

**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, October 1, 2007.*

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

A communication from the Honorable Michael W. Morrissey under the provisions of Chapter 268A,— **was placed on file.**

#### *Reports.*

The following reports were severally read and placed on file:

A report of the Norfolk County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received Wednesday, October 24, 2007); and

A report of the Division of Unemployment Assistance (under the provisions of section 14F of Chapter 151A of the General Laws) relative to the condition of the Unemployment Insurance Trust fund for the month of September 2007 (received Thursday, October 25, 2007).

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 the Northeastern Correctional Center (received Friday, September 28, 2007),— **was read and sent to the House for its information.**

#### *Reports of Committees.*

By Ms. Tucker, for the committee on Housing, on petition, a Bill excluding payments for foster care in computing rent and determining eligibility for subsidized housing (Senate, No. 2191);

By Mr. Creedon, for the committee on the Judiciary, on petition, a Bill relative to the Barnstable County Probate Court (Senate, No. 989); and

By the same Senator, for the same committee, on petition, a Bill relative to District Court clerks (Senate, No. 1004);  
**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Mr. Downing, for the committee on Public Service, on petition, a Bill relative to members of the Executive Council (Senate, No. 2332);

Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

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 Senate Bill designating a certain bridge in the town of Southampton as the Southampton Veterans Memorial Bridge (Senate, No. 2066).

#### PAPERS FROM THE HOUSE.

##### Bills

Designating a certain rest area in the town of Barnstable as the Korean War Veterans Memorial Rest Area (House, No. 3425, changed,— on petition);

Designating a certain bridge in the town of Dalton as the Benjamin-Muraca Memorial Bridge (House, No. 3503, changed,— on petition);

Designating a certain bridge in the town of Wellesley as State Senator David H. Locke Bridge (House, No. 3593, changed,— on petition); and

Designating the Lieutenant Commander William F. Coakley Highway (House, No. 3599,— on petition);

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

##### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—  
Resolutions (filed by Messrs. Antonioni and Brewer, Ms. Chandler, Mr. Panagiotakos and Ms. Resor) “honoring Laila Michaud for 32 years of outstanding public service”;

Resolutions (filed by Mr. Hedlund) “celebrating Duxbury First Parish 375th anniversary”;

Resolutions (filed by Messrs. Moore, Antonioni, Augustus, Berry, Brewer, Ms. Candaras, Ms. Chandler, Ms. Creem, Ms. Fargo, Messrs. Joyce, Morrissey, Panagiotakos, Ms. Spilka, Messrs. Tarr, Tisei, Tolman, Ms. Tucker and Ms. Wilkerson) “observing Mental Illness Awareness Week on October 7 to 13, 2007”;

Resolutions (filed by Ms. Murray and Mr. O’Leary) “supporting the Lights On Afterschool Programs”;

Resolutions (filed by Ms. Murray and Mr. O’Leary) “urging support of the Lights On Afterschool Programs”; and

Resolutions (filed by Mr. Pacheco) “congratulating Lion L. Doug Sime.”

#### PAPER FROM THE HOUSE.

A Bill providing for the election of city councilors and school committee persons within the city of Springfield (House No. 4071,— on petition) [Local approval received],— **was read.**

**There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

##### *Communications.*

The Clerk read the following communications:

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

*September 24, 2007.*

Mr. William Welch  
Clerk of the Senate  
State House, Room 335  
Boston, MA 02133

Dear Mr. Clerk:

During the Senate Session held on September 20, 2007, I was absent from the Chamber because I was out of the country on a previously scheduled trip with the National Conference of State Legislatures.

I was, consequently, not recorded on several roll call votes. If I had been present, I would have voted in the following manner:

1. In the Affirmative to override the veto of Line-Item 4000-0600 in H. 4141
2. In the Affirmative to override the veto of Line-Item 8000-0619 in H. 4141
3. In the Affirmative to override the veto of Line-Item 4200-0500 in H. 4141
4. In the Affirmative to override the veto of Line-Item 7061-9619 in H. 4141
5. In the Affirmative to override the veto of Line-Item 7077-0023 in H. 4141
6. In the Affirmative to override the veto of Line-Item 2511-0100 in H. 4141
7. In the Affirmative to override the veto of Line-Item 8910-0000 in H. 4141

8. In the Affirmative to override the veto of Line-Item 8400-0001 in H. 4141
9. In the Affirmative to override the veto of Line-Item 8324-0000 in H. 4141
10. In the Affirmative to override the veto of Line-Item 1000-0001 in H. 4141
11. In the Affirmative to override the veto of Line-Item 4800-0151 in H. 4141
12. In the Affirmative to override the veto of Line-Item 4403-2120 in H. 4141
13. In the Affirmative to override the veto of Line-Item 2810-0100 in H. 4141
14. In the Affirmative to override the veto of Line-Item 2820-0100 in H. 4141
15. In the Affirmative to override the veto of Line-Item 7007-1200 in H. 4141
16. In the Affirmative to override the veto of Line-Item 2030-1000 in H. 4141
17. In the Affirmative to override the veto of Line-Item 7007-1000 in H. 4141
18. In the Affirmative to override the veto of Line-Item 4000-0700 in H. 4141
19. In the Affirmative to override the veto of Line-Item 4000-0300 in H. 4141
20. In the Affirmative to override the veto of Line-Item 2800-0700 in H. 4141
21. In the Affirmative to override the veto of section 34 of H. 4141
22. In the Affirmative to override the veto of Line-Item 7004-0099 in H. 4141
23. In the Affirmative to override the veto of Line-Item 0322-0100 in H. 4141
24. In the Affirmative to override the veto of Line-Item 0330-0300 in H. 4141
25. In the Affirmative to override the veto of Line-Item 0330-3337 in H. 4141
26. In the Affirmative to override the veto of Line-Item 7003-0702 in H. 4141
27. In the Affirmative to override the veto of Line-Item 1201-0100 in H. 4141
28. In the Affirmative to override the veto of Line-Item 7007-0900 in H. 4141
29. In the Affirmative to override the veto of H. 4117 relative to the town of Tewksbury
30. In the Affirmative to enact S. 1169 relative to a land taking in the city of Springfield
31. In the Affirmative to enact H. 3990 relative to a land taking in the town of Orleans
32. In the Negative on a Tisei Amendment to S. 2301 relative to the Commonwealth Corporation

I respectfully request that a copy of this letter be printed in the Journal of the Senate. Thank you in advance for your assistance.

*Sincerely,*  
RICHARD T. MOORE,  
*State Senator,*  
*Worcester and Norfolk District.*

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

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

*September 28, 2007.*

Mr. William Welch  
Clerk of the Massachusetts Senate  
State House, Room 335  
Boston, MA 02133

Dear Mr. Clerk:

I was out of the state during the formal Senate session on Thursday, September 27, 2007, and therefore, was not present for roll call votes on Senate Bill No. 536, House Bill No. 4254, and Senate Bill No. 2346, as amended by Senator Hart and Senator Tarr.

Had I been present, I would have voted in the affirmative on all three matters.

I would appreciate the printing of this communication in the Senate Journal. Thank you in advance for your assistance with this request.

*Sincerely,*  
STANLEY C. ROSENBERG,  
*State Senator,*  
*Hampshire and Franklin District.*

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

*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 authorizing the Mashpee Water District to enter into a certain agreement with the town of Sandwich (Senate, No. 2282, changed),— **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.**

**PAPERS FROM THE HOUSE.**

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Colleen Hannon, an employee of the trial court (see House, No. 4183, 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 4 to 0.

**The bill was signed by the Acting President (Ms. Wilkerson) and sent to the House for enactment.**

*Engrossed Bill.*

An engrossed Bill authorizing the appointment of Jonathan M. Robertson as a firefighter in the town of Milford notwithstanding the maximum age requirements (see Senate, No. 2252) (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 (Ms. Wilkerson) and laid before the Governor for his approbation.

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Deborah King, an employee of the Department of Mental Retardation (see Senate, No. 1644), 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 4 to 0. The bill was signed by the Acting President (Ms. Wilkerson) and sent to the House for enactment.**

*Reports of a Committee.*

By Mr. Augustus, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by His Excellency the Governor to the engrossed Bill further regulating sewer connections in the town of Charlton (see Senate, No. 1152) [for message, see Senate, No. 2316],— reported, that the amendment recommended by the Governor be considered in the following form:

**The first sentence of Section 1 is hereby amended by striking out the words “single-family residences” and inserting in place thereof the following words:— residential use.**

**The report was accepted.**

**The Chair (Ms. Wilkerson) stated that under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.**

**On motion of Mr. Moore, the Senate then adopted the Governor’s amendment in the form recommended by the committee on Bills in the Third Reading.**

**Sent to the House for its action.**

By Mr. Augustus, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by His Excellency the Governor to the engrossed Bill further regulating water supply connections in the town of Charlton (see Senate, No. 1153) [for message, see Senate, No. 2317],— reported, that the amendment recommended by the Governor be considered in the following form:

**The first sentence of Section 1 is hereby amended by striking out the words “single-family residences” and inserting in place thereof the following words:— residential use.**

**The report was accepted.**

**The Chair (Ms. Wilkerson) stated that under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.**

**On motion of Mr. Knapik, the Senate then adopted the Governor’s amendment in the form recommended by the committee on Bills in the Third Reading.**

**Sent to the House for its action.**

**PAPERS FROM THE HOUSE.**

*Engrossed Bill Returned with Recommendation of Amendment.*

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill establishing an electronic health records task force in the office of Health and Human Services (see House, No. 4160, being the text contained in Section 86 of the General Appropriations Bill (see House, No. 4141)) [for message, see House, No. 4156, Attachment F],— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:—

“In subsection (a), by striking out the first sentence and inserting in place thereof the following sentence: “Notwithstanding any general or special law to the contrary, the executive office of health and human services shall establish an electronic health records system task force to make recommendations to the secretary of health and human services with respect to an electronic health records system for children in foster care, individuals and dependents enrolled in the MassHealth and SCHIP programs, and individuals and dependents enrolled in commonwealth care or safety net care programs.”; in subsection (c), by striking out clause (1) [at “B”] and inserting in place thereof the following clause:

“(1) study the advisability of an electronic health records system that provides linkages between multiple settings including, but not limited to, the MassHealth and SCRIP programs, programs administered by the commonwealth connector and programs serving children in foster care, that utilize health records and that is consistent with requirements for community health records and electronic prescribing;” and by striking out clause (3) [at “C”] and inserting in place thereof the following clause:

“(3) make a recommendation by December 31, 2008, to the secretary of health and human services as to the advisability and feasibility of an electronic health records system”.

**The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.**

**The rules were suspended, on motion of Mr. Knapik, and the Governor’s amendment was considered forthwith and adopted, in concurrence (as corrected BTR).**

**Sent to the House for re-enactment.**

*Recess.*

There being no objection, at twenty-nine minutes past eleven o’clock A.M., the Chair (Ms. Wilkerson) declared a recess subject to the call of the Chair; and, at ten minutes past one o’clock P.M., the Senate reassembled, Ms. Wilkerson in the Chair.

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

*Emergency Preamble Adopted.*

An engrossed Bill establishing an electronic health records task force in the office of Health and Human Services (see House, No. 4160, 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 (Ms. Wilkerson) and sent to the House for enactment.**

*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 (Ms. Wilkerson) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Deborah King, an employee of the Department of Mental Retardation (see Senate, No. 1644); Providing for the election of city councilors and school committee persons within the city of Springfield (see House, No. 4071); Establishing a sick leave bank for Colleen Hannon, an employee of the trial court (see House, No. 4183, amended); and Relative to civil service preference for a firefighter in the city of Boston (see Senate Bill, printed as House, No. 4259).

*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.

On motion of the same Senator, at twenty minutes past one o’clock P.M., the Senate adjourned to meet on the following Thursday at eleven o’clock A.M.