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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, November 13, 2008.

Met according to adjournment at eleven o'clock A.M. (Mr. McGee in the Chair).

The Chair (Mr. McGee), 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 appointment of Senators Michael W. Morrissey and Benjamin B. Downing to the Special Commission established (pursuant to Section 89 of Chapter 169 of the Acts of 2008) relative to the siting of energy facilities in the Commonwealth,— **was placed on file.**

PAPERS FROM THE HOUSE.

A report of the committee on House Steering Policy and Scheduling asking to be discharged from further consideration of the House Bill authorizing the city of New Bedford to enact and enforce ordinances pertaining to the regulation or prohibition of the use of motorized bicycles and motorized scooters on public ways within said city's limits (House, No. 4053), and recommending that the same be referred to the committee on Public Safety and Homeland Security,— **was considered forthwith, under Senate Rule 36, and accepted, in 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 House Bill relative to land preservation in the town of Shrewsbury (House, No. 5032).

There being no objection, the rules were suspended, on motion of Mr. Petruccelli, and the bill was read a second time.

Mr. Augustus presented an amendment striking out Section 1 and inserting in place thereof the following section:—

“SECTION 1. Notwithstanding Section 40F 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 shall transfer, without consideration, the care and custody of the parcels of land described in Section 2 which are currently under the care, custody and control of the department of developmental disabilities to the department of agricultural resources. The exact boundaries of the parcels to be transferred may be determined by the division of capital asset management and maintenance. The parcels shall be dedicated to the public forever for the purposes and uses of agriculture, forest and open space protection, management and conservation and shall be held solely for these purposes and uses, subject to the limitations of, and to protect the rights of the public under, article XCVII of the amendments to the constitution. The department of agricultural resources may promulgate rules and promulgate regulations for the appropriate conduct and manner of public access to those parcels consistent with this act.”

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence,

with the amendment.

Sent to the House for concurrence in the amendment.

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 Patricia D. Jehlen and Sean Garballey for legislation to establish a sick leave bank for Sharon Brady.

Senate Rule 36 was suspended, on motion of Mr. O’Leary, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

The Senate Bill relative to Gold Star registration plates (Senate, No. 2352, amended),— **came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5140.**

The rules were suspended, on motion of Mr. Timilty, and the House amendment was considered forthwith and adopted, in concurrence.

The Senate Bill relative to operating a motor vehicle when approaching stationary emergency vehicles (Senate, No. 2103, amended),— **came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5120.**

Senate Rule 36 was suspended, on motion of Mr. Knapik, and the House amendment was considered forthwith.

On further motion of Mr. Tisei, the Senate NON-concurred in the House amendment.

The bill was returned to the House endorsed accordingly.

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing the Cape Cod and Islands commission on the status of women (Senate, No. 2884),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. O’Leary, 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.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill authorizing the Commissioner of Capital Asset Management to convey certain land to the city of Newburyport (House, No. 5038),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Timilty, and the bill was read a second time and ordered to a third reading.

Order Adopted.

On motion of Mr. Timilty,—

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 Firefighter John Clasby.

The Senator from Plymouth and Norfolk, Mr. Hedlund, requested that when the Senate adjourns today, it adjourn in memory of firefighter John Clasby.

Firefighter John Clasby lost his life after a long battle with traumatic injuries sustained in the line of duty fighting a fire on Clifton Avenue in Hull on June 29th, 1999.

He was awarded the “Medal of Honor” at the Firefighter of the Year Awards Ceremony for his heroic actions on June 29th, 1999. The “Medal of Honor” is the highest honor given in the state.

The Commonwealth of Massachusetts is eternally grateful for Firefighter John Clasby’s service and sacrifice in the line of duty.

Firefighter John Clasby, 45, leaves behind three teenage children.

Accordingly, as a mark of respect to the memory of Firefighter John Clasby, at thirteen minutes past eleven o’clock A.M., on motion of Mr. Tisei, the Senate adjourned to meet again on Monday next at eleven o’clock A.M.