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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, June 23, 2008.

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

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

Petitions.

Petitions were presented and referred as follows:—

By Mr. Brewer, a petition (accompanied by bill, Senate, No. 2763) of Stephen M. Brewer (by vote of the town) for legislation to authorize the town of Winchendon to count the cost of school department retirees health insurance to be considered part of the school districts net school spending and the general government provides the required (50%) cost of said insurance in addition to the amount prescribed by the Department of Education as minimal local contribution [Local approval received];

Under Senate Rule 20, to the committee on Education.

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2762) of Bruce E. Tarr, Steven A. Baddour, David M. Torrisi and Barbara L'Italien (by vote of the town) for legislation to modify a conservation restriction in the town of North Andover [Local approval received];

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

Severally sent to the House for concurrence.

Reports of Committees.

By Mr. Moore, for the committee on Health Care Financing, on Senate, Nos. 91, 119, 413, 415, 666, 670, 672, 687, 690, 705, 1126, 1138, 1210, 1219, 1225, 1233, 1241, 1260, 1264, 1306, 1313, 1332 and 2494, an Order relative to authorizing the joint committee on Health Care Financing to make an investigation and study of certain current Senate documents relative to health care financing (Senate, No. 2761).

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

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on the recommitted petition (accompanied by bill, Senate, No. 1349), a Bill relative to port security (Senate, No. 2767); and

By Mr. Galluccio, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Alice Eldridge, an employee of the Department of Revenue (Senate, No. 2745);

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

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 Public Safety and Homeland Security to make an investigation and study of a certain current Senate document relative to the security of rail facilities (Senate, No. 2755),— **and recommending that the same be referred to the Senate committee on Ethics and Rules. Under Senate Rule 36, the report was 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 Revenue to make an investigation and study of certain current Senate documents (Senate, No. 2631), reported, in part, asking to be discharged from further consideration of the Senate petition (accompanied by Bill, Senate, No. 2233) of Pamela P. Resor and James B. Eldridge for legislation relative to property tax exemptions for registered affordable accessory apartments in the town of Harvard used as affordable housing,— **and recommending that the same be recommitted to the committee on Revenue. Under Senate Rule 36, the report was considered forthwith and accepted.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4860) of Thomas P. Conroy (by vote of the town) authorizing the town of Sudbury to regulate certain property tax exemption eligibility requirements,— **was referred, in concurrence, to the committee on Revenue.**

Bills

Providing the terms of certain bonds to be issued by the Commonwealth to finance improvements to the commonwealth's transportation system (printed in House, No. 4698,— being a message from His Excellency the Governor);
Authorizing the Department of Fish and Game to acquire a conservation restriction on land of the town of Hanson (House, No. 4740, on petition);
Establishing a sick leave bank for Anthony F. Zanette, an employee of the University of Massachusetts Medical School (House, No. 4808,— on petition); and
Establishing a sick leave bank for Matthew Diccico, an employee of the Department of Corrections (House, No. 4815,— on petition).
Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Bills

Authorizing the city of Lynn to grant an additional license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 4378,— on petition) [Local approval received]; and
Authorizing the establishment of a firearms licensing fund in the town of Goshen (House, No. 4400, changed,— on petition) [Local approval received];
Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

A report of the committee on House Steering, Policy and Scheduling, asking to be discharged from further consideration of the House Bill relative to district improvement financing (printed as Senate, No. 131), and recommending that the same be referred to the committee on Housing,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence, inasmuch as relates to the reference to the joint committee.**

The first biennial report of the Advisory Board on Compensation of Officials (under Section 5 of Chapter 140 of the Acts of 2007) regarding the adequacy of compensation of certain public officials (having been sent by the House to the Senate for its information),— **was returned to the House to be placed on file.**

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Pacheco) “congratulating Ronald and Mary Dawson on their fiftieth wedding anniversary.”

PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill authorizing Daniel Wesinger to take the civil service examination for firefighter in the town of Arlington (see House, No. 4123) (which originated in the House),— **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. Rosenberg) and laid before the Governor for his approbation.**

Petitions were referred, in concurrence, as follows:—

Petition (accompanied by bill, House, No. 4865) of William Smitty Pignatelli that the Secretary of the Commonwealth be authorized to place on the ballot in the current year the names of candidates for election to the school committee of the Southern Berkshire Regional School District;

Under suspension of Joint Rule 12, to the committee on Election Laws.

Petition (accompanied by bill, House, No. 4866) of Christopher N. Speranzo and others for legislation to establish a sick leave for Shannon Crouse, an employee of the District Court of Southern Berkshire;

Under suspension of Joint Rule 12, to the committee on Judiciary.

Petition (accompanied by bill, House, No. 4867) of Robert F. Fennell relative to the zoning of certain vacant lots;

Under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.

Joint petition (accompanied by bill, House, No. 4868) of James J. O'Day and Edward M. Augustus, Jr., for legislation to establish a sick leave bank for Mary Mercurio, an employee of the Department of Social Services;

Under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 4869) of Vincent A. Pedone relative to designating a bridge in the city of Worcester as the State Trooper Paul F. Barry Memorial Bridge.

Under suspension of Joint Rule 12, to the committee on Transportation.

Order.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith and adopted in concurrence, as follows:—

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government shall be granted until Thursday, July 17, 2008, within which to report on House, Nos. 1940, 1941, 1942, 1948, 1993, 2000, 4583, 4753 and 4762.

Recess.

There being no objection, at seven minutes past eleven o'clock A.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at nineteen minutes before twelve o'clock noon, the Senate reassembled, Mr. Rosenberg in the Chair.

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to rates for human and social service programs (Senate, No. 65, changed),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2764).**

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

The bill (Senate, No. 2764) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill authorizing the Teachers' Retirement Board to include additional compensation in calculating the retirement allowance of Nancy Swanson (Senate, No. 1431),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2765).**

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

The bill (Senate, No. 2765) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill to improve dropout prevention and reporting of graduation rates (Senate, No. 2462),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2766).**

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

The bill (Senate, No. 2766) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to age restrictions for veterans applying to be police officers and firefighters (Senate, No. 2560, changed),— **ought to pass, with an amendment striking out the second sentence and inserting in place thereof the following:— “Any veteran who is not more than 42 years of age shall be exempt from the age restrictions imposed by this section.”**

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

The bill (Senate, No. 2560, amended) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill affecting certain land in Northampton subject to an agricultural preservation restriction (Senate, No. 2676) (the committee on Bonding, Capital Expenditures and State Assets having recommended that the bill be amended by substituting a new draft (Senate, No. 2752)),— **reported, recommending that the amendment recommended by the committee on Bonding, Capital Expenditures and State Assets ought NOT to be adopted; and that the bill (Senate, No. 2676) ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Tarr. The pending Bonding, Capital Expenditures and State Assets recommended new draft (Senate, No. 2752) was considered; and it was rejected. The bill (Senate, No. 2676) was then read a second time and ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill creating the Massachusetts Military Reservation Fire Department (Senate, No. 2760),— **ought to pass. There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and ordered to a third reading.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave for Karen Fowles, an employee of the Massachusetts Rehabilitation Commission (Senate, No. 2730),— **ought to pass, with an amendment inserting at the end thereof the following sentence:— “Sick leave bank days may not be used for absences unrelated to the illness or disability that necessitated the adoption of this act as determined by the commission.”. There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill (Senate, No. 2730, amended) was then ordered to a third reading.**

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (the first 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 Acting President (Mr. Rosenberg) and laid before the Governor for his approbation, to wit:—
Relative to certain sewer connections in the town of Essex (see Senate, No. 1201); and
Designating a certain bridge in the town of Sheffield as the Sheffield Veterans Memorial Bridge (see House, No. 4703).

An engrossed Bill authorizing the town of Arlington to establish a special account for the maintenance of its bodies of water (see House Bill, printed in House, No. 4471) (which originated in the House),— **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.**

An engrossed Hill establishing a voting precinct in the town of Hingham (see House, No. 4591) (which originated in the House),—**having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.**

An engrossed Bill validating the acts and proceedings of the 2007 spring annual town meeting and 2007 fall annual town meeting to the town of Natick (see House Bill printed in House, No. 4623) (which originated in the House),— **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.**

Recess.

There being no objection, at eighteen minutes past twelve o'clock noon, the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at seven minutes before two o'clock P.M., the Senate reassembled, Mr. Rosenberg in the Chair.

PAPER FROM THE HOUSE.

A Bill making certain appropriations for fiscal year 2009 before final action on the General Appropriation Bill (printed in House, No. 4863,— being a message from His Excellency the Governor),— **was read. There being no objection, the rules were suspended, on motion of Mr. Panagiotakos, and the bill was read a second time and ordered to a third reading.**

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 June 25, 2008 within which time to make its final report on current House document numbered 4743, 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 committees reported, recommending that the order ought to be adopted. The rules were suspended, on motion of Mr. Tisei, and the order was considered forthwith and adopted. Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Tisei,—

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 three minutes before two o'clock P.M., the Senate adjourned to meet on the following day at one o'clock P.M.