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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, November 14, 2007.

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

Reports of a Committee.

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Resolve providing for a special commission on police training (Senate, No. 1342);

Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to the oversight of inspections (Senate, No. 1367);

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

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Bill punishing assault and battery by means of a bodily substance upon correctional facility employees (Senate, No. 1341); and

By the same Senator, for the same committee, on petition, a Bill relative to rock wall climbing safeguards (Senate, No. 1393, changed in lines 4, 7, and 10, by striking out the number "10" and inserting in place thereof the number "12"; and in line 21 by striking out section 4).

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

PAPER FROM THE HOUSE.

A report of the committee on Public Service, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 63) of Walter F. Timilty and others relative to establishing the Massachusetts law enforcement memorial fund, and recommending that the same be referred to the committee on Public Safety and Homeland Security,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Baddour) "congratulating Calvary Baptist Church on its one hundred thirty-fifth anniversary."

Recess.

There being no objection, at four minutes past eleven o'clock A.M., the Chair (Mr. Timilty) declared a recess subject to the call of the Chair; and, at eight minutes before twelve o'clock noon, the Senate reassembled, Mr. Timilty in the Chair.

PAPER FROM THE HOUSE.

The House Bill making an appropriation for the fiscal year 2008 to provide supplemental funding for a low income home energy assistance program (printed in House, No. 4332, amended),— came from the House with the endorsement that the House had concurred in the Senate amendment striking out section 2B; and NON-concurred with the Senate in its amendments striking section 3 and inserting in place thereof the following section—

“SECTION 3. Notwithstanding any special or general law to the contrary, no final regulations shall be issued by the attorney general pursuant to chapter 93A of the General Laws relative to mortgage lending or relative to the procurement, processing or arrangement of loans by brokerage firms until the commissioner of banks has provided official notice of any proposed regulations to licensed mortgage lenders and mortgage brokers, and no such proposed regulations shall go into effect until 30 days after providing such official notice.”; and inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide supplemental funding for low-income home energy assistance and to further regulate mortgage lending practices, 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 Mr. Tarr, and the Senate receded from its amendments in which the House NON-concurred.

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 Robert A. Antonioni and Robert L. Rice for legislation to establish a sick leave bank for Kevin J. Fitzgerald, an employee of the Department of Correction.

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 Public Service. Sent to the House for concurrence.

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill to establish standards for long term care insurance (Senate, No. 2367),— ought to pass, with an amendment striking out section 2; in section 4, by inserting after the word “shall”, in line 37, the following word:— “not”; and in section 4, by striking out the word “agent”, in lines 283, 284, 322 and 323, and inserting in place thereof, in each instance, the following word:— “producer”.

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

The bill (Senate, No. 2367, amended) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Hill relative to protecting the natural and historic resources of the Commonwealth (Senate, No. 2388),— ought to pass, with an amendment in section 2., by striking out, in line 25, the words “preservation restrictions,”.

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

The bill (Senate, No. 2388, amended) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill to facilitate homeowner heating oil spill remediation (Senate, No. 2404),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Tisei, 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 authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Worcester (House, No. 4189),— ought to pass, with an amendment in section 2, by inserting after the words “support services”, the following words:— “, which may include, but not be limited to, day care and fitness facilities,”; in section 3, by inserting after the words “support services” the following words:— “, which may include, but not be limited to, day care and fitness facilities,”; and in section 4, by striking out the figure “12” and inserting in place thereof the following figure:— “40”.

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

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill for a healthy Massachusetts safer alternatives to toxic chemicals (Senate, No. 2406),— ought to pass, with an amendment in section 9, by striking out the last four sentences of the section.; and with further amendment, by striking section 10 and inserting anew section:—

“SECTION 11. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations and to meet certain requirements of law, the sum set forth in this section is hereby appropriated from the

General Fund unless specifically designated otherwise in this section for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2008. This sum shall be in addition to any amounts previously appropriated and made available for the purposes of this item. 2020-0200 The secretary of energy and environmental affairs may expend not more than \$10,000,000 from revenues collected from fees under the Toxic Use Reduction Act; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that the department shall annually file a report with the house and senate committees on ways and means detailing the manner of expenditures under this item in the preceding fiscal year 10,000,000”.

Order Adopted.

Mr. Panagiotakos offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7, or any other rule to the contrary:

The Senate Bill for a healthy Massachusetts safer alternatives to toxic chemicals (Senate, No. 2406) as reported by the committee on Ways and Means, with a recommended amendment, shall be placed in the Orders of the Day for consideration of its second reading on Thursday, November 15, 2007.

All amendments to the bill shall be filed electronically in the office of the Clerk of the Senate by 10:00 a.m. on Thursday, November 15, 2007. All such amendments shall be second-reading amendments, but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Ethics and Rules.

Subsequently, Mr. Downing for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

Subsequently, Senate, No. 2406 was placed in the Orders of the Day for the next session, with the amendment pending.

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (all 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 re-enacted and were signed by the Acting President (Mr. Timilty) and again laid before the Governor for his approbation, to wit:

Further regulating sewer connections in the town of Charlton (see Senate, No. 1152, amended);

Further regulating water supply connections in the town of Charlton (see Senate, No. 1153, amended); and

Authorizing the town of Rehoboth to grant a license for the sale of all alcoholic beverages not to be drunk on the premises (see Senate, No. 2270, amended).

Recess.

There being no objection, at three minutes past twelve o'clock noon, the Chair (Mr. Timilty) declared a recess subject to the call of the Chair; and, at twenty-one minutes before two o'clock P.M., the Senate reassembled, Mr. Timilty in the Chair.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill making an appropriation for the fiscal year 2008 to provide supplemental funding for a low income home energy assistance program (see House Bill, printed in House, No. 4332, amended) (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. Timilty) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tarr,—

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 the same Senator, at twenty minutes before two o'clock P.M., the Senate adjourned to meet on the following day at one o'clock P.M.