of the

Department of Retardation;

Of the petition (accompanied by bill, House, No. 1898) of Tom Sannicandro and others relative to establishing self determination for persons with disabilities; and

Of the petition (accompanied by bill, House, No. 1899) of Tom Sannicandro and others to eliminate the use of the word retardation from the General Laws;

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

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

Of the petition (accompanied by bill, House, No. 3054) of Harold P. Naughton, Jr., relative to the trafficking of methamphetamine; and

Of the petition (accompanied by bill, House, No. 3064) of Alice Hanlon Peisch relative to restricting the use of certain contracts; **And recommending that the same severally be referred to the committee on the Judiciary.**

Of the petition (accompanied by bill, House, No. 2978) of Rachel Kaprielian and Steven A. Tolman relative to maximum age restrictions for appointment as a municipal police officer or firefighter,— **and recommending that the same be referred to the committee on Public Service.**

Of the joint 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 petition (accompanied by order, House, No. 3165) of Steven M. Walsh and Thomas M. McGee for legislation to prohibit the bidding on state funded construction projects by applicants with certain legal proceedings pending,— **and recommending that the same be referred to the committee on State Administration and Regulatory Oversight.**

Of the petition (accompanied by resolve, House, No. 2936) of Jeffery E. Coe for an investigation and study by a special commission (including members of the General Court) of the tax laws and the impairment of drivers due to prescription drug abuse; and

Of the petition (accompanied by bill, House, No. 2955) of Frank M. Hynes relative to the suspension of motor vehicle licenses;

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

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 Ms. Creem) “on the one hundred and fiftieth anniversary of the Brookline Public Library”; and Resolutions (filed by Mr. Pacheco) “commending Frank G. Costa.”

Communications.

The Clerk read the following communications:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02100-1053

March 23, 2007.

Mr. William Welch, Clerk
Massachusetts State Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

On Thursday March 22, I was away from the State House due to a scheduling conflict and I was therefore unable to participate in two roll call votes pertaining to amendments to House 2915, An Act Providing For The Immediate Capital Improvement Needs Of The Commonwealth.

Had I been present, I would have voted in the negative with regards to amendment relative to an accurate assessment of the commonwealth’s fiscal practices, and the amendment relative to MBTA forward funding.

Additionally, there were two roll call votes on enactment. Had I been present, I would have voted in the affirmative to enact the following two bills:

H-19, An Act Partially Releasing a Nondevelopment Covenant Restriction on Certain Land Located in the Town of Leicester; and

H-2915, An Act Providing For the Immediate Capital Improvement Needs of the Commonwealth.

I am respectfully requesting that a copy of this letter be printed in the Senate Journal. Thank you in advance for your assistance in this matter.

Sincerely,
CYNTHIA STONE CREEM,
State Senator,
1st Middlesex and Norfolk District.

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

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02100-1053

March 22, 2007.

William Welch, Senate Clerk
Room 335
State House
Boston, MA 02133

Dear Mr. Clerk:

On March 22, I was at a scheduled meeting with a constituent and was absent from the Senate Chamber during the roll call votes on H-2915 and H-19. Had I been present, I would have voted in the negative on the two amendments offered to H-2915, and in the affirmative on enactment of H-2915. I also would have voted in the affirmative on H-19.

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for Thursday, March 22, 2007. Thank you for your assistance in this matter.

Sincerely,
BRIAN A. JOYCE,
State Senator,
Norfolk, Bristol and Plymouth District.

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

Order Adopted.

On motion of Mr. Moore,—

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.

Adjournment in Memory of Former Representative Walter Burke of Natick.

The Senator from Norfolk, Bristol and Middlesex, Mr. Brown, and the Senator from Middlesex and Norfolk, Ms. Spilka, presented a request that when the Senate adjourns today, it do so in memory of former Representative Walter Burke of Natick.

Representative Burke served in the Massachusetts House of Representatives from 1959 to 1978.

Accordingly, as a mark of respect to the memory of Walter Burke of Natick, at thirteen minutes past eleven o'clock A.M., on motion of Mr. Knapik, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.