

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, April 13, 2010.

Met according to adjournment at eleven o'clock A.M. (Mr. Tolman in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

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 redefine warehouse clubs; and

By Mr. Hart, a petition (subject to Joint Rule 12) of John A. Hart, Jr. for legislation to designate a playground at the Marine Park in South Boston as the Michael Joyce Memorial Playground;

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

Reports of Committees.

By Mr. McGee, for the committee on Labor and Workforce Development, on Senate, Nos. 672, 674, 690, 707, 708, 712, 714, 717, 719, 721 and 724, an Order relative to authorizing the joint committee on Labor and Workforce Development to make an investigation and study of certain current Senate documents relative to labor and workforce issues (Senate, No. 2379);

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Petrucci, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill expanding pleasure boat access to Boston Harbor (Senate, No. 420); and

By the same Senator, for the same committee, on petition, a Bill relative to the sewer rate relief fund (Senate, No. 428);

Severally read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Asset.

By Mr. Petrucci, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill to establish a water infrastructure finance commission (Senate, No. 401);

By the same Senator, for the same committee, on petition, a Bill relative to the Massachusetts Conservation Corps (Senate, No. 417);

By the same Senator, for the same committee, on petition, a Bill establishing a study commission on the municipal waterways improvement and maintenance funds (Senate, No. 419);

By the same Senator, for the same committee, on petition, a Bill relative to farmers markets (Senate, No. 422);

By the same Senator, for the same committee, on petition, a Bill providing fees to licensing authorities for deer tag processing (Senate, No. 424);

By the same Senator, for the same committee, on petition, a Bill establishing a lead service replacement program (Senate, No. 429);

By the same Senator, for the same committee, on petition, a Bill establishing a lead service replacement program – municipal reimbursement (Senate, No. 430);

By the same Senator, for the same committee, on petition, a Bill relative to the Northeast Solid Waste Committee (Senate, No. 433);

By the same senator, for the same committee, on petition, a Bill regulating the transportation of oil fuels (Senate, No. 434);
By the same Senator, for the same committee, on petition, a Bill to establish a water resources conservation act and efficiency program Senate, No. 436);
By the same Senator, for the same committee, on petition, a Bill to provide increased sewer rate relief (Senate, No. 437);
By the same Senator, for the same committee, on petition, a Bill relative to the Peninsula Yacht Club (Senate, No. 2071);

By Ms. Creem, for the committee on the Judiciary, on petition, a Bill prohibiting criminals to profit from their personal belongings (Senate, No. 1579);
By the same Senator, for the same committee, on petition, a Bill relative to victims of violent crimes (Senate, No. 1598);
By the same Senator, for the same committee, on petition, a Bill relating to costs of appeals by the Commonwealth (Senate, No. 1657);
By the same Senator, for the same committee, on petition, a Bill relative to the profits from crime (Senate, No. 1660);
By the same Senator, for the same committee, on petition, a Bill relative to the Parole Board (Senate, No. 1663);
By the same Senator, for the same committee, on petition, a Bill relative to victims rights (Senate, No. 1694);
By the same Senator, for the same committee, on Senate, Nos. 1749 and 1820, a Bill to increase the penalties for corporate manslaughter (Senate, No. 1820); and
By the same Senator, for the same committee, on petition, a Bill regulating notaries public to protect consumers (Senate, No. 1845);

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

By Mr. Petrucci, for the committee on Environment, Natural Resource and Agriculture, on petition, a Bill authorizing municipalities to petition for public involvement plans in cases of hazardous material sites (Senate, No. 418);
By the same Senator, for the same committee, on petition, a Bill to strengthen waterways enforcement (Senate, No. 440); and

By Ms. Creem, for the committee on the Judiciary, on petition, a Bill clarifying warehousing (Senate, No. 1791);

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

By Ms. Creem, for the committee on the Judiciary, ought NOT to pass, on the petition (accompanied by bill, Senate, 1777) of Charles A. Antonelli for legislation relative to the civil rights of certain medical procedures;

Referred, under Senate Rule 36, to the committees on Ethics and Rules.

PAPERS FROM THE HOUSE

Messages were severally referred, in concurrence, as follows:

Message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating action taken at a special town election held in the town of Ashfield (House, No. 4612);

To the committee on Election Laws.

Message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to ensuring the proper conservation of Muskeget Island (House, No. 4613); and
Message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to making a technical correction in a special law relative to certain land in the town of Sherborn (House, No. 4614)

Severally to the committee on Municipalities and Regional Government.

A Bill establishing a sick leave bank for Stephen R. Fratalia, an employee of the Trial Court (House, No. 4515,- on House, No. 3253), -- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

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

The Chair (Mr. Tolman), 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 Ms. Fargo) "congratulating Sergeant Francis P. Kelly on the occasion of his retirement from the Chelmsford Police Department";
Resolutions (filed by Mr. Joyce) "honoring John Joseph Connelly, Jr. upon the occasion of his retirement from the Norfolk Probate and Family Court following 50 years of dedicated service";
Resolutions (filed by Mr. Morrissey) "honoring Raymond 'Ray' C. Cattaneo on the occasion of his retirement from American Legion Post #294, Cyril P. Morrisette"; and

Resolutions (filed by Mr. Rosenberg) “celebrating the Sister Village Relationship between the villages of Shelburne Falls in the Commonwealth of Massachusetts and Mutianyu, Huairou District, China.”

Communication.

The Clerk read the following communication:

MASSACHUSETTS SENATE
SENATE MAJORITY LEADER
STATE HOUSE BOSTON, MA 02133-1053

April 12, 2010

William Welch, Clerk
Massachusetts State Senate
State House, Room 334
Boston, MA 02133

Dear Mr. Clerk:

I was unable to vote on one matter during Senate budget deliberations on April 8, 2010. Had I been present, I would have voted in opposition of the following:
Amendment #69 to Senate, No. 2345

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for April 8, 2010. Thank you in advance for your attention to this important matter.

Sincerely,
FREDERICK E. BERRY,
Majority Leader.

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

Matters 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 forthwith:
The Senate Bill authorizing the granting of easements and the conveyance of certain land in the town of Andover (Senate, No. 2154) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**
Sent to the House for concurrence.

The House Bill authorizing the appointment of retired police officers as special police officers in the town of Norwood (House, No. 1917),-- **was read a third time and passed to be engrossed, in concurrence.**

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Judith R. Abraham, an employee of the Department of Developmental Services (House, No. 4574),-- **ought to pass.**
There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill 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 establishing a sick leave bank for Judith R. Abrahams, an employee of the Department of Developmental Services”.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to parental leave (Senate, No. 44),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2381).**
There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.
The bill (Senate, No. 2381) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill to establish employment leave and safety remedies to victims of domestic violence and sexual assault (Senate, No. 673),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2382).**
There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and

**was amended, as recommended by the committee on Ways and Means.
The bill (Senate, No. 2382) was then ordered to a third reading.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to assault and battery on health care providers (Senate, No. 1753),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2383).
**There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.
The bill (Senate, No. 2383) was then ordered to a third reading.**

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. Tolman) and laid before the Governor for his approbation, to wit:

Designating a certain overpass in the city of Haverhill as the Captain Richard J. Cashin Memorial Overpass (see Senate, No. 2328);

Prohibiting devocalization of dogs and cats (see House, No. 344, amended);

Establishing a municipal building fund and a municipal building committee in the town of West Boylston (see House, No. 4390);

Authorizing the placement of a certain question on the ballot to be used at the 2010 biennial state election in the town of Arlington relative to the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4403, amended); and
Exempting the position of chief of police of the town of Natick from the civil service law (see House, No. 4419).

An engrossed Bill authorizing the town of Millis to conduct its annual town election on May 11, 2010 (see House Bill, printed in House, No. 4578) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage was passed to be enacted, two-thirds of the members present having voted in the affirmative, and signed by the Acting President (Mr. Tolman) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Hedlund,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at one o'clock P.M., in a full formal session.

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