

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.

At a General Court of the Commonwealth of Massachusetts, held on the first Wednesday, being the sixth day of January, in the year two thousand and ten, and the two hundred and thirty-fourth of the independence of the United States of America, a quorum of the members of the Senate, elected for a term of two years at an election held on Tuesday next after the first Monday of November in the year 2008, assembled at one o'clock P.M., in the Senate Chamber, and were called to order by the Honorable Stanley C. Rosenberg, President Pro Tempore.

Communication.

The following communication from the Honorable Therese Murray, President of the Senate, announcing certain changes to Senate and Joint Standing Committees, was placed on file:

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE SENATE PRESIDENT
STATE HOUSE, BOSTON 02133-1053

William F. Welch, Clerk
Office of the Senate Clerk
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

After a vote of the caucus of the majority party in the Senate, we have nominated and elected the following member for the mentioned committee as listed below. This position is considered acting and thereby does not receive the additional Chairman stipend.

Senator Benjamin B. Downing — *Acting Chair, Joint Committee on Higher Education*

Also, the following committee assignments have been made:

Senator Brian A. Joyce — *Acting Vice-Chairman, Joint Committee on Higher Education*
Senator Anthony Petrucci — *Vice-Chairman, Senate Committee on Bills in Third Reading*
Senator Kenneth J. Donnelly — *member, Joint Committee on Mental Health and Substance Abuse*
Senator Jack Hart — *member, Joint Committee on Housing*
Senator Jennifer L. Flanagan — *member, Joint Committee on State Administration and Regulatory Oversight*
Senator Sonia Chang-Diaz — *member, Joint Committee on Municipalities and Regional Government.*

Reports of a Committee.

By Ms. Jehlen, for the committee on Elder Affairs, on petition, a Bill to prevent falls among older adults (Senate, No. 318); and By the same Senator, for the same committee, on petition (accompanied by resolve, Senate, No. 317), a Bill relative to the prevention of falls in the elderly community (Senate, No. 2240);
Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4413) of David L. Flynn and Marc R. Pacheco (by vote of the town) for legislation to provide a town charter for the town of Bridgewater,— **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Report of the committee on Election Laws, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4403) of Sean Garballey, Kenneth J. Donnelly and others (by vote of the town) for legislation providing for a ballot question in the town of Arlington authorizing the granting of 3 licenses for the sale of all alcoholic beverages not to be drunk on the premises, and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Recess.

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at twenty-five minutes past one o'clock P.M., the Senate reassembled, the President in the Chair.

At the request of the President, the members, employees and guests joined her in reciting the Pledge of Allegiance to the Flag.

The Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer, offered the following prayer:

Blessed and Everlasting Father, Thy gracious providence is our shield in the darkness of the night and our strength in the struggles of each new day. We acknowledge that Thou alone art invincible in strength and infallible in wisdom. At the beginning of this Senate session we beg Thy grace and favor that the splendor, the richness, the beauty and the freedom of the spirit of God may be reflected in all the aspirations and endeavors of this body.

These times require leaders with docility of intellect, strength of will, humility of soul. The problems of this day ask much of our imperfect nature...far more than human capacity can supply; therefore we urgently, fervently, seek the help of God on this first day and through all the days to come. Amen.

On motion of Mr. Rosenberg, the above prayer was ordered printed in the Journal of the Senate.

Order Adopted.

On motion of Mr. Berry,—

Ordered, That a committee be appointed to inform the House of Representatives that the Senate is now assembled and ready to proceed to business.

Senators Spilka, Jehlen, Hart and Tarr were appointed the committee.

Subsequently, Ms. Spilka, for the committee appointed by the Senate to inform the House that the Senate was ready to proceed to business, reported that it had attended to its duty. The committee was discharged.

Committee of the House.

The President welcomed a committee of the House of Representatives that arrived to declare that the House of Representatives was now assembled and ready to proceed to business.

Order Adopted.

On motion of Ms. Walsh,—

Ordered, That the Clerk begin printing a Journal of the Senate, as authorized by Senate Rule 6, and that the daily reading thereof be dispensed with; that, under authority of Section 10 of Chapter 5 of the General Laws, such number of copies of the journal of the entire session as the committee on Ethics and Rules shall determine be printed and bound with customary appendices and an index; and that a certified copy thereof be deposited with the Secretary of the Commonwealth as the Official Journal of the Senate.

There being no objection, the rules were suspended, on motion of Mr. Tolman, and the order was considered forthwith and adopted.

Communication.

The following communication, which was received in the Office of the Clerk of the Senate at eighteen minutes past nine o'clock A.M, on Tuesday, January 6, 2010, was read and placed on file to wit:

January 5, 2010.

The Honorable Senate President Therese Murray
Office of the Senate President
Room 332, State House
Boston, MA 02133-1053

Dear Senate President Murray:

I am writing to resign my position as State Senator of the Middlesex, Suffolk and Essex District, effective immediately.

I want to apologize for my actions in early October, and I accept full responsibility for them. When I came to the State House and was afraid of your reaction, you instead made me feel welcomed and, most importantly, human. I want to thank you for your candid conversations which helped narrow my focus to eliminating alcohol permanently and pursuing counseling and treatment. Counseling and treatment have been very helpful, as has the support I have received from my Senate colleagues, friends and immediate family.

My decision today is not out of hopelessness but rather one of hope and opportunity. In the end, I make this decision out of admiration and respect for each and every one of my Senate colleagues.

I also ask that my colleagues support my effort to appeal the recent violation with respect to alcohol use on the strongest possible terms. I maintain my innocence regarding this violation. I assure you I have kept faith with the court, the Senate, my family and myself with my decision in early October to eliminate alcohol from my life.

Sincerely yours,
ANTHONY D. GALLUCCIO,
*State Senator,
Middlesex, Suffolk and Essex.*

On motion of Mr. Tolman, the above communication was ordered printed in the Journal of the Senate.

PAPER FROM THE HOUSE.
House Order.

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

Ordered, That a committee of members of the Senate and House of Representatives be appointed to wait upon His Excellency the Governor, Deval L. Patrick, His Honor the Lieutenant-Governor, Timothy P. Murray, and the Honorable Council and inform them that the two branches of the General Court are now assembled and ready to proceed to business; and Representatives Canessa of New Bedford, Clark of Melrose, Conroy of Wayland, Dwyer of Woburn, Ferrante of Gloucester, Fallon of Malden, Gobi of Spencer, Fernandes of Milford, Fox of Boston, Kujawski of Webster, Murphy of Lowell, Poirier of North Attleborough, Frost of Auburn, Gifford of Wareham and Hill of Ipswich were appointed the committee on the part of the House.

There being no objection, the order was considered forthwith and adopted, in concurrence.

The President then appointed Senators Baddour, Flanagan, Tucker and Hedlund to said committee on the part of the Senate. **Subsequently, Mr. Baddour, for the committee appointed by the Senate to inform His Excellency the Governor, His Honor the Lieutenant-Governor and the Honorable Council that the Senate was ready to proceed to business, reported that it had attended to its duty. The committee was discharged.**

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Pacheco) “congratulating Roland J. Hebert on his retirement from Southeastern Regional Planning and Economic Development District.”; and
Resolutions (filed by Mr. Tolman) “honoring Thomas J. Sullivan upon the occasion of his retirement from the town of Watertown.”

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows:
The House Bill relative to the selectman-town administrator form of government of the town of Stoneham (House, No. 633),—

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 personnel by-laws in the town of Stoneham”.

The House Bill relative to the Nantucket Historic District Commission (House, No. 1121),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to town meetings in the town of Framingham (House, No. 1896),— **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 Winchester to issue one additional license for the sales of wines and malt beverages to be drunk on the premises to Sakura Japanese Restaurant (House, No. 4345),— **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 Winchester to grant an additional license for the sales of wines and malt beverages to be drunk on the premises”.**

Report of a Committee.

Mr. Berry, 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 validating the actions taken at an annual town election in the town of Concord (printed in House, No. 4397).

There being no objection, the rules were suspended, on motion of Mr. Berry, and the bill 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.

Engrossed Bills.

An engrossed Bill validating the actions taken at the annual town election held in the town of Plympton (see House Bill, printed in House, No. 4286) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage was passed to be enacted, two-thirds of the members present having voted in the affirmative, and was signed by the President and laid before the Governor for his approbation.

The following engrossed bills (all of which originated in the House), 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 President and laid before the Governor for his approbation, to wit:

Relative to real estate taxes in the town of Wayland (see House, No. 1903);

Authorizing the town of Lincoln to place a certain question relative to the sale of wines and malt beverages on the town’s election ballot (see House, No. 4257); and

Increasing the membership of the board of selectmen in the town of Hamilton (see House, No. 4294).

Order Adopted.

On motion of Mr. Berry,—

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

Adjournment in Memory of Harold Brown, Jr.

The Senator from Worcester and Middlesex, Ms. Flanagan, requested that when the Senate adjourns today, it adjourn in memory of Harold Brown, Jr.

Harold Brown Jr., a native of Bolton, Massachusetts, was one of eight Americans killed December 30th in Afghanistan when a suicide bomber infiltrated a U.S. forward operating base near the volatile border with Pakistan.

Brown, a 1990 graduate from Nashoba Regional High School, joined the Army Reserves while still a student. He attended Mount Wachusett Community College in Gardner for two years and earned an associate’s degree. There, he earned a scholarship to the George Washington University in Washington, D.C. where he met his wife, Jane.

He also leaves his parents, Barbara and Harold of Bolton. Mr. and Mrs. Brown called their son “an honorable, courageous, dedicated family man who loved his life and country.”

Harold and Jane were married in October of 1994 and have three young children, Paul, 12, Lena, 10 and Claire, 2.

Accordingly, as a mark of respect to the memory of Harold Brown, Jr., at three minutes past two o'clock P.M., on motion of Ms. Flanagan, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.