

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.

Tuesday, April 22, 2008.

Met according to adjournment at eleven o'clock A.M. (Mr. Timilty in the Chair).

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

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 Suffolk County House of Correction (received Thursday, April 17, 2008); and

Communication from the Department of Public Health relative to a plan of correction submitted pursuant to inspection of the Boston Pre-Release Center (received Friday, April 18, 2008).

Report.

A report of the Public Employee Retirement Administration Commission submitting its Financial Bulletin for First Quarter 2008 (received Friday, April 18, 2008),— **was placed on file.**

Petitions.

Petitions were presented and referred, as follows:

By Mr. Joyce, a petition (subject to Joint Rule 12) of Brian A. Joyce, William C. Galvin and Marian Walsh for legislation to designate a certain education center on Chickatawbut Hill in Milton as the Norman Smith Environmental Education Center at Chickatawbut Hill; and

By Mr. O'Leary, a petition (subject to Joint Rule 12) of Robert A. O'Leary, Therese Murray, Sarah K. Peake, Cleon H. Turner and other members of the General Court for legislation to establish the Cape Cod and Islands commission on the status of women.

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

Report of a Committee.

By Mr. Buoniconti, for the committee on Financial Services, on House, Nos. 1089, 1099 and 1119, a Bill relative to homeowners insurance (Senate, No. 2639);

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

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 Tourism, Arts and Cultural Development to make an investigation and study of a certain current Senate document relative to tourism (Senate, No. 2592);

Of the Senate Order relative to authorizing the joint committee on the Environment, Natural Resources and Agriculture to make an investigation and study of certain current Senate documents relative to environmental issues (Senate, No. 2595);

Of the Senate Order relative to authorizing the joint committee on Mental Health and Substance Abuse to make an investigation and study of certain current Senate documents relative to mental health and substance abuse (Senate, No. 2597);

Of the Senate Order relative to authorizing the joint committee on Transportation to make an investigation and study of certain current Senate documents relative to transportation (Senate, No. 2599);

Of the Senate Order relative to authorizing the joint committee on Children, Families and Persons with Disabilities to make an investigation and study of certain current Senate documents relative to health (Senate, No. 2601);

Of the Senate Order relative to authorizing the joint committee on Children, Families and Persons with Disabilities to make an investigation and study of certain current Senate documents relative to the use of behavioral modification (Senate, No. 2603);

Of the Senate Order relative to authorizing the joint committee on Children, Families and Persons with Disabilities to make an investigation and study of certain current Senate documents relative to disabilities (Senate, No. 2604);

Of the Senate Order relative to authorizing the joint committee on Children, Families and Persons with Disabilities to make an investigation and study of certain current Senate documents relative to disabilities (Senate, No. 2605);

Of the Senate Order relative to authorizing the joint committee on Financial Services to make an investigation and study of certain current Senate documents relative to mandated benefits (Senate, No. 2606);

Of the Senate Order relative to authorizing the joint committee on Higher Education to make an investigation and study of certain current Senate and House documents relative to financial aid at institutions of higher education (Senate, No. 2607);

Of the Senate Order relative to authorizing the joint committee on Children, Families and Persons with Disabilities to make an investigation and study of certain current Senate documents relative to children in the Commonwealth (Senate, No. 2608);

Of the Senate Order relative to authorizing the joint committee on Election Laws to make an investigation and study of certain current Senate documents relative to voter participation and identification, campaign finance, election administration and related procedures (Senate, No. 2609);

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 and military affairs (Senate, No. 2611);

Of the Senate Order relative to authorizing the joint committee on Financial Services to make an investigation and study of certain current Senate documents relative to insurance (Senate, No. 2634);

Of the Senate Order relative to authorizing the joint committee on Health Care Financing to make an investigation and study of certain current Senate documents relative to health care (Senate, No. 2651); and

Of the Senate Order relative to authorizing the joint committee on Transportation to make an investigation and study of a certain current Senate document relative to transportation (Senate, No. 2656);

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.

Papers from the House.

A petition (accompanied by bill, House, No. 4685) of Richard J. Ross and Scott P. Brown (by vote of the town) for legislation to establish a board of water and sewer commissioners in the town of Plainville,— **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Reports

Of the committee on Health Care Financing, asking to be discharged from further consideration Of the House Bill relative to student nutrition and wellness (House, No. 483); and

Of the House Bill requiring school districts to adopt a certain health program (House, No. 539);

And recommending that the same severally be referred to the House committee on Ways and Means.

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

Of the petition (accompanied by bill, House, No. 2131) of John D. Keenan and others relative to expanding the lead paint abatement loan program,— **and recommending that the same be referred to the committee on Housing.**

Of the petition (accompanied by bill, House, No. 4238) of Joseph R. Driscoll and others (by vote of the town) that housing owned and controlled by the historical society of the town of Braintree be exempt from certain deleading regulations,— **and recommending that the same be referred to the committee on Municipalities and Regional Government.**

Of the petition (accompanied by bill, House, No. 2237) of Tom Sannicandro and others for an

investigation by a special commission (including members of the General Court) relative to health services and environmental conditions at the Massachusetts Correctional Institution at Framingham,— **and recommending that the same be referred to the committee on Public Safety and Homeland Security.**

Of the committee on Public Safety and Homeland Security, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1388) of John A. Hart, Jr., Gale D. Candaras and Brian A. Joyce for legislation to increase the homeland security of the Commonwealth by merging the Massachusetts Bay Transportation Authority Police Department into the Department of the State Police; and

Of the petition (accompanied by bill, House, No. 2298) of Robert K. Coughlin and Bruce E. Tarr relative to establishing a missing child and adults trust fund;

And recommending that the same severally be referred to the House committee on Ways and Means.

Of the committee on Public Safety and Homeland Security, asking to be discharged from further consideration of the recommitted petition (the residue of bill, House, No. 2401, sections 1, 2, 3, 21 to 33, 39 and 44 to 50) of Joseph F. Wagner and others for legislation to increase the homeland security of the Commonwealth by merging the Massachusetts Bay Transportation Authority police department into the department of state police,— **and recommending that the same be referred to the House committee on Ways and Means.**

Of the committee on Public Safety and Homeland Security, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3803) of Jeffrey Davis Perry and others for legislation to require compliance with federal immigration laws for public benefits,— and recommending that the same be referred to the committee on Public Service.

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

Of the petition (accompanied by bill, House, No. 3549) of Stephen Kulik for legislation to further define the term “snow vehicle”,— **and recommending that the same be referred to the committee on Environment, Natural Resources and Agriculture.**

Of the petition (accompanied by bill, House, No. 3448) of Stephen R. Canessa and others relative to engaging in high speed chases; and

Of the petition (accompanied by bill, House, No. 3485) of Paul K. Frost and Edward M. Augustus, Jr. relative to fines for refusal to stop during police pursuit;

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

Of the petition (accompanied by bill, House, No. 4053) of Antonio F. D. Cabral and Mark C. Montigny (with the approval of the mayor and city council) that the city of New Bedford be authorized to adopt regulations for the operation of motorized bicycles and scooters on public ways within said city; and

Of the petition (accompanied by bill, House, No. 4482) of Cleon H. Turner for legislation to further regulate the maintenance of roads, bridges, beaches and other common areas in private subdivisions;

And recommending that the same severally be referred to the committee on Municipalities and Regional Government.

Of the petition (accompanied by bill, House, No. 3632) of Carl M. Sciortino, Jr., and others that the Registrar of Motor Vehicles be authorized to promulgate rules for the regulation of car sharing organizations in the Commonwealth,— **and recommending that the same be referred**

to the committee on Revenue.

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

Resolutions.

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

Resolutions (filed by Mr. Baddour) “congratulating the Belleville Congregational Church on the occasion of its two hundredth anniversary celebration”; and

Resolutions (filed by Mr. Moore) “congratulating Superintendent Lawrence E. Bombara on the occasion of his retirement from the Uxbridge Department of Public Works.”

Communication.

The Clerk read the following communication:

Commonwealth of Massachusetts
Massachusetts Senate
State House, Boston 02133-1053

April 18, 2008:

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

Dear Mr. Clerk:

On Thursday April 17, I had to leave the State House prior to the conclusion of our deliberations, due to a scheduling conflict. I was therefore unable to participate in two roll call votes pertaining to S-2650, An Act to Promote Cost Containment, Transparency and Efficiency in the Delivery of Quality Health Care.

Had I been present, I would have voted against Amendment #43 and in favor of engrossing S-2650.

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,
Edward M. Augustus, Jr.,
Second Worcester.

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

Order Adopted.

Mr. McGee offered the following order, to wit:—

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Labor and Workforce Development be granted until May 19, 2008, the time within which to report on Senate document numbered 1055, relative to apprentice training and Senate document numbered 2476, relative to high school plumbing projects.

Under the rules, referred to the committees on Rules of the two branches, acting concurrently.

Subsequently, Mr. Downing for the said committees, reported, recommending that the order ought to be adopted.

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

Sent to the House for concurrence.

Report of a Committee.

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill establishing additional licenses for the sale of alcoholic beverages (Senate, No. 2358) [Local approval received].

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and ordered to a third reading.

Order Adopted.

On motion of Mr. Tarr,—

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.

On motion of the same Senator, at seven minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.