

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, August 14, 2008.

Met according to adjournment at eleven o'clock A.M. (Mr. Petrucci 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. Petrucci), 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 Senators Robert A. O'Leary and Anthony Petrucci (pursuant to Chapter 114 of the Acts of 2008) to the Oceans Advisory Commission; and A communication from the Honorable Richard R. Tisei, Senate Minority Leader, announcing the appointment of Senator Bruce E. Tarr (pursuant to Chapter 114 of the Acts of 2008) to the Oceans Advisory Commission.

The communications were placed on file.

Petition.

Mr. Downing presented a petition (accompanied by bill, Senate, No. 2871) of Benjamin B. Downing and Denis E. Guyer (by vote of the town) for legislation relative to recall in the town of Middlefield,— **and the same was referred, under Senate Rule 20, to the committee on Election Laws.**

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

A joint petition (accompanied by bill, House, No. 5065) of Patricia A. Walrath and Pamela P. Resor (by vote of the town) authorizing the town of Maynard to borrow money for certain remediation work relating to petroleum contamination and related costs,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.**

Resolutions.

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

Resolutions (filed by Mr. Morrissey) “recognizing Deputy Chief Kevin P. McHugh for his twenty-nine years of outstanding and dedicated service as a police officer for the town of Braintree”; and

Resolutions (filed by Mr. Pacheco) “congratulating Elvira Motta on her 100th birthday”; and

Resolutions (filed by Mr. Pacheco) “congratulating Helen A. Powers on her 100th birthday.”

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted.

An engrossed Bill relative to Rutland Heights State Hospital (see Senate, No. 2353, 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. Petrucci) and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Timothy M. Larkin, an employee of the executive office of administration and finance (see House, No. 4955), 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. Petrucci) and sent to the House for enactment.

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 sewer system of the town of Ware (Senate, No. 2731) (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.

The Senate Bill establishing a revolving fund in the town of Ware (Senate, No. 2732),— **was read a third time and passed to be engrossed.**
Sent to the House for concurrence.

The Senate Bill relative to the appointment of the board of assessors, town collector and town treasurer in the town of Orange (Senate, No. 2788),— **was read a third time and passed to be engrossed.**
Sent to the House for concurrence.

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 relative to determination of need for hospital beds (Senate, No. 1267).
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.
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 prohibiting restrictive covenants for social workers (House, No. 1873).
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.

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 biomedical research (House, No. 4812).
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.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:
Of the committee on Education, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 2763) of Stephen M. Brewer (by vote of the town) for legislation to authorize the town of Winchendon to count the cost of school department retirees health insurance to be considered part of the school districts net school spending and the general government provides the required (50%) cost of said insurance in addition to the amount prescribed by the Department of Education as minimal local contribution.
On motion of Mr. Hedlund, the petition was recommitted to the Joint Committee on Education.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:
Of the committee on Public Service, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 2661) of Mark C. Montigny, Joan M. Menard, Michael J. Rodrigues, Robert M. Koczera and other members of the General Court for legislation to authorize the state retirement board to grant creditable service to Joan Casey-Amaral.
On motion of Mr. Hedlund, the petition was recommitted to the Joint Committee on Public Service.

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 Stephen M. Brewer for legislation to establish a sick leave bank for Maureen Wright, an employee with the Department of Mental Retardation.

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. Sent to the House for concurrence.

Order Adopted.

Mr. Petrucci offered the following order to wit:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government be granted until Friday, September 12, 2008 in which to make its final report on current Senate documents numbered 2801 and 2802, relative to various local issues.

Under the rules, referred to the committees on Rules of the two branches, acting concurrently.

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

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

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (the first two 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. Petrucci) and laid before the Governor for his approbation, to wit:

Relative to Rutland Heights State Hospital (see Senate, No. 2353, amended);

Relative to children's mental health (see Senate, No. 2804, amended);

Authorizing the mayor to appoint an additional eight members to the reserve force of firefighters of the fire department of the city of Revere (see House, No. 4838);

Removing the deputy chief of police of the town of Acton from the civil service laws (see House, No. 4870);

Relative to the cremation of bodies of certain deceased persons (see House, No. 4929, amended); and

Establishing a sick leave bank for Timothy M. Larkin, an employee of the executive office of administration and finance (see House, No. 4955).

Order Adopted.

On motion of Mr. Hedlund,—

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 Master Sergeant Thomas Maynard.

The Senator from Plymouth and Norfolk, Mr. Hedlund, requested that when the Senate adjourns today, it adjourn in memory of Master Sergeant Thomas Maynard, United States Air Force, retired, of Dover Delaware, who died Thursday July 31, 2008, at home after a long and courageous battle with cancer.

Sergeant Maynard was born June 26, 1963 in Tewksbury, Massachusetts.

Sergeant Maynard grew up in Rockland and attended South Shore Vocational Technical High School before joining the Air Force. Sergeant Maynard proudly served in the United States Air Force for 21 years, where he worked as a loadmaster until his retirement in 2002. He enjoyed traveling, making people laugh, all Boston sports teams, and Elvis Presley and Jimmy Buffet music. Sergeant Maynard was a member of Holy Cross Catholic Church in Dover, Delaware.

Sergeant Maynard's greatest joy in life was spending time with his family. Sergeant Maynard is survived by his wife of 22 years, Susan Atkins Maynard and his daughter, Kristina Maynard.

Sergeant Maynard was preceded in death by his dad, John J. Maynard and his father-in-law, William F. Atkins.

Sergeant Maynard is also survived by his mother, Frances Maynard of Dover, Delaware; his father, John Kelliher and his wife Faye of Weymouth, MA; two brothers, Todd Maynard and his wife Michele and their children Emily and Lukas of Weymouth, MA, John Kelliher and his wife Robyn and their children Olivia, Angelina, and Alannah of Wareham, MA; three sisters, Cheryl Newcomb and her husband Keith and their children Jennifer, Holly, Emily, Brian, and Eric of Townsend, MA, Gail McCarthy and her husband John and their son John of Weymouth, MA, Linda Magee and her husband David and their children Alexis, Grace, Jack, and Lilah of Norwell, MA; his mother-in-law, Chris Atkins of Dover, DE; his sister and brother-in-law, Sharon and

Benny Daniels of Warwick, MD and his niece and nephew Andrew and Amanda Knopf.

Accordingly, as a mark of respect to the memory of Master Sergeant Thomas Maynard, at twenty-four minutes past eleven o'clock A.M., on motion of Mr. Hedlund, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.