

**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 27, 2007.*

Met at fourteen 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.

#### *Distinguished Guests.*

There being no objection, the Chair (Mr. Tolman) handed the gavel to Mr. Moore for the purpose of an introduction. Mr. Moore then introduced members of the 2007 Massachusetts Senior League state championship girls softball team from Dudley.

There being no objection, the Chair (Mr. Tolman) handed the gavel to Mr. Hart for the purpose of an introduction. Mr. Hart then introduced his friend and constituent Bill Higgins who was accompanied by Naeve, Kieran, and Orla Rigney from Limerick, Ireland.

#### *Communication.*

A communication from the Honorable Therese Murray, President of the Senate, announcing several appointments (pursuant to Section 29A of Chapter 23G of the General Laws) to the Brownfields Advisory Group.

The President has appointed Ms. Megan Lynch, Mr. Joseph Jannetty and Mr. Jonathan Lothrop to terms on the advisory group that will each expire on March 20, 2009.

#### *Petition.*

Mr. Panagiotakos presented a petition (accompanied by bill, Senate, No. 2329) of Steven C. Panagiotakos, David M. Nangle, Kevin J. Murphy and Thomas A. Golden, Jr. (with the approval of the city manager and the city council) for legislation to authorize the city of Lowell to pay a certain court judgment [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Municipalities and Regional Government. Sent to the House for concurrence.**

### PAPERS FROM THE HOUSE.

A message from His Excellency the Governor (accompanied by bill, House, No. 4220) of recommending legislation relative to disability placards,— was referred, in concurrence, to the committee on Public Safety and Homeland Security.

A Bill establishing a sick leave bank for Mary Hardiman, an employee of the Department of Public Health (House, No. 4210, amended,— on petition),— was read and, under Senate Rule 27, referred to the committee on Ways and Means.

A Bill relative to certain disability retirement for Thomas Kamataris (House, No. 4077,— on petition) [Local approval received],— was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

*Communication.*

The following communication, which was received in the Office of the Clerk of the Senate on Thursday, August 23, 2007, was read and placed on file, to wit:

*August 23, 2007.*

The Honorable Therese Murray  
Senate President  
State House, Room 332  
Boston, MA 02133

Dear Senate President Murray,

Effective August, 27, 2007, I will officially be resigning my Senatorial office of the 4th Middlesex district.

*Sincerely,*  
ROBERT A. HAVERN,  
*State Senator,*  
*Fourth Middlesex District.*

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

*Report of a Committee.*

By Ms. Menard, for the committee on Ethics and Rules, under the provisions of Senate Rule 19, a Bill altering the last day of registration for the special election relative to the Fourth Middlesex Senate District (Senate, To. 2330). The bill was read. **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. Sent to the House for concurrence.**

*Order Adopted.*

Ms. Wilkerson offered the following order, to wit:

*Ordered,* That by the authority of article IV of section II of chapter I of the Constitution, the Senate declares that, by reason of the resignation of Robert A. Havern as senator from the fourth Middle-sex district, the office of senator from the fourth Middlesex district is vacant. By the authority of article XXIV of the Amendments to the Constitution, the Senate directs the president of the Senate to issue a precept setting forth December 11, 2007, as the day for holding an election to fill the vacancy in the fourth Middlesex district, comprising ward 1 and wards 3 to 7, inclusive, of the city of Woburn; the town of Arlington; the town of Billerica; the town of Burlington; and precincts 1 and 2 and 4 to 7, inclusive, of the town of Lexington; all in the county of Middlesex.

**Under the rules, referred to the committees on Ethics and Rules.**

**Subsequently, Ms. Menard for the said committee, 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.**

*Resolutions.*

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—  
Resolutions (filed by Messrs. Tarr and Baddour) “honoring West Newbury Chief of Police Jonathon L. Dennis.”

*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 relative to recall elections in the town of Holbrook (Senate, No. 2304),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

*Report of a Committee.*

Ms. Menard, 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 designating a certain bridge in the town of Freetown as the Joseph F. Simmons, Jr. bridge (House, No. 3643, changed).

There being no objection, the rules were suspended, on motion of Ms. Wilkerson, 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 designating a certain bridge in the town of Freetown as the Joseph F. Simmons, Jr. memorial bridge."

#### PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4222) of Jennifer L. Flanagan and Robert A. Antonioni relative to the disposition of molds, dies and forms used in the manufacture of plastics;

Under suspension of Joint Rule 12, to the committee on Economic Development and Emerging Technologies.

Petition (accompanied by bill, House, No. 4223) of Jennifer M. Callahan that the Department of Mental Retardation be authorized to establish a sick leave bank for Diane Godin, an employee of said department;

Joint petition (accompanied by bill, House, No. 4224) of Jennifer L. Flanagan and Robert A. Antonioni for legislation to establish a sick leave bank for Michael Antonucci, an employee of the Department of Correction; and

Petition (accompanied by bill, House, No. 4225) of Brian P. Wallace for legislation to establish a sick leave bank for Karen Byrnes, an employee of the Department of Conservation and Recreation;

**Severally, under suspension of Joint Rule 12, to the committee on Public Service.**

#### *Engrossed Bill.*

An engrossed Bill validating the actions taken at the annual town election held in the town of Southampton (see House bill, printed in House, No. 4149) (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. Tolman) and laid before the Governor for his approbation.

#### *Emergency Preamble Adopted; Engrossed Bill Enacted.*

An engrossed Bill establishing a sick leave bank for Todd J. Martinson, an employee of the Department of Mental Retardation (see Senate, No. 1457, 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. Tolman) and sent to the House for enactment.**

**Subsequently, the bill, which originated in the Senate, came from the House with the endorsement that it had been enacted in that branch.**

**The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Tolman) and laid before the Governor for his approbation.**

#### *Engrossed Bill.*

An engrossed Bill altering the last day of registration for the special election relative to the Fourth Middlesex Senate District (see Senate, No. 2330) (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. Tolman) and laid before the Governor for his approbation.

#### *Order Adopted.*

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.

#### *Adjournment in Memory of Staff Sergeant Ryan Pirelli of Franklin.*

The Senator from Norfolk, Bristol and Middlesex, Mr. Brown, and the Senator from Middlesex and Norfolk, Ms. Spilka, presented a request that when the Senate adjourns today, it do so in memory of Staff Sergeant Ryan Pirelli of Franklin.

Staff Sergeant Pirelli lost his life in a gun battle with insurgents August 15, 2007 in the Diyala Province, Iraq.

Accordingly, as a mark of respect to the memory of Staff Sergeant Ryan Pirelli of Franklin, at nineteen minutes before one o'clock P.M., on motion of Mr. Tisei, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.