

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, January 10, 2008.

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

Communication.

A communication was received from the Honorable Therese Murray, President of the Senate, announcing certain changes to Joint Standing and Senate Committees that have been ratified by the Majority Party Caucus:

Senator Steven A. Tolman has been appointed Assistant Majority Leader to fill a current vacancy and has resigned his seats on the Senate Committee on Ways and Means and the Joint Committees on Labor and Workforce Development and Mental Health and Substance Abuse.

Senator Stephen M. Brewer has been appointed Vice Chairman of the Senate Committee on Ways and Means replacing Senator Tolman and has resigned his position as Chairman of the Joint Committee on Veterans and Federal Affairs.

Senator Harriette L. Chandler has been appointed Assistant Vice Chairman of the Senate Committee on Ways and Means replacing Senator Brewer and has resigned her position as Vice Chairman of the Joint Committee on Transportation.

Senator Brian A. Joyce has resigned his position as Chair of the Joint Committee on Tourism, Arts and Cultural Development and has been appointed Chair of the Joint Committee on Community Development and Small Business replacing Senator Chandler and has been appointed Vice Chairman of the Joint Committee on Transportation replacing Senator Chandler.

Senator Anthony Petrucci has been appointed Vice Chairman of the Committee on Community Development and Small Business to fill a current vacancy and has been appointed as a member of the Joint Committee on Election Laws replacing Senator Steven A. Baddour.

Senator Thomas M. McGee has been appointed Chairman of the Joint Committee on Veterans and Federal Affairs replacing Senator Stephen M. Brewer.

Senator Anthony D. Galluccio has been appointed a member of the Joint Committee on Housing to fill a current vacancy.

Senator Stephen J. Buoniconti has been appointed a member of the Joint Committee on Labor and Workforce Development replacing Senator Steven A. Tolman.

Senator Karen E. Spilka has been appointed a member of the Senate Committee on Ways and Means to fill a current vacancy.

Senator Steven A. Baddour has been appointed a member of the committee on Revenue to fill an existing vacancy and has resigned his positions as a member of the Joint Committees on Children, Families and Persons with Disabilities and Election Laws.

Senator Jim Marzilli has been appointed the Senate Chairman of the Joint Committee on Tourism, Arts and Cultural Development replacing Senator Brian A. Joyce.

Senator Marzilli has also been appointed a member of the Joint Committee on Children, Families and Persons with Disabilities replacing Senator Steven A. Baddour; as a member of the Joint Committee on Mental Health and Substance Abuse, replacing Senator Steven A. Tolman; and as a member of the Joint Committee on Veterans and Federal Affairs to fill an existing vacancy.
The communication was placed on file.

Petition.

Mr. Creedon presented a petition (accompanied by bill, Senate, No. 2458) of Robert S. Creedon, Jr., Geraldine Creedon, Christine E. Canavan and Thomas P. Kennedy (with the approval of the mayor and city council) for legislation relative to the certification of the inspector of buildings and building commissioner in the city of Brockton,— **and the same was referred, under Senate Rule 20, to the committee on Municipalities and Regional Government. Sent to the House for concurrence.**

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

Order Adopted.

On motion of Mr. Rosenberg,—

Ordered, That a committee of the Senate be appointed to wait upon His Excellency the Governor, Deval L. Patrick, His Honor Timothy P. Murray, Lieutenant-Governor, Constitutional officers and the Honorable Council and inform them that the Senate is in session and awaits their presence for the swearing in of J. James Marzilli, Jr. as Senator from the fourth Middlesex district.

Senators McGee, Fargo and Tarr were appointed to the committee.

Subsequently, Ms. Fargo, for the committee, reported, that His Excellency the Governor, Deval L. Patrick, His Honor the Lieutenant-Governor, Timothy P. Murray, and members of the Honorable Council would immediately attend upon the Senate.

The committee was discharged.

Soon after Deval L. Patrick, the Governor, Timothy P. Murray, the Lieutenant-Governor, and members of the Honorable Council came into the Senate Chamber under the escort of the Sergeant-at-Arms.

The National Anthem was sung by 9-year old Oladunni Oladipo from Canton, Massachusetts.

The Honorable J. James Marzilli, Jr., at twenty-one minutes past eleven o'clock A.M., on Thursday, January 3, 2008, before the Governor and Council, did take and subscribe the oath of office as State Senator from the Fourth Middlesex District.

After taking the oath of office, Senator Marzilli briefly addressed the Senate.

The Sergeant-at-Arms then proceeded to escort His Excellency the Governor, His Honor the Lieutenant-Governor, the Constitutional Officers and the Honorable Council from the Chamber.

Seat Assignments.

The President announced the assignment of Senator J. James Marzilli, Jr. to seat number 8 on the President's right, Senator Steven A. Tolman to seat number 4 on the President's left and Senator Benjamin B. Downing to seat number 13 on the President's right.

Communication.

The Clerk read the following communication from the Secretary of the Commonwealth, to wit:

THE COMMONWEALTH OF MASSACHUSETTS
SECRETARY OF THE COMMONWEALTH
STATE HOUSE, BOSTON, MASSACHUSETTS

December 19, 2007.

To the Honorable Senate:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the eleventh day of December, 2007, for Senator in the General Court, Fourth Middlesex District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the Senate, as required by the Constitution.

Very truly yours,
WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

FOR STATE SENATOR IN GENERAL COURT
FOURTH MIDDLESEX SENATORIAL DISTRICT
(to fill vacancy)

Brion M. Cangiamila (Republican) has	3,813 votes
Jim Marzilli (Democrat) has	6,276 "
Thomas E. Fallon (Constitution Party of Mass)	469 "
All others	36 "
Blanks	3 "
Total Votes Cast	10,597 "

Order Adopted.

On motion of Ms. Menard,—

Ordered, That the returns of votes for Senator to fill a vacancy in the Fourth Middlesex district be referred to a special committee to consist of three members of the Senate.

Senators Augustus, Resor and Hedlund were appointed the committee.

Subsequently, Mr. Augustus, for the committee, reported, that from an examination of the returns, it appears the Honorable J. James Marzilli of Arlington had been duly elected to said district.

The report was read and accepted.

Resolutions.

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

Resolutions (filed by Ms. Fargo) “recognizing Chelmsford High School Lions Football Team for winning the 2007 Division IA Super Bowl”; and

Resolutions (filed by Mr. Knapik) “honoring the Honorable Ann M. Gibbons upon her selection as the 2008 Grand Marshal of the fifty-seventh annual Saint Patrick’s Parade in Holyoke.”

Order Adopted.

Mr. Downing offered the following order to wit:

Ordered, That the rules of the Senate be amended by striking out Rule 57 and inserting in place thereof the following rule:

57. Whenever a question is taken by yeas and nays, the Clerk shall call the names of all members, except the President, in alphabetical order, and every member present shall answer to his name, unless excused before the vote was taken. Except in the case of a vote to ascertain the presence of a quorum, if a member present in the State House is prevented from voting personally in the Senate Chamber at the member’s assigned seat because of physical disability, that member may be excused from so voting by the President, who shall assign a court officer to answer the roll call on behalf of the member so long as the disability continues; provided, however, that the President shall announce the action of the Chair to the membership prior to assigning a

court officer to cast the member's vote; and provided further, that the President shall announce the action to the membership the first time a vote is cast for that member on each successive day that the member is absent from the chamber because of the disability. No member shall be permitted to vote after the decision is announced from the Chair.

Under the rules, referred to the committees on Ethics and Rules.

Subsequently, Mr. Downing for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of the same Senator, and the order was considered forthwith and adopted.

Reports of Committees.

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 Senate Bill establishing financial hardship property tax interest relief (Senate, No. 1726).

There being no objection, the rules were suspended, on motion of Mr. Augustus, and the bill was read a second time, ordered to a third reading, read a third time and, after debate, Mr. Rosenberg in the Chair, was passed to be engrossed. Sent to the House for concurrence.

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 relative to the transfer of title to condominium units (House, No. 1246).

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

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 Senate Bill relative to intermunicipal agreements (Senate, No. 2401).

There being no objection, the rules were suspended, on motion of Ms. Resor, and the bill was read a second time, and, after remarks, was 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 further regulating intermunicipal agreements". Sent to the House for concurrence.

By Mr. Downing, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Harriette L. Chandler, Daniel E. Bosley, Edward M. Augustus, Jr., Stanley C. Rosenberg and other members of the General Court for legislation to provide for the full faith and credit of the Commonwealth to certain evidences of indebtedness issued to regional transit authorities.

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

By Mr. Downing, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Benjamin B. Downing and Christopher N. Speranzo for legislation to amend the Uniform Procurement Act.

Senate Rule 36 was suspended, on motion of Mr. Downing, 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 and Regulatory Oversight.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill validating certain actions taken by the town of Abington (printed in House, No. 4467,— being a message from His Excellency the Governor),— **was read.**

There being no objection, the rules were suspended, on motion of Mr. Morrissey, 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 (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 (Mr. Rosenberg) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation, to wit:

Establishing a sewer system capital improvement fund for the town of Hadley (see House, No. 4217); and

Establishing a sick leave bank for Patricia Hiersche, an employee of the Department of Mental Retardation (see House, No. 4418).

Order Adopted.

On motion of Mr. Tisei,—

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. Hart, at one minute past one o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.