

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.

Tuesday, February 16, 2010.

Met at three minutes past eleven o'clock A.M. (Mr. Petrucci 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. Petrucci), members, guests and employees then recited the pledge of allegiance to the flag.

Reports of Committees.

By Mr. Buoniconti, for the committee on Financial Services, on Senate, No. 455 and House, No. 992, a Bill increasing access to affordable health insurance coverage (Senate, No. 455);

Referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Buoniconti, for the committee on Financial Services, on Senate, No. 460 and House, No. 3562, a Bill to further define unfair and deceptive acts and practices in the business of insurance (Senate, No. 460); and

By Ms. Tucker, for the committee on Housing, on Senate, No. 627 and House, No. 1747, a Bill relative to housing rights for victims of domestic violence (Senate, No. 2274);

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

By Mr. Kennedy, for the committee on Election Laws, on petition, a Bill providing for recall in the town of Colrain (printed as House, No. 4384) [Local approval received];

By Mr. Eldridge, for the committee on Municipalities and Regional Government, on petition, a Bill to exempt certain property from the property tax in the town of Hamilton (Senate, No. 2085) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to the interest rate to be charged upon apportioned betterment assessments for the Weweantic sewer project in the town of Wareham (Senate, No. 2140) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to interest rates to be charged upon apportioned betterment assessments in the town of Wareham (Senate, No. 2141) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to the Punchard Free School in the town of Andover (Senate, No. 2152) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill amending the charter in the town of Stoughton relative to filling vacancies among town meeting members (Senate, No. 2238) [Local approval];

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

Committee Discharged.

Ms. Chang-Diaz, for the committee on Tourism, Arts and Cultural Development, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1872) of Thomas P. Kennedy, Christine E. Canavan, Michael Brady, Steven C. Panagiotakos and other members of the General Court for legislation relative to vital records,-- **and recommending that the same be referred to the Senate committee on Ways and Means.**

**Under Senate Rule 36, the report was considered forthwith and accepted.
Sent to the House for concurrence in the discharge of the joint committee.**

PAPER FROM THE HOUSE.

A Bill relative to organ and tissue donation and transplantation (House, No. 4491,-- on Senate, No. 589), -- was read and, under Senate Rule 27, referred to the committee on Ways and Means.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-
Resolutions (filed by Ms. Jehlen, Ms. Candaras, Ms. Chandler, Ms. Chang-Diaz, Ms. Creem, Ms. Fargo, Ms. Flanagan, Ms. Menard, Ms. Spilka, Ms. Tucker and Ms. Walsh) "congratulating Colonel Marian J. McGovern on her appointment as Superintendent of the Massachusetts State Police."

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

February 12, 2010

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

Dear Mr. Clerk:

On Thursday, February 11, 2010, I was absent from the Chamber when one roll call vote was taken. Please note that had I been present, I would have voted affirmatively on engrossment of House, No. 4470, An Act Relative to Unemployment Insurance Rates.

I would appreciate if this could be printed in the Senate Journal.

Thank you.

Sincerely,
MARK C. MONTIGNY,
Senator.

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

Matter Taken From the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered, as follows:-
The House Bill authorizing the town of Hingham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4268),-- **was read a second time.**

Pending the question on passing the bill to be engrossed, Mr. Hedlund presented an amendment in section 1, in the first paragraph, by adding the following sentence:- "The license shall be subject to all of said chapter 138 except said section 17."

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.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill relative to unemployment insurance rates (see House, No. 4470), 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. Petrucci) 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. Petrucci) and laid before the Governor for his approbation, to wit:

Designating a certain bridge in the towns of Orange and Wendell as the Franklin County Purple Heart Bridge (see Senate, No. 1890);
Establishing a sick leave bank for Olivia Mulhall, an employee of the Trial Court (see House, No. 4361); and
Relative to unemployment insurance rates (see House, No. 4470).

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday 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. Howard Zinn.

The Senator from Middlesex and Norfolk, Ms. Creem, requested that when the Senate adjourns today, it adjourn in memory of Newton resident Dr. Howard Zinn.

Dr. Howard Zinn of Newton died on January 28, 2010.

The son of Jewish immigrants, Dr. Zinn was born in New York City on August 24, 1922. Awarded the Army Air Corps Air Medal and rank of second lieutenant while a bombardier during World War II, Dr. Zinn later graduated from New York University and received his master's and doctoral degrees in history from Columbia University.

The Boston University historian and political activist, well known for his involvement in the civil rights and anti war movements, produced a number of thought provoking books such as "A People's History of the United States" and "Vietnam: The Logic of Withdrawal".

Predeceased by his wife, Roslyn Shechter, he is survived by his daughter, Myla Kabat-Zinn, his son, Jeff Zinn and five grandchildren. Dr. Howard Zinn will be fondly remembered and missed by his family, friends colleagues and by the Newton community.

Accordingly, as a mark of respect to the memory of Dr. Howard Zinn, at twenty minutes past eleven o'clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.