

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.

Monday, May 5, 2008.

Met at one minute past eleven o'clock A.M. (Mr. Petrucci in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Reports.

The following reports were severally read and placed on file:

A report of the Division of Unemployment Assistance (under the provisions of Section 14F of Chapter 151A of the General Laws) relative to the condition of the Unemployment Insurance Trust Fund for the month of March 2008 (received Monday, April 28, 2008); and

A report the Department of Public Health relative to a plan of correction submitted pursuant to inspection of the Middlesex House of Correction (received Friday, May 2, 2008).

Petition.

Ms. Murray presented a petition (accompanied by bill, Senate, No. 2680) of Therese Murray and Jeffrey D. Perry (by vote of the town) for legislation to amend the town charter of Sandwich,— **and the same was referred, under Senate Rule 20, to the committee on Municipalities and Regional Government. Sent to the House for concurrence.**

Reports of Committees.

By Mr. Baddour, for the committee on Transportation, on petition, an Order relative to authorizing the joint committee on Transportation to make an investigation and study of certain current Senate document numbered 2065 relative to transportation (Senate, No. 2681);
Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Creedon, for the committee on the Judiciary, on petition, a Bill relative to judges and registers of probate (Senate, No. 784);

By the same Senator, for the same committee, on petition, a Bill relative to the vacation rights of a certain employee of the Trial Court (Senate, No. 785);

By the same Senator, for the same committee, on petition, a Bill regarding fees for justices of the peace (Senate, No. 801);

By the same Senator, for the same committee, on petition, a Bill relative to the death of judges in the performance of their duties and survivors benefits (Senate, No. 846);

By the same Senator, for the same committee, on petition, a Bill relative to insubstantial, frivolous or bad faith claims in district and municipal courts (Senate, No. 852);

By the same Senator, for the same committee, on petition, a Resolve resolve relative to the reimbursement of Chester Gorski (Senate, No. 911);

By the same Senator, for the same committee, on petition, a Bill prohibiting the possession by or sale of spray paint to minors. (Senate, No. 975);

By the same Senator, for the same committee, on petition, a Bill providing for the protection of justices of the commonwealth (Senate, No. 977);

By the same Senator, for the same committee, on petition, a Bill establishing a clerk overseeing lottery winnings disputes in the Superior Court of Norfolk County (Senate, No. 982);

By the same Senator, for the same committee, on petition, a Bill relative to the rate of compensation of private counsel (Senate, No. 999);

By the same Senator, for the same committee, on Senate, Nos. 932, 997 and 1007, a Bill relative to small claims procedures (Senate, No. 1007, changed in line 3, by striking out the words “seven thousand dollars” and inserting in place thereof the words:— “two thousand, five hundred dollars”);

By the same Senator, for the same committee, on petition, a Resolve in favor of William J. Gormley, III (Senate, No. 1047);

By the same Senator, for the same committee, on petition, a Bill relative to safety at the John Adams Courthouse (Senate, No. 2516);

By the same Senator, for the same committee, on petition, a Bill relative to responsibility for damages resulting from the transportation of explosive and inflammable materials (Senate, No. 2523);

By the same Senator, for the same committee, on petition, a Bill relative to strengthening the Anti-Slapp Law (Senate, No. 2530);

By Mr. McGee, for the committee on Labor and Workforce Development, on petition, a Bill to improve education and workforce opportunities for deaf and hard-of-hearing individuals (Senate, No. 566);

By the same Senator, for the same committee, on petition, a Bill relative to the state wildfire team (Senate, No. 1053, changed in line 2, by striking out the word “1996” and inserting in place thereof the word “2006”);

By the same Senator, for the same committee, on Senate, No. 1073 and House, No. 1803, a Bill establishing paid sick days (Senate, No. 1073);

By the same Senator, for the same committee, on Senate, No. 1087 and House, No. 1773, a Bill promoting fairness for workers requalifying for unemployment insurance (Senate, No. 1087, changed in line 1, by inserting after the word “151A.” the words “of the General Laws” by striking out the word “2000” and inserting in place thereof the word “2006”; and in line 2, by striking out the words “109 to 112” and inserting in place thereof the words “111 to 114”);

By the same Senator, for the same committee, on Senate, No. 1088 and House, Nos. 1866 and 3797, a Bill to provide a safe workplace for employees of the commonwealth, its independent authorities and other political subdivisions (Senate, No. 1088);

By the same Senator, for the same committee, on petition, a Bill establishing a Commonwealth citizen service initiative (Senate, No. 1094);

By the same Senator, for the same committee, on petition, a Bill relative to posting employment opportunities (Senate, No. 1096, changed in line 1, by striking out the word “1996” and inserting in place thereof the word “2006”);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1111), a Bill relative to the penalty for failure to provide workers’ compensation insurance (Senate, No. 2587);

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Bill mandating fire life safety (Senate, No. 1412, changed in line 10, by striking out the following words: “be Massachusetts manufacturers and”);

By Mr. Galluccio, for the committee on Public Service, on petition, a Bill relative to teacher retirement (Senate, No. 1432);

By the same Senator, for the same committee, on petition, a Bill relative to age restrictions for veterans applying to be police officers and firefighters (Senate, No. 2560);

By Ms. Creem, for the committee on Revenue, on petition, a Bill relative to the taxation of certain personal property (Senate, No. 1688, changed in line 1 by striking the figure “2004” and inserting in place thereof the figure “2006” and in line 2 by striking the figure “451” and inserting in place thereof the figure “538”);

By the same Senator, for the same committee, on petition, a Bill establishing an income tax deduction for individuals who donate a human organ (Senate, No. 1800); and

By the same Senator, for the same committee, on petition, a Bill establishing the Commonwealth Lung Cancer Early Detection and Treatment Research Fund (Senate, No. 2454);

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

By Mr. Moore, for the committee on Health Care Financing, on petition, a Bill relative to the compensation and expense to members of the Board of Registration of Medicine (Senate, No. 1263);

By the same Senator, for the same committee, on petition, a Bill relative to determination of need for hospital beds (Senate, No. 1267);

By the same Senator, for the same committee, on petition, a Bill prohibiting the sale of gray market and counterfeit tobacco products (Senate, No. 1324);

By the same Senator, for the same committee, on petition, a Bill to prohibit discrimination against physical therapists and physical therapist assistants in securing medical malpractice insurance (Senate, No. 2215); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 697), a Bill relative to standardizing medical coding and billing formats for health insurers (Senate, No. 2638);

By Mr. Creedon, for the committee on the Judiciary, on petition, a Bill relative to juvenile intimidation of witnesses, jurors and persons furnishing information in connection with criminal proceedings. (Senate, No. 2266);

By Mr. McGee, for the committee on Labor and Workforce Development, on petition, a Bill relative to the employment rights of

volunteer ambulance service (Senate, No. 1052, changed in line 1, by striking out the word “2004” and inserting in place thereof the words “2006”);

By Mr. Petrucci, for the committee on Municipalities and Regional Government, on petition, a Bill to amend the sharing between the town of Randolph and the town of Holbrook of the costs incurred by said towns when acting jointly. (Senate, No. 1176);

By the same Senator, for the same committee, on petition, a Bill establishing the Cape Cod Water Protection Collaborative (Senate, No. 1181); and

By the same Senator, for the same committee, on petition, a Bill authorizing the county commissioners of the county of Dukes County to borrow money to replace the roof of a certain courthouse. (Senate, No. 2535) [Local approval received];

Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

By Mr. Petrucci, for the committee on Municipalities and Regional Government, on petition, a Bill relative to the interest rate to be charged upon apportioned betterment assessments for the Weweantic sewer project in the town of Wareham (Senate, No. 2155) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to interest rates to be charged upon apportioned betterment assessments in the town of Wareham (Senate, No. 2158) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to educational expenditures in the town of Milton (Senate, No. 2486) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill relative to the Recreation Revolving Fund in the town of Rutland (Senate, No. 2519) [Local approval received];

Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

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 establishing the Nantucket Community Housing Bank (Senate, No. 2544).

Committee 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 Revenue to make an investigation and study of certain current Senate documents relative to revenue and taxation matters (Senate, No. 2631);

Of the Senate 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); and

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. 2633).

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.

Bills

Relative to public access of private restroom facilities (House, No. 2121,— on Senate, No. 1315); and

Relative to caregiver medical and educational consent (House, No. 4718;— on House, No. 1151).

Were severally read and, under Senate Rule 26, referred to the committee on Senate Ethics and Rules.

Resolutions.

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

Resolutions (filed by Ms. Walsh) “congratulating Constance Kaufman Rizoli on receiving the Patricia Blake Advocacy Award From the Federation for Children with Special Needs.”

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Deborah A. Jones, an employee of the Department of Mental Retardation (see House, No. 4928), 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 4 to 0.**

The bill was signed by the Acting President (Mr. Petrucci) and sent to the House for enactment.

Engrossed Bill.

An engrossed Bill authorizing the town of Milton to borrow money to fund certain payments (see Senate, No. 2487) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, — **was passed to be enacted and was signed by the Acting President (Mr. Petruccelli) and laid before the Governor for his approbation.**

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill improving tax fairness and business competitiveness (House, No. 4672),— **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2675.**

Recess.

There being no objection, at nine minutes past eleven o'clock A.M., the Chair (Mr. Petruccelli) declared a recess subject to the call of the Chair; and, at twenty-six minutes before one o'clock P.M., the Senate reassembled, Mr. Petruccelli in the Chair.

Order Adopted.

Mr. Panagiotakos offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7, or any other rule to the contrary, the House Bill improving tax fairness and business competitiveness (House, No. 4672), with the new text proposed by the committee on Ways and Means (Senate, No. 2675), shall be placed in the Orders of the Day for consideration of its second reading on Tuesday, May 6, 2008.

All amendments to the bill shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M. on Monday, May 5, 2008. All such amendments shall be second-reading amendments, but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Ethics and Rules.

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

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

Subsequently, Senate, No. 2675 was placed in the Orders of the Day for the next session.

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 Anthony W. Petruccelli for legislation to establish a sick leave bank for David S. Vitale, an employee of the Administrative Office of the Trial Court.

Senate Rule 36 was suspended, on motion of Ms. Spilka, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.

Sent to the House for concurrence.

Order Adopted.

On motion of Ms. Spilka,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session.

On motion of the same Senator, at twenty-two minutes before one o'clock P.M., the Senate adjourned to meet on the following day at one o'clock P.M.