

**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, December 3, 2007.

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

#### *Report.*

A report of the Nantucket Regional Transit Authority (under the provisions of Chapter 161B of the General Laws) submitting its annual report for fiscal year 2007 (received Friday, November 30, 2007),— **was placed on file.**

#### *Petitions.*

Petitions were presented and referred as follows:—

By Mr. Knapik, a petition (accompanied by bill, Senate, No. 2439) of Michael Knapik (and Donald F. Humason with the approval of the mayor and city council) for legislation relative to the financing by the city of Westfield of its portion of public improvements associated with the Westfield Pavilion development [Local approval received];

**Under Senate Rule 20, to the committee on Municipalities and Regional Government.**

By Mr. Downing, a petition (accompanied by bill, Senate, No. 2440) of Benjamin B. Downing, Gailanne Cariddi, Ronald A. Boucher, Marie Harpin and other members of the city council (with the approval of the mayor and city council) for legislation regarding property tax classification in the city of North Adams [Local approval received];

**Under Senate Rule 20, to the committee on Revenue.**

**Severally sent to the House for concurrence.**

Mr. Brewer presented a petition (subject to Joint Rule 12) of Stephen M. Brewer and Todd M. Smola for legislation to establish a sick leave bank for John J. Suprenant, an employee of the Department of Social Services,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Reports of Committees.*

By Ms. Fargo, for the committee on Public Health, on Senate, No. 1217 and House, No. 2085, a Bill to improve, promote and protect the oral health of the Commonwealth (Senate, No. 1217);

By the same Senator, for the same committee, on petition, a Bill relative to a board of registration in midwifery (Senate, No. 1251); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1288), a Bill adopting the nurse licensure compact (Senate, No. 2437);

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

By Ms. Fargo, for the committee on Public Health, on petition (accompanied by bill, Senate, No. 78), a Bill to promote breastfeeding (Senate, No. 2438);

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

*Committees Discharged.*

Mr. Downing, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Order relative to authorizing the joint committee on Municipalities and Regional Government to make an investigation and study of certain current Senate documents relative to county and municipal matters (Senate, No. 2429);

Of the Senate Order relative to authorizing the joint committee on Children, Families and Persons with Disabilities to make an investigation and study of a certain current Senate document relative to foster care (Senate, No. 2430);

Of the Senate Order relative to authorizing the joint committee on Tourism, Arts and Cultural Development to make an investigation and study of certain current Senate documents relative to historic district preservation (Senate, No. 2431);

Of the Senate Order relative to authorizing the joint committee on Transportation to make an investigation and study of certain current Senate documents relative to transportation (Senate, No. 2432);

Of the Senate Order relative to authorizing the joint committee on Community Development and Small Business to make an investigation and study of certain current Senate documents relative to small business (Senate, No. 2433);

Of the Senate Order authorizing the joint committee on Tourism, Arts and Cultural Development to make an investigation and study of certain current Senate document relative to official designations of the Commonwealth (Senate, No. 2434); and

Of the Senate Order relative to authorizing the joint committee on Transportation to make an investigation and study of a certain current Senate document relative to transportation (Senate, No. 2435);

**And recommending that the same severally be referred to the Senate committee on Ethics and Rules.**

**Under Senate Rule 36, the reports were severally considered forthwith and accepted.**

**PAPERS FROM THE HOUSE.**

Petitions were referred, in concurrence, as follows:—

Petition (accompanied by bill, House, No. 4397) of Ruth B. Balsler and others (with the approval of the mayor and city council) relative to preliminary elections in the city of Newton;

**To the committee on Election Laws.**

Petition (accompanied by bill, House, No. 4398) of Michael W. Morrissey and others (by vote of the town) relative to the initial salary for the mayor of Braintree;

Petition (accompanied by bill, House, No. 4399) of Barry R. Finegold and others (by vote of the town) that the town of Tewksbury be authorized to convey a certain parcel of land to the housing authority of said town;

Petition (accompanied by bill, House, No. 4400) of Stephen Kulik and Benjamin B. Downing (by vote of the town) that the town of Goshen be authorized to establish a firearms licensing fund; and

Petition (accompanied by bill, House, No. 4401) of David Paul Lipsky and others (by vote of the town) that the town of Natick be authorized to appoint retired police officers as special police officers in said town;

**Severally to the committee on Municipalities and Regional Government.**

*Reports.*

Of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 895) of James T. Welch and Stephen J. Buoniconti relative to establishing the miracle league of Massachusetts to provide recreational resources for persons with disabilities,— and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities.

Of the committee on Tourism, Arts and Cultural Development, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3404) of Bradley H. Jones, Jr., and others relative to school Internet safety policies,— **and recommending that the same be referred to the committee on Education.**

**Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

*Resolutions.*

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

Resolutions (filed by Mr. Antonioni) “recognizing Attorney George C. Corey”;

Resolutions (filed by Mr. Knapik) “congratulating City Councilor Barbara Swords on the occasion of her retirement from the Westfield City Council”;

Resolutions (filed by Mr. Moore) “honoring the Hopedale High School ‘Blue Raiders’ Boys Cross Country Team as the 2007 Division II State Champions”; and

Resolutions (filed by Messrs. Tarr, Baddour, McGee and Panagiotakos) “commending the Honorable Frederick E. Berry, founder and president of F.B. Charities, Inc., on the occasion of the organization’s twenty-fifth anniversary.”

*Reports of a Committee.*

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Thomas D'Intinosanto, an employee of the Department of Mental Retardation (Senate, No. 2349),— **ought to pass, with an amendment 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 establish forthwith a sick leave bank for a certain employee of the department of mental retardation, therefore, it is hereby declared to be an emergency law necessary for the public convenience.”.**

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

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for John Sullivan, an employee of the Trial Court (Senate, No. 2395),— **ought to pass.**

**There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time, 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 a sick leave bank for John Sullivan, an employee of the Trial Court”.**

**Sent to the House for 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 Frederick E. Berry, Mary E. Grant and John D. Keenan for legislation relative to membership on the Board of Education.

**Senate Rule 36 was suspended, on motion of Mr. Hedlund, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education.**

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 Frederick E. Berry, Thomas M. McGee, Karen E. Spilka, Edward M. Augustus, Jr. and other members of the General Court for legislation to establish a commission to review the findings of the Massachusetts Turnpike Authority's working group on toll inequities.

**Senate Rule 36 was suspended, on motion of Mr. Hedlund, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation.**

**Severally sent to the House for concurrence.**

**PAPERS FROM THE HOUSE.**

A petition (accompanied by bill, House, No. 4413) of William Smitty Pignatelli and Stephen Stat Smith that the board of selectmen of the town of Sheffield be authorized to appoint associate members to the conservation commission of said town,— **was referred, in concurrence, under suspension of Joint Rule 7B, to the committee on Municipalities and Regional Government.**

*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 (Ms. Creem) and laid before the Governor for his approbation, to wit:

Authorizing the board of selectmen of Easton to lease a certain parcel of land (see Senate, No. 2272); and Relative to the use of certain bonds by the Blackstone-Millville Regional School District (see House, No. 4389).

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Karen Rice, an employee of the Massachusetts teachers' retirement system (see House, No. 4243), 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 (Ms. Creem) and sent to the House for enactment.**

*Order Adopted.*

On motion of Mr. Hedlund,—

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

On motion of Mr. Hedlund, at a half past eleven o'clock A.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.