

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, March 18, 2010.

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

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

Distinguished Guests.

There being no objection, the Chair (Mr. Hart) introduced, in the rear of the Chamber, Jack and Maura Meehan. Jack is the former National President of the Ancient Order of Hibernians and has dedicated his life advocating for peace and has worked towards providing a continuing bridge with Ireland. They were guests of Senators Hart and Tolman. The Senate welcomed them with applause and withdrew from the Chamber.

Communication.

A communication from the Honorable Therese Murray, President of the Senate, announcing the appointment Paul Niedzwiecki (pursuant to Section 145 of Chapter 27 of the Acts of 2009) to the Water Infrastructure Commission,-- **was placed on file.**

Petition Returned by State Secretary.

A communication was received from the Secretary of State on the Senate petition of Stephen J. Buoniconti (accompanied by bill) for legislation to establish the Union Station Development Corporation (having been transmitted, under the provisions of Joint Rule 9 and Section 5 of Chapter 3 of the General Laws, to the Secretary of State), stating that the petitioners had failed to file proof of notice of publication with the Secretary's office.

Under the provisions of Joint Rule 9, the petition was placed on file.

Executive Reorganization Plan No. 1 of 2010.

In accordance with a provision of Joint Rule 23A, the committee on State Administration and Regulatory Oversight, to whom was referred Reorganization Plan No. 1 of 2010 (submitted by the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) reorganizing certain agencies of the executive department (see House, No. 4447),— **was placed in the Orders of the Day for the next session (the time within which the said committee was required to report having expired), the question being, "Shall this reorganization plan be approved?"**

Petitions.

Petitions were severally presented and referred, as follows:

By Mr. Berry, a petition (subject to Joint Rule 12) of Frederick E. Berry for legislation to establish a sick leave bank for John Gendreau, an employee of the Department of Revenue; and

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer and Anne Gobi for legislation to designate a certain bridge in the town of Barre as the Purple Heart Bridge;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Ms. Candaras, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill to provide for an income tax credit for taxpayers with family members requiring care in their homes (Senate, No. 42);

By the same Senator, for the same committee, on petition, a Bill relative to positive discipline (Senate, No. 73, changed in line 6 by striking out the words "and Families" and inserting in place thereof the words ", Families, and Persons with Disabilities");

By the same Senator, for the same committee, on petition, a Bill relative to home care accountability (Senate, No. 83); and

By the same Senator, for the same committee, on Senate, Nos. 74 and 307, and House, Nos. 152, 187, 3421 and 3645, a Bill relative to level IV treatment interventions (Senate, No. 2330);

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

By Ms. Candaras, for the committee on Children, Families and Persons with Disabilities, on petition (accompanied by bill, Senate, No. 68), a Bill regarding families and children engaged in services (Senate, No. 2329);

By Ms. Spilka, for the committee on Economic Development and Emerging Technologies, on petition (accompanied by bill, Senate, No. 2270), a Bill promoting economic development throughout the Commonwealth (Senate, No. 2331); and

By Mr. Eldridge, for the committee on Municipalities and Regional Government, on petition, a Bill creating a fund to assist municipalities experiencing extraordinary increases in the need for public safety services (Senate, No. 787);

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

By. Mr. Baddour, for the committee on Transportation, on petition, a Bill designating a certain overpass in the city of Haverhill as the Captain Richard J. Cashin Overpass (Senate, No. 2328);

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

By. Mr. Downing, for the committee on Revenue, on petition, a Bill authorizing the town of Carver to assess excise taxes on private water suppliers (Senate, No. 2143) [Local approval received];

By. Mr. Downing, for the committee on Revenue, on petition, a Bill relative to property taxes in the town of Carver (Senate, No. 2144) [Local approval received];

By. Mr. Downing, for the committee on Revenue, on petition, a Bill relative to payment of property taxes in the town of Carver (Senate, No. 2145) [Local approval received]; and

By. Mr. Downing, for the committee on Revenue, on petition, a Bill authorizing property tax exemption for certain small sheds and outbuildings in the Town of Carver (Senate, No. 2255) [Local approval received];

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

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation validating action taken at an annual town meeting, an annual town election of town officers, a special town meeting, an additional special town meeting and a special election in the town of Wilbraham (House, No. 4564),-- **was referred, in concurrence, to the committee on Election Laws.**

A Bill relative to floor finishing products (House, No. 4565,-- on House, No. 2304),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Resolutions.

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

Resolutions (filed by Mr. Pacheco) "congratulating Jonathan Robert Gray on the occasion of his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Tolman) "memorializing Congress to support a peaceful unification of Ireland";

Resolutions (filed by Ms. Walsh) "congratulating Kurt Thomas Bullard on the occasion of his elevation to the rank of Eagle Scout";

Resolutions (filed by Ms. Walsh) "congratulating Nicholas David Hajjar on the occasion of his elevation to the rank of Eagle Scout";

Resolutions (filed by Ms. Walsh) "congratulating Sean Gerard Porter on the occasion of his elevation to the rank of Eagle Scout"; and

Resolutions (filed by Ms. Walsh) "congratulating Eric Ross Smith on the occasion of his elevation to the rank of Eagle Scout."

Reports of Committees.

By Mr. Hart, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by His Excellency the Governor to the engrossed Bill establishing the Sandwich Economic Initiative Corporation (see Senate, No. 2073) [for message see Senate, No. 2326],— **reported, that the amendment recommended by the Governor be considered in the following form:—**

In Section 2, in clause (27) of subsection (b), by striking out the words “notwithstanding any general or special law to the contrary, the corporation may enter into contracts, in conformance with chapter 30B of the General Laws, for the construction, reconstruction, installation, demolition, maintenance or repair of any public building or public work without said contract being subject to the designer selection process as set forth in sections 38A 1/2 to 38O, inclusive, of chapter 7 of the General Laws, section 39M of chapter 30 of the General Laws or the competitive bid process of sections 44A to 44J, inclusive, of chapter 149 of the General Laws; and provided further that construction projects undertaken by the corporation shall be subject to the prevailing wage law requirements of chapter 149 of the General Laws and” and inserting in place thereof the following words:-- “the corporation may enter into contracts, in conformance with chapter 149 of the General Laws, for the construction, reconstruction, installation, demolition, maintenance or repair of any public building or public work without such contract being subject to the designer selection process as set forth in sections 38A1/2 to 38O, inclusive, of chapter 7 of the General Laws; and provided further, that construction projects undertaken by the corporation”; and in Section 6, by striking out the words “; provided, however, that notwithstanding section 23B of chapter 39 of the General Laws, the board of selectmen may meet with the board of directors in executive session for the purpose of considering proposed development plans of the corporation. The board of directors may meet with persons proposing a development plan in executive session. The corporation” and inserting in place thereof the following word:-- “and”.

The report was considered forthwith and accepted.

The Chair (Mr. Hart) stated that under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

On motion of Mr. Petrucci, the Senate then adopted the Governor’s amendment in the form recommended by the committee on Bills in the Third Reading.

Sent to the House for its action.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill to establish a sick leave bank for John Riordan (Senate, No. 2227),-- ought to pass, with an amendment by inserting after the second sentence the following sentence:-- “Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court.”

The rules were suspended, on motion of Mr. Petrucci, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2227, amended) was then ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act establishing a sick leave bank for John Riordan, an employee of the Trial Court”.

Sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Christine Frangakis, an employee of the Department of Public Health (Senate, No. 2269),-- ought to pass, with an amendment by inserting after the second sentence the following sentence:-- “Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department.”; and by inserting before the enacting clause the following emergency preamble:-- “Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of public health, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2269, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

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 Michael W. Morrissey, David P. Linsky and Allen J. McCarthy for legislation to regulate real estate appraisal management companies;

The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Consumer Protection and Professional Licensure.

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 Frederick E. Berry, Thomas M. McGee, Bruce E. Tarr, Mary E. Grant and other members of the General Court for legislation to reform the Commonwealth’s retirement boards

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

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 Joan M. Menard and Stephen R. Canessa, for legislation to designate the Plymouth Red-Bellied Cooter as the

official turtle of the Commonwealth

The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE

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:

Designating a certain bridge in the town of Uxbridge as the Titus Ebbeling Memorial Bridge (Senate, No. 2159); and Relative to elections in the town of Wayland (see House, No. 4256).

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

Petition (accompanied by bill, House, No. 4570) of Ronald Mariano, Michael W. Morrissey and others that the Department of Children and Families be authorized to establish a sick leave bank for Meraly Rivera, an employee of said department;
Under suspension of Joint Rule 12, to the committee on the Public Service.

Petition (accompanied by bill, House, No. 4569) of John J. Binienda that applicants for a school drivers license be required to complete a basic course in the instruction of first aid;
Under suspension of Joint Rule 12, to the committee on Transportation.

Recess.

There being no objection, at a quarter past eleven o'clock A.M., the Chair (Mr. Hart) declared a recess subject to the call of the Chair; and, at three minutes past three o'clock P.M., the Senate reassembled, Mr. Hart in the Chair.

PAPERS FROM THE HOUSE

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 Acting President (Mr. Hart) and laid before the Governor for his approbation, to wit:

Relative to property tax exemptions for rental properties in the town of Wellfleet restricted as affordable housing (see House, No. 2852); and
Relative to representation by the attorney general in actions involving pilots (see House, No. 4469).

Order Adopted.

On motion of Mr. Tarr,—

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.

On motion of the same Senator, at five minutes past three o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.