

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, April 10, 2008.

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

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Brown for the purpose of an introduction. Mr. Brown then introduced Jay McMorrow, the Acting Fire Chief from Wrentham, Massachusetts. The Senate recognized Mr. McMorrow for saving the life of Molly McDermott, a two-year-old child who was unable to breathe. The Senate applauded his heroic efforts.

There being no objection, the President handed the gavel to Ms. Tucker for the purpose of an introduction. Ms. Tucker then introduced the Central Catholic Boys Basketball Team for winning the Division I State Championship. The team finished the season with a 25-2 record, which they dedicated to the memory of Ryan Bourque, a teammate who died in a tragic car accident at the beginning of the season.

Communications.

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 the Souza-Baranowski Correctional Center (received Wednesday, April 9, 2008); and
Communication from the Department of Public Health relative to a plan of correction submitted pursuant to inspection of MCI Framingham (received Wednesday, April 9, 2008).

Report.

A report of the Department of Telecommunications and Cable submitting its 2007 Annual Report, Slamming Report and E911 Annual Report (received Wednesday, April 9, 2008),— **was placed on file.**

Petitions.

Petitions were presented and referred, as follows:

By Ms. Resor (by request), a petition (subject to Joint Rule 12) of Michael D. Clement for legislation to authorize Michael D. Clement to be considered for eligibility as a firefighter in the city of Marlborough; and

By Mr. Rosenberg, a petition (subject to Joint Rule 12) of Stanley C. Rosenberg and Peter V. Kocot for legislation to affect certain land in Northampton subject to an agricultural preservation restriction;

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

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill financing improvements to the Commonwealth's transportation system (see House, No. 4637, 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. Rosenberg) and sent to the House for enactment.**

There being no objection, at three minutes past three o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at a quarter past two o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:— Resolutions (filed by Messrs. Brown, Hedlund and Knapik) "commending the National Rifle Association on the twentieth anniversary of its Eddie Eagle Gunsafe Program"; and Resolutions (filed by Mr. O'Leary) "congratulating Officer Thomas G. Grandy on the occasion of his retirement from the Dennis Police Department."

Orders of the Day.

The Orders of the Day were considered, as follows:

The Senate Bill relative to drag racing in the city of Taunton (Senate, No. 1411),— **was read a second time and ordered to a third reading.**

The House Bill exempting all positions in the Department of Public Works in the (House, No. 4103),— **was read a second time and ordered to a third reading.**

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: An Act exempting all positions in the department of public works in the city known as the town of Franklin from the civil service law."

The Senate Bill relative to retirement benefits for Robert B. Noonan (Senate, No. 2629),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill to improve school campus air quality (Senate, No. 2628),— **was read a third time and, after remarks, was passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill relative to bullying (Senate, No. 2630), was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Antonioni moved that the bill be amended substituting a new draft with the same title (Senate, No. 2637).

After debate, the amendment was adopted.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty minutes before three o'clock P.M., on motion of Mr. Antonioni, as follows, to wit (*yeas 38 — nays 0*) **[Yeas and Nays No. 200]:**

| YEAS. | |
|--------------------------|-----------------------|
| Antonioni, Robert A. | McGee, Thomas M. |
| Augustus, Edward M., Jr. | Menard, Joan M. |
| Baddour, Steven A. | Montigny, Mark C. |
| Berry, Frederick E. | Moore, Richard T. |
| Brewer, Stephen M. | Morrissey, Michael W. |
| Brown, Scott P. | O'Leary, Robert A. |
| Buoniconti, Stephen J. | Pacheco, Marc R. |
| Candaras, Gale D. | Panagiotakos, Steven |

| | |
|------------------------------|-----------------------------------|
| | C. |
| Chandler, Harriette L. | Petrucelli, Anthony |
| Creedon, Robert S., Jr. | Resor, Pamela |
| Creem, Cynthia Stone | Rosenberg, Stanley C. |
| Downing, Benjamin B. | Spilka, Karen E. |
| Fargo, Susan C. | Tarr, Bruce E. |
| Galluccio, Anthony D. | Timilty, James E. |
| Hedlund, Robert L. | Tisei, Richard R. |
| Jehlen, Patricia D. | Tolman, Steven A. |
| Joyce, Brian A. | Tucker, Susan C. |
| Knapik, Michael R. | Walsh, Marian |
| Marzilli, Jim | Wilkerson, Dianne — 38. |
| NAYS — 0. | |
| ABSENT OR NOT VOTING. | |
| Hart, John A., Jr. — 1. | |

The yeas and nays having been completed at sixteen minutes before three o'clock P.M., the bill (Senate, No. 2637) was passed to be engrossed.
Sent to the House for concurrence.

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 authorizing the establishment of the Whittin Reservoir Watershed District in the town of Douglas (see Senate, No. 2344) [for message see Senate, No. 2617],— **reported, that the amendment recommended by the Governor be considered in the following form:—**

In section 2, in the third paragraph, by striking out the word “any” and inserting in place thereof the following words:—
“This act shall not apply to any”.

The report was accepted.

The President 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. Moore, 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.

Report of a Committee.

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 Senate Bill relative to rates of pilotage (Senate, No. 515).

Ms. Menard moved to suspend the rules to consider the matter forthwith,— **but objection was made thereto by Mr. Tisei; and the matter was placed in the orders of the Day for the next session.**

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows:
The Senate Bill relative to a board of registration in midwifery (Senate, No. 1251),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Moore moved that the bill be amended substituting a new draft with the same title (Senate, No. 2636).

After debate, the amendment was adopted.

**The bill (Senate, No. 2636) was then passed to be engrossed.
Sent to the House for concurrence.**

The House Bill relative to the Essex Regional Retirement System (printed as Senate, No. 1540, changed),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. McGee moved that the bill be amended substituting a new draft with the same title (Senate, No. 2635).

This amendment was adopted.

**The bill (Senate, No. 2635) was then passed to be engrossed.
Sent to the House for concurrence.**

The House Bill authorizing the city known as the town of Amesbury to grant 2 additional licenses for the sale of all alcoholic beverage licenses to be drunk on the premises (House, No. 4426) (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. Baddour moved that the bill be amended by striking out section 1 and inserting in place thereof the following section:—

“SECTION 1. Notwithstanding sections 12 and 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority of the city known as the town of Amesbury may grant 2 additional licenses for the sale of all alcoholic beverages to be drunk on the premises. One of the licenses shall be granted to Logan’s Dad, Inc., d/b/a Roobar, located at 36 Main street, and 1 shall be granted to a commercially-zoned establishment. Once issued, the licensing authority shall not approve the transfer of the licenses to any other locations.”

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.**

The House Bill authorizing the appointment of special police officers in the town of Natick (House, No. 4401),— **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 Third Reading to read as follows: “An Act authorizing the appointment of special police officers in the town of Natick”.**

Reports of Committees.

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 to create green collar jobs training.

Senate Rule 36 was suspended, on motion of Mr. McGee, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Economic Development and Emerging Technologies.

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 Thomas M. McGee, Richard R. Tisei and Katherine M. Clark for legislation to establish a sick leave bank for Mark Stanton, an employee of the Department of Public Health.

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

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Joint petition (accompanied by bill, House, No. 4669) of Stephen Kulik and Stanley C. Rosenberg relative to authorizing the Division of Capital Asset Management and Maintenance to release a certain parcel of land in the town of Deerfield from the operation of an agricultural preservation restriction;

Joint petition (accompanied by bill, House, No. 4670) of Stanley C. Rosenberg and Stephen Kulik that the Division of Capital Asset Management and Maintenance be authorized to release a parcel of land located in the town of Sunderland from a certain agricultural preservation restriction; and

Petition (accompanied by bill, House, No. 4671) of Carl M. Sciortino, Jr., and others that the Division of Capital Asset Management and Maintenance be authorized to grant easements in certain land to the housing authority of the city of Somerville.
Severally, under suspension of Joint Rule 12, to the committee on Bonding, Capital Expenditures and State Assets.

Engrossed Bills.

The following engrossed bills (both of which originated in the Senate), 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 President and laid before the Governor for his approbation, to wit:

Regulating certain insurance benefits for elected officials of the town of Easton (see Senate, No. 1525); and Designating a portion of the Bremen Street Park in the East Boston section of the city of Boston as the Representative George DiLorenzo Playground (see Senate, No. 2393).

Engrossed Bill — State Credit.

An engrossed Bill financing improvements to the Commonwealth's transportation system (see House, No. 4637, 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, it being a bill that provided for the gift, loan or pledge of the credit of the Commonwealth, in accordance with the provisions of Section I 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 two minutes past three o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 201**]:

| YEAS. | |
|--------------------------------|--------------------------------|
| Antonioni, Robert A. | McGee, Thomas M. |
| Augustus, Edward M., Jr. | Menard, Joan M. |
| Baddour, Steven A. | Montigny, Mark C. |
| Berry, Frederick E. | Moore, Richard T. |
| Brewer, Stephen M. | Morrissey, Michael W. |
| Brown, Scott P. | O'Leary, Robert A. |
| Buoniconti, Stephen J. | Pacheco, Marc R. |
| Candaras, Gale D. | Panagiotakos, Steven C. |
| Chandler, Harriette L. | Petrucelli, Anthony |
| Creedon, Robert S., Jr. | Resor, Pamela |
| Creem, Cynthia Stone | Rosenberg, Stanley C. |
| Downing, Benjamin B. | Spilka, Karen E. |
| Fargo, Susan C. | Tarr, Bruce E. |
| Galluccio, Anthony D. | Timilty, James E. |
| Hedlund, Robert L. | Tisei, Richard R. |
| Jehlen, Patricia D. | Tolman, Steven A. |
| Joyce, Brian A. | Tucker, Susan C. |
| Knapik, Michael R. | Walsh, Marian |
| Marzilli, Jim | Wilkerson, Dianne — 38. |
| NAYS — 0. | |
| ABSENT OR NOT VOTING. | |
| Hart, John A., Jr. — 1. | |

The yeas and nays having been completed at six 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.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the conveyance of certain parcels of land in the city of Boston (see House, No. 4185, 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 twelve minutes past three o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 202**]:

| YEAS. | |
|--------------------------------|--------------------------------|
| Antonioni, Robert A. | McGee, Thomas M. |
| Augustus, Edward M., Jr. | Menard, Joan M. |
| Baddour, Steven A. | Montigny, Mark C. |
| Berry, Frederick E. | Moore, Richard T. |
| Brewer, Stephen M. | Morrissey, Michael W. |
| Brown, Scott P. | O'Leary, Robert A. |
| Buoniconti, Stephen J. | Pacheco, Marc R. |
| Candaras, Gale D. | Panagiotakos, Steven C. |
| Chandler, Harriette L. | Petrucelli, Anthony |
| Creedon, Robert S., Jr. | Resor, Pamela |
| Creem, Cynthia Stone | Rosenberg, Stanley C. |
| Downing, Benjamin B. | Spilka, Karen E. |
| Fargo, Susan C. | Tarr, Bruce E. |
| Galluccio, Anthony D. | Timilty, James E. |
| Hedlund, Robert L. | Tisei, Richard R. |
| Jehlen, Patricia D. | Tolman, Steven A. |
| Joyce, Brian A. | Tucker, Susan C. |
| Knapik, Michael R. | Walsh, Marian |
| Marzilli, Jim | Wilkerson, Dianne — 38. |
| NAYS — 0. | |
| ABSENT OR NOT VOTING. | |
| Hart, John A., Jr. — 1. | |

The yeas and nays having been completed at sixteen 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.

An engrossed Bill establishing a charter for the town of Medway (see House, No. 4460, amended) (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 re-enacted and was signed by the President and again laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tolman,—

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.

On motion of Ms. Menard, at eighteen minutes past three o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.