

**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.

*Tuesday, July 17, 2007.*

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

#### *Communication.*

The following communication was read and placed on file, to wit:—

A communication from the Honorable Therese Murray, President of the Senate, announcing the appointment of Senator Robert E. O'Leary to the Special Commission established (pursuant to Section 84 of Chapter 61 of the Acts of 2007) to make an investigation and study of homeowners insurance.

#### *Petitions.*

Petitions were presented and referred, as follows:

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael. W. Morrissey, Robert A. O'Leary, Benjamin B. Downing, James E. Timilty and other members of the General Court for legislation to advance residential clean heat and power efficiency; and

By Mr. O'Leary, a petition (subject to Joint Rule 12) of Robert A. O'Leary, Matthew C. Patrick and Sarah K. Peake for legislation relative to water protection;

**Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Reports of a Committee.*

By Ms. Jehlen, for the committee on Elder Affairs, on petition, a Bill to promote prescription drug affordability (Senate, No. 394);

By the same Senator, for the same committee, on petition, a Bill requiring the Commonwealth to implement a program to purchase prescription drugs from Canada when such purchases become legal under federal law (Senate, No. 412); and

By the same Senator, for the same committee, on Senate, Nos. 428 and 434, a Bill relative to prior authorizations of prescription medications (Senate, No. 428);

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

#### **PAPERS FROM THE HOUSE.**

A Bill establishing a sick leave bank for Donna Towner, an employee of the Trial Court (House, No. 4114,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

#### **Reports**

Of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 885) of Anthony J. Verga and others relative to the exemption of fees for veterans for hunting and fishing licenses in the Commonwealth,— **and recommending that the same be referred to the committee on Veterans and Federal Affairs.**

Of the committee on Public Safety and Homeland Security, asking to be discharged in part, from further consideration of the petition (accompanied by bill, House, No. 2401, sections 4-20, inclusive, 34 to 38, inclusive and 40 to 43, inclusive) of Joseph F. Wagner and others for legislation to increase the homeland security of the Commonwealth by merging the Massachusetts Bay Transportation Authority police department into the department of state police,— **and recommending that the same be referred to the committee on Public Service.**

**Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Notice was received from the House announcing the following appointment:

That Representatives Kulik of South Deerfield and Daniel F. Bosley of North Adams have been appointed by the Speaker of the House to the Task Force (established pursuant to Section 17 of Chapter 42 of the Acts of 2007) to investigate long-term and short-term solutions to preserve the strengthen the dairy farm industry in Massachusetts.

*Recess.*

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at twenty-five minutes past one o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

*Orders of the Day.*

The Orders of the Day were considered, as follows:

The House Bill authorizing the town of Tisbury to incur debt for the purpose of removing overhead utilities and replacing the same with underground facilities (House, No. 1996),— **was read a second time and ordered to a third reading.**

*The House bills*

Relative to the investment of trust funds for the city of Newton (House, No. 3951);  
Changing the name of the Massachusetts College of Art to the Massachusetts College of Art and Design (House, No. 4088) (its title having been changed by the committee on Bills in the Third Reading); and  
Authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages not to drunk on the premises (House, No. 4049);

**Were severally read a third time and passed to be engrossed, in concurrence.**

The Senate Bill authorizing the town of Ipswich to grant one additional license for the sale of all alcoholic beverages to be drunk on the premises to Ipswich RE Holdings, LLC for the establishment located at 30 South Main St., Ipswich, Massachusetts (Senate, No. 2269),— **was read a third time.**

**Pending the question on passing the bill to be engrossed, on motion of Mr. Tarr, the further consideration thereof was postponed until Tuesday, July 31.**

The Senate Bill to improve juror service (Senate, No. 2261),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Creedon moved that the bill be amended by inserting before the enacting clause, the following emergency preamble:—

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to improve juror service, therefore, it is hereby declared to emergency law, necessary for the immediate preservation of the public convenience”.

The amendment was adopted.

After remarks, the question on passing the bill to be engrossed, was determined by a call of the yeas and nays, at sixteen minutes before two o'clock P.M., on motion of Mr. Creedon, as follows, to wit (*yeas 34 — nays 0*) **[Yeas and Nays No. 64]:**

**YEAS.**

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael

	W.
Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Petruccelli, Anthony
Downing, Benjamin B.	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
	<b>34.</b>

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Candaras, Gale D.	Creem, Cynthia Stone
Chandler, Harriette L.	Rosenberg, Stanley C.
	— <b>4.</b>

**The yeas and nays having been completed at seven minutes before two o’clock P.M., the bill (Senate, No. 2261, amended) was passed to be engrossed.  
Sent to the House for concurrence.**

*Order Adopted.*

Mr. Hart offered the following order, to wit:

*Ordered,* That a joint session of the two branches be held on Thursday, July 19, 2007 at one o’clock P.M., in the House Chamber for the purpose of honoring Nobel Prize Winner Doctor Craig Mello of the University of Massachusetts Medical Center in Worcester and to attend to any remarks that he may wish to relate.

**There being no objection, the order was considered forthwith and adopted.  
Sent to the House for concurrence.**

**PAPERS FROM THE HOUSE.**

*Engrossed Bill.*

An engrossed Bill relative to security freezes and notification of data breaches (see House, No. 4144) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

After remarks, the question on passing the bill to be enacted was determined by a call of the yeas and nays, at three minutes before two o’clock P.M., on motion of Mr. Morrissey, as follows, to wit (*yeas 34 — nays 0*) **[Yeas and Nays No. 65]:**

**YEAS.**

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.

Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Petrucelli, Anthony
Downing, Benjamin B.	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —

**34.**

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Candaras, Gale D.	Creem, Cynthia Stone
Chandler, Harriette L.	Rosenberg, Stanley C.

**— 4.**

The yeas and nays having been completed at five minutes past two o’clock P.M., the bill was passed to be enacted and it was signed by the President and laid before the Governor for his approbation.

*Engrossed Bill — Land Taking for Conservation, Etc.*

An engrossed Bill authorizing the conveyance of certain parcels of land (see House, No. 3753, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, — was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at six minutes past two o’clock P.M., as follows, to wit (*yeas 34 — nays 0*) [**Yeas and Nays No. 66**]:

**YEAS.**

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Petrucelli, Anthony
Downing, Benjamin B.	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.

Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —

**34.**

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Candaras, Gale D.	Creem, Cynthia Stone
Chandler, Harriette L.	Rosenberg, Stanley C.

— 4.

The yeas and nays having been completed at eight minutes past two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

*Order Adopted.*

On motion of Mr. Tarr,—

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M., in a full formal session without a calendar.

On motion of Mr. O'Leary, at nine minutes past two o'clock P.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.