

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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, November 17, 2008.

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

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

Communications.

The following communications were severally placed on file:

A communication from the Honorable Therese Murray, President of the Senate, announcing the appointment of Gene Hartigan for a 2-year term and Myeong Ho Lowe for a 1-year term to the Permanent Commission (pursuant to Chapter 258 of the Acts of 2006) on the Status of Citizens of Asian Descent; and

A communication from the Executive Office of Transportation (pursuant to Section 2, item 6010-0001, of Chapter 182 of the Acts of 2008) submitting a quarterly report detailing for each contract area expenditures for the costs of contractual contingency fees, personnel, police services, overtime, materials and vehicle repairs (received Thursday, November 6, 2008);

Reports.

The following reports were severally read and placed on file:

A report of the Massachusetts Technology Development Corporation (under the provisions of Section 6 of Chapter 40G of the General Laws) for the fiscal years ended June 30, 2008 and 2007 (received Monday, November 10, 2008); and

A report of the Human Resources Division (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting a listing of Civil Service public safety police promotional lists that have been revoked by the Personnel Administrator as of November 1, 2008 (received Monday, November 10, 2008).

PAPERS FROM THE HOUSE.

A Bill designating a certain park in the town of Dedham as the Honorable Marie Louise Kehoe Memorial Park (House, No. 5112, changed,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Notice was received from the House announcing the following appointments:

That the Speaker of the House of Representatives has appointed Representative St. Fleur of Boston to the special commission established (under Section 2 of Chapter 315 of the Acts of 2008) to create graduation and dropout prevention and recovery programs;

That the Speaker also announced that he had appointed Representative Wagner of Chicopee and Ann Klarnan of UCANE to the

special commission established (under Section 19 of Chapter 86 of the Acts of 2008) to make an investigation and study of the uniform contractor prequalification process and organization for horizontal, public construction work;

That the Speaker also announced that he had appointed Representatives Smizik of Brookline and Dempsey of Haverhill to the special commission established (under Section 89 of Chapter 169 of the Acts of 2008) to make an investigation and study of the siting of energy facilities in the Commonwealth;

That the Speaker also announced that he had appointed Ms. Stacy Dixon and re-appointed Mrs. Dona Finneran (pursuant to the provisions of Section 66 of Chapter 3 of the General Laws) to the Commission on the Status of Women; and

That the Minority Leader of the House had appointed Representative Peterson of Grafton to the special commission established (under Section 97 of Chapter 173 of the Acts of 2008) to investigate and study the feasibility of innovative local revenue-generating measures in an effort to provide revenue relief to municipalities.

Resolutions.

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

Resolutions (filed by Mr. Knapik) “honoring John J. Kelley on the occasion of his receiving the 2009 Dwight Award”;

Resolutions (filed by Mr. Knapik) “in honor of Allan E. Sittard”; and

Resolutions (filed by Mr. Panagiotakos) “congratulating the Westford Historical Society on its fiftieth anniversary,”

Communication.

The following communication, which was received in the Office of the Clerk of the Senate at twelve minutes before five o’clock P. M., on Friday, November 14, 2008, was read and placed on file to wit:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
State House, Boston, MA 02133-1054

President Terese Murray
Office of the Senate President
State House
Boston, Massachusetts 02133

Dear Madame President,

I hereby offer my resignation, effective at 5 P.M. on Friday, November 14.

Senator Jim Marzilli.

On motion of Mr. Timilty the above communication was ordered printed in the Journal of the Senate.

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 House Bill authorizing the Commissioner of Capital Asset Management to convey certain land to the city of Newburyport (House, No. 5038),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Baddour presented an amendment striking out section 1 and inserting in place thereof the following section:—

“SECTION 1. Notwithstanding sections 40F to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance may lease for a term of 99 years, for nominal consideration and subject to such other terms and conditions as the commissioner, in consultation with the military division,, may prescribe, a certain parcel of land to the city of Newburyport for the establishment of a park and learning center and for the restoration of the historic 1822 Powder House. The parcel of land shall consist of 0.41 acres, more or less, in the city of Newburyport, with the buildings thereon, including said Powder House, which is currently under the care and control of the Massachusetts National Guard, being a portion of the land conveyed to the commonwealth by the city of Newburyport by deed dated September 18, 1980, and re-corded in the southern Essex district registry of deeds book 2799, page 270. The exact boundaries of the parcel shall be determined by the commissioner prior to the execution of the lease authorized by this act. The lease shall contain the restriction required in section 2.”.

This amendment was adopted.

The bill was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The Senate Bill establishing a selectmen-administrator form of government for the town of Newbury (Senate, No. 2801),— **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.**

The Senate Bill increasing the membership of the Board of Selectmen in the town of Newbury (Senate, No. 2802),— **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.

A Bill establishing the office of town manager in the town of Upton (House, No. 4975,— on petition) [Local approval received],— **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, in concurrence.

Order Adopted.

On motion of Mr. Brown,—

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.

On motion of the same Senator, at seven minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Wednesday at eleven o'clock A.M.