

NOTICE: While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, October 2, 2008.

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

Communications.

The following communications were severally received and placed on file:

A communication from the Honorable Therese Murray, President of the Senate, announcing the appointment of Mr. John Pourbaix, Executive Director, Construction Industries of Massachusetts, and Mr. Francis X. Callahan, Jr., President, Massachusetts Building Trades Council to serve as her designees on the Special Commission established (pursuant to Section 19 of Chapter 86 of the Acts of 2008) to make an investigation and study of the feasibility of establishing a uniform contractor prequalification process;

A communication from the Honorable Richard R. Tisei, Senate Minority Leader, announcing the appointment of Senator Michael R. Knapik to the Special Commission established (pursuant to Section 100 of Chapter 173 of the Acts of 2008) to make an investigation and study of the corporate tax laws of the Commonwealth;

A communication from the Honorable Richard R. Tisei, Senate Minority Leader, announcing the appointment of Senator Michael R. Knapik to the Special Commission established (pursuant to Section 111 of Chapter 182 of the Acts of 2008) to make an investigation and study of the Massachusetts Contributory Retirement Systems;

A communication from the Honorable Richard R. Tisei, Senate Minority Leader, announcing the appointment of Senator Bruce E. Tarr to the Special Commission established (pursuant to Section 5 of Chapter 206 of the Acts of 2008) to make an investigation and study of the feasibility and effectiveness of various forms of incentives to promote the development and use of advanced biofuels in the Commonwealth; and

A communication from the Honorable Richard R. Tisei, Senate Minority Leader, announcing the appointment of Ms. Cathy Daniels of Winchester (and Ms. Lori Kaestner of Melrose as alternate) as his designee (pursuant to Section 1 of Chapter 176 of the Acts of 2008) to the Commission on the Status of Grandparents raising Grandchildren.

Reports.

The following reports were severally read and placed on file:

A report of the Massachusetts Legal Assistance Corporation (under the provisions of Section 10 of Chapter 221A of the General Laws) submitting a copy of its annual report for Fiscal Year 2008 (received Tuesday, September 30, 2008);

A report of the Economic Stabilization Trust (under the provisions of Section 14 of Chapter 23D of the General Laws) submitting its annual report for fiscal year 2008 (received Wednesday, October 1, 2008);

A report of the Division of Unemployment Assistance (under the provisions of Section 14F of Chapter 151A of the General Laws) relative to the condition of the Unemployment Insurance Trust Fund for the month of September 2008 (received Wednesday, October 1, 2008);

A report of the Massachusetts Biologic Laboratories (under the provisions of Section 43(f) of Chapter 75 of the General Laws)

submitting its twelfth annual report on its activities for the fiscal year 2008 (received Wednesday, October 1, 2008);
A report of the Division of Insurance (pursuant to the provisions of Section 117C of Chapter 175 of the General Laws)
submitting its annual report on Credit Insurance in Massachusetts 2007 (received Wednesday, October 1, 2008); and
A report of the Division of Insurance (pursuant to the provisions of Sections 4A and 4B of Chapter 175 of the General Laws)
submitting its home insurance report the Massachusetts Market for Home Insurance 2007 (received Wednesday, October 1, 2008).

Report of Committees.

By Mr. Galluccio, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Stephen Kazarian, an employee of the Department of Correction (Senate, No. 2880);

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

Mr. Downing, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill authorizing certain appropriations from the town of Bridgewater's capital projects fund (House, No. 4848).

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5107) of Robert J. Nyman and Michael W. Morrissey (by vote of the town) for legislation to validate actions taken by the town of Rockland at its annual and special town of meetings held in the current year,— **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

A Bill designating a certain bridge in the city of Worcester as the State Trooper Paul F. Barry Bridge Memorial Bridge (House, No. 4869,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Bills

Relative to the retirement and health benefits of certain elected officials of the town of Hull (House, No. 4218,— on petition) [Local approval received]; and

Relative to property tax exemptions for rental properties in the town of Truro restricted as affordable housing (House, No. 4381,— on petition) [Local approval received];

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

Reports of Committees.

By Mr. Downing, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 7B be suspended on the Senate petition of Marc R. Pacheco and Susan W. Gifford for legislation to amend the North Carver water district [Local approval received].

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 Municipalities and Regional Government.

Sent to the House for concurrence.

Motion to Take Out of the Orders of the Day — Objections.

The Chair (Mr. McGee) requested that the following matter be taken out of the Orders of the Day:

The Senate Bill relative to the sale of alcoholic beverages in the city of Somerville (Senate, No. 2815),— but objection was made thereto by Mr. Tisei.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Augustus) “honoring the Shrewsbury Public Library and the Shrewsbury Electric and Cable Operations”;

Resolutions (filed by Mr. Augustus and Ms. Chandler) “commending the successful Capital Campaign conducted by the YMCA of Central Massachusetts”; and

Resolutions (filed by Mr. Pacheco) “congratulating John and Jane Donahue on the happy occasion of their thirtieth wedding anniversary.”

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (the first three of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr.

McGee) and laid before the Governor for his approbation, to wit;
Authorizing a certain transfer of funds in the town of Kingston (see Senate, No. 2690);
Authorizing the town of Kingston to install, finance and operate wind energy facilities (see Senate, No. 2691);
Establishing a sick leave bank for Gloria Phillips, an employee of the Department of Public Health (see Senate, No. 2787, changed);
Providing access to information for parents of a child with special education needs (see House, No. 391, amended);
Authorizing the city of Lynn to grant a license for the sale of wines and malt beverages not to be drunk on the premises to Salvy the Florist (see House, No. 4378); and
Authorizing the town of Bridgewater to establish a revolving fund for library purposes (see House, No. 4531).

Recess.

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

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill providing the terms of certain bonds and notes to be issued by the Commonwealth to finance broadband access, bridge repairs, higher education, transportation, energy and environmental needs and certain, other general governmental needs of the Commonwealth (see printed in House, No. 5095, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 3 to 0.**

The bill was signed by the Acting President (Mr. McGee) and sent to the House for enactment.

Order Adopted.

On motion of Mr. Tolman,—

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.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Gary Tuck, an employee of the Department of Revenue (see House, No. 4754, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 2 to 0.**
The bill was signed by the Acting President (Mr. McGee) and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. McGee) and laid before the Governor for his approbation, to wit:

Designating the community colleges collectively as the Governor Foster Furcolo Community Colleges (see Senate, No. 2581);
Relative to the annual report of public charities (see House, No. 274); and
Providing the terms of certain bonds and notes to be issued by the Commonwealth to finance broadband access, bridge repairs, higher education, transportation, energy and environmental needs and certain other general governmental needs of the Commonwealth (see printed in House, No. 5095, amended).

Adjournment in Memory of Daniel Joseph McCarthy.

The Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer, requested that when the Senate adjourns today, it adjourn in memory of Daniel Joseph McCarthy.

Daniel Joseph McCarthy, died in an automobile accident on Friday, September 26th at the age of 36. Dan was born and raised in Worcester until moving to Palmer in 1996. An avid sports fan, he cheered loudly for all Patriots and Red Sox games, but his special dedication was as a Palmer Youth Baseball coach, and as the most energetic fan at all sporting events played by his son and nephews.

Dan's "larger than life" presence and pure heart will be deeply missed by his wife Jennifer (Noonan) McCarthy, sister of Kara

Noonan Pear, former Chief of Staff to Senator Brewer; his precious son, Ryan; his father, Daniel J. McCarthy; his brother Kenneth Krals of Worcester; his 6 sisters, Deborah Morgan and her husband Paul of Oxford; Brenda Pastor and her husband Bob of Rutland; Cynthia Krals of Grafton; Tina Barnhill and her husband Daryn of Georgia; Tracy Greene and her husband Kevin of Worcester; and Dawn Light and her husband Danny of Sutton; and his in-laws, the Noonan Family of Palmer.

Accordingly, as a mark of respect to the memory of Daniel Joseph McCarthy, at twenty-six minutes past twelve o'clock noon, on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.