

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, February 11, 2010.

Met according to adjournment at one o'clock P.M. (Mr. Rosenberg in the Chair).

Distinguished Guests.

There being no objection, the President introduced, in the rear of the Chamber, Nahant Cub Scouts, Pack 50, Webelos Den. The group was visiting the State House today as the final step in earning the Citizen Achievement Badge. They were accompanied by Cub Master Kevin Nugent. They were guests of Senator McGee.

Reports of a Committee.

By Mr. McGee, for the committee on Labor and Workforce Development, on petition, a Bill relative to the state wildfire team (Senate, No. 669);

By the same Senator, for the same committee, on petition, a Bill to establish employment leave and safety remedies to victims of domestic violence, stalking and sexual assault (Senate, No. 673);

By the same Senator, for the same committee, on Senate, No. 710 and House Nos. 1812 and 1871, a Bill to provide a safe workplace for employees of the Commonwealth (Senate, No. 710);

By the same Senator, for the same committee, on petition, a Bill relative to displaced workers (Senate, No. 722); and

By the same Senator, for the same committee, on petition, a Bill relative to the penalty for failure to provide workers' compensation insurance (Senate, No. 729);

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

PAPERS FROM THE HOUSE.

Messages were referred, in concurrence, as follows:

Message from His Excellency the Governor recommending legislation relative to obscene materials (House, No. 4489);

To the committee on the Judiciary.

Message from His Excellency the Governor recommending legislation relative to providing for job creation by small businesses (House, No. 4490), as follows:

Sections 1 and 2A to the committee on State Administration and Regulatory Oversight.

Section 3 to the committee on Revenue.

Sections 4 to 23 to the committee on Economic Development and Emerging Technologies.

Sections 24 to 31 to the committee on Health Care Financing

Sections 32 to 52 to the committee on Labor and Workforce Development.

Sections 53 to 62 to the committee on Community Development and Small Business.

A Bill relative to the transportation of telephone poles (House, No. 3790,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Report of the committee on Children, Families and Persons with Disabilities, asking to be discharged from further consideration of the House Bill to exempt certain information and records acquired by the office if the child advocate from public disclosure (House, No. 180),-- **and recommending that the same be referred to the committee on State Administration and Regulatory Oversight,-- 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 eight minutes past one 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. Michael O. Moore) "congratulating the members of Saint Casimir's Lithuanian Church on their celebration of the ninety-second anniversary of Lithuanian Independence Day"; and
Resolutions (filed by Messrs. Richard T. Moore and Brewer, Ms. Chandler, Messrs. Donnelly and Eldridge, Ms. Flanagan, Messrs. Hedlund, Kennedy, Knapik, McGee, and Michael O. Moore, Ms. Spilka, Mr. Tarr and Ms. Tucker) "congratulating the Boy Scouts of America on the Centennial Anniversary of its incorporation".

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill relative to the town of Wilmington sewer system (House, No. 4061),-- **was read a second time and ordered to a third reading.**

The House Bill relative to unemployment insurance rates (House, No. 4470),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, in concurrence, at fourteen minutes past one o'clock P.M., Mr. Tisei doubted the presence of a quorum. **The President, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.**

Subsequently, at eighteen minutes past one o'clock P.M., the President declared that a quorum was present.

After debate, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at seven minutes before two o'clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 190**]:

INSERT ROLL CALL 190

The yeas and nays having been completed at four minutes before two o'clock P.M., the bill was passed to be engrossed, in concurrence.

The House Bill relative to the police department of the University of Massachusetts (House, No. 4409),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Michael O. Moore moved that the bill be amended in section 1, by inserting after the word "officers", in line 4, the following words:- " , environmental law enforcement officers"; in section 2, by striking out the words "the University of Massachusetts" and inserting in place thereof the following words:-" , the office of environmental law enforcement, the University of Massachusetts"; and, in section 3, by striking out the words "the University of Massachusetts" and inserting in place thereof, the following words:- " , the office of environmental law enforcement, the University of Massachusetts".

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Reports of Committees.

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, House, No. 228), a Bill to protect motor vehicle owners' and independent repairers' right to repair (Senate, No. 2268).

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

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Cynthia Stone Creem, Frederick E. Berry, Stephen M. Brewer, Kenneth J. Donnelly and other members of the

General Court for legislation to protect children from sexual abuse and exploitation .

The rules were suspended, on motion of Ms. Chandler, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Howard Smolar for legislation relative property lines and encroaching vegetation.

The rules were suspended, on motion of Ms. Chandler, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Olivia Mulhall, an employee of the Trial Court (see House, No. 4361), 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 President and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (both 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:

Prohibiting certain dumping in the city of Brockton (see House, No. 4190); and

Authorizing the city of Leominster to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4267, amended).

Order Adopted.

On motion of Ms. Menard,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow on Tuesday 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 Dr. Shirley Forrest Callan

The Senator from Essex, Mr. Baddour, and the Senator from Essex and Middlesex, Mr. Tarr, requested that when the Senate adjourns today, it adjourn in memory of Dr. Shirley Forrest Callan.

Dr. Shirley Forrest Callan, of Wilmington, died Monday evening, Feb. 1, 2010. Dr. Callan had been the director of the highly respected Methuen Adult Learning Center since its inception in February 1991. The program began with 20 students and today serves over 200 adult learners each year and provides basic adult education, GED preparation and English as a Second Language classes.

Dr. Callan helped facilitate the American dream for countless adult students throughout the Merrimack Valley by giving them the basic tools they needed to succeed and prosper. She instilled in her students the importance of education and hard work. Dr. Callan was an amazing woman whose impact will be sorely missed and felt for generations.

Accordingly, as a mark of respect to the memory of Dr. Shirley Forrest Callan, at one minute past two o'clock P.M., on motion of Mr. Hart, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.