

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, January 21, 2010.

Met at one minute past one o'clock P.M. (Mr. Rosenberg in the Chair).

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the President introduced in the Senate Gallery, Mark and Katie Kearney of Plymouth. In October of 2006, Mark and Katie's eight year old son, Sean, was killed in an ATV accident. In honor of their son, they have worked tirelessly with us and the medical community advocating for ATV regulations. The Senate welcomed them with applause and they withdrew from the Gallery.

Reports of Committees.

By Ms. Creem, for the committee on the Judiciary, on petition, a Bill relative to the estate of homestead (Senate, No. 1619);
By the same Senator, for the same committee, on petition, a Bill relative to assault and battery on health care providers (Senate, No. 1753);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1748), a Bill amending the dangerousness statute (Senate, No. 2253);

By Mr. McGee, for the committee on Labor and Workforce Development, on petition, a Bill providing benefits for permanent functional loss and disfigurement under the Worker's Compensation Act (Senate, No. 681);

By the same Senator, for the same committee, on Senate, No. 682 and House, No. 1870, a Bill protecting honest employers (Senate, No. 682); and

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition (accompanied by bill, Senate, No. 990) a Bill relative to the installation of approved smoke detectors in certain residential buildings or structures (Senate, No. 2252);

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

By Ms. Creem, for the committee on the Judiciary, on petition, a Bill designating the East Brookfield District Courthouse as the Francis H. George Courthouse (Senate, No. 1575);

By the same Senator, for the same committee, on petition, a Bill to improve juror service (Senate, No. 1648); and

By the same Senator, for the same committee, on petition, a Bill to improve juror service responses (Senate, No. 1649);

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

Recess.

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

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
 Resolutions (filed by Mr. Rosenberg) “congratulating Nicholas D. Young on being named the 2010 Massachusetts Superintendent of the Year”;
 Resolutions (filed by Ms. Tucker) “commending Atria Marland Place on its celebration of Resident Appreciation Month”;
 Resolutions (filed by Ms. Walsh) “congratulating Andrew J. Jagelski on the occasion of his elevation to the rank of Eagle Scout”;
 Resolutions (filed by Ms. Walsh) “congratulating Michael J. Murphy, Jr., on the occasion of his elevation to the rank of Eagle Scout”; and
 Resolutions (filed by Ms. Walsh) “congratulating Jonathan M. Spillane on the occasion of his elevation to the rank of Eagle Scout.”

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 relative to unpaid municipal fines (House, No. 3588) (the committee on Ethics and Rules recommending that the bill be amended by striking out section 8A of proposed Chapter 40U, inserted by amendment by the House).
 Ms. Chang-Díaz moved to suspend the rules to consider the matter forthwith; but objection was made thereto by Mr. Tisei.
The bill was then placed in the Orders of the Day for the next session.

PAPERS FROM THE HOUSE.

Engrossed Bills—Land Takings for Conservation Etc.

An engrossed Bill authorizing the city of Gardner to convey certain park land (see House, No. 612, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at one minute before two o’clock P.M., as follows, to wit (*yeas 33 — nays 0*) [**Yeas and Nays No. 188**]:

YEAS	
Baddour, Steven A.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Michael O.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	O’Leary, Robert A.
Chang-Díaz, Sonia	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Donnelly, Kenneth J.	Petrucelli, Anthony
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Spilka, Karen E.

Fargo, Susan C.	Tarr, Bruce E.
Flanagan, Jennifer L.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian — 33.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Brown, Scott P.	Kennedy, Thomas P.
Buoniconti, Stephen J.	Morrissey, Michael W.— 5.
Hart, John A., Jr.	

The yeas and nays having been completed at five minutes past two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill relative to the leasing of certain parcels of land in the city of Boston (see House, No. 4356, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be re-enacted was determined by a call of the yeas and nays, at six minutes past two o'clock P.M., as follows, to wit (*yeas 33 — nays 0*) [**Yeas and Nays No. 189**]:

YEAS	
Baddour, Steven A.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Michael O.
Candaras, Gale D.	Moore, Richard T.

Chandler, Harriette L.	O’Leary, Robert A.
Chang-Diaz, Sonia	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Donnelly, Kenneth J.	Petrucelli, Anthony
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Flanagan, Jennifer L.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian — 33.
McGee, Thomas M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Brown, Scott P.	Kennedy, Thomas P.
Buoniconti, Stephen J.	Morrissey, Michael W.— 5.
Hart, John A., Jr.	

The yeas and nays having been completed at nine minutes past two o’clock P.M., the bill was passed to be re-enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and again laid before the Governor for his approbation.

Orders of the Day.

The Orders of the Day were considered as follows:

The Senate Bill relative to certain affordable housing in the city of Boston (Senate, No. 2237),— **was read a second time and ordered to a third reading.**

The Senate Bill to regulate the use of off highway and recreation vehicles (Senate, No. 2251),— **was read a third time. After remarks, and pending the question on ordering the bill to a third reading, Mr. Richard T. Moore moved that the bill be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.**

The Senate Bill relative to comprehensive siting reform for land based wind projects (Senate, No. 2245),— **was considered. Pending the question on the previous motion to lay the matter on the table and pending the main question on passing the bill to be engrossed, on motion of Mr. Panagiotakos, the further consideration thereof was postponed until Thursday, January 28.**

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 4431) of Kathi-Anne Reinstein for legislation to include the Saugus Watershed Commission on the citizens advisory board on the uses of land within the Rumney Marsh Reservation;

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

Petition (accompanied by bill, House, No. 4432) of Steven M. Walsh authorizing the alternative mode of design and construction for the relocation and replacement of a water line under the Saugus River;

Under suspension of Joint Rule 12, to the committee on Telecommunications, Utilities and Energy.

Order.

On motion of Mr. Baddour,—

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 John “Doc” Tynan.

The Senator from Suffolk, Mr. Hart, requested that when the Senate adjourns today, it adjourn in memory of John “Doc” Tynan of South Boston.

John “Doc” Tynan died on Christmas Eve at the Soldier’s Home in Chelsea at the age of 89. An accomplished World War II fighter pilot, he survived five plane crashes in Europe, earned the rank of major, was awarded the Distinguished Flying Cross and the Air Medal with four clusters. After the war, Mr. Tynan returned to his home town of South Boston and served as State Representative for 16 years, notably as Democratic Whip, and chaired committees on veterans’ services and legislative research. Mr. Tynan was extremely active in South Boston, serving as commander of the VFW Thomas Fitzgerald Post 561. The nickname “Doc” was given to him by his South Boston High School football coach who called him little Doc, in reference to his father Dr. Joseph P. Tynan. Throughout his life he remained devoted to sports and was often seen at local championship games. He was a proud member of the Gate of Heaven Parish and St. Brigid Church in South Boston where he ushered for many years. Doc is survived by his wife of 66 years, Mary and daughter Kathleen Fraser of Plymouth.

Accordingly, as a mark of respect to the memory of John “Doc” Tynan, at seventeen minutes past two o'clock P.M., on motion of Ms. Menard, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.