

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 7, 2007.

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

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

Distinguished Guests.

There being no objection, the Chair (Mr. McGee) handed the gavel to Mr. Augustus for the purpose of an introduction. Mr. Augustus then introduced Marybeth Taylor a student at the Venerini Academy of Worcester, who was accompanied by her mother, Molly. Molly and Marybeth were at the State House after they won a tour and lunch with Senator Augustus from the Auburn Youth and Family Services.

There being no objection, the Chair (Mr. McGee) handed the gavel to Ms. Chandler for the purpose of an introduction. Ms. Chandler then introduced Robin Feldman and Kristin Bafaro of Worcester.

Petitions.

Petitions were presented and referred as follows:

By the same Senator, a petition (accompanied by bill, Senate, No. 2226) of Robert O'Leary and Eric Turkington (by vote of the town) for legislation to further clarify the Nantucket Islands Land Bank Act regarding real property interests subject to the land bank act's transfer fee [Local approval received];

Under Senate Rule 20, to the committee on Environment, Natural Resources and Agriculture.

By Mr. O'Leary, a petition (accompanied by bill, Senate, No. 2224) of Robert A. O'Leary and Eric Turkington (by vote of the town) for legislation to approve the conveyance of property by the county of Nantucket **[Local approval received]**;

By the same Senator, a petition (accompanied by bill, Senate, No. 2225) of Robert A. O'Leary and Eric Turkington (by vote of the town) for legislation to approve the town of Nantucket to use, or to sell, convey or otherwise dispose of certain land situated in the town of Nantucket for any lawful purpose **[Local approval received]**; and

By the same Senator, a petition (accompanied by bill, Senate, No. 2227) of Robert O'Leary and Eric Turkington (by vote of the town) for legislation to approve the Nantucket Islands land bank and the town of Nantucket to use, or to sell, convey or otherwise dispose of certain land situated in the town of Nantucket for any lawful purpose **[Local approval received]**;

Severally, under Senate Rule 20, to the committee on Municipalities and Regional Government.

Severally sent to the House for concurrence.

Mr. Brewer presented a petition (subject to Joint Rule 12) of Stephen M. Brewer for legislation relative to Rutland Heights State Hospital,— and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Ms. Jehlen, for the committee on Elder Affairs, on Senate, Nos. 396, 403 and 405, a Bill repealing the nursing home tax (Senate, No. 403);

By the same Senator, for the same committee, on petition, a Bill to protect assets of the spouse of a nursing home resident (Senate, No. 409); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 399), a Bill to provide for the management of infectious diseases in long term care facilities (Senate, No. 2223);

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

Ms. Menard, for the committee on Ethics and Rules, reported that the following matters be placed in the Orders of the Day for the next session:

The Senate bills

To prohibit internet hunting (Senate, No. 860); and

Authorizing the Springfield Water and Sewer Commission to convey certain land (Senate, No. 1169).

Committee Discharged.

Ms. Fargo, for the committee on Public Health, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1227) of Robert A. Havern for legislation relative to amyotrophic lateral sclerosis (ALS),— and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities; and

Of the petition (accompanied by bill, Senate, No. 1282) of Richard T. Moore for legislation to establish a reinsurance program to protect consumers of small group health insurance,— **and recommending that the same be referred to the committee on Health Care Financing.**

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4006) of Robert L. Rice, Jr., and Robert A. Antonioni (with the approval of the mayor and city council) that the city of Gardner be authorized to issue three additional licenses for the sale of alcoholic beverages to be drunk on the premises;

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4007) of Thomas A. Golden, Jr., and others (by vote of the town) for legislation to make certain changes in the charter of the town of Chelmsford; and

Petition (accompanied by bill, House, No. 4008) of Robert S. Hargraves (by vote of the town) relative to the Groton Country Club Authority;

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4009) of Ruth B. Balser and others (with the approval of the mayor and board of aldermen) for legislation to reclassify the position of dedicated fire apparatus mechanic in the fire department of the city of Newton; and

Petition (accompanied by bill, House, No. 4010) of Robert L. Rice, Jr., and Robert A. Antonioni (with the approval of the mayor and city council) that Jeffrey J. Giles of the city of Gardner be authorized to take a civil service examination for the position of police officer in said city, notwithstanding the minimum age requirements;

Severally to the committee on Public Service.

Notice was received from the House that the House has called for consideration in the Joint Session the following matters:

Proposal for a legislative amendment to the Constitution establishing an independent redistricting commission and criteria for redistricting for state house of representatives, senate, and councilor districts (House, No. 661),— **with reference to which the committee on Election Laws has reported that the amendment ought not to pass;**

Proposal for a legislative amendment to the Constitution relative to a vacancy in the office of Governor or Lieutenant-Governor (House, No. 664),— **with reference to which the committee on Election Laws has reported that the amendment ought to pass; and**

Proposal for a legislative amendment to the Constitution prohibiting eminent domain takings for the purpose of economic development (House, No. 1497),— **with reference to which the committee on the Judiciary has reported that the amendment ought to pass.**

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Messrs. Timilty, Brewer, Brown, Ms. Can-daras, Mr. Downing, Ms. Fargo, Messrs. Montigny, O’Leary, Ms. Resor, Messrs. Rosenberg, Tarr and Tisei and Ms. Tucker) “recognizing Massachusetts family businesses for their invaluable contributions to the Commonwealth”;
Resolutions (filed by Mr. Tisei) “recognizing Russ Adams of Reading on his induction into the International Tennis Hall of Fame”; and
Resolutions (filed by Mr. Tolman and Ms. Creem) “congratulating Dean Robert H. Smith on the occasion of his retirement.”

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

May 4, 2007.

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

Dear Mr. Clerk,

On May 1, 2007, the Senate, meeting in formal session, conducted a roll call on the question of passing to be enacted an engrossed bill, House 3967 (further regulating the Massachusetts Commission Against Discrimination (see House, No. 3697, changed)). In response to the roll call, I abstained from voting by entering “Present”, due to a potential conflict stemming from a close family relationship.

Respectfully,
MARIAN WALSH,
State Senator.

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

Report of Committees.

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition 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.

Senate Rule 36 was suspended, on motion of Mr. Augustus, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue. Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (both of which originated in the House), 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 Acting President (Mr. McGee) and laid before the Governor for his approbation, to wit:

Establishing the Marlborough 2010 Corporation (see House, No. 2029); and

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 (see House, No. 3962, amended).

Order Adopted.

On motion of Mr. Pacheco,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Wednesday 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 1st Lt. Ryan Patrick Jones.

The Senator from Worcester and Middlesex, Mr. Antonioni, and the Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer, presented a request that when the Senate adjourns today, it do so in memory of 1st Lieutenant Ryan Patrick Jones of Westminster, MA who was killed in the line of duty last Wednesday, May 2nd, when his vehicle was struck by a roadside bomb,

while serving in the United States Army in Baghdad, Iraq.

Born on Sept. 13, 1983, Lieutenant Jones was the only child of Kevin and Elaine Jones of Westminister, MA. In 2001, he graduated from Montachusett Regional Vocational Technical School where he was the co-captain of the football team, a member of the school's National Honor Society chapter, and a Fitchburg Rotary Club student of the month. In his senior year, Jones received the Monty Tech Purple and Gold Award for being the school's most positive role model. In 2005, Jones received a bachelor of science degree in civil and environmental engineering from Worcester Polytechnic Institute (WPI), where he distinguished himself as a student and community member. As a freshman at WPI, Jones joined the Army ROTC program on an Army Scholarship. He played a leadership role in many ROTC activities and events, including the Color Guard, Ranger Challenge, and Pershing Rifles. A member of Phi Kappa Theta fraternity at WPI, he received the "Class of 1879 Prize" for excellence in his Humanities and Arts project.

Lieutenant Jones was 23 years old. We offer our thoughts and prayers for his family, friends and community.

Accordingly, as a mark of respect to the memory of 1st Lieutenant Ryan Patrick Jones of Westminister, at twelve minutes past eleven o'clock A.M., on motion of Mr. Brewer, the Senate adjourned to meet again on Wednesday next at eleven o'clock A.M.