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## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

*Tuesday, May 1, 2007.*

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

#### *Communication.*

A communication was received from the Honorable Therese Murray, President of the Senate, announcing the following changes in membership of joint committees:

Senator Steven Tolman has resigned from the second position of the committee on Health Care Financing and has been replaced by Senator Marc R. Pacheco.

Senator Benjamin B. Downing has been appointed to the previously vacant second position on the committee on Higher Education.

**The communication was placed on file.**

#### *Petitions.*

Petitions were presented and referred, as follows:

By Mr. Antonioni (by request), a petition (subject to Joint Rule 12) of Larry Fontaine for legislation to further regulate the licensing of hawkers and peddlers; and

By Mr. Downing, a petition (subject to Joint Rule 12) of Benjamin B. Downing, Peter V. Kocot, Edward M. Augustus, Jr., John W. Scibak and other members of the General Court for legislation to create a tax incentive for renewable energy technology jobs creation;

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

#### *Committee Discharged.*

Mr. Antonioni, for the committee on Education, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 305) of Gale D. Candaras, Bruce E. Tarr, James E. Timilty, Michael R. Knapik and other members of the General Court for legislation relative to school safety,— **and recommending that the same be referred to the committee on Public Safety and Homeland Security.**

**Under Senate Rule 36, the report was considered forthwith and accepted.**

**Sent to the House for concurrence.**

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

A petition (accompanied by bill, House, No. 3992) of Kay Khan and others (with the approval of the mayor and board of aldermen) that certain resident aliens of the city of Newton be authorized to vote in local elections of said city,— **was referred, in concurrence, to the committee on Election Laws.**

A Bill making appropriations for the fiscal year 2008 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4001,— on House, No 1, in part),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

There being no objection, at three minutes past one o'clock P.M., the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and, at twenty-seven minutes past one 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.

*Orders of the Day.*

The Orders of the Day were considered, as follows:

The Senate Bill establishing a sick leave bank for Yaniris Cabrera, an employee of the Trial Court (Senate, No. 2181) (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 Senate Bill further regulating access to birth certificates (Senate, No. 63, amended),— **was read a third time and, after remarks, was passed to be engrossed. Sent to the House for concurrence.**

The Senate Bill relative to volunteers at state parks (Senate, No. 786),— **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 nineteen minutes before two o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 13**]:

**YEAS.**

Antonioni, Robert A.	Knapik, Michael R.
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	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.	Resor, Pamela
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	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
Joyce, Brian A.	Wilkerson, Dianne —

**38.**

**NAYS — 0.**

**The yeas and nays having been completed at twelve minutes before two o'clock P.M., the bill was passed to be engrossed. Sent to the House for concurrence.**

The Senate Bill to continue the safe placement of newborn infants (Senate, No. 2177, amended),— was read a third time. Pending the question on passing the bill to be engrossed, on motion of Mr. Tisei, the further consideration thereof was postponed until Monday, July 2.

The message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill further regulating the Massachusetts Commission Against Discrimination (see House, No. 3967, changed) [for message, see House, No. 3979],— **was considered, the main question being on rejecting the Governor's amendment and accepting the House amendment striking out section 3.**

**The pending motion, previously moved by Mr. Tisei, to lay the matter on the table was considered; and, there being no objection, on motion of the same Senator, the motion to lay the matter on the table was withdrawn.**

**After remarks, the Governor's amendment was rejected.**

After further remarks, the question on concurring in the House amendment was determined by a call of the yeas and nays, at one minute before two o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas* 35 — *nays* 0) [**Yeas and Nays No. 14**]:

### **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.	Resor, Pamela
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	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.
Joyce, Brian A.	Wilkerson, Dianne —
Knapik, Michael R.	<b>35.</b>

### **NAYS — 0.**

### **ANSWERED "PRESENT".**

Walsh, Marian — **1.**

### **ABSENT OR NOT VOTING.**

Barrios, Jarrett T.	Jehlen, Patricia D. —
	<b>2.</b>

The yeas and nays having been completed at five minutes past two o'clock P.M., the House amendment was adopted.

*Resolutions.*

Resolutions (filed by Mr. Panagiotakos) “forecasting the amount of tax revenue for Fiscal Year 2008 (Senate, No. 2222)”,— were read.

After remarks, the question on adoption of the resolutions was determined by a call of the yeas and nays, at fourteen minutes past two o’clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 15**]:

**YEAS.**

Antonioni, Robert A.	Knapik, Michael R.
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	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.	Resor, Pamela
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	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.
Joyce, Brian A.	Walsh, Marian— <b>35.</b>

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Jehlen, Patricia D.	Wilkerson, Dianne— <b>2.</b>
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**The yeas and nays having been completed at eighteen minutes past two o’clock P.M., the resolutions were adopted.**

*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 the Newton Community Development Authority and the Newton Housing Authority (Senate, No. 1162),— **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 Middleborough to use a portion of town-owned land for purposes other than water supply protection and storage (Senate, No. 1189),— **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 relative to property owned by the Boys and Girls Club of Brockton, Inc. (Senate, No. 2175),— **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 establishing the Marlborough 2010 Corporation (House, No. 2029),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in con-currence.**

The House Bill authorizing the town of Franklin to grant an additional liquor license for the sale of wine and malt beverages not be drunk on the premises (House, No. 3962, amended),— **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 city known as the town of Franklin to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises”.**

*Orders Adopted.*

Mr. Brewer offered the following order:

*Ordered*, That, conformably to the provisions of Article XLVIII(48) (as amended by Article LXXXI)(81)) of the Amendments to the Consti-tution, a joint session of the two Houses be held on Wednesday, May 9, 2007, at one o’clock P.M., for the purpose of considering proposals for amendments to the Constitution.

Insofar as applicable, the special rules of procedure, in effect in the preceding General Court shall govern said joint session, and any further joint sessions called for the purpose of considering amendments to the Constitution.

There being no objection, the rules were suspended, on motion of the same Senator, and the order was considered forthwith and adopted.

Sent to the House for concurrence.

Mr. Moore offered the following order:

*Ordered*, That, the Senate hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amendment by Article LXXXI) of the Amendments to the Constitution, to consider the following proposals:

Proposal for a legislative amendment to the Constitution increasing the term of the General Court from two to four year (see Senate, No. 21), with reference to which the committee on Election Laws has reported, recommending that said amendment ought NOT to pass (Senator Spilka and Representatives Atsalis of Barnstable and Rogeness of Longmeadow dissenting);

Proposal for a legislative amendment to the Constitution establishing an independent redistricting commission and criteria redistricting for state House, Senate, and Councillor districts (see Senate, No. 22), with reference to which the committee on Election Laws has reported, recommending that said amendment ought NOT to pass (Senators Augustus, Spilka and Brown and Representatives Eldridge of Acton, Rogeness of Longmeadow and Frost of Auburn dissenting); and

Proposal for a legislative amendment to the Constitution relative to emergency appointments of elected officials (see Senate, No. 23), with reference to which the committee on Election Laws has reported, recommending that said amendment ought to pass (Senator Creedon dissenting).

**There being no objection, the rules were suspended, on motion of the same Senator, and the order was considered forthwith and adopted.**

**PAPERS FROM THE HOUSE.**

*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:

Authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to a certain property in the town of Sharon (see Senate, No. 2212); and

Authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to a certain property in the town of Foxborough (see Senate, No. 2213).

A petition (accompanied by bill, House, No. 4005) of Christopher G. Fallon for legislation to require certain courses on religion to be taught in the public high schools in the Commonwealth,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Education.**

*Report of a Committee.*

Ms. Menard, 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 the Wareham fire district (Senate, No. 1186).

**There being no objection, the rules were suspended, on motion of Ms. Fargo, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: An Act relative to the Wareham Fire District”.**

**Sent to the House for concurrence.**

*Order Adopted.*

On motion of Mr. Havern,—

*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 John J. Pasquarello.*

The Senator from Middlesex, Ms. Jehlen, moved that when the Senate adjourns today, it adjourn in memory of John J. Pasquarello of Cambridge.

Accordingly, as a mark of respect to the memory of John J. Pasquarello, at twenty-nine minutes before three o'clock P.M., on motion of Ms. Chandler, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.