

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.

Thursday, October 23, 2008.

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

Communications.

The following communications were severally received and placed on file:

A communication from the Honorable Therese Murray, President of the Senate, announcing the appointment of Senator Karen E. Spilka to the Statewide Advisory Committee on the adoption of policies and procedures to enforce requirements and report any inconsistencies related to carrier compliance with these requirements;

A communication from the Honorable Therese Murray, President of the Senate, announcing the appointment of Senator Anthony D. Galluccio to the Special Commission established (pursuant to Chapter 315 of the Acts of 2008) relative to graduation and dropout prevention and recovery; and

A communication from the Honorable Richard R. Tisei, Senate Minority Leader, announcing the appointment of Senator Bruce E. Tarr as his designee (pursuant to Section 89 of Chapter 169 of the Acts of 2008) to the Energy Facilities Siting Commission.

Communication from the Division of Health Professions Licensure (pursuant to Section 3B of Chapter 7 of the General Laws) giving notice of its intention to amend 801 CMR 4.00 relative to fees for licenses, permits, and services to be charged by State Agencies (a copy having been forwarded to the Committee on State Administration and Regulatory Oversight) (received Monday, October 20, 2008); and

Communication from the Department of Public Health relative to a plan of correction submitted pursuant to inspection of the Hampden County Sheriff's Department (received Wednesday, October 22, 2008).

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 Third Quarter 2008 (received Friday, October 17, 2008); and

A report of the Public Employee Retirement Administration Commission submitting its Pension News for October 2008 (received Friday, October 17, 2008).

Petition.

Mr. Morrissey presented a petition (subject to Joint Rule 12) of Michael W. Morrissey, Steven A. Tolman and John A. Hart, Jr. for legislation relative to utility service call centers,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

PAPERS FROM THE HOUSE.

Bills

Establishing a Charles River water quality commission (House, No. 5041,— on House, No. 897); and
Establishing a sick leave bank for Claire Smallcomb, an employee of the Trial Court (House, No. 5110,— on petition);
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 Ms. Chandler) “commending Dr. Richard Ferraro”; and
Resolutions (filed by Mr. Knapik) “congratulating Eileen M. Rivest on her retirement from Cooley Dickinson Hospital.”

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 relative to the charter of the town of Westborough (House, No. 4878),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

A Bill authorizing the town of Danvers to issue one additional liquor license for the sale of wine and malt beverages (House, No. 4875,— on petition) [Local approval received],— **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, 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 Danvers to grant an additional license for the sale of wines and malt beverages to be drunk on the premises”.

A Bill validating the actions taken at a certain special town meeting in the town of Hopkinton (printed in House, No. 4888,— being a message from His Excellency the Governor),— **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, in concurrence.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5119) of Sean Garballey for legislation to establish a sick leave for Tracy Kelly, an employee of the Cambridge Division of the District Court Department of the Trial Court;

Under suspension of Joint Rule 12, to the committee on the Judiciary.

Joint petition (accompanied by bill, House, No. 5118) of James J. O’Day and Edward M. Augustus, Jr., that the Department of Children and Families be authorized to establish a sick leave bank for Maryan Labaire, an employee of said department;

Under suspension of Joint Rule 12, to the committee on Public Service.

Recess.

There being no objection, at eighteen minutes past eleven o’clock A.M., the Chair (Mr. Tolman) declared a recess subject to the call of the Chair; and, twelve minutes before four o’clock P.M., the Senate reassembled, 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).

PAPER FROM THE HOUSE.

A Bill adjusting transfers to account for timing discrepancies in federal reimbursements (House, No. 5117,— being a message from His Excellency the Governor),— **was read.**

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

Reports 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 Michael W. Morrissey, Steven A. Tolman and John A. Hart, Jr. for legislation relative to utility service call centers.

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

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 establishment of the Geriatric Authority of Malden and providing for the financing thereof (Senate, No. 2844),— was read a second time.
Mr. Tisei presented an amendment in section 10A (as printed), by striking out the fourth sentence and inserting in place thereof the following sentence:— “The limitation on indebtedness in section 10 of chapter 44 of the General Laws shall apply to any indebtedness incurred pursuant to this act.”.

The amendment was adopted.

**The bill (Senate, No. 2844, amended), was then 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 establishing the geriatric authority of Malden”.
Sent to the House for concurrence.**

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill adjusting transfers to account for timing discrepancies in federal reimbursements (see House Bill, printed in House, No. 5117), 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. Tolman) and sent to the House for enactment.**

Order Adopted.

On motion of Mr. Tarr,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o’clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.