

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, November 1, 2007.

Met at one minute 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 Norfolk, Bristol and Middlesex, Mr. Brown, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Communication.

A communication from the Board of Trustees of the Health Care Security Trust submitting its proposed operating budget for fiscal year 2008 (Senate, No. 2391) (received Wednesday, September 12, 2007),— **was referred to the committee on Health Care Financing.**

Sent to the House for concurrence.

Reports.

The following reports were severally read and placed on file:

A report of the Commissioner of Insurance (under the provisions of Sections 4A and 4B of Chapter 175 of the General Laws) submitting its Report on the Current State of the Homeowners Insurance Market in the Commonwealth of Massachusetts (received Friday, October 19, 2007);

A report of the Water Resources Commission (pursuant to Section 8C of Chapter 21 and 313 CMR 4.06(3)) submitting its decision for approval to an Interbasin Transfer Act request from the Town of Wilmington to become a member of the Massachusetts Water Resources Authority (MWRA) Water Works (received Thursday, October 25, 2007); and

A report of the Comptroller of the Commonwealth (under the provisions of Section 12 of Chapter 7A of the General Laws) submitting the Commonwealth's Statutory Basis Financial Report (SBFR) for the fiscal year ended June 30, 2007 (received Wednesday, October 31, 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 Suffolk County Jail (Nashua Street) (received Thursday, October 25, 2007),— **was read and sent to the House for its information.**

Reports of Committees.

By Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill relative to caregiver medical and educational consent (Senate, No. 69); and

By the same Senator, for the same committee, on petition, a Bill to provide for an income tax credit for taxpayers with family members requiring care in their homes (Senate, No. 79);

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill relative to emergency aid to the elderly, disabled and children (Senate, No. 76);

By the same Senator, for the same committee, on petition, a Bill relative to transitional assistance (Senate, No. 84);

By the same Senator, for the same committee, on petition, a Bill establishing the grandparents raising grandchildren commission (Senate, No. 86);

By the same Senator, for the same committee, on petition, a Bill further regulating the release of information concerning adoption (Senate, No. 87);

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 228), a Bill further regulating pawn shops and dealers of second articles (Senate, No. 2371);

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill relative to conservation district supervisors (Senate, No. 471, changed in line 1, by striking out the word “2004” and inserting in place thereof the word “2006”);

By the same Senator, for the same committee, on petition, a Bill to protect the Commonwealth’s hemlock trees (Senate, No. 496);

By Mr. Galluccio, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Michelle Souther, an employee of the Registry of Motor Vehicles (Senate, No. 2384);

By Mr. Joyce, for the committee on Tourism, Arts and Cultural Development, on petition (accompanied by bill, Senate, No. 2014), a Bill relative to historic residential tax credit (Senate, No. 2373);

By Mr. Brewer, for the committee on Veterans and Federal Affairs, on petition, a Bill to promote veterans benefits (Senate, No. 2366, changed in line 10 by striking out the words “Department of Veterans’ Services” and replacing them with the words “the secretary of the department of veterans’ services and the adjutant general of the national guard.” and in line 12, after the word “detailing” by adding the words “the collected data and”); and

By the same Senator, for the same committee, on Senate, No. 2134 and House, Nos. 3708 and 3730, a Bill relative to veterans’ burial benefits (Senate, No. 2372);

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

By Ms. Spilka, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill relative to disabilities alone not being deemed as abuse or neglect of a child under the age of eighteen (18) years of age (Senate, No. 61); and

By Mr. Augustus, for the committee on Election Laws, on petition (accompanied by bill, Senate, No. 457), a Bill authorizing cities, towns, and regional districts to send certain information to registered voters (Senate, No. 2387);

Severally read and, under Senate Rule 26, referred 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 the disposition of museum property (Senate, No. 2000),— **and recommending that the same be referred to the Senate committee on Ethics and Rules.**

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

Mr. Panagiotakos, for the committee on Ways and Means, reported, asking to be discharged from further consideration of the Senate Bill to create a community hospital capital reserve fund (Senate, No. 2368),— **and recommending that the same be referred to the committee on Bonding, Capital Expenditures and State Assets.**

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.

A petition (accompanied by bill, House, No. 4331) of Christopher J. Donelan (with the approval of the mayor and town council) for legislation to make certain changes in the charter of the town of Greenfield,— **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Brewer) “on the twentieth anniversary of the Quaboag Valley Hospice”;

Resolutions (filed by Mr. Creedon) “congratulating Myrtle Dagmar Swanson on the occasion of her ninetieth birthday”;

Resolutions (filed by Messrs. Joyce and Downing, Ms. Fargo, Ms. Chandler, Messrs. Montigny and Augustus, Ms. Creem and Mr. O’Leary) “on the observance of ‘Reusable Bag Day’ ”;

Resolutions (filed by Mr. Knapik) “congratulating the Society of American Magicians on its celebration of National Magic Week”; and

Resolutions (filed by Messrs. Tisei and Galluccio, Ms. Jehlen, Messrs. McGee and Tarr) “honoring the Arc of East Middlesex on the occasion of its fiftieth anniversary.”

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The House Bill relative to the Charter of the town of Chelmsford (House, No. 4007),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill exempting the positions of police chief and fire chief in the town of North Andover from the civil service law (House, No. 4212),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Report of Committees.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to a sick leave bank for Rhea Lindstedt, an employee of the Department of Revenue (House, No. 4286),— ought to pass, with an amendment by striking out in line 3, the words “or the trial court of the commonwealth”.

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

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act establishing a sick leave bank for Rhea Lindstedt, an employee of the Department of Revenue”. Sent to the House for concurrence in the amendment.

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 Senate Bill relative to the disposition of museum property (Senate, No. 2000).

There being no objection, the rules were suspended, on motion of Mr. Brown, 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.

Committee Changes.

The Chair (Mr. Rosenberg), announced the resignation of Senator Tisei of Middlesex and Essex as a member of the committee on Bills in the Third Reading and the appointment of Senator Brown of Norfolk, Bristol and Middlesex to fill the vacancy.

Subsequently, the Chair (Mr. Rosenberg), announced the resignation of Senator Brown of Norfolk, Bristol and Middlesex as a member of said committee and the reappointment of Senator Tisei of Middlesex and Essex thereto.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing commercial fishing sectors (see House, No. 4318, 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. Rosenberg) and sent to the House for enactment.

The House Bill relative to the licensing requirements for certain tidelands (House, No. 4324),— **came from the House amended as follows: by inserting before the enacting clause the following emergency preamble:**

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith authorize a regulatory exemption for certain landlocked tidelands from license requirements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The rules were suspended, on motion of Ms. Chandler, and the House amendment was considered forthwith and adopted, in concurrence.

Recess.

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

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill relative to the licensing requirements for certain tidelands (see House, No. 4324, 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 (Mr. Rosenberg) and sent to the House for enactment.**

Order Adopted.

On motion of Mr. Brown,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at a half past one o'clock P.M., in a full formal session.

On motion of the same Senator, at eleven minutes past two o'clock P.M., the Senate adjourned to meet on the following Monday at a half past one o'clock P.M.