

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, December 18, 2008.

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

Communications.

A communication from the Honorable Therese Murray, President of the Senate, announcing the following appointments:

To the Robert H. Goddard Council On Science, Technology, Engineering and Mathematics Education (pursuant to section 8 of Chapter 123 of the Acts of 2006):

Senator Thomas M. McGee, Co-Chair of the Council (replacing Senator Jack Hart);

Senator Karen E. Spilka (replacing Senator Edward M. Augustus, Jr.);

To the Massachusetts Creative Economy Council (pursuant to Chapter 354 of the Acts of 2008):

Senator Stanley C. Rosenberg.

The communications were severally placed on file.

Report of a Committee.

By Mr. Petrucci, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the town of Tewksbury to issue pension funding bonds or notes. (Senate, No. 2890) [Local approval received];

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

PAPERS FROM THE HOUSE.

Bills

Relative to the retirement benefits of certain employees of the Department of Children and Families (House, No. 4798,— on House, No. 2798); and

Further regulating the installation of automatic sprinklers (House, No. 4969,— on House, No. 2284);

Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Bills

Relative to nursing mothers (House, No. 1568,— on House, No. 1439); and

Relative to the retirement allowance of Louis Cataldo, a retired employee of the Barnstable county sheriff's office and retired chief of police of the town of Dennis (House, No. 5094,— on House, No. 4295);

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

Bills

Authorizing the appointment of retired police officers as special police officers in the town of Norwood (House, No. 4763,— on petition) [Local approval received];
Authorizing the town of Hull to designate a check off on its tax bills (House, No. 4842,— on petition) [Local approval received];
Authorizing the appointment of alternate members of the town of Canton historical commission (House, No. 4931,— on petition) [Local approval received];
Relative to the town of Paxton (House, No. 4984,— on petition) [Local approval received];
Establishing the Needham center off-street parking fund (House, No. 5000,— on petition) [Local approval received]; and
Relative to the issuance of certain bonds by the town of Northborough (House, No. 5090, changed,— on petition) [Local approval received];

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

A report of the committee on Revenue, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 5160) of Alice Hanlon Peisch and others for legislation to eliminate tolls on certain roadways and provide an increase in the tax on gasoline, and recommending that the same be referred to the committee on Transportation,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5173) of Martha M. Walz for legislation to establish a sick leave bank for Germaine Mayers, an employee of the Probation Department of the Superior Court in Middlesex County;

Under suspension of Joint Rule 12, to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 5172) of Elizabeth A. Malia that the building housing the State Laboratory Institute in the Jamaica Plain section of the city of Boston be designated as the William A. Hinton Laboratory;

Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to the uniform probate code (House, No. 1633) ,— **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2622.**

There being no objection, the rules were suspended, on motion of Mr. Petrucci, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

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. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Michael German, an employee of the Department of Developmental Services (House, No. 5151, changed),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Tarr, 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 establishing a sick leave bank for Michael German, an employee of the Department of Mental Retardation”.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to caregiver medical and educational consent (House, No. 4718),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Petrucci, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in 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 authorizing the appointment of Michael P. Hickey as a police officer in the town of Hingham notwithstanding the maximum age requirement (House, No. 4837),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the city of Lowell to pay funeral and burial expenses of employees killed in performance of duty (House, No. 5126),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Norwood to grant an additional license for the sale of all-alcoholic beverages to be drunk on the premises (House, No. 4982),— 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 Norwood to grant an additional license for the sale of all alcoholic beverages to be drunk on the

premises”.

The House Bill relative to signatures for nomination petitions for city councillor at large (House, No. 4889),— **was read a second time.**

Pending the question on ordering the bill to a third reading, on motion of Mr. Tarr, the bill was referred to the committee on Ethics and Rules.

The Senate Bill updating the animal control laws (Senate, No. 2450),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Ms. Jehlen moved that the bill be amended substituting a new draft with the same title (Senate, No. 2624).

This amendment was adopted.

The bill (Senate, No. 2624) was then passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

The House Bill relative to cemeteries and burials (House, No. 4752),— came from the House passed to be engrossed, in concurrence with an amendment in section 1B by striking out, in line 3, the following: “501(c)(3)” and inserting in place thereof the following: “501(c)”;

and by striking out sections 2, 3 and 4 and inserting in place thereof the following section: “SECTION 2. Section 8 of chapter 115 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following sentence;— The definitions contained in section 1 of chapter 114 shall be applicable to this section and section 9.”.

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

The Senate Bill relative to University of Massachusetts police officers (Senate, No. 1539, 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 5165.**

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

The Senate Bill relative to homeowner heating safety (Senate, No. 2404),— **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 5040.**

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

Ms. Resor presented a motion that the Senate concur with the House amendment with a further amendment striking out the text and inserting in place thereof text of Senate document numbered 2623.

The motion prevailed and the Senate concurred in the House amendment with the further amendment.

Sent to the House for concurrence in the further amendment.

Engrossed Bills.

An engrossed Bill authorizing the development of a regional education, training and skills center in the city of Taunton (see Senate, No. 53, changed and amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the Acting President (Mr. McGee) and again laid before the Governor for his approbation.

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

Relative to harbormaster training certification (see Senate, No. 509, changed and amended);

Prohibiting the use of chain link basketball nets in public parks, playgrounds and recreation centers (see Senate, No. 1419);

Establishing the geriatric authority of Malden (see Senate, No. 2844, amended);

Relative to the operation of credit unions (see House, No. 1068);

Relative to the retirement and health benefits of certain elected officials of the town of Hull (see House, No. 4218);

Relative to temporary loans and assessment of betterments by the town of Hingham (see House, No. 4236);

Authorizing property tax exemptions for rental properties in the town of Truro restricted as affordable housing (see House, No. 4381);

Authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the city of Newburyport (see House, No. 5038, amended);

Exempting Dwayne P. Burge from maximum age requirement for applying for civil service appointment as a police officer in the city of Taunton (see House, No. 5086); and

Providing for the establishment of other post employment benefits liability trust funds in municipalities and certain other governmental units (see House, No. 5148).

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Sharon Brady (see Senate, No. 2891), 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 3 to 0.**
The bill was signed by the Acting President (Mr. McGee) and sent to the House for enactment.

An engrossed Bill designating a certain bridge in the city of Medford as the Sergeant Anthony P. Annino Bridge (see House, No. 4962), 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 3 to 0.**
The bill was signed by the Acting President (Mr. McGee) and sent to the House for enactment.

Order Adopted.

On motion of Mr. Petruccelli,—

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 Mary Alice Welch.

The Senator from Plymouth and Barnstable, Ms. Murray and the Senator from Norfolk, Bristol and Middlesex, Mr. Brown requested that when the Senate adjourns today, it adjourn in memory of Mary Alice Welch.

Mary Alice Welch, 95, of Millis where she has been a lifelong resident, died after a brief illness on Friday afternoon, December 12th, 2008 at the Thomas Upham House in Medfield.

Born in the Dorchester section of Boston, she was the daughter of the late Richard F. and Mary E. (Cassidy) Downing. Mary was a 1931 graduate of the Millis Public Schools and a 1935 graduate of Regis College in Weston.

Having formerly retired in 1981, Mary's whole life was dedicated to teaching, and spent her entire career with the Millis School System which began in 1935.

A lifelong communicant of St. Thomas the Apostle Church, Mary's true love was teaching. She continued to volunteer her time and talents to the school kids teaching and reading to the first graders long after her retirement. She also loved playing golf and for many years was a member of the Charles Golf League.

Wife of the late Frederick J. Welch, she leaves two sons, William F. Welch and his wife Maureen of Milford and John D. Welch and his wife Kathleen of Hudson, FL, three sisters Agnes E. Lydon of Millis, Ann L. Holmquist of Mashpee and Alma Mulkern of Norwood, five grandchildren and four great grandchildren. Two sisters Rita Gately and Eileen McCarthy and two brothers John T. and Richard J. Downing Jr. predeceased her.

Accordingly, as a mark of respect to the memory of Mary Alice Welch, at twenty-seven minutes before noon, on motion of Mr. Hart, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.