

**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.

*Tuesday, January 22, 2008.*

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

#### *Distinguished Guest.*

There being no objection, the Chair (Mr. Timilty) introduced Sgt. Michael Feeley, based out of Ft. Hood, Texas, with the 1st Cavalry. He has just recently returned from a 15 month tour in Iraq and we welcome him home. Senator Panagiotakos has presented a citation honoring him for his service to our country. Sgt. Michael Feeley signed the guest book and withdrew from the Chamber.

### PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4489) of Joseph R. Driscoll and others (by vote of the town) relative to the filling of vacancies in certain elected offices in the town of Braintree;

#### **To the committee on Election Laws.**

Joint petition (accompanied by bill, House, No. 4490) of Robert S. Hargraves and Steven C. Panagiotakos (by vote of the town) relative to the establishment of a charter for the town of Groton;

Joint petition (accompanied by bill, House, No. 4491) of Louis L. Kafka and others (by vote of the town) that the town of Walpole be authorized to release a portion of a certain zoning restriction within said town;

Petition (accompanied by bill, House, No. 4492) of Michael F. Rush and others (by vote of the town) that the transportation board of the town of Brookline be authorized to establish regulations for valet parking in said town;

Petition (accompanied by bill, House, No. 4493) of Frank I. Smizik and others (by vote of the town) that the town of Brookline be authorized to lease a certain parcel of land to the Brookline Arts Center, Inc.;

Joint petition (accompanied by bill, House, No. 4494) of Harriett L. Stanley and Steven A. Baddour (by vote of the town) that the town of Merrimac be authorized to establish a department of public works; and

Petition (accompanied by bill, House, No. 4495) of Eric Turkington (by vote of the town) relative to authorizing the town of Chilmark to transfer a certain of land for other parcels of land in said town owned by Howard B. Hillman;

Severally to the committee on Municipalities and Regional Government.

Joint petition (accompanied by bill, House, No. 4496) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the position of deputy fire chief in the town of Hingham be exempt from provisions of the civil service law;

#### **To the committee on Public Service.**

#### *Communication.*

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS  
SENATE MAJORITY LEADER  
STATE HOUSE, BOSTON 02133-1053

January 15, 2008.

William Welch, Clerk  
Massachusetts State Senate  
State House, Room 335  
Boston, MA 02133

Dear Mr. Clerk:

Due to the fact that I am recuperating from a recent illness, I was unable to vote on several matters that came before the Senate on January 15, 2008. Had I been present, I would have voted in favor of House Bill, No. 26, An Act Relative Removing an Agricultural Preservation Restriction.

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for January 15, 2008. Thank you in advance for your attention to this important matter.

Sincerely,  
FREDERICK E. BERRY,  
Majority Leader.

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

*Order Adopted.*

On motion of Mr. Brown,—

*Ordered*, That a convention of the two branches be held at a quarter before seven o'clock P.M., on Thursday, January 24, 2008, for the purpose of receiving such communication as the Governor, Deval L. Patrick, may be pleased to make to them relating to the concerns of the Commonwealth.

**Sent to the House for 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 House Bill exempting the positions of police chief and fire chief in the town of Burlington from the civil service law (House, No. 2363) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Burlington to issue 8 additional licenses for the sale of all alcoholic beverages to be drunk on the premises and 2 additional licenses for the sale of wines and malt beverages to be drunk on the premises (House, No. 4048) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

**PAPER FROM THE HOUSE.**

A Bill validating the actions taken at the September 24, 2007 town meeting held by the town of Burlington (printed in House, No. 4487,— being a message from His Excellency the Governor),— **was read.**

**There being no objection, the rules were suspended, on motion of Mr. Brown, 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 validating the actions taken at a certain town meeting in the town of Burlington.”**

*Petition.*

On motion of Mr. Brown, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Brewer, (accompanied by bill) of Stephen M. Brewer and Todd M. Smola for legislation relative to flea market vendors,— **and the same was referred to the committee on Consumer Protection and Professional Licensure.**  
**Sent to the House for concurrence.**

*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:  
The Senate Bill providing for recall elections in the town of Wrentham (Senate, No. 2290),— **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.**

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for John Sullivan, an employee of the Trial Court (see Senate, No. 2395), 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. Timilty) and sent to the House for enactment.**

*Engrossed Bill.*

An engrossed Bill relative to the annual observance of Thrombosis Awareness Month (see House, No. 4288) (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 Acting President (Mr. Timilty) and laid before the Governor for his approbation.

*Order Adopted.*

On motion of Mr. Brown,—

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

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