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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, July 23, 2008.

Met at one minute past eleven o'clock A.M. (Mr. Timilty in the Chair).

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

Distinguished Guests.

There being no objection, the Chair (Mr. Timilty) introduced Donny and Helen Russell. Mr. and Mrs. Russell were taking a tour of the State House and were recognized for celebrating their 50th wedding anniversary. They were accompanied by their two grandchildren, Mike and Emily. They were the guests of Senator Timilty.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4994) of Antonio F. D. Cabral and others (with the approval of the mayor and city council) that the city of New Bedford be authorized to grant additional licenses for the sale of wine and malt beverages to be drunk on the premises;

To the committee on Consumer Protection and Professional Licensure.

Joint petition (accompanied by bill, House, No. 5000) of Lida E. Harkins and Scott P. Brown (by vote of the town) that the town of Needham be authorized to establish an off-street parking fund for certain business districts in the central area of said town;

To the committee on Municipalities and Regional Government.

Joint petition (accompanied by bill, House, No. 4999) of Colleen M. Garry and Susan C. Tucker (by vote of the town) for legislation to validate betterment assessments in the town of Dracut;

To the committee on Revenue.

A Bill relative to interest rates to be charged upon apportionment betterment assessments in the town of Wareham (House, No. 3986,— on petition),— was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Bills

Relative to the delivery of loss information to an insured from commercial insurers (House, No. 1087,— on petition);

Relative to compensated absences in cities and towns (House, No. 1949,— on petition);

Relative to the expenditure of certain municipal and district monies (House, No. 1950,— on petition);

Increasing the amount that can be appropriated from the balance of a capital project fund (House, No. 1951,— on petition); and

Relative to police auctions (House, No. 1981, changed,— on petition);

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

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 relative to the town of Kingston (Senate, No. 2690),— **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 a certain transfer of funds in the town of Kingston”.**
Sent to the House for concurrence.

The Senate Bill authorizing the town of Harvard to place a certain question relative to property tax exemptions for affordable accessory apartments on the town’s election ballot (Senate, No. 2233) (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 the town of Provincetown to grant a certain easement (House, No. 4015, amended),— **was read a third time and passed to be engrossed, in concurrence.**

Report 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 Richard T. Moore and John V. Fernandes for legislation relative to the fair treatment of certain teachers’ retirement benefits.

Senate Rule 36 was suspended, on motion of Mr. Galluccio, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5001) of James R. Miceli that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land in the town of Wilmington to A & S Towing, Inc.;

Under suspension of Joint Rule 12, to the committee on Bonding, Capital Expenditures and State Assets.

Petition (accompanied by bill, House, No. 5002) of Martin J. Walsh and Steven A. Tolman for legislation to place the name of Robert J. Haynes on the plaque in the State House installed in honor of Edward Cohen.

Under suspension of Joint Rule 12, to the committee on Tourism, Arts and Cultural Development.

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill designating certain land in the towns of Acton and Concord for conservation, agriculture, open space and recreational purposes (Senate, No. 38),— ought to pass, with an amendment in section 2, line 117, by inserting after the word “book” the following figure:— “51404” and by inserting after the word “page”, the following figure:— “128”; and by inserting at the end thereof the following new section: “SECTION 4. This act shall take effect on December 31, 2008.”.

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

The bill (Senate, No. 38, amended, was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to responsibility for damages resulting from the transportation of explosive and inflammable materials (Senate, No. 2523),— ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2821).

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

The bill (Senate, No. 2821) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, on petition, a Bill establishing the Walpole Economic Development and Industrial Corporation (Senate, No. 2786) [Local approval received].

The bill was read.

There being no objection, the rules were suspended, on motion of Mr. Galluccio, 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 House Bill relative to the licensing of sheet metal workers and sheet metal contractors (House, No. 4804), ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2822; and by striking out the title and inserting in place thereof the following title: “An Act relative to the licensing of sheet metal workers”.

There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and ordered to a third reading.

Recess.

There being no objection, at eighteen minutes past eleven o'clock A.M., the Chair (Mr. Timilty) declared a recess subject to the call of the Chair; and, at ten minutes before two o'clock P.M., the Senate reassembled, Mr. Timilty in the Chair (having been appointed by the President under authority conferred by Senate Rule 4 to perform the duties of the Chair.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to equality in the MassHealth program (House, No. 4107),— ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2823.

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

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted.

An engrossed Bill providing for a certain exemption from the sales tax (see House, No. 4995, amended), 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. Timilty) and sent to the House for enactment.

An engrossed Bill establishing a sick leave for Karen Fowles, an employee of the Massachusetts Rehabilitation Commission (see Senate, No. 2730, amended), 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. Timilty) and sent to the House for enactment.

An engrossed Bill relative to clean energy biofuels (see House, No. 4951), 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. Timilty) and sent to the House for enactment.

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. Timilty) and laid before the Governor for his approbation, to wit:

Increasing coverage of nonprescription enteral formulas (see House, No. 925); and

Increasing the number of licenses for the sale of wines and malt beverages in the city of Medford (see House, No. 4697, amended).

Recess.

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

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. Timilty), and laid before the Governor for his approbation, to wit:

Establishing a sick leave for Karen Fowles, an employee of the Massachusetts Rehabilitation Commission (see Senate, No. 2730, amended);

Relative to clean energy biofuels (see House, No. 4951); and

Providing for a certain exemption from the sales tax (see House, No. 4995, amended).

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The Senate Bill establishing the Walpole Economic Development and Industrial Corporation (Senate, No. 2786),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Hedlund,—

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