

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, August 4, 2008.

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

Engrossed Bills — Laid Before the Governor.

An engrossed Bill to authorize the transfer of land in Hamilton and Manchester-by-the-Sea (see Senate, No. 2862) (which originated in the House), having been passed to be enacted and signed by the President on Thursday, July 31, 2008 (see Senate Yeas and Nays No. 437); 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,— **was laid before the Governor on Friday, August 1, 2008.**

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. 5022) (which originated in the House), having been passed to be enacted and signed by the President on Thursday, July 31, 2008,— **was laid before the Governor for his approbation on Friday, August 1, 2008.**

An engrossed Bill to promote cost containment, transparency and efficiency in the delivery of quality health care (see Senate, No. 2863) (which originated in the Senate), having been passed to be enacted and signed by the President on Friday, August 1, 2008,— **was laid before the Governor for his approbation on Friday, August 1, 2008.**

An engrossed Bill authorizing the Rose Fitzgerald Kennedy Greenway Conservancy, Inc. to operate, manage and maintain the Rose Kennedy Greenway (see House, No. 5013) (which originated in the House), having been passed to be enacted and signed by the President on Friday, August 1, 2008 (see Senate Yeas and Nays No. 440); 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,— **was laid before the Governor for his approbation on Friday, August 1, 2008.**

An engrossed Bill providing for capital facility repairs and improvements for the Commonwealth (see House, No. 5055) (which originated in the House), having been passed to be enacted and signed by the President on Friday, August 1, 2008 (see Senate Yeas and Nays No. 441); and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution,— **was laid before the Governor for his approbation on Friday, August 1, 2008.**

An engrossed Bill relative to green jobs in the Commonwealth (see House, No. 5018, amended) (which originated in the House), having been passed to be enacted and signed by the President on Thursday, July 31, 2008,— **was laid before the Governor for his approbation on Monday, August 4, 2008.**

An engrossed Bill providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth (see House, No. 5054) (which originated in the House), having been passed to be enacted and signed by the President on Friday, August 1, 2008 (see Senate Yeas and Nays No. 439); and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution,— **was laid before the Governor for his approbation on Monday, August 4, 2008.**

Communication.

A communication from the Department of Public Health relative to a plan of correction submitted pursuant to inspection of the Hampden County Sheriff's Department and Correctional Center (received Monday, July 28, 2008),— **was placed on file.**

Reports.

The following reports were severally read and placed on file:

A report of the Public Employee Retirement Administration Commission submitting its Financial Bulletin for Second Quarter 2008 (received Thursday, July 17, 2008);

A report of the Executive Office of Transportation (pursuant to line items 6000-0100 and 6010-0001 of the General Appropriation Act for Fiscal Year 2008) submitting various reports (received Friday, August 1, 2008);

A report the Division Health Care Finance and Policy (under the provisions of Section 38C of Chapter 3 of the General Laws) submitting its report analyzing S.2518 An Act Relative To Children's Mental Health (received Monday, July 28, 2008); and

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of Middlesex County Jail (received Wednesday, July 30, 2008).

Report of a Committee.

By Mr. McGee, for the committee on Labor and Workforce Development, on petition, a Bill relative to non-public school deferred compensation (Senate, No. 2853);

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

PAPERS FROM THE HOUSE.

A Bill discontinuing that portion of Gravelly Brook Road lying in the town of Topsfield as a county highway (House, No. 4065,— on House, No. 57);

A Resolve reviving and continuing the special commission on middle education in the Commonwealth (House, No. 4800 on House, No. 3775);

Bills

Authorizing the Department of Highways and the town of Kingston to exchange a certain parcel of land (House, No. 4913,— on petition) [Local approval received];

Relative to district courts (House, No. 4954,— on petition);

To protect the Massachusetts pension fund from the risk of investment in Iran (House, No. 4970 on House, No. 4270);

Authorizing the conveyance of certain Commonwealth property to the town of Sherborn (House, No. 5043,— on House, No. 43);

Authorizing the lease of land to yacht clubs (House, No. 5049 on House, No. 25); and

Relating to the repair of damaged motor vehicles (House, No. 5056 on House, Nos. 955, 1045, 1092, 1095, 1096 and 1097).

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

Bills

Relative to biomedical research (House, No. 4812 on Senate, No. 254);

Amending certain health insurance options for municipal retirees (House, No. 4516 on House, No. 2728); and

Relative to the cremation of bodies of certain deceased persons (House, No. 4929,— on House, No. 4252).

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

Bills

Authorizing the mayor of the city of Revere to appoint an additional eight members to the reserve force of firemen of the city of Revere fire department (House, No. 4838,— on petition) [Local approval received]; and

Authorizing the town of Fairhaven to issue a common victualer beer and wine license to Jevon K. Malcom, owner and Lisa M. Malcom, manager of Jevon Enterprises, 116 Sconticut Neck Road in the town of Fairhaven (House, No. 4898,— on petition) [Local approval received].

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Communication.

The Clerk read the following communication:

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

July 31, 2008.

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

Dear Mr. Clerk:

This morning I was absent from the Senate Chamber for roll call votes on Senate Bill 2219 and Senate Bill 2510. Had I been present, I would have voted in the affirmative on each of these bills. I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for July 31, 2008. Thank you for your attention to this matter.

Sincerely,
ANTHONY D. GALLUCCIO,
State Senator,
Middlesex, Suffolk & Essex.

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

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Montigny, Ms. Murray, Messrs. Pacheco, Panagiotakos and Tarr and Ms. Tucker) “memorializing the Congress of the United States to advocate for the recommendations resulting from the New Bedford Fisheries Summit.”

PAPERS FROM THE HOUSE.
Emergency Preambles Adopted.

An engrossed Bill establishing the Massachusetts Military Reservation Fire Department (see Senate, No. 2760), 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. Galluccio) and sent to the House for enactment.

An engrossed Bill relative to the preservation of dairy farms (see Senate, No. 2743, 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. Galluccio) and sent to the House for enactment.

A Bill relative to the town of Westwood to grant a license for the sale of wine and malt beverages at a food store, not to be drunk on the premises (House, No. 4832,— on petition),— **was read [Local approval received].**
There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the town of Westwood to grant a license for the sale of wines and malt beverages not to be drunk on the premises at a food store.

Report of a Committee.

Mr. Downing, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill to provide access to information for parents’ evaluators (House, No. 391).

There being no objection, the rules were suspended, on motion of Mr. Pacheco, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act providing access to information for parents’ evaluators.”

PAPERS FROM THE HOUSE.
Engrossed Bills.

The following engrossed bills (both 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. Galluccio) and laid before the Governor for his approbation, to wit;
Relative to the preservation of dairy farms (see Senate, Bill No. 2743, amended); and
Establishing the Massachusetts Military Reservation Fire Department (see Senate, No. 2760).

An engrossed Bill authorizing the development of a regional education, training and skills center in the city of Taunton (see Senate, No. 53, changed and amended) (which originated in the Senate), 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. Pacheco) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation.

Order Adopted.

Mr. Galluccio in the Chair, on motion of Mr. Tisei,—

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.

On motion of the same Senator, at three minutes before twelve o'clock noon, the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.