

**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, February 1, 2010.*

Met at four minutes past eleven o'clock A.M. (Mr. Hart in the Chair) (having been appointed by the President, under the provisions of Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Hart), members, guests and employees in the recitation of the pledge of allegiance to the flag.

#### *Reports of a Committee*

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 2165), a Bill authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2258) [Local approval received on Senate, No. 2165]; and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2167), a Bill authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2259) [Local approval received on Senate, No. 2167];

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

#### PAPERS FROM THE HOUSE.

Messages were severally referred, in concurrence, as follows:

Message from His Excellency the Governor recommending legislation relative to providing for the health care needs of children with child support orders and the enforcement of child support (House, No. 4445); and

Message from His Excellency the Governor recommending legislation relative to reforming community supervision of criminal defendants and offenders by establishing the department of community supervision with the Executive Office of Public Safety and Security (House, No. 4446);

#### **Severally to the committee on the Judiciary.**

Message from His Excellency the Governor recommending legislation relative to providing for the modernization and sustainability of the pension system (House, No. 4440);

#### **To the committee on Public Service.**

Message from His Excellency the Governor submitting (under Article LXXXVII) of the Amendment to the Constitution) Reorganization Plan #1 of 2010, relative to reorganizing certain agencies of the Executive Department (House, No. 4447);

#### **To the committee on State Administration and Regulatory Oversight.**

The following petitions, having been transmitted by the Secretary of the Commonwealth to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution, and having been received in the Office of the Clerk of the House on Thursday, January 7, 2010, were referred, in concurrence, as follows:

Initiative petition of James A. Peyser and others for passage of "An Act to increase quality and parental choice in public education by expanding enrollment in higher-quality charter public schools" (House, No. 4457);

#### **To the committee on Education.**

Initiative petition of John V. Belskis and others for passage of "An Act relative to comprehensive permits and regional planning"

(House, No. 4455);

**To the committee on Housing.**

Initiative petition of Frank J. Anzalotti and others for passage of “An Act to repeal the sales tax on alcohol” (House, No. 4454); and

Initiative petition of Carla A. Howell and others for passage of “An Act known as the 3% sales tax relief act” (House, No. 4456);

**Severally to the committee on Revenue.**

Initiative petition of Susan E. Laing and others for the passage of “An Act to limit carbon dioxide emissions from renewable and alternative energy sources” (House, No. 4458);

**To the committee on Telecommunications, Utilities and Energy.**

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4448) of Kathi-Anne Reinstein (with the approval of the mayor and city council) relative to the filing of a vacancy relative to the filing of a vacancy in the office of mayor in the city of Revere;

**To the committee on Election Laws.**

Petition (accompanied by bill, House, No. 4449) of Jay R. Kaufman and James Dwyer (with the approval of the mayor and city council) relative to the use of a certain parcel of land in the city of Woburn for recreational purposes; and

Petition (accompanied by bill, House, No. 4450) of Cleon H. Turner and Robert A. O’Leary (by vote of the town) that the town of Brewster be authorized to use a portion of town owned land for renewable energy projects;

**Severally to the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 4451) of Frank I. Smizik, Cynthia Stone Creem and others (by vote of the town) relative to health insurance coverage for retired employees of the town of Brookline;

**To the committee on Public Service.**

*Bills*

Authorizing the commissioner of capital asset management and maintenance to convey certain land to the town of Concord Housing Development Corporation for affordable housing and open space (House, No. 4442-- on House, No. 2956); and Relative to school nutrition (House, No. 4459, amended-- on Senate, No.861 and House, Nos. 2063, 2075 and 2092);

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

A Bill relative to the town of Wilmington sewer system (House, No. 4061,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

*Resolutions.*

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-

Resolutions (filed by Mr. McGee) “congratulating the members of the Lynn Vocational Technical High School Football Team on winning the 2009 Massachusetts Vocational Large Division Super Bowl Championship.”

*Matter 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 town of Spencer to grant real and personal property tax abatements to members of the Massachusetts National Guard and Reservist Units called to active duty and serving in a foreign country (House, No. 1134),-- **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 Spencer to grant tax abatements to certain military personnel”.**

The Senate Bill relative to certain affordable housing in the city of Boston (Senate, No. 2237),-- **was read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

**PAPER FROM THE HOUSE.**

The Senate Bill relative to the leasing of land to the Pittsfield Family YMCA by Berkshire Community College (Senate, No. 2114, 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 4352, amended.**

**The rules were suspended, on motion of Mr. Tarr, and the House amendment was considered forthwith and adopted, in concurrence (as corrected BTR).**

**PAPERS FROM THE HOUSE.**

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

Petition (accompanied by bill, House, No. 4462) of James Cantwell and Robert L. Hedlund for legislation to increase the penalty imposed on operators of motor vehicles involved in police chases;

**Under suspension of Joint Rules 12, to the committee on Public Safety and Homeland Security.**

Petition (accompanied by bill, House, No. 4463) of Paul J. Donato relative to the classification of disabled firefighters as “conditional employees” as a precondition of reinstatement as a fire department employee; and

Petition (accompanied by bill, House, No. 4464) of Anne M. Gobi, Stephen M. Brewer and James J. O’Day that the Department of Children and Families be authorized to establish a sick leave bank for Elizabeth Lynch, an employee of said department;

**Severally, under suspension of Joint Rule 12, to the committee on Public Service.**

*Emergency Preamble Adopted.*

An engrossed Bill relative to vocational education (see Senate, No. 253, amended), 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 2 to 0.**

**The bill was signed by the Acting President (Mr. Hart) and sent to the House for enactment.**

*Engrossed Bills.*

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

Relative to vocational education (see Senate, No. 253, amended);

Naming a certain bridge in the city of Malden as the Joseph E. Croken Memorial Bridge (see House, No. 3210); and

Relative to the collection of unpaid municipal fines (see House, No. 3588).

*Order Adopted.*

On motion of Mr. Tarr,--

*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.

*Adjournment in Memory of Sergeant Joe O’Hare of Greenfield*

The Senator from Hampshire and Franklin, Mr. Rosenberg, requested that when the Senate adjourns today, it adjourn in memory of Sergeant Joe O’Hare.

Sergeant Joseph M. O’Hare, 59, died Thursday, January 21, 2010, at the Brigham & Women’s Hospital in Boston following a courageous battle with cancer. A resident and native of Greenfield, he graduated from Greenfield Public Schools, Greenfield Community College, and the State Police Academy. His career spanned 35 years with the Massachusetts State Police, all of which was spent with Troop B, having served in Pittsfield, Shelburne and Springfield. Joe loved traveling to St. Maarten and was a loyal fan and season ticket holder of the Boston Celtics.

He is survived by his loving wife Karen, mother Lucy, uncle Joseph, sisters Dena, Alicia and her husband Bruce, as well as brother-in-law John Fritz his wife Kathy, and his step-mother Maude.

Accordingly, as a mark of respect to the memory of Sergeant Joe O’Hare, at twenty minutes past eleven o’clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Wednesday next at eleven o’clock A.M.