

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.

Monday, December 22, 2008.

Met according to adjournment at 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.

Communication.

A communication from the Department of Energy Resources relative to a Request for an Extension to Perform a Study of the Establishment and Operation of Municipal Owned Utilities in the Commonwealth submitted to the Joint Committee on Telecommunications, Utilities and Energy. (received Wednesday, December 17, 2008),— **was placed on file.**

Reports.

The following reports were severally read and placed on file:

A report of the Executive Office of Energy and Environmental Affairs (under the provisions of Chapter 21I of the Toxics Use Reduction Act (TURA)) submitting its Progress Report on Toxics Use Reduction in Massachusetts (received Thursday, December 18, 2008); and

A report of the University of Massachusetts Building Authority (under the provisions of Chapter 773 of the Acts of 1960 as amended (the Enabling Act)) submitting a copy of its Financial Statements for the Years Ended June 30, 2008 and 2007 with Independent Auditors' Reports (received Thursday, December 18, 2008).

Report.

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of Bristol County Jail and House of Correction (received Wednesday, December 17, 2008),— **was read and sent to the House for its information.**

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to the charter of the town of Greenfield (House, No. 5171),— **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Bills

Relative to the District Court of Malden (House, No. 1408,— on petition); and

Relative to illegal parking in bus stops (House, No. 4891,— on Senate, No. 2023 and House, No. 3680);

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

A Bill exempting the school custodians in the town of Hadley from the civil service law (House, No. 4419,— on petition);— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Bills

To permit the appointment of Darryl Sencabaugh for the position of fire fighter in the town of Wilmington pending the civil service exam (House, No. 4841,— on petition) [Local approval received];
Relative to authorization of a long term lease between the city of Cambridge and the Mount Auburn Memorial Post No. 8818, Veterans of Foreign Wars, Inc. (House, No. 4945,— on petition) [Local approval received]; and
Relative to the municipal government of the city of Chicopee (House, No. 5128,— 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 Bill relative to the historical commission of the town of Lincoln (House, No. 4760,— on petition) [Local approval received],— **was read.**

There being no objection, the rules were suspended, on motion of Mr. Petruccelli, 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 relative to the employment benefits trust fund of the town of Arlington (House, No. 4140),— **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 relative to the other post-employment benefits trust fund in the town of Arlington”.**

The House Bill establishing the Needham center off-street parking fund (House, No. 5000),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

Order.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith and adopted in concurrence, as follows:

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Veterans and Federal Affairs shall be granted until Wednesday, December 31, 2008, within which to report on House, No. 5146.

Engrossed Bills.

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. Timilty) and laid before the Governor for his approbation, to wit:
Further regulating fees for justices of the peace (see Senate, No. 801);
Conveying certain property in the city of Worcester to Community Healthlink, Inc. (see Senate, No. 2838);
Establishing a sick leave bank for Sharon Brady (see Senate, No. 2891);
Relative to vacancies on the Beacon Hill Architectural Commission (see House, No. 3269); and
Designating a certain bridge in the city of Medford as the Sergeant Anthony P. Annino Bridge (see House, No. 4962).

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill to clarify the MWRA retirement system (Senate, No. 2864),— **ought to pass.**

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

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to the conversion by a Massachusetts chartered credit union to a federal charter (House, No. 1106),— **ought to pass.**

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

Communication.

A communication from Honorable Counsel to the House and Honorable Counsel to the Senate (pursuant to Section 53 of Chapter 3 of the General Laws) submitting proposed legislation making corrective changes in certain general and special laws (Senate, No. 2895) (received Monday, December 22, 2008),— **was read.**

There being no objection, the rules were suspended, on motion of Mr. Petruccelli, 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.

Order Adopted.

On motion of Mr. Hedlund,—

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