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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, May 1, 2008.

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

The Senator from Middlesex and Essex, Mr. Tisei, then led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Petition.

Mr. Moore presented a petition (subject to Joint Rule 12) of Richard T. Moore and John V. Fernandes for legislation relative to the fair treatment of certain teachers' retirement benefits,— **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. Creedon, for the committee on the Judiciary, on Senate, Nos. 787, 788, 789, 790, 791, 792, 794, 796, 797, 798, 799, 800, 803, 804, 805, 806, 807, 808, 809, 810, 812, 818, 819, 820, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 834, 837, 838, 839, 840, 844, 845, 848, 849, 850, 851, 853, 854, 857, 858, 859, 861, 862, 864, 865, 866, 867, 869, 871, 872, 873, 876, 877, 879, 880, 881, 882, 884, 885, 886, 887, 888, 889, 890, 892, 893, 894, 895, 896, 897, 899, 900, 901, 903, 904, 905, 906, 907, 908, 909, 910, 912, 913, 914, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 933, 934, 935, 936, 937, 938, 940, 941, 942, 943, 944, 946, 947, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 976, 978, 979, 981, 983, 984, 986, 987, 988, 990, 991, 995, 996, 998, 1000, 1001, 1002, 1003, 1005, 1006, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030; 1031, 1032, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1045, 1046, 1048, 1230, 1231, 2196, 2197, 2198, 2199, 2200 and 2314, an Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of certain current Senate documents relative to criminal procedure and penalties, torts, privacy, real estate, probate, the courts of the commonwealth and other related legal matters (Senate, No. 2632);

By Mr. Galluccio, for the committee on Public Service, on Senate, Nos. 1429, 1430, 1436, 1437, 1438, 1439, 1440, 1441, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1475, 1476, 1477, 1478, 1479, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1493, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1503, 1504, 1506, 1507, 1509, 1510, 1511, 1512, 1516, 1518, 1519, 1520, 1521, 1522, 1523, 1526, 1527, 1528, 1531, 1532, 1533, 1535, 1536, 1537, 1538, 1539, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1553, 1554, 1555, 1556, 1558, 1559, 1560, 1561, 1564, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1580, 1582, 1583, 1584, 1585, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1611, 1612, 1615, 1616, 1617, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1632, 1634, 1635, 1636, 1637, 1640, 1641, 1643, 1646, 1647, 1648, 1649, 1651, 1652, 1655, 1656, 1657, 1658, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1669, 1671, 1673, 1674, 1676, 16.77, 1678, 1680, 1681, 1682, 1684, 1685, 1686 and 2206, 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. 2633);

By Ms. Creem, for the committee on Revenue, on Senate, Nos. 1144, 1687, 1689, 1690, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1714, 1715, 1716, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1727, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1737, 1738, 1739, 1740, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1774, 1775, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1798, 1799, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1835, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 2052, 2150, 2151, 2216, 2226, 2231, 2233, 2262, 2327 and 2521, an Order relative to authorizing the joint committee on Revenue to make an investigation and study of certain current Senate documents relative to revenue and taxation matters (Senate, No. 2631);

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

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 Transportation to make an investigation and study of certain current Senate documents relative to transportation (Senate, No. 2596);

Of the Senate 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);

Of the Senate 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);

Of the Senate 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); and

Of the Senate 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);

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.

Mr. Downing, for the committee on Ethics and Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Public Health to make an investigation and study of certain current Senate documents (Senate, No. 2598), reported, in part, asking to be discharged from further consideration

Of the Senate petition (accompanied by bill, Senate, No. 1216) of Harriette L. Chandler and Kay Khan for legislation relative to dental auxiliaries; and

Of the Senate petition (accompanied by bill, Senate, No. 1329) of James E. Timilty and Susan C. Fargo for legislation relative to further regulating tanning facilities,— **and recommending that the same be severally recommitted to the committee on Public Health.**

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

PAPERS FROM THE HOUSE.

Reports

Of the House committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the House Bill relative to controlled substances (House, No. 4434), — **and recommending that the same be referred to the committee on the Judiciary.**

Of the House Bill relative to the designation of a certain bridge in the town of Falmouth the Raleigh D. Costa Memorial Bridge (House, No. 4435),— **and recommending that the same be referred to the committee on Veterans and Federal Affairs.**

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence, insomuch as relates to the reference to the joint committee.

Reports

Of the House committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the House Bill relative to the cremation of bodies of certain deceased persons (House, No. 4927), — **and recommending that the same be recommitted to the committee on Public Health.**

Of the House Bill relative to the restriction of certain children as passengers in front seats of motor vehicles (House, No. 3474),— **and recommending that the same be recommitted to the committee on Transportation.**

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence, insomuch as relates to the recommittal to the joint committee.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Ms. Candaras) “recognizing the accomplishments of World Champion Steven Purugganan at the 2008 WSSA World Sport Stacking Championships”; and
Resolutions (filed by Messrs. Timilty, Brewer and Brown, Ms. Candaras, Mr. Downing, Ms. Fargo, Messrs. Joyce, Knapik, Montigny, Moore, O’Leary and Panagiotakos, Ms. Resor, Mr. Rosenberg, Ms. Spilka, Messrs. Tarr and Tisei and Ms. Tucker) “honoring the Northeastern University Center for Family Business and the New England Chapter of the Family Firm Institute on their recognition of the contributions of family-owned businesses.”

Order Adopted.

Mr. Montigny offered the following order, to wit:

Ordered, That notwithstanding the provisions of Joint Rule 10, the Committee on Bonding, Capital Expenditures and State Assets be granted until Wednesday, May 21, 2008 within which time to make its final report on current Senate document numbered 2625, relative to bonding, capital expenditures and state assets.

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

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

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

Sent to the House for concurrence.

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill releasing certain land in Dudley from the operation of an agricultural preservation restriction, (Senate, No. 46), ought to pass, with an amendment in section 2, line 37, by striking out the words “a non-profit agricultural land preservation organization, approved by the Department” and inserting in place thereof the following words:— “the Department of Agriculture Mitigation Expendable Trust”.

There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 46, amended) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to changing the hoisting law (Senate, No. 1356),— **ought to pass, with an amendment by inserting, in line 4, after the word “property” the following words:— “which is not ordinarily open to the general public”.**

There being no objection, the rules were suspended, on motion of Mr. Petruccelli, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 1356, amended) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing the Nantucket Community Housing Bank (Senate, No. 2544),— **ought to pass.**

Mr. Petruccelli moved to suspend the rules to consider the matter forthwith; but objection was made thereto by Mr. Tisei. Under Senate Rule 26, referred to the committee on Ethics and Rules.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill providing for the disposition of certain property at Medfield State Hospital (House, No. 4214),— **ought to pass, with an amendment in subsection (c) of section 8 by inserting after the words “after consultation with” the following words:— “the department of housing and community development and”;** and by inserting after the words “commissioner of the department of mental health” the following words:— **“and the undersecretary of housing and community development”.**

There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill, as amended, was then ordered to a third reading.

PAPER FROM THE HOUSE.

A joint petition (accompanied by bill, House, No. 4717) of Kevin Aguiar and others for legislation to establish a sick leave bank for Manuel M. Affonso, Jr., an employee of the Department of Correction,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Order Adopted.

On motion of Mr. Tisei,—

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 the same Senator, at ten minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.