

**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 22, 2007.*

Met at two minutes past eleven o'clock A.M. (Mr. Rosenberg in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Senator from Plymouth and Norfolk, Mr. Hedlund, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation the pledge of allegiance to the flag.

#### *Report.*

A report of the Public Employee Retirement Administration Commission submitting its Financial Bulletin for Third Quarter 2007 (received Friday, October 19, 2007),— **was placed on file.**

#### *Reports of Committees*

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill relative to drinking water revolving fund equity (Senate, No. 508);

By the same Senator, for the same committee, on petition, a Bill relative to harbor master training certification (Senate, No. 509, changed in line 7, by striking out the number "10" and inserting in place thereof the number "11"; in line 7, by striking out the number "6" and inserting in place thereof the number "7"; in line 9, by striking the word "and"; and in line 10, by adding after the word "Islands" the words ", and 1 from the City of Boston");

By Mr. Moore, for the committee on Health Care Financing, on petition, a Bill relative to the civil commitment for alcoholism or substance abuse at certain facilities (Senate, No. 1131) [Estimated cost — \$15,000,000];

By the same Senator, for the same committee, on petition, a Bill further establishing oversight of sober homes (Senate, No. 2276) [Estimated cost — \$300,000];

By Ms. Creem, for the committee on Revenue, on petition, a Bill establishing financial hardship property tax interest relief (Senate, No. 1726);

By the same Senator, for the same committee, on petition, a Bill relative to fees for seniors filing with the tax appellate board (Senate, No. 1764);

By the same Senator, for the same committee, on petition, a Bill relative to the negotiation of taxes under a tax increment financing (TIF) (Senate, No. 1788);

and

By Mr. Joyce, for the committee on Tourism, Arts and Cultural Development, on petition, a Bill relative to the disposition of museum property (Senate, No. 2000);

**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Mr. Moore, for the committee on Health Care Financing, on petition, a Bill providing for the registration of naturopathic doctors (Senate, No. 1321) [Estimated cost — Less than \$100,000];

By the same Senator, for the same committee, on petition, a Bill to provide for the management of infectious diseases in long term care facilities (Senate, No. 2223) [Estimated cost — \$0];

By Mr. McGee, for the committee on Labor and Workforce Development, on Senate, No. 1059 and House, No. 2714, a Bill to clarify the law protecting employee compensation (Senate, No. 1059) (Representative Walz of Boston dissenting); and By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to public safety (Senate, No. 1353);

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

By Mr. Joyce, for the committee on Tourism, Arts and Cultural Development, ought NOT to pass, on the petition (accompanied by resolve, Senate, No. 2011) of Alex Poulos for legislation relative to providing for an investigation and study by a special commission relative to the U.S.S. Massachusetts;

**Referred, under Senate Rule 36, to the committee on Ethics and Rules.**

*Committee Discharged.*

Mr. Panagiotakos, for the committee on Ways and Means, reported, asking to be discharged from further consideration of the Senate Bill relative to unionized employees (Senate, No. 1443),— **and recommending that the same be referred to the committee on Financial Services.**

**Under Senate Rule 36, the report was considered forthwith and accepted.**

**Sent to the House for concurrence in the reference to the joint committee.**

**PAPERS FROM THE HOUSE.**

**Bills**

Establishing a sick leave bank for Dorothy Lafratta, an employee of the Department of Transitional Assistance (House, No. 4249,— on petition);

Protecting and preserving home ownership (House, No. 4306,— on House, No. 4085); and Relative to health care access (House, No. 4310,— on House, No. 4290);

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

*Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:— Resolutions (filed by Messrs. Pacheco and Morrissey) “congratulating Commander Joseph Guerrero on his retirement from the United States Navy after 31 years of distinguished service”; and Resolutions (filed by Mr. Tisei) “honoring Coach Frank Smith on his induction into the National Wrestling Hall of Fame.”

*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 House Bill exempting the positions of fire chief and deputy fire chief in the town of Hudson from the civil service law (House, No. 3957),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

*Reports of Committees.*

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 relative to Leopoldville Disaster Remembrance Day (Senate, No. 1873).

**There being no objection, the rules were suspended, on motion of Mr. Timilty, 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 relative to the annual observance of Leopoldville Disaster Remembrance Day”.**

**Sent to the House for concurrence.**

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 protecting the public health by reforming the Commonwealth’s medical waste law (Senate, No. 673).

**There being no objection, the rules were suspended, on motion of Ms. Chandler and the bill was read a second time.**

**Pending the question on ordering the bill to a third reading, on motion of the same Senator, the bill was referred to the Senate committee on Ways and Means.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to the disposition of easements for the construction and operation of utilities over conservation and recreation lands in the town of Blackstone (Senate, No. 45),— **ought to pass.**

**There being no objection, the rules were suspended, on motion of Ms. Chandler, 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 Senate Bill preventing oil spills in Buzzards Bay (Senate, No. 517),— **ought to pass, with an amendment substituting a new draft entitled “An Act further protecting Buzzards Bay” (Senate, No. 2374).**

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

**The bill (Senate, No. 2374) was then ordered to a third reading.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to the Barnstable County Probate Court (Senate, No. 989),— **ought to pass.**

**There being no objection, the rules were suspended, on motion of Mr. Timilty, 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 Senate Bill relative to District Court clerks (Senate, No. 1004),— **ought to pass.**

**There being no objection, the rules were suspended, on motion of Mr. Timilty, 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 Senate Bill relative to providing for homeownership opportunities in weak markets (Senate, No. 2162) (the committee on Bonding, Capital Expenditures and State Assets having recommended that the bill be amended by substituting a new draft with the same title, Senate, No. 2325),— **that the recommended new draft (BCESA) (Senate, No. 2325) be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2375.**

**There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time.**

**The Ways and Means new text (Senate, No. 2375) to the pending Bonding, Capital Expenditures and State Assets new draft (Senate, No. 2325) was considered; and it was adopted.**

**The bill (Senate, No. 2152) was then amended by substituting the new draft, previously recommended by the committee on Bonding, Capital Expenditures and State Assets (Senate, No. 2325), as amended by the committee on Ways and Means (Senate, No. 2375).**

**The bill (Senate, No. 2325, amended) was then ordered to a third reading.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Peter Hebert, an employee of the Department of Social Services (Senate, No. 2348),— **ought to pass, with an amendment substituting a new draft entitled “An Act establishing a sick leave bank for Peter Hebert, an employee of the Department of Mental Retardation” (Senate, No. 2376).**

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

**The bill (Senate, No. 2376) was then ordered to a third reading.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Michael Antonucci, an employee of the Department of Correction (House, No. 4224),— **ought to pass.**

**There being no objection, the rules were suspended, on motion of Mr. Timilty, 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 establishing a sick leave bank for Deborah Gosselin, an employee of the Department of Social Services (House, No. 4272, amended),— **ought to pass.**

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

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

##### *Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Lori Silva, an employee of the Trial Court (see Senate, No. 2351), 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 (Mr. Rosenberg) and sent to the House for enactment.**

##### *Report of Committees.*

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Mark C. Montigny and James H. Fagan for legislation to establish a sick leave bank for John Sullivan, an

employee of the Trial Court.

**Senate Rule 36 was suspended, on motion of Mr. Timilty, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the House for concurrence.**

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

The Senate Bill authorizing the conveyances of certain easements in the towns of Lynnfield, Saugus and Wakefield to the Tennessee Gas Pipeline Company (Senate, No. 2211, amended),— came from the House passed to be engrossed, in concurrence with an amendment in section 1, in line 1 and also in section 6, in line 1 by striking out, in each instance, the word “The” and inserting in place thereof, in each instance the words “Notwithstanding any general or special law to the contrary, the”; in section 8, in line 1 by striking out the word “There” and inserting in place thereof the words “Notwithstanding any general or special law to the contrary, there”; and in section 9, in line 1, by striking out the word “No” and inserting in place thereof the words “Notwithstanding any general or special law to the contrary, no”.

**The rules were suspended, on motion of Mr. Hedlund, and the House amendment was considered forthwith and adopted, in concurrence.**

A petition (accompanied by bill, House, No. 4313) of John A. Lepper relative to sales and excise tax exemptions for disabled veterans,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Revenue.**

A message from his Excellency the Governor relative to establishing and funding the Massachusetts broadband institute (accompanied by bill, House, No. 4311),— **came from the House, with the endorsement that they had referred the message to the committee on Telecommunications, Utilities and Energy.**

**On motion of Ms. Chandler, the Senate NON-concurred in the reference to the committee on Telecommunications, Utilities and Energy and referred the petition to the committee on Bonding, Capital Expenditures and State Assets. Sent to the House for its action.**

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

##### *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. Rosenberg) and laid before the Governor for his approbation, to wit:

Designating a portion of Route 7 and Route 20 in the town of Lenox as the Lieutenant Commander William F. Coakley Highway (see House, No. 3599); and

Authorizing the city of Gardner to purchase land in the town of Winchendon (see House, No. 4046).

##### *Order Adopted.*

On motion of Ms. Chandler,—

*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 twenty-five minutes before twelve o'clock noon, the Senate adjourned to meet on the following day at one o'clock P.M.