

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, June 16, 2008.

Met at four minutes past eleven o'clock A.M. (Mr. Tolman 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. Tolman), members, guests and employees then recited the pledge of allegiance to the flag.

Communication.

A communication from the Honorable Therese Murray, President of the Senate, announcing her appointments to the Task Force established (under the provisions of Section 89 of Chapter 61 of the Acts of 2007) to make an investigation and comprehensive study of chronic kidney disease.

The President appointed the following membership:—

Melanie Hoenig, MD, of Joslin Diabetes Center
Lesley Stevens, MD, of Tufts New England Medical Center
Helmut Rennke, MD, of Brigham and Women's Hospital
David Brumley, MD, MBA, Medical Director Health
Management, Medical Innovation and Leadership
Tom Ebert, MD, Chief Medical Officer, Health New England.

The communication was placed on file.

Reports of Committees.

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on Senate, Nos. 34, 36, 50, 51 and 57, an Order relative to authorizing the joint committee on Bonding, Capital Expenditures and State Assets to make an investigation and study of certain current Senate documents relative to bonding, capital expenditures and state assets (Senate, No. 2746);

By Mr. Antonioni, for the committee on Education, on Senate, Nos. 284 and 293, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to educator professional development (Senate, No. 2754); and

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition (accompanied by bill, Senate, No. 49), an Order relative to authorizing the joint committee on Environment, Natural Resources and Agriculture to make an investigation and study of a certain current Senate document relative to dredging a harbor in Quincy (Senate, No. 2747);

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

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill providing the town of Saugus financial assistance for the replacement of water mains located under certain portions of the state highway Rt. 1 in the town of Saugus (Senate, No. 1874),— **ought to pass;**

Referred, under Senate Rule 27, to the committee on Ways and Means.

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, on petition, a Bill relative to certain easements held by the Commonwealth of Massachusetts and the Massachusetts Water Resources Authority in the town of Wellesley (Senate, No. 2219);

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

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate bills

Authorizing a governmental body to enter into contracts for the operation and maintenance, lease or sale and modification of water storage and treatment facilities and wastewater treatment facilities, collection and distribution systems, sewers and pump stations (Senate, No. 1896),— **ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2753);**

Authorizing the Massachusetts Highway Department to grant certain easements in the town of Petersham (Senate, No. 2411),— **ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2750);**

To further promote rail trail revitalization of certain discontinued railroad rights of way (Senate, No. 2550),— **ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2751);**

Affecting certain land in Northampton subject to an agricultural preservation restriction (Senate, No. 2676),— **ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2752); and**

The House Bill providing for the public higher education capital improvement needs of the Commonwealth (House, No. 4538),— **ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2749);**

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

PAPERS FROM THE HOUSE.

Bills

Establishing a sick leave bank for Richard K. Ward III, an employee of the department of correction (House, No. 4819,— on petition);

Establishing a sick leave bank for Tracey Albrecht, an employee of the Trial Court (House, No. 4843,— on petition); and

Financing improvements to the Commonwealth's transportation system (House, No. 4846,— on House, Nos. 1120, 2828, 2868, 3862 and 3867);

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

Notice was received from the House announcing the following appointments:

That Representative Falzone of Saugus has been appointed by the Speaker of the House to the Streamlined Sales and Use Tax Agreement (pursuant to section 82 of chapter 4 of the Acts of 2003),

That Representative Turkington of Falmouth has been appointed by the Speaker of the House to the special commission (pursuant to chapter 2 of the Resolves of 2008) for the purpose of studying the historic, cultural and natural resources of the cranberry industry to provide education of and inspiration for the cranberry industry for present and future generations.

That Representatives Verga of Gloucester (as co-chairperson), Naughton of Clinton (as Vice-Chair), Balser of Newton, Campbell of Methuen and Murphy of Burlington have been appointed by the Speaker of the House to the special commission (pursuant to chapter 1 of the Resolves of 2008) for the purpose of making an investigation and study relative to the mental health effects of war on those citizens of the Commonwealth returning from active duty and the establishment of a mandatory mental health treatment program for National Guard members who engage in combat, a state military family leave policy for caregivers and a statewide education training program to assist law enforcement, corrections officers and other first responders in recognizing the early warning signs of post-traumatic stress disorder.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:— Resolutions (filed by Mr. Joyce) “honoring Natalie Quigg Albers for her decades of service to the Milton League of Women Voters and to the town of Milton”;

Resolutions (filed by Mr. Joyce) “congratulating members of Engine 6 of the Canton Fire Department for service above and beyond the call of duty”;

Resolutions (filed by Mr. Joyce) “congratulating Officer Michael O’Brien on receiving the Public Safety Award of the Knights of Columbus, Father John J. Flatley Council 2095 of Canton, Massachusetts”; and

Resolutions (filed by Mr. Timilty) “welcoming the 2008 Air Race Classic.”

Report of a Committee.

The committee on Environment, Natural Resources and Agriculture, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 2694) of Pamela P. Resor, Benjamin B. Downing, Robert L. Hedlund, Richard T. Moore and other members of the General Court for legislation to preserve drinking water quality and reliability.
There being no objection, the rules were suspended, on motion of Mr. Moore, and the matter was considered forthwith. On motion of the same Senator, the petition was recommitted to the Joint Committee on Environment, Natural Resources and Agriculture.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:—

Petition (accompanied by bill, House, No. 4854) of Eugene L. O’Flaherty that Edward Grace of the city of Boston be authorized to take open competitive examinations for the positions of police officer or fire fighter in the Commonwealth, notwithstanding the maximum age requirements; and
Petition (accompanied by bill, House, No. 4855) of Alice Hanlon Peisch for legislation to authorize the Department of Mental Health to establish a sick leave bank for Sarah Carmichael, an employee of the Westborough State Hospital;
Severally, under suspension of Joint Rule 12, to the committee on Public Service.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill authorizing the Department of Fish and Game to acquire a conservation restriction on lands of the city of Westfield (Senate, No. 2674),— **ought to pass.**
There being no objection, the rules were suspended, on motion of Mr. Knapik, 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 authorizing the city of Westfield to convey a conservation restriction to the Department of Fish and Game”.
Sent to the House for concurrence.

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:
The Senate Bill establishing a special reserve fund in the town of Sunderland (Senate, No. 2686) (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 authorizing Daniel Wesinger to take the civil service examination for firefighter in the town of Arlington (House, No. 4123),— **was read a third time and passed to be engrossed, in concurrence.**

Recess.

There being no objection, at twenty-five minutes before twelve o’clock noon, the Chair (Mr. Tolman) declared a recess subject to the call of the Chair; and, at twenty-five minutes past twelve o’clock noon, the Senate reassembled, Mr. Tolman in the Chair.

PAPERS FROM THE HOUSE.

A Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4851,— on House, No. 4786, in part),— **was read.**
There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Manuel M. Affonso Jr., an employee of the Department of Correction (see House, No. 4717), 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 2 to 0.**
The bill was signed by the Acting President (Mr. Tolman) and sent to the House for enactment.

An engrossed bill establishing a sick leave bank for Jesse Goguen, an employee of the Department of Correction (see House, No. 4736), 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 2 to 0.**
The bill was signed by the Acting President (Mr. Tolman) and sent to the House for enactment.

Recess.

There being no objection, at twenty-eight minutes past twelve o'clock noon, the Chair (Mr. Tolman) declared a recess subject to the call of the Chair; and, at twenty-one minutes past two o'clock P.M., the Senate reassembled, Mr. Tolman in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4851), 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 3 to 0.**

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

Engrossed Bills.

The following engrossed bills (all 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. Tolman) and laid before the Governor for his approbation, to wit:

Relative to elections in the city of Everett (see House, No. 4097);

Relative to the conservation commission of the town of West Stockbridge (see House, No. 4100);

Relative to preliminary elections in the city of Newton (see House, No. 4397);

Authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4504);

Authorizing the city of Worcester to provide certain retirement and medical benefits to Firefighter Mark S. Stomski (see House No. 4711);

Establishing a sick leave bank for Manuel M. Affonso Jr., an employee of the Department of Correction (see House, No. 4717);

Establishing a sick leave bank for Jesse Goguen, an employee of the Department of Correction (see House, No. 4736);

Relative to the retirement and health insurance of certain elected officials in the town of Tyringham (see House, No. 4755); and

Making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4851).

Order Adopted.

On motion of Mr. Moore,—

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 Francis J. "Frank" Shea of Worcester.

The Senators from Worcester, Mr. Augustus and Ms. Chandler, request that when the Senate adjourns today, it do so as a mark of respect to the memory of Francis J. "Frank" Shea of Worcester.

Frank Shea passed away after an illness on June 12, 2008. A labor organizer with the Service Employees International Union Local 509 and longtime official at the Department of Elementary and Secondary Education, Frank was a dedicated public servant. Frank was also a very involved member of the Worcester community, from his long association with the Boy Scouts of America and Christ the King Church to his participation in scores of local political campaigns. He leaves his beloved wife Mary, and two children Brian and Maura.

Accordingly, as a mark of respect to the memory of Francis J. "Frank" Shea, at twenty-nine minutes before three o'clock P.M., on motion of Mr. Hedlund, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.