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## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

*Tuesday, April 29, 2008.*

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

#### *Distinguished Guests.*

There being no objection, several guests were recognized as follows:

The President handed the gavel to Mr. Rosenberg for the purpose of an introduction. Mr. Rosenberg then introduced the Frontier Regional High School Boys Basketball Team. The team was applauded for winning the Division III State Championship.

The President handed the gavel to Mr. Galluccio for the purpose of an introduction. Mr. Galluccio then introduced the Everett High School Football Team. The team was recognized for winning the Division I Football Championship, and have held this title for seven out of the past ten years. They were accompanied by Head Coach, John DiBiao who holds the title of New England Coach of the Year.

During consideration of the Orders of the Day, the President introduced, seated in the rear of the Chamber, Representatives Don Walko and Sean Ramaley from Pennsylvania. They were the guests of Senator Steven A. Tolman.

The President handed the gavel to Mr. Antonioni for the purpose of an introduction. Mr. Antonioni then introduced a group of students from Lunenburg High School. They were recognized as writers of a Senate Resolution honoring bus drivers in the Commonwealth. The students were accompanied by Loxi Calmes, Superintendent of Lunenburg High School and teacher Warren Stevenson.

The President handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced Andre Tippet, a former linebacker for the New England Patriots. Mr. Tippet was recognized for having been elected into the pro Football Hall of Fame in Canton, Ohio. Mr. Tippet was accompanied by his wife, Rhonda, daughter Madison and his son Coby. Mr. Tippet signed the guest book and along with his family withdrew from the Chamber. They were the guests of Senators Timilty and Joyce.

#### *Petition.*

Mr. Brown presented a petition (subject to Joint Rule 12) of Scott P. Brown, Todd M. Smola, Paul McMurty, Richard R. Tisei and other members of the General Court for legislation relative to encouraging the sale and planting of trees for Arbor Day,—  
**and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Reports of Committees.*

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on Senate, Nos. 305, 395, 1344, 1347, 1348, 1349, 1350, 1351, 1352, 1354, 1357, 1360, 1361, 1363, 1364, 1368, 1369, 1371, 1374, 1376, 1378, 1379, 1380, 1381, 1383, 1384, 1385, 1386, 1387, 1394, 1396, 1397, 1398, 1399, 1403, 1404, 1405, 1406, 1407, 1408, 1410, 1416, 1417, 1421, 1423, 1425,

1427, 2068 and 2205, an Order relative to authorizing the joint committee on Public Safety and Homeland Security to make an investigation and study of certain current Senate documents relative to building and construction safety, fire safety and prevention, firearms and firearm licensing, law enforcement, criminal data collection, and corrections (Senate, No. 2610); By Mr. Galluccio, for the committee on Public Service, on Senate, Nos. 2140 and 2549, an Order relative to authorizing the joint committee on Public Service to make an investigation and study of certain current Senate documents relative to public service (Senate, No. 2644);

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on Senate, Nos. 1850, 1851, 1857, 1860, 1861, 1862, 1863, 1864, 1866, 1868, 1869, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1886, 1889, 1890, 1892, 1892, 1894, 1897, 1898, 1902, 1904, 1906, 1907, 1908, 1911, 1912, 1913 and 1916, an Order relative to authorizing the joint committee on State Administration and Regulatory Oversight to make an investigation and study of certain current Senate documents relative to state administration and regulatory matters (Senate, No. 2627);

By Mr. Morrissey, for the committee on Telecommunications, Utilities and Energy, on Senate, Nos. 327, 1918, 1919, 1920, 1921, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1933, 1934, 1935, 1938, 1939, 1940, 1942, 1946, 1948, 1949, 1950, 1951, 1953, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1976, 1977, 1978, 1979, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1991 and 1994, an Order relative to authorizing the joint committee on Telecommunications, Utilities and Energy to make an investigation and study of certain current Senate documents relative to telecommunication and energy issues (Senate, No. 2645);

By Mr. Baddour, for the committee on Transportation, on Senate, Nos. 227, 2017, 2026, 2029, 2030, 2034, 2037, 2044, 2045, 2050, 2031, 2053, 2054, 2057, 2058, 2059, 2060, 2062, 2064, 2067, 2070, 2072, 2073, 2078, 2080, 2090, 2097, 2106, 2107, 2109, 2110, 2112, 2114, 2115, 2116, 2121, 2122, 2229, 2230 and 2471, an 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. 2596) [Local approval received on Senate, Nos. 2229, 2230 and 2471];

**Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.**

By Mr. McGee, for the committee on Labor and Workforce Development, on petition (accompanied by bill, Senate, No. 266), a Bill clarifying employer sanctions for improper expenditure of withholdings or deductions from wages (Senate, No. 2579);

**Referred, under Joint Rule 1E, to the committee on Health Care Financing.**

By Mr. Creedon for the committee on Judiciary, on petition (accompanied by bill, Senate, No. 1033), a Bill relative to regulating notaries public to protect consumers from fraud and other abuses (Senate, No. 2652);

By the same Senator, for the same committee, on Senate, Nos. 835, 878 and 883, a Bill relative to the estate of homestead (Senate, No. 2653);

By Mr. McGee, for the committee on Labor and Workforce Development, on petition (accompanied by bill, Senate, No. 1065), a Bill relative to apprentice identification cards (Senate, No. 2583);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1075), a Bill relative to personnel records (Senate, No. 2584);

By the same Senator, for the same committee, on Senate, Nos. 1104 and 1106, a Bill relative to labor relations and representational elections (Senate, No. 2585);

By the same Senator, for the same committee, on Senate, Nos. 1063 and 1072, a Bill relative to restoring fairness in the unemployment insurance law for workers in temporary jobs (Senate, No. 2620);

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on Senate, Nos. 1377, 1389 and 1414, a Bill relative to bicyclist safety (Senate, No. 2573);

By Mr. Galluccio, for the committee on Public Service, on petition (accompanied by bill, Senate, No. 1581), a Bill relative to the retirement benefits of emergency medical technicians (Senate, No. 2659);

By Ms. Creem, for the committee on Revenue, on petition (accompanied by bill, Senate, No. 1834), a Bill relative to veterans exemptions (Senate, No. 2577);

By the same Senator, for the same committee, on petition. (accompanied by bill, Senate, No. 1836), a Bill deferring automobile excise tax for the National Guard and reserves (Senate, No. 2578);

By the same Senator, for the same committee, on Senate, No. 1711 and House, No. 3003, a Bill increasing child support payments to children (Senate, No. 2588);

By the same Senator, for the same committee, on Senate, Nos. 1712, 1728, 1736, 1741, 1796, 1797, 2319 and 2354, a Bill relative to senior citizen property taxes (Senate, No. 2641) [Local approval received on Senate, No. 2319];

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition (accompanied by bill, Senate, No. 1899), a Bill relative to interest on retainage (Senate, No. 2643);

By Mr. Morrissey, for the committee on Telecommunications, Utilities and Energy, on petition (accompanied by bill, Senate, No. 1932), a Bill relative to promoting safety by making gas gate boxes easily accessible to gas company service employees and emergency public service personnel (Senate, No. 2646);

By the same Senator, for the same committee, on Senate, Nos. 1922 and 1952, a Bill relative to the Massachusetts Municipal Wholesale Electric Company (Senate, No. 2647);

By the same Senator, for the same committee, on Senate, Nos. 1936 and 1937 and House, Nos. 3321 and 3322, a Bill relative to requiring the Division of Energy Resources to report to the legislature (Senate, No. 2648);

By the same Senator, for the same committee, on Senate, No. 1975 and House, No. 3385, a Bill relative to promoting consumer choice and competition for cable service (Senate, No. 2649); and

By Mr. McGee, for the committee on Veterans and Federal Affairs, on petition (accompanied by bill, Senate, No. 2132), a Bill to establish a military service scholarship program (Senate, No. 2655);

**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on Senate, No. 1872 and House, No. 3249, a Bill to provide for the public inspection of law enforcement records made or received by special state police officers at colleges and universities (Senate, No. 2657) ;

**Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

By Mr. McGee, for the committee on Veterans and Federal Affairs, on petition (accompanied by resolutions, Senate, No. 2138), Resolutions memorializing the Congress to fix and fund the Real ID Act (Senate, No. 2654);

**Under Senate Rule 26, referred to the committee on Ethics and Rules.**

#### **PAPERS FROM THE HOUSE.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4710) of Angelo M. Scaccia (with the approval of the mayor and city council) relative to certain affordable housing in the city of Boston;

**To the committee on Housing.**

Petition (accompanied by bill, House, No. 4711) of John P. Fresolo and others (with approval of the mayor and city council) that the city of Worcester be authorized to grant retirement and medical benefits to firefighter Mark S. Stomski;

**Under suspension of Joint Rule 12, to the committee on Public Service.**

A report 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 4 to 20, 34 to 38 and 40 to 43) 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,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence, inasmuch as relates to the discharge of the joint committee.**

There being no objection, at seventeen minutes past one o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at thirteen minutes before 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.

#### *Report of a Committee.*

Mr. Downing, for the committee on Ethics and Rules, reported, that work in the Senate Chamber to upgrade electronic production of Senate Sessions for the benefit of all interested citizens of the Commonwealth is currently on going and at this time is incomplete. Due to this upgrading the electronic recording of today's session cannot be completed because equipment such as cameras will not be available in the Chamber until later in the week. The committee on Ethics and Rules therefore recommends that Senate Rules 59A, 59B, 59C and 59D, relative to electronic access of Senate Sessions to members and the general public be suspended for this session.

**There being no objection, the report was considered forthwith and accepted; and the rules were suspended.**

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:— Resolutions (filed by Mr. Antonioni) “honoring the bus drivers of the Commonwealth”; and Resolutions (filed by Messrs. Moore and Knapik) “congratulating the Polish American Congress on its many outstanding achievements.”

#### *Orders of the Day.*

The Orders of the Day were considered, as follows:

The House Bill relative to town meeting votes in the town of Lexington (House, No. 1958),— **was read a second time and ordered to a third reading. There being no objection, the rules were suspended, on motion of Ms. Fargo, and the bill was read a third time and passed to be engrossed, in concurrence.**

The Senate Resolve providing for an investigation and study by a special commission on the prevention of falls in the elderly population (Senate, No. 2669) (its title having been changed by the committee on Bills in the Third Reading),— **was read a**

**third time and passed to be engrossed.  
Sent to the House for concurrence.**

The House Bill establishing a sick leave bank for Deborah A. Jones, an employee of the Department of Mental Retardation (House, No. 4928),— **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill relative to rates of pilotage (Senate, No. 515),— **was read a second time.**  
**Pending the question on ordering the bill to a third reading, on motion of Mr. Tisei, the further consideration thereof was postponed until Tuesday, May 20.**

The House Bill relative to notices of town meetings in the town of Lexington (House, No. 4261),— **was read a second time and ordered to a third reading. There being no objection, the rules were suspended, on motion of Ms. Menard, and the bill was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill requiring additional information to be included in an individual education program (Senate, No. 311) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time.**  
After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at fourteen minutes past two o'clock P.M., on motion of Mr. Antonioni, as follows, to wit (*yeas 39 — nays 0*) [**Yeas and Nays No. 207**]:

<b>YEAS.</b>	
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.
Hart, John A., Jr.	Tisei, Richard R.
Hedlund, Robert L.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
Knapik, Michael R.	Wilkerson, Dianne — <b>39.</b>
Marzilli, Jim	
<b>NAYS. — 0.</b>	
Augustus, Edward M., Jr.	Joyce, Brian A. — <b>2.</b>

**The yeas and nays having been completed at twenty-one minutes past two o'clock P.M., the bill was passed to be engrossed.**

**Sent to the House for concurrence.**

The Senate Bill to establish collaborative drug therapy management (Senate, No. 420),— **was read a third time.**

**Pending the question on passing the bill to be engrossed, on motion of Mr. Moore, the further consideration thereof was postponed until 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 forthwith:—

The Senate Bill authorizing the conversion of the liquor liability joint underwriting g association of Massachusetts into the liquor liability mutual insurance company (Senate, No. 573),— **was read a second time and was amended, as previously recommended by the committee on Ethics and Rules, substituting a new draft entitled “An Act converting the Liquor Liability Joint Underwriting Association into the Hospitality Mutual Insurance Company” (Senate, No. 2668). Subsequently, after remarks, the bill (Senate, No. 2668) was then ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

The Senate Bill authorizing the town of Milton to issue one additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (Senate, No. 2485),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

The Senate Bill authorizing the town of Sandwich to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2524),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

The House Bill relative to administrative oversight of the hiring process in the town of West Boylston (House, No. 4099) was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Chandler moved that the bill be amended striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2670.

**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 Senate Bill increasing the number of licenses for the sale of alcoholic beverages in the city of Boston (Senate, No. 2358) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

*Order Adopted.*

On motion of Mr. Pacheco,—

*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.

*Moment of Silence.*

At the request of the President, the members, guests and employees stood in a moment of silence and reflection to the memory of Lauren Chang.

*Adjournment in Memory of Lauren Chang.*

The Senator from Middlesex and Norfolk, Ms. Creem, requested that when the Senate adjourns today, it adjourn in memory of Lauren Chang of Newton, Massachusetts.

Lauren Chang, a 20 year old graduate of Newton North High School died Monday, April 14 after collapsing during a daylong cheerleading competition the prior weekend. Lauren started cheering as a high school junior and volunteered as an instructor for

Garden City Sports cheerleading camp in Newton. She joined the Energy Cheer team after graduation and was in her third year with a team that won a national championship title last year in Boston. Lauren Chang was known for her constant smile, her commitment to tumbling, and her willingness to offer support to others. She will truly be missed.

Accordingly, as a mark of respect to the memory of Lauren Chang, at nineteen minutes before three o'clock P.M., on motion of Ms. Creem, the Senate adjourned to meet again on Thursday at eleven o'clock A.M.