

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, November 19, 2007.

Met according to adjournment at 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.

Reports of Committees.

By Ms. Jehlen, for the committee on Elder Affairs, on petition (accompanied by resolve, Senate, No. 398), a Resolve creating a special commission on institutional long term care services (Senate, No. 2417); and

By Mr. Baddour, for the committee on Transportation, on petition, a Resolve relative to driver impairment (Senate, No. 2043);
Severally read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.

By Mr. Baddour, for the committee on Transportation, on petition, a Bill relative to co-sureties (Senate, No. 2020);
Read and, under Joint Rule 1F, referred to the committee on Bonding, Capital Expenditures and State Assets.

By Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill relative to rates of pilotage (Senate, No. 515);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 541), a Bill to reduce carbon dioxide emissions through participation in the regional greenhouse gas initiative (Senate, No. 2422);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 534), a Bill relative to the Massachusetts Global Warming Solutions Act (Senate, No. 2423);

By Mr. Galluccio, for the committee on Public Service, on petition, a Bill authorizing the Teachers' Retirement Board to include additional compensation in calculating the retirement allowance of Nancy Swanson (Senate, No. 1431);

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Thomas D'Intinosanto, an employee of the Department of Mental Retardation (Senate, No. 2349); and

By Mr. Baddour, for the committee on Transportation, on petition (accompanied by bill, Senate, No. 2025), a Bill relative to vehicle license cost recovery fees (Senate, No. 2416);

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

By Mr. Galluccio, for the committee on Public Service, on petition (accompanied by bill, Senate, No. 1618), a Bill authorizing the Dukes County contributory retirement system to grant certain retirement benefits (Senate, No. 2421);

By Mr. Baddour, for the committee on Transportation, on petition, a Bill relative to the inspection of new cars (Senate, No. 2046); and

By the same Senator, for the same committee, on petition, a Bill increasing the punishment for drag racing (Senate, No. 2083);
Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

By Mr. Galluccio, for the committee on Public Service, on petition, a Bill permitting the reinstatement of Roger B. Cataldo to the police department of the town of Southwick (Senate, No. 1529) [Local approval received];

Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

PAPERS FROM THE HOUSE.

Bills

Establishing a task force within the Department of Education to examine hygienic procedures pertaining to band instruments (House, No. 413,— on petition);

Providing for the disposition of certain property at Medfield State Hospital (House, No. 4214,— on House, No. 1235);

Authorizing the sale of a certain parcel of land in the city of Waltham to said city (House, No. 4342,— on House, Nos. 59 and 4203);

Authorizing the transfer of the former Fisher Hill Reservoir in the town of Brookline (House, No. 4343,— on House, No. 3942 and 4205); and

Relative to green communities (House, No. 4373, printed as amended,— on House, Nos. 3965 and 4365).

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

Bills

Relative to eligibility for cooperative housing corporations (House, No. 1224,— on petition);

Relative to the Old Kings Highway District (House, No. 1997,— on petition); and

Designating May 24 as Phenylketonuria Awareness Day (House, No. 3174,— on petition);

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

Bills

Relative to the change from conservation use to general municipal use of a portion of the property known as Ridge Hill Reservation in the town of Needham (House, No. 4122,— on petition) [Local approval received];

Authorizing a retirement allowance for Leo Senecal (House, No. 4139,— on petition) [Local approval received];

Authorizing the town of Weston to grant a license for the sale of wine at a food store (House, No. 4177,— on House, No. 4093) [Local approval received]; and

Authorizing the town of Foxborough to grant three additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4300,— on House, No. 4134) [Local approval received];

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Notice was received from the House announcing the following appointments:

That Representative Murphy of Lowell has been appointed by the Speaker of the House to the Special Task Force (under Section 83 of Chapter 61 of the Acts of 2007) to examine existing policies, procedures and programs and make recommendations to reduce and prevent incidents of campus violence; and

That Ms. Helen Corbett has been re-appointed by the Speaker of the House to the Special Commission (under Section 66 of Chapter 3 of the General Laws) on the status of women.

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 James E. Timilty, Richard J. Ross, Edward M. Augustus, Jr. and Scott P. Brown for legislation relative to aggravated 911 non-emergency calls.

Senate Rule 36 was suspended, on motion of Ms. Fargo, 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.

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 James E. Timilty, Brian A. Joyce and Louis L. Kafka for legislation to establish a sick leave bank for Lealdon Langley, an employee of the Department of Environmental Protection.

Senate Rule 36 was suspended, on motion of Ms. Fargo, 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.

Severally sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to the retirement allowance for certain teachers (Senate, No. 1557),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Ms. Fargo, 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 further regulating the granting of temporary licenses for the sale of wines at auctions (Senate, No. 2405),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Moore, 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 the Randolph Public Library (Senate, No. 2396),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Petrucci, 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 ensuring a fair and reasonable administrative process (Senate, No. 2415),— **ought to pass.**

Mr. Moore moved to suspend the rules to consider the matter forthwith; but objection was made thereto by Mr. Brown. Under Senate Rule 26, referred to the committee on Ethics and Rules.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Lynda Graham Meho, an employee of the Department of Public Health (House, No. 4304),— **ought to pass.**

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

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 town of Rockland to establish a school building capital trust fund (Senate, No. 2264),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Morrissey presented an amendment inserting after the word “meeting”, in line 11, the following words:— “any principal”.

This amendment was adopted.

The bill, as amended, was then passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill relative to certain conservation land in the town of Amherst (printed as Senate, No. 2247,— on petition) [Local approval received],— **was read.**

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

The Senate Bill allowing for the continued use of state-owned property for fishing, boating and tourism purposes on the Congamond Lakes in the town of Southwick (Senate, No. 2248),— **came from the House passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4338.**

The rules were suspended, on motion of Ms. Fargo, and the House amendment was considered forthwith and adopted, in concurrence (as corrected BTR).

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 city of Quincy to establish a neighborhood stabilization fund (Senate, No. 2160),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Morrissey presented an amendment substituting a new draft with the same title (Senate, No. 2424).

This amendment was adopted.

The bill (Senate, No. 2424) was then passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to exchange land held for conservation and recreation purposes with the Nye Family of America Association, Inc (see Senate, No. 2210), 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.

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 (Mr. Rosenberg) and laid before the Governor for his approbation, to wit:

Authorizing the town of Tyngsborough to establish a recreation fields fund (see Senate, No. 2291); and

Authorizing the city of Salem to grant an additional liquor license for the sale of wines and malt beverages not to be drunk on the premises (see House, No. 4274).

An engrossed Bill relative to volunteers at state parks (see Senate, No. 786, amended) (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 re-enacted and was signed by the Acting President (Mr. Rosenberg) and again laid before the Governor for his approbation.

A Bill authorizing the town of Falmouth to install, finance and operate wind energy facilities (House, No. 3769,— 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.

Order Adopted.

On motion of Ms. Fargo,—

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