

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, October 14, 2008.

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

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

Communication.

A communication from the Honorable Therese Murray, President of the Senate, announcing the resignation of Senator Marc R. Pacheco and the appointment of Senator Richard T. Moore to the Special Commission established (pursuant to Section 106 of Chapter 182 of the Acts of 2008) relative to civic engagement and learning,— **was placed on file.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5111) of Joseph F. Wagner (with the approval of the mayor and board of aldermen) that the city of Chicopee be authorized to convey a certain parcel of abandoned park land to David and Paula Austin,— **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

A Bill authorizing the State Board of Retirement to grant creditable service to Robert M. Penta (House, No. 4115,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Relative to the notification of mammographic examinations (House, No. 2188,— on House No. 4749, in part);
Establishing Moby Dick as the epic novel of the Commonwealth (House, No. 3964, changed,— on petition);
Relative to the Edward Cohen plaque (House, No. 5002,— on petition); and
Authorizing the town of Milton to borrow money to fund certain payments of medical expenses incurred by public safety personnel resulting from injuries sustained in the line of duty (House, No. 5108,— being a message from His Excellency the Governor);

Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

Bills

Relative to the charter of the town of Ashland (House, No. 4790,— on petition) [Local approval received];
Authorizing the appointment of Michael P. Hickey as a police officer in the town of Hingham notwithstanding the maximum age requirement (House, No. 4837,— on petition) [Local approval received];
Exempting Richard Corcoran and Kazimierz R. Piorkowski, Jr. from the maximum age requirement for appointment as a firefighter in the town of Westwood (House, No. 4839,— on petition) [Local approval received];
Relative to the charter of the town of Westborough (House, No. 4878,— on petition) [Local approval received]; and
Authorizing affordable housing covenants in the town of Arlington (House, No. 4938,— on petition);

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

Notice was received from the House announcing the following appointment:

That the Speaker of the House of Representatives has appointed Representative Linda Dean Campbell of Methuen to the Special Commission (under the provisions of Chapter 3 of the Resolves of 2008) to study the feasibility of establishing a statewide law enforcement training program.

Resolutions

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

Resolutions (filed by Ms. Fargo) “celebrating the fortieth anniversary of Congregation Shalom”;

Resolutions (filed by Mr. McGee) “congratulating the Massachusetts Afterschool Partnership on its celebration of Lights on Afterschool”;

Resolutions (filed by Ms. Murray and Mr. O’Leary) “commending the Boys and Girls Club of Cape Cod and its support of Lights on Afterschool”;

Resolutions (filed by Ms. Murray and Mr. O’Leary) “honoring Mary LeClair for her many years of service to Cape Cod’s children and families”;

Resolutions (filed by Ms. Murray and Mr. O’Leary) “commending the UMass Extension/Barnstable County 4-H Youth Development Program and its support of Lights on Afterschool”;

Resolutions (filed by Mr. Panagiotakos) “celebrating the one hundredth anniversary of the Westford Fire Department”;

Resolutions (filed by Mr. Rosenberg) “congratulating Smith Vocational and Agricultural High School on its one hundredth anniversary.”

Motion to Reconsider.

Mr. Hedlund moved that the Senate reconsider the vote by which, at a previous session, it had passed to be engrossed the House Bill authorizing the Department of Highways and the town of Kingston to exchange a certain parcel of land (see House, No. 4913); and, there being no objection, the motion prevailed.

Pending the recurring question on passing the bill to be engrossed, Mr. Panagiotakos presented an amendment striking out section 7; and inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to authorize the department of highways and the town of Kingston to exchange a certain parcel of land, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted.

The recurring question on passing the bill, as amended, to be engrossed was then considered; and the bill was again engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment and the amendment previously adopted by the Senate.

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 House Bill authorizing the town of Northborough to grant an additional alcoholic beverage license for the sale of wine and malt beverages (House, No. 4937),— **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 authorizing the town of Northborough to grant 2 additional licenses for the sale of alcoholic beverages”.**

Reports of a Committee.

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 to prohibit discrimination against physical therapists and physical therapist assistants in securing medical malpractice insurance (Senate, No. 2215).

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time, 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 prohibiting discrimination against physical therapists and physical therapist assistants in securing medical malpractice insurance”.

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 authorizing the town of Milton to borrow money to fund certain payments of medical expenses incurred by public safety personnel resulting from injuries sustained in the line of duty (printed in House, No. 5108).

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.

Recess.

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

PAPER FROM THE HOUSE.

A joint petition (accompanied by bill, House, No. 5112) of Marian Walsh and Paul McMurtry for legislation to designate a certain park in the town of Dedham as the Honorable Marie Louise Kehoe Memorial Park,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.**

Order Adopted.

On motion of Mr. Hedlund,—

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 eighteen minutes past twelve o'clock noon, the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.