

Tuesday, September 2, 2003.

Met at three minutes past eleven o'clock A.M. (Ms. Walsh 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 Suffolk and Middlesex, Mr. Tolman, led the Chair (Ms. Walsh), members, guests and employees in reciting the pledge of allegiance to the flag.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Lees, a petition (subject to Joint Rule 12) of Brian P. Lees for legislation relative to home education; and

By Mr. Moore, a petition (subject to Joint Rule 12) of John W. Seaver, Richard T. Moore and Marie J. Parente for legislation relative to installing Internet filters in public libraries;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to establishing a distinctive registration plate (Senate, No. 2006),— ought to pass, with an amendment, inserting after the word "Teams", in line 10, the following words:— " ; the Old Colony for the purpose of restoring the Forefathers' monument"; and by striking out, in lines 15 and 16, the words:— "Basketball League; and Mini-Fenway Park, Inc. for the purpose of furthering youth participation in baseball" and inserting in place thereof the following words "Baseball League; and Mini-Fenway Park, Inc."

Referred, under Senate Rule 26, to the committee on Steering and Policy.

By Ms Melconian, for the Senate committee on Science and Technology, on Senate, Nos. 1915 and 1920, a Bill relative to electronic signatures (Senate, No. 2076);

Read and, under Senate Rule 26, referred to the committee on Steering and Policy.

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition, a Bill authorizing the town of Southwick to grant an easement to Carol K. Collins (Senate, No. 1940) [Local approval received]; and

Milton,—
school
construction.

By Ms. Wilkerson, for the committee on State Administration, on petition, a Bill relative to certain school construction projects in the town of Milton (Senate, No. 1974, changed in Section 1, in line 14, by striking out the following: "School," and inserting in place thereof the words "School and"; and in line 14 by striking out the words "and the Tucker School") [Local approval received];

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

Resolutions.

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

Resolutions (filed by Mrs. Sprague) "congratulating the Mansfield 14-year old Junior League All-Star baseball team."

Mansfield
Junior League
All-Star Team.

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Ceylin Guillermo, an employee of the Department of Social Services (House, No. 3823),—ought to pass.

Ceylin
Guillermo,—
sick leave
bank.

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill 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.

Emergency Preambles Adopted; Engrossed Bills Enacted.

An engrossed Bill declaring September 11 Unity Day (see Senate, No. 1636, 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.

September
11th,—
Unity Day.

The bill was signed by the Acting President and sent to the House for enactment.

Subsequently, the bill, which originated in the Senate, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President and laid before the Governor for his approbation.

Boy
Scouts,—
merger.

An engrossed Bill authorizing the merger of Moby Dick Council, Inc. and the Boy Scouts of America into the Narragansett Council, Boy Scouts of America (see Senate, No. 1993, 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 and sent to the House for enactment.

Subsequently, the bill, which originated in the Senate, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tolman,—

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.

Time of meeting.

On motion of Mr. Knapik, at nineteen minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.

Thursday, September 4, 2003.

Met at six minutes past eleven o'clock A.M. (Mr. Havern in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Pledge of
allegiance.

The Chair (Mr. Havern), members, guests and employees then recited the pledge of allegiance to the flag.

Petition.

Group 4,—
definition.

Mr. Glodis presented a petition (subject to Joint Rule 12) of Guy W. Glodis for legislation to define employees classified in Group 4 for retirement purposes,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

Washington,—
land
conveyance.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Washington (Senate, No. 1972, changed),— ought to pass, with an amendment, in section 1, by striking out the figure "40E", in line 3, and inserting in place thereof the following figure "40H"; and by inserting after the words "General Laws," in line 4, the following words:— "and notwithstanding sections 40E to 40F1/2, inclusive, of chapter 7 of the General Laws,".

Referred, under Senate Rule 26, to the committee on Steering and Policy.

Rosa
McPherson,—
sick leave
bank.

By Mr. Creedon, for the committee on the Judiciary, on petition, a Bill establishing a sick leave bank for Rosa A. McPherson, an employee of the Trial Court (Senate, No. 2073); and

Nantucket,—
easement.

By Ms. Wilkerson, for the committee on State Administration, on petition (accompanied by bill, Senate, No. 2068), a Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to grant an easement to the county of Nantucket (Senate, No. 2082) [Local approval received on Senate, No. 2068];

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

Ms. Jacques, for the committee on Steering and Policy, reported that the following matters be placed in the Orders of the Day for the next session:

The Senate bills

To clarify employer sanctions for improper expenditure of withholdings or deductions from wages (Senate, No. 98);

Steering
and Policy
reports.

Relative to negative option mailings (Senate, No. 113);
 To enhance the management of problem wildlife (Senate, No. 1207); and
 Relative to the shellfish wardens training program (Senate, No. 1238).

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4107) of Douglas W. Petersen and Thomas M. McGee (by vote of the town) relative to the municipal light board of the town of Marblehead,— **was referred, in concurrence, to the committee on Local Affairs and Regional Government.** Marblehead,—
municipal
light board.

Recess.

There being no objection, at seven minutes past eleven o'clock A.M., the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and at twenty-six minutes before twelve o'clock noon, the Senate reassembled, Mr. Havern in the Chair. Recess.

Resolutions.

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

- Resolutions (filed by Mr. Creedon) "recognizing POW/MIA Day"; POW/MIA Day.
- Resolutions (filed by Ms. Murray) "on the retirement of Antonio Gomes"; Antonio Gomes.
- Resolutions (filed by Mr. Pacheco) "on the occasion of the one hundredth birthday of Gilbert Clifford Butterworth"; Gilbert Clifford Butterworth.
- Resolutions (filed by Mr. Tolman) "calling upon British Prime Minister Tony Blair to schedule Northern Ireland elections in the Fall, 2003"; and Prime Minister Tony Blair.
- Resolutions (filed by Mr. Tolman) "in support of the Walsh Visa Program in Massachusetts." Walsh Visa Program.

Reports of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Sharon Melvin-James, an employee of the Trial Court of the Commonwealth (Senate, No. 1958),— ought to pass. Sharon Melvin-James,—
sick leave
bank.

There being no objection, the rules were suspended, on motion of Mr. Tolman, 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 Sharon Melvin-James, an employee of the Trial Court."

Sent to the House for concurrence.

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for John Nourse, an employee of the Department of Correction (House, No. 3822),— John Nourse,—
sick leave
bank.

ought to pass, with an amendment, inserting at the end thereof the following sentence:— "Whenever Mr. Nourse terminates employment with the department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank."

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, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Emanuel Roque,—
sick leave
bank.

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Emanuel Roque, an employee of the Department of Correction (House, No. 3916),—

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

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:

Tewksbury,—
housing
fund.

The Senate Bill authorizing the town of Tewksbury to establish an affordable housing trust fund (Senate, No. 1182),— **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.

Andover,—
easement.

The Senate Bill authorizing the conservation commission to the town of Andover to grant an easement (Senate, No. 1183),— **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 authorizing the conservation commission of the town of Andover to grant an easement"**.

Sent to the House for concurrence.

Reports of Committees.

Joseph J. Primeau,—
sick leave
bank.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Steven C. Panagiotakos and Kevin J. Murphy for legislation to establish a sick leave bank for Joseph J. Primeau, an employee of the Division of Industrial Accidents.

Senate Rule 36 was suspended, on motion of Mr. Tolman, 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.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of John W. Seaver, Richard T. Moore and Marie J. Parente for legislation relative to installing Internet filters in public libraries.

Internet filters,—libraries.

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

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill validating a certain vote taken by the town of Wrentham (printed in House, No. 4143,— being a message from His Excellency the Governor),— was read.

Wrentham,—election validation.

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

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Ceylin Guillermo, an employee of the Department of Social Services (see House, No. 3823), 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.

Ceylin Guillermo,—sick leave bank.

The bill was signed by the Acting President and sent to the House for enactment.

Recess.

There being no objection, at eighteen minutes before twelve o'clock noon, the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and at seven minutes past twelve o'clock noon, the Senate reassembled, Mr. Havern in the Chair.

Recess.

PAPERS FROM THE HOUSE.

Engrossed Bills.

An engrossed Bill validating a certain vote taken by the town of Wrentham (see House Bill, printed in House, No. 4143) (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, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President and laid before the Governor for his approbation.**

Bills laid before Governor.

An engrossed Bill establishing a sick leave bank for Ceylin Guillermo, an employee of the Department of Social Services (see House, No. 3823) (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 President and laid before the Governor for his approbation.

Order Adopted.

On motion of Ms. Fargo,—

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.

Time of
meeting.

Adjournment in Memory of Sergeant Gregory Belanger.

Mr. Rosenberg presented a request that when the Senate adjourns today, it adjourn in memory of Sergeant Gregory Belanger of Deerfield.

Sergeant Belanger was killed in action in Iraq on Wednesday, August 27, 2003, while proudly serving with the 325 Military Intelligence Battalion of the 94th Regional Readiness Command of the United States Army. He was the son of Kathleen Belanger of Deerfield and Edward Belanger of Greenfield. This motion prevailed.

Accordingly, as a mark of respect to the memory of Sergeant Gregory Belanger, at eight minutes past twelve o'clock noon, on motion of Mr. Tolman, the Senate adjourned to meet on the following Monday at eleven o'clock A.M.

Monday, September 8, 2003.

Met according to adjournment at eleven o'clock A.M. (Mr. Rosenberg in the Chair).

The Senator from Essex and Middlesex, Mr. Tarr, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Pledge of
allegiance.

Committees Discharged.

Mr. Brewer, 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 Local Affairs and Regional Government to make an investigation and study of Senate document numbered 1178, relative to affordable elderly rental housing in Ipswich (Senate, No. 2075),— and recommending that the same be referred to the Senate committee on Ethics and Rules.

Local Affairs
and Regional
Government,—
study.

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

PAPERS FROM THE HOUSE.

Messages were referred, in concurrence, as follows:

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the proceedings of the annual town meeting in the town of Palmer (House, No. 4141); and

Palmer,—
town meeting
validation.

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the action taken at a special town meeting held by the town of Rockland (House, No. 4142);

Rockland,—
town meeting
validation.

Severally to the committee on Local Affairs and Regional Government.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4145) of James R. Miceli, Susan C. Tucker and Barry R. Finegold (by vote of the town) relative to the election and term of the board of health in the town of Tewksbury; and

Tewksbury,—
board of
health.

Petition (accompanied by bill, House, No. 4146) of J. Michael Ruane (with the approval of the mayor and city council) relative to the use of alternative measures to notify voters of proposed charter questions in the city of Salem;

Salem,—
charter
question.

Severally to the committee on Election Laws.

Braintree,—
liquor
licenses.

Petition (accompanied by bill, House, No. 4147) of Joseph R. Driscoll, Brian A. Joyce and Michael W. Morrissey (by vote of the town) relative to assessing a fee for the transfer of alcoholic beverage licenses in the town of Braintree; and

Fairhaven,—
HP Cooking,
Inc.

Petition (accompanied by bill, House, No. 4148) of William M. Straus and Mark C. Montigny (by vote of the town) that the licensing authority of the town of Fairhaven be authorized to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises to HP Cooking, Inc;

Severally to the committee on Government Regulations.

Braintree,—
beautification
fund.

Petition (accompanied by bill, House, No. 4149) of Joseph R. Driscoll, Brian A. Joyce and Michael W. Morrissey (by vote of the town) relative to abolishing the Beautification Fund and transfer monies to the Stabilization Fund in the town of Braintree;

Wareham,—
park land.

Petition (accompanied by bill, House, No. 4150) of Susan Williams Gifford and Marc R. Pacheco (by vote of the town) that the town of Wareham be authorized to use certain park land for sewer purposes;

Reading,—
commercial
vehicles.

Petition (accompanied by bill, House, No. 4151) of Bradley H. Jones Jr., Richard R. Tisei and Carol A. Donovan (by vote of the town) relative to prohibiting certain vehicles from West Street in the town of Reading;

Sunderland,—
school.

Petition (accompanied by bill, House, No. 4152) of Stephen Kulik and Stanley C. Rosenberg (by vote of the town) relative to the construction of an elementary school in the town of Sunderland; and

Marblehead,—
historic
districts
commission.

Petition (accompanied by bill, House, No. 4153) of Douglas W. Petersen and Thomas M. McGee (by vote of the town) relative to the old and historic districts commission in the town of Marblehead;

Severally to the committee on Local Affairs and Regional Government.

Braintree,—
room
occupancy
tax.

Petition (accompanied by bill, House, No. 4154) of Joseph R. Driscoll and Michael W. Morrissey (by vote of the town) relative to room occupancy excises in the town of Braintree;

To the committee on Taxation.

Somerville,—
obligation
bonds.

A Bill authorizing the city of Somerville to issue certain general obligation bonds with level debt service (House, No. 3853,— on petition),— **was read and, under Senate Rule 26B, referred to the committee on Long-Term Debt and Capital Expenditures.**

Hingham,—
all alcoholic
beverage
license.

A Bill authorizing the town of Hingham to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3886,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Resolutions.

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

Notre Dame
Long-Term
Care Center.

Resolutions (filed by Ms. Chandler) "commemorating the tenth anniversary celebration of the Notre Dame Long-Term Care Center of Worcester";

Resolutions (filed by Mr. Moore, Ms. Chandler, Mr. Knapik, Ms. Melconian, Messrs. Morrissey, Pacheco and Shannon, Ms. Tucker and Ms. Wilkerson) "commemorating National Prostate Cancer Awareness Month"; and

National
Prostate Cancer
Awareness
Month.

Resolutions (filed by Messrs. Tolman and Barrios) "honoring Attorney Joseph H. Hogan on the twentieth anniversary of the Allston Brighton parade."

Joseph H.
Hogan.

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 Senate Bill authorizing the appointment of Kelly McNiff as a firefighter in the town of Bourne notwithstanding the maximum age requirement (Senate, No. 1968),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**

Kelly
McNiff,—
firefighter.

Sent to the House for concurrence.

The House Bill relative to the city of Brockton's contributions to the health insurance premiums of its retirees (House, No. 3867),— was read a second time.

Brockton,—
retirees
health
insurance.

Mr. Creedon presented amendments in section 1 (as corrected by the House committee on Bills in the Third Reading), by inserting after the word "Brockton", the first time it appears, the following words:— "to the health insurance premiums"; and by striking out section 2 (inserted by amendment by the House) and inserting in place thereof the following section:

"SECTION 2. This act shall take effect as of June 30, 2003."

The amendments were adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4156) of Thomas P. Kennedy, Geraldine Creedon, Christine E. Canavan and Robert S. Creedon, Jr., relative to designating the district courthouse in the city of Brockton as the George N. Covett Courthouse;

Brockton,—
Covett
Courthouse.

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

Petition (accompanied by bill, House, No. 4157) of Gale D. Candaras and Linda J. Melconian that the retirement board of the city of Springfield be authorized to grant retirement benefits to Doris Shecrellah;

Doris
Shecrellah,—
pension.

Under suspension of Joint Rule 7B, to the committee on Public Service.

Order Adopted.

On motion of Mr. Tarr,—

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.

Time of
meeting.

Adjournment in Memory of Sergeant Charles Todd Caldwell.

The Senator from Norfolk, Bristol and Middlesex, Ms. Jacques, and the Senator from Norfolk and Plymouth, Mr. Morrissey, requested that when the Senate adjourns, it adjourn in memory of Sergeant Charles Todd Caldwell. Sergeant Caldwell was killed in action in Iraq on Monday, September 1, 2003, while proudly serving with the 115th Military Police Company of the Rhode Island National Guard. He was the son of Charles and Gladys Caldwell of Quincy and the husband of Margaret Caldwell of Attleboro.

Accordingly, as a mark of respect to the memory of Sergeant Charles Todd Caldwell, at twelve minutes past eleven o'clock A.M., on motion of Mr. Shannon, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.

Thursday, September 11, 2003.

Met at one minute past eleven o'clock A.M. (Ms. Walsh 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 Middlesex, Mr. Shannon, led the Chair (Ms. Walsh), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Pledge of
allegiance.

The Chair (Ms. Walsh), then requested that the members, guests and employees join her for a moment of silence for those who lost their lives and for the families who lost their loved ones due to the terrorist attacks on this country two years ago today.

Moment of
silence.

Distinguished Guest.

There being no objection, the Chair (Ms. Walsh) handed the gavel to the Senator from Middlesex and Worcester, Ms. Resor, who introduced, seated in the back of the Chamber, Lauren Rosenzweig and Officer Scott Howell. Ms. Rosenzweig and Officer Howell were at the State House to attend the Madeline Amy Sweeney Award for Civilian Bravery ceremonies. They were the guests of Senator Resor.

Lauren
Rosenzweig,
Scott Howell.

Communications.

Ms. Walsh in the Chair, a communication was received from the Minority Leader announcing the following appointments:

Senator Tarr to the special commission established (under Section 595 of Chapter 26 of the Acts of 2003) to study the ecological and environmental impact of the oil spill in Buzzards Bay.

Appointments
to special
commissions.

Senator Hedlund to the special commission established (under Section 599 of Chapter 26 of the Acts of 2003) relative to transportation restructuring.

Senator Sprague to the special commission established (under Section 130 of Chapter 46 of the Acts of 2003) to study the sale of tax receivables.

Senator Knapik to the special commission established (under Section 137 of Chapter 46 of the Acts of 2003) to investigate, study and make a report on the annual municipal census.

Senator Tisei to the special commission established (under Section 138 of Chapter 46 of the Acts of 2003) to investigate, study, and make legislative recommendations on the adequacy and efficiency of laws and regulations governing public construction projects.

The following communications were severally placed on file:

Massachusetts
Highway
Department.

Communication from the Massachusetts Highway Department relative to various reports filed with the committee on Ways and Means (received Monday, August 4, 2003);

Massachusetts
Turnpike
Authority.

Communication from the Massachusetts Turnpike Authority submitting a copy of its audited financial statements for fiscal year 2002 (received Friday, August 22, 2003); and

Water
Resources
Commission.

Communication from the Water Resources Commission relative to its approval of a desalinization plant to be constructed in Dighton (received Thursday, September 4, 2003).

Reports.

The following reports were severally read and placed on file:

Boston
University/
Chelsea
Partnership.
Massachusetts
Capital Resource
Company.

A report of the Boston University/Chelsea Partnership (under the provisions of Section 13 of Chapter 133 of the Acts of 1989) submitting its report for 2003 (received Friday, August 29, 2003);

A report of the Massachusetts Capital Resource Company (under the provisions of Section 12 Chapter 816 of the Acts of 1977) relative to its current status (received Tuesday, September 2, 2003);

Trial
Court.

A report of the Chief Justice for Administration and Management of the Trial Court (under the provisions of Section 15 of Chapter 358 of the Acts of 1996, as amended by Section 20 of Chapter 70 of the Acts of 2002) submitting the interim report on the implementation of the expansion of the civil one trial system (received Wednesday, September 3, 2003); and

State Ethics
Commission.

A report of the State Ethics Commission (under the provisions of Section 2(1) of Chapter 268B of the General Laws) submitting its annual report for fiscal year 2003 (received Friday, September 5, 2003).

Bureau of
Special
Investigations,—
reports.

A report of the Bureau of Special Investigations (under the provisions of Section 11(8) of Chapter 14 of the General Laws) submitting its reports for the months of May, June and July 2003 (received Monday, September 8, 2003),— **was read and sent to the House for its information.**

Petitions.

Petitions were presented and referred as follows:

Wareham,—
business
development.

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2088) of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation relative to impact fees in a business development overlay district in the town of Wareham [Local approval received];

Under Senate Rule 20, to the committee on Commerce and Labor.

Barnstable,—
land
exchange.

By Ms. Murray, a petition (accompanied by bill, Senate, No. 2086) of Therese Murray (by vote of the town) for legislation to authorize the disposition by exchange of land held for preservation of natural scenic and open qualities in the town of Barnstable [Local approval received];

Under Senate Rule 20, to the committee on Local Affairs and Regional Government.

By Mr. Morrissey, a petition (accompanied by bill, Senate, No. 2085) of Michael W. Morrissey, Bruce J. Ayers and A. Stephen Tobin (with the approval of the mayor and city council) for legislation relative to hiring Paul M. Holland, Jr. as a police officer in the city of Quincy [Local approval received];

Paul Holland,—
police
officer.

Under Senate Rule 20, to the committee on Public Service.

By Mr. Knapik, a petition (accompanied by bill, Senate, No. 2087) of Michael R. Knapik and Donald F. Humason, Jr. (with the approval of the mayor and city council) for legislation to authorize the Department of Highways and the city of Westfield to divert the use of certain parcels of land in the city of Westfield for the Great River Bridge project [Local approval received];

Westfield,—
land.

**Under Senate Rule 20, to the committee on Transportation.
Severally sent to the House for concurrence.**

By Mr. Knapik, a petition (subject to Joint Rule 12) of Michael R. Knapik and Donald F. Humason, Jr. for legislation to authorize the Department of Mental Retardation to establish a sick leave bank for Evelyn Gadomski, an employee of said department;

Evelyn
Gadomski,—
sick leave
bank.

Under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of a Committee.

Ms. Jacques, for the committee on Steering and Policy, reported that the following matters be placed in the Orders of the Day for the next session:

The Senate bills

Relative to the estate of homestead (Senate, No. 995);

Relative to establishing a distinctive registration plate (Senate, No. 2006); and

Relative to electronic signatures (Senate, No. 2076).

Steering
and Policy
reports.

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to repeat drunk driver offenders (House, No. 4155),— **was referred, in concurrence, to the committee on Criminal Justice.**

Repeat drunk
drivers,—
penalties.

A Bill relative to police examinations (House, No. 3942,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

Fall River,—
police exam.

A Bill relative to the municipal election in the city of Malden in the year 2003 (House, No. 3877,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Malden,—
municipal
election.

A report of the committee on Government Regulations, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4120) of John F. Quinn, Paul J. Donato and Mary S. Rogeness relative to the licensure and regulation of pawnbrokers, and recommending that the same be referred to the

Pawnbrokers,—
licensing.

committee on Banks and Banking,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Petitions were referred, in concurrence, as follows:

Southampton,—
liquor
license.

Petition (accompanied by bill, House, No. 4162) of Peter V. Kocot and Michael R. Knapik that the licensing authority of the town of Southampton be authorized to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises to Shree Gurudev Corporation, d/b/a Southampton Beer and Wine;

Under suspension of Joint Rule 7B, to the committee on Government Regulations.

Florida,—
wind
farm.

Petition (accompanied by bill, House, No. 4163) of Daniel E. Bosley that the town of Florida be authorized to lease certain land to New England Wind, LLA for the development of a wind farm;

Under suspension of Joint Rule 7B, to the committee on Local Affairs and Regional Government.

Madeline Amy
Sweeney
Award,—
establish.

Petition (accompanied by bill, House, No. 4161) of Colleen M. Garry, Kathleen M. Teahan and Michael W. Morrissey relative to establishing the Madeline Amy Sweeney Award for Civilian Bravery;

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

Resolutions.

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

Jeanne Angela
Pelletz.

Resolutions (filed by Ms. Chandler) "congratulating Jeanne Angela Pelletz on her fiftieth birthday";

Springfield
Day Nursery.

Resolutions (filed by Mr. Lees) "on the occasion of the one hundred twentieth anniversary of the Springfield Day Nursery";

USS
Northampton.

Resolutions (filed by Mr. Lees) "celebrating the fiftieth anniversary of the commissioning of the USS Northampton";

Arlene R.
Dickens.

Resolutions (filed by Mr. Pacheco) "honoring Arlene R. Dickens";

Al Duff, Jr.
Memorial
Run.

Resolutions (filed by Mr. Tisei) "in recognition of the town of Stoneham's Tenth Annual Al Duff, Jr. Memorial Run for D.A.R.E."; and

Stoneham's
Town Day.

Resolutions (filed by Mr. Tisei) "celebrating the town of Stoneham's twentieth annual Town Day."

Reports of Committees.

Jury duty,—
exemptions.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Elizabeth S. Bridge for legislation to exempt certain persons from jury duty.

Senate Rule 36 was suspended, on motion of Mr. Rosenberg, 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.

Esplanade
Association,—
plates.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Dianne Wilkerson, Paul C. Demakis, Jarrett T. Barrios, Salvatore F. DiMasi and Kevin G. Honan for legislation to provide

for the issuance of a distinctive registration plate to restore, preserve and enhance the Charles River Esplanade.

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

Severally sent to the House for concurrence.

Petition.

On motion of Mr. Tolman, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Havern (accompanied by bill) of Robert A. Havern and Jay R. Kaufman for legislation to provide for retirement benefits earned by individuals employed for five years or longer in work shops for the training and employment of blind persons,— **and the same was referred to the committee on Human Services and Elderly Affairs.**

Sent to the House for concurrence.

*Bill Previously Recalled from the Governor
Laid Before the Senate.*

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey an easement in certain land located in the town of Concord (see House, No. 1375, amended) which, at a previous session, had been returned by His Excellency the Governor, at the request of the Senate,— was laid before the Senate.

There being no objection, on motion of Mr. Hedlund, the Senate reconsidered the vote by which, at a previous session, it had passed the bill to be enacted.

On motion of Mr. Rosenberg, Senate Rule 49 was suspended.

Ms. Fargo presented an amendment, striking out all after the enacting clause and inserting in place thereof the following text:—

“The commissioner of capital asset management and maintenance, acting in consultation with the state police and the department of highways, may, subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws, grant an easement in certain land located in the town of Concord for highway purposes. The consideration to be paid to the division by the grantee of such easement shall be for a nominal fee as determined by the commissioner of the division. The property interest established by the granting of the easement shall revert to the commonwealth if the property described in this act is used for a purpose other than the purpose set forth in this act. The parcel is approximately 0.6 acres and is part of a larger tract of land owned by the commonwealth shown as ‘Lot 1 24,861 S.F.’ and a portion of the ‘Driveway Easement (1,400 S.F.)’ on a plan entitled ‘Easement Plan of Land in Concord, MA prepared for the Town of Concord, scale 1"=50' June 27, 2002’. The exact boundaries of the easements shall be determined by the commissioner in consultation with the department of the state police after completion of a survey.”

This amendment was adopted.

Sent to the House for concurrence in the amendment.

Blind,—
retirement.

Concord,—
land.

PAPER FROM THE HOUSE.

Devens
Enterprise
Commission.

A Bill relative to the powers of the Devens Enterprise Commission (House, No. 4144,— on Senate, No. 463),— was read.

There being no objection, the rules were suspended, on motion of Mr. Shannon, 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 Devens Enterprise Commission to grant certain licenses."

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:

Milton,—
school
construction.

The Senate Bill relative to certain school construction projects in the town of Milton (Senate, No. 1974, changed),— **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.

Report of a Committee.

Ms. Jacques, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

Boston,—
Bocci
Court.

The House Bill designating a certain parcel of land in the city of Boston as the Guido Salvucci Bocci Court (House, No. 3883).

There being no objection, the rules were suspended, on motion of Mr. Tolman, 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 designating a certain parcel of land in the city of Boston as the Guido Salvucci Bocci Court."

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

Emanuel
Roque,—
sick leave
bank.

An engrossed Bill establishing a sick leave bank for Emanuel Roque, an employee of the Department of Correction (see House, No. 3916), 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 and sent to the House for enactment.

Engrossed Bill.

Bill laid
before
Governor.

An engrossed Bill designating the chief of police of the town of East Bridgewater as the appointing authority for the police department (see Senate, No. 2000) (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 enacted and was signed by the Acting President and laid before the Governor for his approbation.

A petition (accompanied by bill, House, No. 4160) of Colleen M. Garry and Kathleen M. Teahan that the Registrar of Motor Vehicles be directed to establish a fund for a memorial to the victims of the September 11, 2001 terrorist attack on America,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Safety.**

Motor vehicle registration plates.

Recess.

There being no objection, at nineteen minutes past eleven o'clock A.M., the Chair (Ms. Walsh) declared a recess subject to the call of the Chair; and at nine minutes past twelve o'clock noon, the Senate reassembled, Ms. Walsh in the Chair.

Recess.

PAPERS FROM THE HOUSE.

A Bill relative to the United We Stand distinctive vehicle registration plates (House, No. 4160,— on petition),— was read.

United We Stand plates.

There being no objection, the rules were suspended, on motion of Mr. Shannon, 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 relative to the United We Stand distinctive registration plates."

A Bill establishing the Madeline Amy Sweeney Award for Civilian Bravery (House, No. 4161, amended,— on petition),— was read.

Madeline Amy Sweeney Award,— establish.

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, in concurrence.

Engrossed Bills.

The following engrossed bills (all of which originated in the House), 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 and laid before the Governor for his approbation, to wit:

Designating a certain parcel of land in the city of Boston as the Guido Salvucci Bocci Court (see House, No. 3883);

Bills laid before Governor.

Establishing a sick leave bank for Emanuel Roque, an employee of the Department of Correction (see House, No. 3916); and

Authorizing the Devens Enterprise Commission to grant certain licenses (see House, No. 4144).

Recess.

There being no objection, at thirteen minutes past twelve o'clock noon, the Chair (Ms. Walsh) declared a recess subject to the call of

Recess.

the Chair; and at twenty-one minutes before one o'clock P.M., the Senate reassembled, Ms. Walsh in the Chair.

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (both of which originated in the House), 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 and laid before the Governor for his approbation, to wit:

Relative to the United We Stand distinctive registration plates (see House, No. 4160); and

Establishing the Madeline Amy Sweeney Award for Civilian Bravery (see House, No. 4161, amended).

Orders Adopted.

Ms. Melconian presented the following order to wit:—

Ordered. That the members of the Senate committee on Ways and Means and the Senate members of the Joint Committee on Commerce and Labor be authorized to sit with the members of the Senate committee on Science and Technology for the purpose of conducting a public hearing on Monday, September 15 to consider House Bill making one-time investments in emerging technologies to stimulate job creation and economic opportunity throughout the Commonwealth (House, No. 3955).

There being no objection, the order was considered forthwith; and it was adopted.

On motion of Ms. Resor,—

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.

*Adjournment in Memory of
Sergeant Joseph M. Camara.*

Mr. Montigny presented a request that when the Senate adjourns today, it adjourn in memory of Staff Sergeant Joseph M. Camara.

Sergeant Camara was killed in action in Iraq on Monday, September 1, 2003, while serving with the 115th Military Police Company of the Rhode Island National Guard. Sergeant Camara, a 20 year veteran of the National Guard, also served as a New Bedford Police Officer. He is survived by his wife and three children. This motion prevailed.

Accordingly, as a mark of respect to the memory of Sergeant Joseph M. Camara, at eighteen minutes before one o'clock P.M., on motion of Mr. Hedlund, the Senate adjourned to meet on the following Monday at eleven o'clock A.M.

Bills laid
before
Governor.

Emergency
technology
investments,—
combined
hearing.

Time of
meeting.

Monday, September 15, 2003.

Met at three minutes past eleven o'clock A.M. (Ms. Walsh in the Chair).

The Senator from Plymouth and Barnstable, Ms. Murray, led the Chair (Ms. Walsh), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Pledge of
allegiance.

Petition.

Mr. Panagiotakos presented a petition (subject to Joint Rule 12) of Steven C. Panagiotakos for legislation relative to retirement systems and pension calculations,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Retirement,—
pension
calculation.

Reports of Committees.

By Mr. Barrios, for the committee on Public Safety, on Senate, No. 1273 and House, No. 3023, a Bill relative to certain consumer transactions and the satisfaction of security interests (Senate, No. 1273);

Security
interest,—
consumer
transactions.

By Mr. Magnani, for the committee on Public Service, on petition, a Bill further regulating appeals under Group Insurance Commission (Senate, No. 1531); and

Group Insurance
Commission,—
appeals.

By the same Senator, for the same committee, on petition, a Bill relative to providing creditable service for Joseph A. Quinlan a member in the contributory retirement system of the Commonwealth district attorney's office (Senate, No. 1578);

Joseph A.
Quinlan,—
creditable
service.

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

By Mr. Barrios, for the committee on Public Safety, on petition, a Bill further regulating change of name or address notices to the Registry of Motor Vehicles (Senate, No. 1278);

R.M.V.—
change of
address.

By the same Senator, for the same committee, on petition, a Bill relative to stealing registration plates and the possession of stolen registration plates (Senate, No. 1284);

Registration
plates,—
stolen.

By the same Senator, for the same committee, on petition, a Bill relative to failure to stop for a police officer (Senate, No. 1341);

Police officer,—
failure to stop.

By the same Senator, for the same committee, on petition, a Bill relative to driving under the influence (Senate, No. 1348, changed in section 1, in line 5, by inserting after the word "offense" the words "punishable by a term of incarceration not to exceed 2½ years"; in section 2, in line 4, by inserting after the word "offense" the words "punishable by a term of incarceration not to exceed 2½ years"; and

Motorists,—
DUI
convictions.

Motorists,—
DUI
convictions.

in section 3, in line 4, by inserting after the word "offense" the words "punishable by a term of incarceration not to exceed 2½ years"); and

Motor
vehicles,—
leases.

By the same Senator, for the same committee, on Senate, No. 1353 and House, No. 1168, a Bill relative to leasing motor vehicles (Senate, No. 1353);

Severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

PAPERS FROM THE HOUSE.

Bills

DCAMM,—
land
conveyance in
Worcester.

Authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the city of Worcester (House, No. 3917, amended,— on petition) [Local approval received]; and

Daniel P.
Murphy.

Authorizing Daniel P. Murphy to withdraw from a certain retirement program (House, No. 4140,— on House, No. 1931);

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:

Mary
Harrington.

Resolutions (filed by Mr. Magnani) "honoring Mary Harrington for her service to the community of Hopkinton"; and

William Henry
Janey.

Resolutions (filed by Ms. Wilkerson) "honoring the memory of William Henry Janey."

Order Adopted.

On motion of Mr. Tisei,—

Time of
meeting.

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.

*Adjournment in Memory of
Albert "Junior" Lombardi and Joseph Sarni.*

Mr. Travaglini presented a request that when the Senate adjourns today, it adjourn in memory of Albert "Junior" Lombardi. Mr. Lombardi was active in East Boston politics and was very helpful to many people in the community in need of city and state services.

Mr. Hedlund also presented a request that when the Senate adjourns today, it adjourn in memory of Joseph Sarni, who passed away at the age of 90. Joseph Sarni was the grandfather of Senator Hedlund.

Accordingly, as a mark of respect to the memories of Albert "Junior" Lombardi and Joseph Sarni, at six minutes past eleven o'clock A.M., on motion of Mr. Moore, the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.

Thursday, September 18, 2003.

Met at two minutes past eleven o'clock A.M. (Mr. Rosenberg in the Chair).

The Senator from Hampden and Hampshire, Mr. Knapik, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Pledge of
allegiance.

Reports of Committees.

By Mr. Brewer, for the committee on Ethics and Rules, that the Senate Bill providing for performance standards for physicians (Senate, No. 2048),— ought to pass;

Physicians,—
standards.

Referred, under Senate Rule 26, to the committee on Steering and Policy.

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition, a Bill authorizing the town of Lunenburg to establish a capital improvement trust fund and a bond and note proceeds investment fund (Senate, No. 1144) [Local approval received];

Lunenburg,—
capital
improvement.

By the same Senator, for the same committee, on petition, a Bill to provide for the appointment, qualifications, compensation, duties, status, retirement and pensions of summer special police officers on Nantucket Island (Senate, No. 1168) [Local approval received];

Nantucket,—
summer police
officers.

By the same Senator, for the same committee, on petition, a Bill to raise fines for parking violations on the island of Nantucket (Senate, No. 1169) [Local approval received];

Nantucket,—
parking
violations.

By the same Senator, for the same committee, on petition, a Bill providing for a fuel revolving account at Nantucket Memorial Airport (Senate, No. 1170) [Local approval received];

Nantucket
Airport,—
fuel revolving
account.

By the same Senator, for the same committee, on Senate, No. 1171 and House, No. 958, a Bill authorizing the town of Wareham to grant a conservation restriction to the Wareham land trust (Senate, No. 1171) [Local approval received on Senate, No. 1171 and House, No. 958];

Wareham,—
conservation
restriction.

By the same Senator, for the same committee, on petition, a Bill regulating the use of Lowell Park in the town of Barnstable (Senate, No. 1935) [Local approval received];

Barnstable,—
Lowell
Park.

By the same Senator, for the same committee, on petition, a Bill authorizing the town of Tewksbury and/or the Tewksbury Conservation Commission to convey certain easements to Tennessee Gas Pipeline Company in the town of Tewksbury (Senate, No. 1938, changed in section 1, by striking out, in line 8, the word "northwest" and inserting in place thereof the word "southwest") [Local approval received];

Tewksbury,—
easements.

By the same Senator, for the same committee, on petition, a Bill authorizing the town of Lunenburg to convey a certain parcel of land

Lunenburg,—
land
conveyance.

to Erling Hanson and Lucy Hanson in exchange for certain land (Senate, No. 1952) [Local approval received]; and

Revere,—
bonds.

By the same Senator, for the same committee, on petition, a Bill relative to the issuance of certain bonds by the city of Revere (Senate, No. 2057) [Local approval received];

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

Committee Discharged.

Worcester
County,—
regional
facility.

Ms. Fargo, for the committee on Local Affairs and Regional Government, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 138) of Harriette L. Chandler, Vincent A. Pedone, Richard T. Moore, James B. Leary and other members of the General Court for legislation to establish a regional lock-up facility in Worcester County,— and recommending that the same be referred to the Senate committee on Ways and Means.

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

Sent to the House for concurrence in the discharge of the joint committee.

PAPERS FROM THE HOUSE.

Christopher
Boumil,—
sick leave
bank.

A Bill establishing a sick leave bank for Christopher Boumil, an employee of the Department of Correction (printed as Senate, No. 2051,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Lake
Quinsigamond
Commission.

A Bill relative to the membership of the Lake Quinsigamond Commission (House, No. 4133,— on House, No. 3010),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

Reports

Of the committee on Education, Arts and Humanities, asking to be discharged from further consideration

Sports injury
commission.

Of the petition (accompanied by bill, House, No. 1075) of Douglas W. Petersen, Louis L. Kafka, Gloria L. Fox and Cory Atkins for an investigation by a special commission (including members of the General Court) of sports injuries to school children;

Students,—
immunization.

Of the petition (accompanied by bill, House, No. 2025) of Arthur J. Broadhurst that the Department of Public Health be authorized to enforce the immunization of public school students;

Hepatitis B
vaccine.

Of the petition (accompanied by bill, House, No. 2570) of Garrett J. Bradley and Andrea F. Nuciforo, Jr., relative to the Hepatitis B vaccine requirement prior to admittance to the public schools;

Suicide
incidents.

Of the petition (accompanied by resolve, House, No. 2580) of Peter J. Koutoujian and other members of the General Court for an investigation by a special commission (including members of the General Court) relative to methods of reducing incidents of suicide in the Commonwealth; and

Of the petition (accompanied by bill, House, No. 2762) of Bradley H. Jones, Jr. and other members of the House relative to requiring criminal history background checks for teaching applicants;

Teacher
licensure
applicants.

And recommending that the same severally be referred to the committee on Health Care.

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 Ms. Chandler) "congratulating the Worcester Section of the National Council of Jewish Women on providing 100 years of service to the Worcester community";

Worcester
Section of
National Council
of Jewish Women.
Dianne Devanna
Center.

Resolutions (filed by Mr. Morrissey) "celebrating the twenty-fifth anniversary of the Dianne Devanna Center"; and

Resolutions (filed by Mrs. Sprague, Mr. Antonioni, Ms. Chandler, Ms. Fargo, Mr. Hedlund, Ms. Jacques, Messrs. Joyce, McGee, Moore, Morrissey, Nuciforo, O'Leary, Pacheco and Panagiotakos, Ms. Resor, Messrs. Shannon and Tarr and Ms. Tucker) "on the occasion of Prisoner of War-Missing in Action Recognition Day".

POW/MIA
Recognition
Day.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4179) of Christopher J. Donelan and Stephen Kulik relative to placing in county jails persons being held in protective custody,— came from the House, under suspension of Joint Rule 12, referred to the committee on the Judiciary.

Protective
custody.

The Senate concurred in the suspension of Joint Rule 12, and NON-concurred in the reference to the committee on the Judiciary. On motion of Mr. Tolman, the petition was referred to the committee on Public Safety.

Sent to the House for its action.

Report of Committees.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Marian Walsh for legislation relative to the definition of Korean War veteran.

Korean War
veteran,—
define.

Senate Rule 36 was suspended, on motion of Mr. Knapik, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Human Services and Elderly Affairs.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4168) of Martin J. Walsh relative to the Neighborhood House Charter School in the city of Boston;

Boston,—
charter
school.

Under suspension of Joint Rule 12, to the committee on Education, Arts and Humanities.

Tobacco
manufacturers.

Petition (accompanied by bill, House, No. 4169) of Daniel E. Bosley and Richard T. Moore relative to the financial obligations of tobacco manufacturers selling cigarettes to consumers within the Commonwealth;

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

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:

Holyoke,—
charter.

The Senate Bill relative to the charter of the city of Holyoke (Senate, No. 1158),— was read a second time.

Mr. Knapik offered an amendment, substituting a new draft entitled "An Act clarifying jurisdiction over public parks in the city of Holyoke" (Senate, No. 2090).

The amendment was adopted.

The bill (Senate, No. 2090) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

Moment of Silence.

Moment of
silence.

The Chair (Mr. Rosenberg) requested that members, guests and employees observe a moment of silence for the brave men and women who over the years have served our nation and been held as prisoners of war or been missing in action, in recognition of POW/MIA Recognition Day, September 19.

Order Adopted.

On motion of Mr. Tolman,—

Time of
meeting.

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.

On motion of Mr. Knapik, at thirteen minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.

Monday, September 22, 2003.

Met according to adjournment at eleven o'clock A.M. (Ms. Walsh 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. Walsh), members, guests and employees then recited the pledge of allegiance to the flag.

Pledge of
allegiance.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Glodis, a petition (subject to Joint Rule 12) of Guy W. Glodis and John J. Binienda for legislation relative to the Cherry Valley sewer district 2000-2001 project;

Cherry Valley
sewer district.

By Mr. Joyce (by request), a petition (subject to Joint Rule 12) of Mark P. Dupont for legislation relative to the operation of certain vehicles on state property;

Vehicles,—
state
property.

By Mr. Panagiotakos, a petition (subject to Joint Rule 12) of Steven C. Panagiotakos, Thomas A. Golden, Jr., Kevin J. Murphy and David M. Nangle for legislation to designate a portion of the Lowell Heritage State Park as the Mary Bacigalupo Victorian Garden; and

Lowell,—
Mary
Bacigalupo
Victorian
Garden.

By Mrs. Sprague, a petition (subject to Joint Rule 12) of Jo Ann Sprague, Brian A. Joyce, William C. Galvin and Louis L. Kafka for legislation to provide certain discounts to state tourist attractions for veterans;

Veterans,—
tourist
discounts.

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Barrios, for the committee on Public Safety, on petition, a Bill relative to training for law enforcement in dealing with individuals suffering from mental illness and mental retardation (Senate, No. 1303);

Law
enforcement,—
mental illness
training.

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

By Ms. Fargo, for the committee on Local Affairs and Regional Government, on petition, a Bill authorizing the Nantucket Islands Land Bank to grant a conservation restriction to the Nantucket Conservation Commission (Senate, No. 1167) (Representative Sánchez of Boston dissenting);

Nantucket
Conservation
Commission.

Read and, under Senate Rule 26, referred to the committee on Steering and Policy.

Ms. Jacques, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

Sandwich
water
district.

The Senate Bill relative to the Sandwich water district (Senate, No. 1163).

Committee Discharged.

Local Affairs
and Regional
Government,—
study.

Mr. Brewer, for the committee on Ethics and Rules, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Local Affairs and Regional Government to make an investigation and study of Senate document numbered 1178, relative to affordable elderly rental housing in Ipswich (Senate, No. 2075),— and recommending that the same be recommitted to the committee on Local Affairs and Regional Government.

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

Sent to the House for concurrence in the reference to the joint committee.

Resolutions.

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

Marie
Cerchione.

Resolutions (filed by Mr. Havern) "on the occasion of the retirement of Marie Cerchione"; and

Mrs. Bette
Vagen.

Resolutions (filed by Ms. Murray and Mr. O'Leary) "honoring Mrs. Bette Vagen."

Reports of Committees.

Evelyn
Gadomski,—
sick leave
bank.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael R. Knapik and Donald F. Humason, Jr. for legislation to authorize the Department of Mental Retardation to establish a sick leave bank for Evelyn Gadomski, an employee of said department.

Senate Rule 36 was suspended, on motion of Mr. Knapik, 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.

Somerville,—
obligation
bonds.

By Mr. Montigny, for the Senate committee on Long-Term Debt and Capital Expenditures, that the House Bill authorizing the city of Somerville to issue certain general obligation bonds with level debt service (House, No. 3853),— 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, in concurrence.

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 Senate bills

Relative to vehicle weight limitation requirements (Senate, No. 1285); Second reading bills.

To regulate the speed of school buses on limited access highways (Senate, No. 1333);

Relative to establishing a distinctive registration plate (Senate, No. 2006); and

Relative to electronic signatures (Senate, No. 2076);

Were severally read a second time and ordered to a third reading.

The Senate Bill authorizing the town of Tewksbury and/or the Tewksbury Conservation Commission to convey certain easements to Tennessee Gas Pipeline Company in the town of Tewksbury (Senate, No. 1938, changed),— **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 authorizing the town of Tewksbury or the Tewksbury Conservation Commission to convey certain easements to Tennessee Gas Pipeline Company in the town of Tewksbury."**

Tewksbury,—
easements.

Sent to the House for concurrence.

The Senate Bill authorizing the town of Southwick to grant an easement to Carol K. Collins (Senate, No. 1940),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**

Southwick,—
easement.

Sent to the House for concurrence.

The House Bill authorizing the town of Mashpee to convey certain conservation land (House, No. 3846),— **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 Mashpee to convey certain land".**

Mashpee,—
conservation land.

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to grant an easement to the county of Nantucket (Senate, No. 2082),— ought to pass, with an amendment, in section 1, by striking out, in line 5, the words "convey, by deed" and inserting in place thereof the following words: "grant, by easement agreement"; by striking out, in line 8, the words "give or take a foot" and inserting in place thereof the following words: "more or less"; by inserting after the first sentence

Nantucket,—
easement.

Nantucket,—
easement.

the following sentence: "The exact boundaries of the easements shall be determined by the commissioner of capital asset management and maintenance in consultation with the commissioner of mental health after completion of a survey."; in section 3, by inserting after the word "maintenance", in line 4, the following words:— ", including the costs of any appraisals or surveys relating to the transfer of said easement"; and 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 forthwith to provide for public recreation and transportation in the county of Nantucket and to qualify for federal funding before the deadline for applying for such funding, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

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. 2082, 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 authorizing the Commissioner of Capital Asset Management and Maintenance to grant an easement to the county of Nantucket."

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Prisoner
re-integration,—
study.

A petition (accompanied by resolve, House, No. 4180) of Marie P. St. Fleur for an investigation by a special commission (including members of the General Court) relative to the reintegration of prisoners into the cities and towns of the Commonwealth,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Safety.**

Emergency Preamble Adopted.

Concord,—
land.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey an easement in certain land located in the town of Concord (see House, No. 1375, 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 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 Wednesday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Time of
meeting.

Recess.

There being no objection, at nine minutes past eleven o'clock A.M., the Chair (Ms. Walsh) declared a recess subject to the call of the Chair; and at twenty minutes past eleven o'clock A.M., the Senate reassembled, Ms. Walsh in the Chair. Recess.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey an easement in certain land located in the town of Concord (see House, No. 1375, 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 re-enacted and was signed by the Acting President and again laid before the Governor for his approbation.** Bill again
laid before
Governor.

On motion of Mr. Knapik, at twenty-three minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Wednesday at eleven o'clock A.M.

Wednesday, September 24, 2003.

Met at two minutes past eleven o'clock A.M.

Pledge of
allegiance.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Reports of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the Senate bills

Egremont,—
conservation
restrictions.

For the protection of natural resources, authorizing the Department of Environmental Management and the Division of Fisheries and Wildlife to acquire conservation restrictions in and to lands of the town of Egremont (Senate, No. 1684),— ought to pass, with an amendment, in section 2, by striking out, in line 5, the words “; and book 1197, page 68.”; and

Deerfield,—
land
restrictions.

Releasing certain land in Deerfield from the operation of an agricultural preservation restriction (Senate, No. 1698),— ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2094);

Severally referred, under Senate Rule 26, to the committee on Steering and Policy.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Voters,—
Photo I.D.'s.

Petition (accompanied by bill, House, No. 4159) of William Lantigua, David M. Torrisi, Barry R. Finegold and Susan C. Tucker (with the approval of the mayor and city council) relative to establishing a requirement that voters produce a photographic identification in order to receive an election ballot in the town of Lawrence;

Framingham,—
preliminary
elections.

Petition (accompanied by bill, House, No. 4170) of Karen Spilka and Deborah D. Blumer (by vote of the town) relative to preliminary elections in the town of Framingham; and

Groveland,—
recall
elections.

Petition (accompanied by bill, House, No. 4171) of Harriett L. Stanley and Bruce E. Tarr (by vote of the town) relative to providing recall elections in the town of Groveland;

Severally to the committee on Election Laws.

Lexington,—
liquor
licenses.

Petition (accompanied by bill, House, No. 4172) of Jay R. Kaufman, Robert A. Havern, Thomas M. Stanley and Susan C. Fargo (by vote of the town) relative to the granting of licenses for the sale of all alcoholic beverages to be drunk on the premises to certain restaurants in the town of Lexington;

To the committee on Government Regulations.

Brookline,—
property
lease.

Petition (accompanied by bill, House, No. 4164) of Frank I. Smizik, Cynthia S. Creem, Michael F. Rush, Brian P. Golden, Jr.,

Jeffrey Sanchez and others (by vote of the town) that the town of Brookline be authorized to lease certain property owned by said town;

Petition (accompanied by bill, House, No. 4173) of J. James Marzilli, Jr., Jay R. Kaufman, Anne M. Paulsen and Robert A. Havern (by vote of the town) relative to the qualifications necessary for appointment to the position of town manager in the town of Arlington; and

Arlington,—
town
manager.

Petition (accompanied by bill, House, No. 4174) of Charles A. Murphy (by vote of the town) for legislation to prohibit elected officials in the town of Burlington from holding additional elected positions;

Burlington,—
elected
officials.

Severally to the committee on Local Affairs and Regional Government.

Petition (accompanied by bill, House, No. 4165) of John H. Rogers (by vote of the town) relative to the certification and appointment of Jennifer Gover as a fire fighter in the town of Norwood;

Norwood,—
Jennifer
Gover.

Petition (accompanied by bill, House, No. 4175) of Steven A. Baddour, Arthur J. Broadhurst and others (with the approval of the mayor and city council) that the city of Methuen be authorized to appoint additional officers to the intermittent police force of said town; and

Methuen,—
intermittent
police.

Petition (accompanied by bill, House, No. 4176) of Thomas P. Kennedy, Christine E. Canavan, Geraldine Creedon and Robert S. Creedon, Jr. (with the approval of the mayor and city council) relative to the retirement of certain employees of the city of Brockton;

Brockton,—
retirement.

Severally to the committee on Public Service.

Petition (accompanied by bill, House, No. 4177) of Karen Spilka and Deborah D. Blumer (by vote of the town) that the town of Framingham be authorized to enter into certain tax deferral and recovery agreements; and

Framingham,—
tax
deferrals.

Petition (accompanied by bill, House, No. 4178) of Karen Spilka and Deborah D. Blumer (by vote of the town) that the town of Framingham be authorized to regulate certain property tax exemption requirements for certain elderly persons;

Framingham,—
elderly tax
exemptions.

Severally to the committee on Taxation.

Resolutions.

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

Resolutions (filed by Ms. Wilkerson and Mr. Barrios) "honoring Inquilinos Boricuas en Accion celebrating 35 years of service."

Inquilinos
Boricuas
en Accion.

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 Senate Bill relative to the Sandwich water district (Senate, No. 1163),— was read a second time.

Sandwich
Water District.

Ms. Murray presented an amendment in section 10, by striking out, in line 4, the figure "2002" and inserting in place thereof the following figure:—"2005".

The amendment was adopted.

The bill (Senate, No. 1163, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

Mass Pike
finances,—
deadline.

The Senate Bill extending the reporting deadline of the Advisory Committee on Financial Obligations of the Massachusetts Turnpike Authority (Senate, No. 1884, changed) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

Reports of a Committee.

Abington,—
funds
transfer.

By Ms. Murray, for the committee on Ways and Means, on petition, a Bill authorizing the town of Abington to transfer certain funds (Senate, No. 2038) [Local approval received].

The bill was read. There being no objection, the rules were suspended, on motion of Ms. Chandler, 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.

Abington,—
payment.

By Ms. Murray, for the committee on Ways and Means, on petition, a Bill authorizing the town of Abington to pay a certain unpaid bill (Senate, No. 2039) [Local approval received].

The bill was read. There being no objection, the rules were suspended, on motion of Mr. Rosenberg, 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.

Rosa
McPherson,—
sick leave
bank.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Rosa A. McPherson, an employee of the Trial Court (Senate, No. 2073),— ought to pass.

There being no objection, the rules were suspended, on motion of Ms. Menard, 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.

PAPER FROM THE HOUSE.

Rockland,—
town meeting
validation.

A Bill validating the action taken at a special town meeting held by the town of Rockland (printed in House, No. 4142,— being a message from His Excellency the Governor),— was read.

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

Motion to Reconsider.

Registration
plates.

On motion of Ms. Menard, the Senate reconsidered the vote by which, at the preceding session, it had ordered to a third reading the Senate Bill relative to establishing a distinctive registration plate (Senate, No. 2006).

Pending the recurring question on ordering the bill to a third reading, the bill was amended, as previously recommended by the committee on Ways and Means, by inserting after the word "Teams", in line 10, the following words:— "; the Old Colony for the purpose of restoring the Forefathers' monument"; and by striking out, in lines 15 and 16, the words:— "Basketball League; and Mini-Fenway Park, Inc. for the purpose of furthering youth participation in baseball" and inserting in place thereof the following words "Baseball League; and Mini-Fenway Park, Inc.".

The bill (Senate, No. 2006, amended) was then ordered to a third reading.

Reports of Committees.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Guy W. Glodis and John J. Binienda for legislation relative to the Cherry Valley sewer district 2000-2001 project.

Cherry Valley sewer district.

Senate Rule 36 was suspended, on motion of Mr. Tisei, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Local Affairs and Regional Government.

Sent to the House for concurrence.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of David P. Magnani, Robert E. Travaglini, Stanley C. Rosenberg and other members of the General Court [for complete list of petitioners, see printed bill] that provision be made for the adoption of a comprehensive public policy and strategy for the preservation and advancement of science and technology based economic development throughout the Commonwealth.

Economic development,— strategy.

Senate Rule 36 was suspended, on motion of Mr. Tisei, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by resolve) was referred to the Senate committee on Science and Technology.

Sent to the House for concurrence in the suspension of Joint Rule 12.

PAPER FROM THE HOUSE.

A petition (accompanied by resolutions, House, No. 4182) of Cory Atkins and other members of the House for adoption of resolutions relative to a comprehensive public policy and strategy for the preservation and advancement of science and technology based economic development throughout the Commonwealth,— **came from the House referred, under suspension of Joint Rule 12, to the House committee on Science and Technology; and the Senate concurred in the suspension of said Joint Rule.**

Science and technology,— advancement.

Order Adopted.

On motion of Mr. Tisei,—

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

Time of meeting.

Procedure
order,—
consideration
of
amendments.

Order.

Mr. Brewer presented the following order, to wit:

Ordered. That amendments offered to any bill appearing in the released Third Reading Matters section of the Senate Calendar for Thursday, September 25, must be filed with the Clerk of the Senate no later than eleven o'clock A.M., on Thursday, September 25. The released matters in the Third Reading section of the calendar contain the following bills:

Senate, No. 1333 — To regulate the speed of school buses on limited access highways;

Senate, No. 1372 — Relative to the reporting of fires in schools:

Senate, No. 2006 — Relative to establishing a distinctive registration plate;

Senate, No. 2019 — Regarding commercial electronic mail;

Senate, No. 2076 — Relative to electronic signatures.

The question on adoption of the order was considered forthwith. There being an objection by Mr. Tisei, the matter was laid aside by the President.

On motion of Mr. Tisei, at sixteen minutes past eleven o'clock A.M., the Senate adjourned to meet on the following day at one o'clock P.M., in a full formal session.

Thursday, September 25, 2003.

Met at twenty-three minutes past one o'clock P.M.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Pledge of
allegiance.

Distinguished Guests.

There being no objection, the President handed the gavel to the Senator from Worcester, Ms. Chandler, who introduced Jose Antonio Rivera, World Boxing Association Welterweight Champion. Jose defeated Michael Trabant, Germany's favorite son, in a 12 round bout in Berlin, Germany. Besides being a world champion boxer, Jose Rivera is a court officer in the Worcester Juvenile Court and a two time winner of the Speaker of the Year Award from the United Way. He has also been inducted into the Hall of Fame of the Boys and Girls Club of Worcester for his extraordinary commitment to youth. Jose was accompanied to the rostrum by Nick Manzillo, sports columnist for the Worcester Telegram. They were the guests of Senator Chandler. Jose Antonio Rivera made a few remarks to the membership and he and Nick Manzillo signed the guest book and withdrew from the Chamber.

Jose
Antonio
Rivera.

There being no objection, the President handed the gavel to the Senator from Bristol and Plymouth, Ms. Menard, who introduced Chief Justice Martha P. Grace of the Juvenile Court Department of the Trial Court of the Commonwealth. Chief Justice Grace was attending a function honoring one of her court officers, Jose Antonio Rivera. Chief Justice Grace briefly addressed the Senate and withdrew from the Chamber. She was the guest of Senator Menard.

Chief Justice
Martha P.
Grace.

Petition.

The President in the Chair, Mr. Montigny presented a petition (subject to Joint Rule 12) of Mark C. Montigny and Antonio F. D. Cabral for legislation to relocate certain harbor lines in the Fairhaven and New Bedford harbors,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Fairhaven and
New Bedford,—
harbor lines.

Reports of a Committee

Ms. Jacques, for the committee on Steering and Policy, reported that the following matters be placed in the Orders of the Day for the next session:

The Senate bills

Further regulating change of name or address notices to the Registry of Motor Vehicles (Senate, No. 1278); and

Steering
and Policy
reports.

Relative to stealing registration plates and the possession of stolen registration plates (Senate, No. 1284).

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4181) of Paul K. Frost (by vote of the town) relative to sewer user fees charged to residents of non-sewered areas in the town of Millbury,— **was referred, in concurrence, to the committee on Local Affairs and Regional Government.**

Millbury,—
sewer
fees.

Resolutions.

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

Kenneth
Henrick.

Resolutions (filed by Mr. Baddour) “congratulating Kenneth Henrick on the occasion of his retirement”;

Jose Antonio
Rivera.

Resolutions (filed by Ms. Chandler and Mr. Glodis) “congratulating Jose Antonio Rivera of Worcester”;

Comcast
Cares Day.

Resolutions (filed by Mr. Lees) “relative to ‘Comcast Cares Day’” (Senator Joyce dissenting);

St. Michael's
Society
Lodge #630.

Resolutions (filed by Mr. McGee) “celebrating the one hundredth anniversary of the St. Michael's Society Lodge #630 of the Polish National Alliance in Lynn”;

32-Degree
Masons.

Resolutions (filed by Mr. Moore) “honoring the 32-Degree Masons, Northern Jurisdiction, on the occasion of ‘Help a Child Overcome Dyslexia Month’”;

T. William
Cleggett.

Resolutions (filed by Mr. Morrissey) “recognizing Officer T. William ‘Bill’ Cleggett.”

National Alcohol
and Drug
Addiction
Recovery Month.

Resolutions (filed by Ms. Murray) “on the occasion of National Alcohol and Drug Addiction Recovery Month”;

Helen Elizabeth
Wirtanen.

Resolutions (filed by Ms. Murray) “honoring Helen Elizabeth Wirtanen”;

Anthony P.
Anacki.

Resolutions (filed by Mr. Pacheco) “honoring Anthony P. Anacki”;
and

Dolbeare
Elementary
School.

Resolutions (filed by Mr. Tisei) “recognizing the Dolbeare Elementary School as the number one fundraising school in the state for the Jump Rope for Heart Program.”

Report of a Committee.

Daniel P.
Murphy.

By Ms. Murray, for the committee on Ways and Means, that the House Bill authorizing Daniel P. Murphy to withdraw from a certain retirement program (House, No. 4140),— 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 forthwith, to allow a certain individual to withdraw from a certain retirement program, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

There being no objection, the rules were suspended, on motion of Ms. Menard, 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.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

A Bill relative to exemptions for residential real property in the city of Cambridge (House, No. 2185,— on petition) [Local approval received],— was read.

Cambridge,—
residential
property.

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

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for John Nourse, an employee of the Department of Correction (see House, No. 3822, 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 12 to 0.

John
Nourse,—
sick leave
bank.

The bill was signed by the President and sent to the House for enactment.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:

The Senate Bill authorizing the town of Carlisle to grant conservation restrictions for town owned conservation land (Senate, No. 1148),— was read a second time, ordered to a third reading, read a third time and passed to be engrossed.

Carlisle,—
conservation
land.

Sent to the House for concurrence.

Report of a Committee.

Ms. Jacques for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Washington (Senate, No. 1972, changed) (the committee on Ways and Means having recommended that the bill be amended in section 1, by striking out the figure "40E", in line 3, and inserting in place thereof the following figure "40H"; and by inserting after the words "General Laws," in line 4, the following words:— "and notwithstanding sections 40E to 40F1/2, inclusive, of chapter 7 of the General Laws,").

Washington,—
land
conveyance.

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

The bill (Senate, No. 1972, changed and amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

Lee,—
wastewater
facilities.

A Bill authorizing the town of Lee to enter into contracts for construction, operation and maintenance, lease and modification of its water and wastewater treatment facilities (printed as Senate, No. 1934,— on petition) [Local approval received],— was read.

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

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:

Millbury,—
liquor
license.

The Senate Bill authorizing the town of Millbury to grant four additional licenses for the sale of alcoholic beverages to be drunk on the premises (Senate, No. 2056),— was read a second time, and was amended, on motion of Mr. Glodis, in section 2, by striking out, in line 3, the words "2 additional licenses" and inserting in place thereof the following words:— "a license"; and by striking out the title and inserting in place thereof the following title:— "An Act authorizing the town of Millbury to grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises."

The bill (Senate, No. 2056, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Second
reading
bills.

Designating a certain bridge in the city of Waltham as the William F. Stanley bridge (Senate, No. 1863); and

Providing for the first week of October to be designated as Massachusetts Safe Schools Week (House, No. 2887);

Were severally read a second time and ordered to a third reading.

Lydia Taft
Highway.

The Senate Bill designating Route 146A in the town of Uxbridge as the Lydia Taft Highway (Senate, No. 1890),— was read a second time and, after remarks, was ordered to a third reading.

Amesbury,—
clarify
bridge
name.

The Senate Bill clarifying the name of a certain bridge in the town of Amesbury (Senate, No. 1853),— was read a third time.

After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at seven minutes before two

o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 326]:

YEAS.

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Montigny, Mark C.

Wilkerson, Dianne — 2.

The yeas and nays having been completed at three minutes before two o'clock P.M., the bill was passed to be engrossed. Sent to the House for concurrence.

Ms. Walsh in the Chair, the Senate Bill designating the Merrimac Street, Route 1 bridge overpass in the city of Newburyport as the Raymond F. Welch Memorial Overpass (Senate, No. 1854),— **was read a third time and, after remarks, was passed to be engrossed.**

Sent to the House for concurrence.

Newburyport,—
designate
bridge.

The Senate Bill regulating commercial electronic mail (Senate, No. 2019) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

Electronic
mail,—
spam.

Pending the question on passing the bill to be engrossed, Mr. Barrios moved that the bill be amended in section 1, by striking out, in lines 41 and 42, the words "or (c)" and inserting in place thereof the following words:— "(c) is, or is sending the message on behalf of, a charitable organization or entity, including a public charity, or a political candidate or political committee; or (d)".

This amendment was adopted.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at nine minutes past two o'clock P.M., on motion of Mr. Barrios, as follows to wit (yeas 37 — nays 0) [Yeas and Nays No. 327]:

Electronic
mail,—
spam.

YEAS.

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian — 37.
McGee, Thomas M.	

NAYS—0.

ABSENT OR NOT VOTING.

Montigny, Mark C.

Wilkerson, Dianne — 2.

The yeas and nays having been completed at twelve minutes past two o'clock P.M., the bill (Senate, No. 2019, amended) was passed to be engrossed.

Sent to the House for concurrence.

School buses,—
highway
speed.

The Senate Bill regulating the speed of school buses on limited access highways (Senate, No. 1333) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

Registration
plates.

The Senate Bill relative to certain distinctive registration plates (Senate, No. 2006, amended) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

Pending the question on passing the bill to be engrossed, Mrs. Sprague and Messrs. Lees, Tisei, Tarr, Knapik and Hedlund moved that the bill be amended by adding the following 3 sections:—

“SECTION 2. Section 2 of chapter 90 of the General Laws is hereby amended by inserting after the word ‘Star’, in line 396, as appearing in the 2002 Official Edition, the words:— or Distinguished Flying Cross.

SECTION 3. Said section 2 of said chapter 90 is hereby amended by inserting after the word ‘star’, in lines 402 and 403, as so appearing, the following words:— or Distinguished Flying Cross.

SECTION 4. The eighteenth paragraph of said section 2 of said chapter 90, as so appearing, is hereby amended by adding the following sentence:— The surviving spouse of a deceased recipient may elect to retain the distinctive registration plate and distinctive

emblem for personal use upon payment of the established registration fee and an additional \$20 fee until such time as the spouse remarries or fails to renew or cancels the registration."

The amendment was adopted.

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

Sent to the House for concurrence.

The Senate Bill facilitating electronic transactions (Senate, No. 2076) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

Electronic signatures.

On motion of Mr. Shannon, the bill was recommitted to the committee on Bills in the Third Reading.

The President in the Chair, the Senate Bill relative to the punishment for sale and storage of fireworks (Senate, No. 1364),— was considered, the main question being on ordering it to a third reading.

Fireworks sale and storage,— punishment.

The pending motion, previously moved by Mr. Lees, to lay the bill on the table was considered; and it was *negatived*.

Pending the main question on ordering the bill to a third reading, on further motion of Mr. Lees, the further consideration thereof was postponed until Thursday, November 20.

The Senate Bill relative to the reporting of fires in schools (Senate, No. 1372),— was read a third time.

Schools,— fire reports.

Pending the question on passing the bill to be engrossed, Mr. Barrios and Ms. Resor moved that the bill be amended in section 1, by adding the following sentence:— "The names of individuals contained in this report shall be expunged from the public record when they reach age 18 or graduate from high school, whichever occurs last, but any such individuals shall have affirmative obligation to inform the fire marshal in writing that they have reached the age of 18 or graduated, whichever occurs last."

Pending the question on adoption of the amendment, and pending the main question on passing the bill to be engrossed, on motion of Mr. Lees, the matter was postponed until the next session.

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered, as follows:

The House Bill establishing a sewer system capital improvement fund in the town of Chelmsford (House, No. 3805),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Chelmsford,— sewer capital improvement fund.

The House Bill relative to a certain license for the sale of wines and malt beverages in the town of Milford (House, No. 3728),— **was read a third time and passed to be engrossed, in concurrence.**

Milford,— liquor license.

Report of a Committee.

Natural gas,—
transmission.

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill relative to authorizing the commissioner of the Division of Capital Asset Management and Maintenance to convey easements for the transmission of natural gas over lands formerly under the control of the county of Essex in the town of Middleton and the cities of Peabody and Salem to Maritimes & Northeast Pipeline, L.L.C. (Senate, No. 1678),— ought to pass, with an amendment in section 2, by striking out, in lines 8 to 11, inclusive, the words "accept any appraisal or appraisals of said easements which may have been conducted prior to the effective date of this act and which may have been accepted and agreed to by said division" and inserting in place thereof the following words:—"in establishing value, take into consideration any prior appraisal or appraisals of these easements which the commissioner determines are timely and relevant"; by striking out, in line 26, the word "thereon" and inserting in place thereof the following words:—"of his determination of value"; and 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 forthwith to grant an easement to facilitate the construction of an interstate natural gas pipeline, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

There being no objection, the rules were suspended, on motion of Mr. Morrissey, and the bill was read a second time, and was amended, as recommended by the committee on Ways and Means. The bill (Senate, No. 1678, amended) was then ordered to a third reading, read a third time and was passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the commissioner of Capital Asset Management and Maintenance to convey easements for the transmission of natural gas over lands formerly under the control of the county of Essex in the town of Middleton and the cities of Peabody and Salem to Maritimes & Northeast Pipeline, L.L.C."

Sent to the House for concurrence.

Reports of Committees.

Albert
Todino,—
retirement
buyback.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Therese Murray for legislation relative to a retirement buyback for Albert E. Todino from the Barnstable County Retirement System.

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 Public Service.

Commuter
boat
parking.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate

petition of Robert L. Hedlund and Garrett J. Bradley for legislation to provide for commuter boat parking rate equity.

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.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4184) of Edward G. Connolly, other members of the General Court and others that cities and towns be authorized to use certain funds from the sale of public lands;

Municipalities,—
real estate
sale.

Under suspension of Joint Rule 12, to the committee on Local Affairs and Regional Government.

Petition (accompanied by bill, House, No. 4185) of James H. Fagan and Marc R. Pacheco for legislation to provide civil service status for certain employees of the municipal lighting plant of the city of Taunton; and

Taunton
Municipal
lighting.

Petition (accompanied by bill, House, No. 4186) of James H. Fagan and Marc R. Pacheco relative to authorizing the certification and eligibility of certain persons as fire fighters in the city of Taunton;

Taunton,—
firefighter
eligibility.

Severally, under suspension of Joint Rule 7B, to the committee on Public Service.

The House Bill establishing a sick leave bank for Natasha Searcy, an employee of the Trial Court (House, No. 3818),— came from the House with the endorsement that the House had concurred in the Senate amendment adding at the end thereof the following sentence: "Upon such time that Natasha Searcy terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank." with further amendments striking out all after the enacting clause and inserting in place thereof the following:

Natasha
Searcy,—
sick leave
bank.

"SECTION 1. Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Natasha Searcy, an employee of the Worcester division of the district court department of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to said sick leave bank for use by Natasha Searcy. Whenever Natasha Searcy terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank.

SECTION 2. Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Annemarie Terramagra, an employee of the Malden division of the trial court. Any employee of the trial court may voluntarily contribute 1 or more of his sick, personal or vacation days to the sick leave bank for use by Annemarie Terramagra. Whenever

Natasha Searcy,—
sick leave
bank.

Annemarie Terramagra terminates employment with the trial court or requests to dissolve the sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank.”; by striking out the title and inserting in place thereof the following title: “An Act establishing a sick leave bank for certain employees of the trial court.”; and by striking out the emergency preamble and inserting in place thereof the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith sick leave banks for certain employees of the trial court, 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. Tisei, and the House amendment was considered forthwith and adopted, in concurrence.

Engrossed Bills.

The following engrossed bills (all of which originated in the House), 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 President and laid before the Governor for his approbation, to wit:

Relative to exemptions for residential real property in the city of Cambridge (see House, No. 2185);

Establishing a sick leave bank for John Nourse, an employee of the Department of Correction (see House, No. 3822, amended); and

Relative to the city of Brockton’s contributions to the health insurance premiums of its retirees (see House, No. 3867, amended).

An engrossed Bill relative to drag racing in the city of Springfield (see House, No. 3835, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at twenty-seven minutes before three o’clock P.M., on motion of Mr Lees, as follows, to wit (yeas 34 — nays 3) [**Yeas and Nays No. 328**]:

YEAS.

Antonioni, Robert A.
Baddour, Steven A.
Barrios, Jarrett T.
Berry, Frederick E.
Brewer, Stephen M.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Hart, John A., Jr.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.

Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Magnani, David P.
McGee, Thomas M.
Melconian, Linda J.
Menard, Joan M.
Morrissey, Michael W.
Murray, Therese
O’Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.

Bills laid
before
Governor.

Bill laid
before
Governor.

Sprague, Joann
Tarr, Bruce E.
Tisei, Richard R.

Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian — 34.

NAYS.

Moore, Richard T.
Nuciforo, Andrea F., Jr.

Shannon, Charles E. — 3.

ABSENT OR NOT VOTING.

Montigny, Mark C.

Wilkerson, Dianne — 2.

The yeas and nays having been completed at twenty-three minutes before three o'clock P.M., the bill was passed to be enacted and it was signed by the President and laid before the Governor for his approbation.

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE CLERK OF THE SENATE
STATE HOUSE, BOSTON 02133-1053

Resignation of
Senate Clerk
Patrick F.
Scanlan.

September 25, 2003.

Honorable Robert E. Travaglini
President of the Senate
Room 330
State House
Boston, MA 02133

Dear Mr. President:

I am writing to inform you of my intention to retire from the position of Clerk of the Senate effective October 1, 2003.

After more than twenty-eight years in the State House, it was very difficult for me to arrive at this decision, and it is the result of great personal reflection. I have devoted my career to this institution and the people for whom I have worked during nearly three decades. Serving in various positions in the office, and as Clerk of the Senate for the past five years has been extremely gratifying. In addition to mastering the intricacies of parliamentary procedure, I have been involved in numerous projects that enhanced office operations. The ever-increasing challenges I have faced have motivated me to do the job I love, and I am fortunate to have had those opportunities. I am proud of the Clerk's Office staff and how they have helped the office evolve professionally and technologically to meet the needs of the Legislature and the public.

I appreciate the support and friendship of all the members of the Senate and especially thank you for the respect and kindness you have shown me. You and your staff have been gracious, and I have

enjoyed our work together. I am happy to assist in any way to ensure a smooth transition.

I wish you the best in your tenure as President of the Massachusetts State Senate.

Sincerely,

PATRICK F. SCANLAN,
Clerk of the Senate.

Order Adopted.

On motion of Mr. Berry,—

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.

Time of
meeting.

On further motion of Mr. Berry, at twenty minutes past three o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.

Monday, September 29, 2003.

Met according to adjournment at eleven o'clock A.M. (Mr. Havern 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. Havern), members, guests and employees then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Petition.

Mrs. Sprague presented a petition (accompanied by bill, Senate, No. 2096) of Jo Ann Sprague and Philip Travis (by vote of the town) for legislation to authorize the town of Rehoboth to assess fees for conservation purposes,— **and the same was referred, under Senate Rule 20, to the committee on Natural Resources and Agriculture. Sent to the House for concurrence.**

Rehoboth,— conservation.

Reports of a Committee.

By Ms. Creem, for the committee on Taxation, on petition, a Bill relative to assessment of local taxes (Senate, No. 1731); and

Local taxes,— assessment.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1843), a Bill relative to substance addiction treatment (Senate, No. 2095);

Substance addiction.

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

PAPERS FROM THE HOUSE.

A Bill relative to debt collection and loan servicing agencies (House, No. 13,— on House, No. 8, in part),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Debt and loan agencies.

Bills

Authorizing the town of Milford to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3878,— on petition) [Local approval received]; and

Milford,— Truffles Grille.

Authorizing the town of Braintree to transfer a certain parcel of town park land (House, No. 4129,— on petition) [Local approval received];

Braintree,— Watson Library.

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

Resolutions.

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

Resolutions (filed by Mr. Brewer) “congratulating Donald Colpitts”;

Donald Colpitts.

Paul
Etkind.

Resolutions (filed by Ms. Murray) "honoring Dr. Paul Etkind for 26 years of distinguished service in the Department of Public Health"; and

David
Randolph
Grayson.

Resolutions (filed by Mr. Shannon) "congratulating David Randolph Grayson."

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:

Nantucket,—
special
officers.

The Senate Bill to provide for the appointment, qualifications, compensation, duties, status, retirement and pensions of summer special police officers on Nantucket Island (Senate, No. 1168),— **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.

Nantucket,—
parking
violations.

The Senate Bill to raise fines for parking violations on the island of Nantucket (Senate, No. 1169),— **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 authorizing an increase in fines for parking violations on the island of Nantucket".**

Sent to the House for concurrence.

Nantucket
Airport,—
fuel
account.

The Senate Bill providing for a fuel revolving account at Nantucket Memorial Airport (Senate, No. 1170),— **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.

PAPERS FROM THE HOUSE.

Leicester,—
validate
acts.

A Bill validating action taken at an annual town meeting and a special town meeting held in the town of Leicester (printed in House, No. 4123,— being a message from His Excellency the Governor),— was read.

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

Beverly,—
Dock Lane.

Petition (accompanied by bill, House, No. 4189) of Mary E. Grant for legislation to authorize the city of Beverly to discontinue a portion of a certain street as a public way;

Under suspension of Joint Rule 7B, to the committee on Local Affairs and Regional Government.

Martha's
Vineyard,—
property
lease.

Petition (accompanied by bill, House, No. 4190) of Eric Turkington for legislation to authorize the school committee of the Martha's Vineyard Regional High School District to enter into a certain lease agreement with Martha's Vineyard Aquatic Center, Inc.;

Under suspension of Joint Rule 12, to the committee on Local Affairs and Regional Government.

Petition (accompanied by bill, House, No. 4191) of Paul J. Donato relative to the Mystic Valley Development Commission; and
 Petition (accompanied by bill, House, No. 4192) of Michael E. Festa, Bruce E. Tarr, Mark V. Falzone and others for legislation to designate "tea" as the official hot beverage of the Commonwealth;
Severally, under suspension of Joint Rule 12, to the committee on State Administration.

Mystic Valley
 Development
 Commission.
 Tea,—
 state
 beverage.

Engrossed Bills.

An engrossed Bill validating the action taken at a special town meeting held by the town of Rockland (see House Bill, printed in House, No. 4142) (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, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President and laid before the Governor for his approbation.**

Bills laid
 before
 Governor.

An engrossed Bill designating a certain trail in the town of Mansfield as the World War II Veterans Trail (see Senate, No. 1897) (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 enacted and was signed by the Acting President and laid before the Governor for his approbation.**

Recess.

At four minutes past eleven o'clock A.M., the Chair (Mr. Havern) declared a recess subject to the call of the Chair, and at ten minutes before two o'clock P.M., the Senate reassembled, Mr. Havern in the Chair.

Recess.

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill authorizing Daniel P. Murphy to withdraw from a certain retirement program (see House, No. 4140, 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.

Daniel P.
 Murphy.

The bill was signed by the Acting President and sent to the House for enactment.

Recess.

At seven minutes before two o'clock P.M., the Chair (Mr. Havern) declared a recess subject to the call of the Chair, and at twenty-nine minutes before three o'clock P.M., the Senate reassembled, Mr. Havern in the Chair.

Recess.

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (both of which originated in the House), 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 and laid before the Governor for his approbation, to wit:

Bills laid
before
Governor.

Authorizing the town of Lee to enter into contracts for construction, operation and maintenance, lease and modification of its water and wastewater treatment facilities (see House Bill, printed as Senate, No. 1934); and

Authorizing Daniel P. Murphy to withdraw from a certain retirement program (see House, No. 4140, amended).

Order Adopted.

On motion of Mr. Tarr,—

Time of
meeting.

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at two o'clock P.M., and that the Clerk be directed to dispense with the printing of a calendar.

Adjournment in Memory of Argeo R. Cellucci.

Mr. Lees presented a request that when the Senate adjourns today, it adjourn in memory of Argeo R. Cellucci, who passed away on Friday, September 26, 2003 at the age of 80. Mr. Cellucci, the father of former Massachusetts Governor and current United States Ambassador to Canada Paul Cellucci, was an avid clarinet and saxophone player, businessman and longtime chairman of Hudson's Economic Development Commission. Mr. Cellucci is credited with helping to revitalize the town of Hudson over the past three decades and remained active in civic and political organizations throughout his lifetime. He was a friend to many in the Commonwealth, a good friend to many in this building and will truly be missed by all.

Accordingly, as a mark of respect to the memory of Argeo R. Cellucci, at twenty-seven minutes before three o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet on the following day at two o'clock P.M.

Tuesday, September 30, 2003.

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

Petitions.

Petitions were presented and referred, as follows:

By Mr. Glodis, a petition (subject to Joint Rule 12) of Guy W. Glodis for legislation relative to moving violation surcharges;

By Mr. Joyce, a petition (subject to Joint Rule 12) of Brian A. Joyce, Jo Ann Sprague, Marian Walsh and other members of the General Court for legislation to authorize the Executive Office of Transportation and Construction and the Massachusetts Highway Department to complete the route 128 add-a-lane and route I-95/128/University Avenue interchange project utilizing an alternative form of procurement; and

By Ms. Resor, a petition (subject to Joint Rule 12) of Pamela P. Resor and Geoffrey D. Hall for legislation to further regulate trade;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Report of a Committee.

By Mr. Magnani, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Joseph J. Primeau, an employee of the Division of Industrial Accidents (Senate, No. 2089);

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

PAPERS FROM THE HOUSE.

Messages were referred, in concurrence, as follows:

Message from His Excellency the Governor recommending legislation relative to accounts of guardians (House, No. 4187); and

Message from His Excellency the Governor recommending legislation relative to a spouse's share of property not disposed by will (House, No. 4188);

Severally to the committee on the Judiciary.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4195) of Barry R. Finegold, David M. Torrissi, Michael J. Sullivan (mayor) and others

(members of the city council) (with the approval of the mayor and city council) relative to certain elected offices in the city of Lawrence; and

Middleton,—
easements.

Petition (accompanied by bill, House, No. 4196) of Bradley H. Jones, Jr., Bradford Hill and Bruce E. Tarr (by vote of the town) that the town of Middleton be authorized to grant an easement to Maritimes and Northeast Pipeline, L.L.C., a Delaware limited liability company;

Severally to the committee on Local Affairs and Regional Government.

Civil War
observance.

A Bill providing for the annual observance of certain Civil War infantry regiments days (House, No. 1764,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

Saugus,—
Peter
Cicolini.

A Bill authorizing the town of Saugus to continue the employment of police officer Peter Cicolini (House, No. 4115,— on House, No. 2011) [Local approval received on House, No. 2011],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Residential
fuel spills.

A report of the committee on Taxation, asking to be discharged from further consideration of the petition (sections 1, 3 and 4) (accompanied by bill, House, No. 1961) of Ronald Mariano and other members of the General Court for legislation to provide certain tax credits for the costs associated with liquid fuel tank upgrades in order to prevent residential liquid fuel spills into the environment, and recommending that the same be referred to the committee on Natural Resources and Agriculture,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Recess.

Recess.

There being no objection, at six minutes past two o'clock P.M., the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and, at twenty-nine minutes past four o'clock P.M., the Senate reassembled, Mr. Havern in the Chair.

PAPERS FROM THE HOUSE.

Engrossed Bill.

Bill laid
before
Governor.

An engrossed Bill validating action taken at an annual town meeting and a special town meeting held in the town of Leicester (see House Bill, printed in House, No. 4123) (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, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President and laid before the Governor for his approbation.**

Sex offender
registry.

A Bill relative to improvement of the sex offender registry (House, No. 4194,— on House, No. 3806),— was read.

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

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. Time of meeting.

Recess.

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

PAPER FROM THE HOUSE.

A Bill relative to certain capital spending authorizations (printed in House, No. 4132, amended,— being a message from His Excellency the Governor),— was read. Capital spending authorizations.

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.

Recess.

There being no objection, at one minute past five o'clock P.M., the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and, at twenty-one minutes before seven o'clock P.M., the Senate reassembled, Mr. Havern in the Chair. Recess.

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted; Engrossed Bills Enacted.

An engrossed Bill relative to improvement of the sex offender registry (see House, No. 4194, 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. Sex offender registry.

The bill was signed by the Acting President and sent to the House for enactment.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President and laid before the Governor for his approbation.

Capital
spending
authorizations.

An engrossed Bill relative to certain capital spending authorizations (see House Bill, printed in House, No. 4132, 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 and sent to the House for enactment.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President and laid before the Governor for his approbation.

On motion of Mr. Tarr, at thirteen minutes before seven o'clock P.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.