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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, April 26, 2010.

Met according to adjournment at eleven o'clock A.M. (Mr. Donnelly in the Chair).

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

Report.

A report of the Norfolk County Registry of Deeds (under the provisions Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received Wednesday, April 15, 2009).

Petition.

Mr. Tisei presented a petition (subject to Joint Rule 12) of Richard R. Tisei for legislation relative to billboards; Referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill relative to the certification of drain cleaners (Senate, No. 153); and

By Mr. McGee, for the committee on Labor and Workforce Development, on petition, a Bill relative to establishing family and employment security through temporary disability insurance and family temporary disability insurance (Senate, No. 474);

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

PAPERS FROM THE HOUSE.

A Bill relative to certain nomination papers filed in the town of Millville (see House Bill, printed in House, No. 4583,-- **being a message from His Excellency the Governor**),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Bills

Relative to the Brewster Board of Water Commissioners (House, No. 4279,-- on petition) [Local approval received]; Authorizing the town of Manchester-by-the-Sea to grant an easement on certain water protection land (House, No. 4304,-- on petition) [Local approval received]; and

Providing for recall elections in the town of Boxford (House, No. 4381,-- on petition) [Local approval received];

Were severally 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 severally considered forthwith and adopted, as follows:-

Resolutions (filed by Mr. Berry) “honoring Mark D. Juknavorian the occasion of his retirement”;
Resolutions (filed by Ms. Jehlen) “honoring Dr. Irving A. Fradkin, Founder of ‘Dollars for Scholars’ and its affiliate, the Somerville Mathematics Fund”;
Resolutions (filed by Ms. Murray) “congratulating Warren Phillips on the occasion of his induction into the National Teachers Hall of Fame”; and
Resolutions (filed by Mr. O’Leary) “congratulating Randi Cherchiglia on the occasion of her retirement.”

Matter Taken Out of 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 Senate Bill relative to recall in the town of Middlefield (Senate, No. 2129),-- **was read a second time.**
Pending the question on ordering the bill to a third reading, Mr. Downing presented an amendment substituting a new draft with the same title (Senate, No. 2391).
The amendment was adopted.
The bill (Senate, No. 2391) was then ordered to a third reading, read a third time and passed to be engrossed.
Sent to the House for concurrence.

Reports of Committees.

Mr. Berry, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day:
The Senate Bill further regulating tanning facilities (Senate, No. 2339).

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

Mr. Berry, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day:
The House Bill designating a portion of Route 2 as the Dennis Rindone Roadway (House, No. 1889).
There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville Housing Authority (Senate, No. 2286),-- **ought to pass, with an amendment 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 authorize forthwith the division of capital asset management and maintenance to convey a certain parcel of land in the city of Somerville for the creation of affordable housing for elderly residents, 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. Knapik, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.
The bill (Senate, No. 2286, 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. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to the Essex North Shore Agricultural and Technical School (Senate, No. 2335),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2392).**

The rules were suspended, on motion of Mr. Knapik, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.
The bill (Senate, No. 2392) was then ordered to a third reading, read a third time and passed to be engrossed.
Sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill protecting consumers from unsolicited loans (Senate, No. 447),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2393).**
The rules were suspended, on motion of Mr. Knapik, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.
The bill (Senate, No. 2393) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to housing rights for victims of domestic violence (Senate, No. 2274),-- **ought to pass, with an amendment in section 1, in subsection (e) of proposed section 23 of chapter 186 of the General Laws by striking out the second sentence and inserting in place thereof the following sentence:-** “The superior court, housing court, district court and Boston municipal court shall have jurisdiction in equity to restrain violations of this section.”

The rules were suspended, on motion of Mr. Knapik, and the bill was read a second time and was amended, as

recommended by the committee on Ways and Means.

The bill (Senate, No. 2274, amended) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill to stabilize neighborhoods (Senate, No. 2355), -
- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2394).

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

The bill (Senate, No. 2394) was then 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 Stephen M. Brewer for legislation relative to regional school district borrowing.

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

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 Stephen M. Brewer and Michael W. Morrissey for legislation relative to accessory after the fact for crimes committed.

The rules were suspended, on motion of Mr. Knapik, 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 Stephen M. Brewer for legislation to extend creditable service for teachers who participate in certain programs.

The rules were suspended, on motion of Mr. Knapik, 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 Stephen M. Brewer and Anne Gobi for legislation relative to the survivor benefits of Michael J. Simeone.

The rules were suspended, on motion of Mr. Knapik, 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 Stephen M. Brewer and Geraldo Alicea for legislation relative to performance guarantees for subdivision roadway winter plowing.

The rules were suspended, on motion of Mr. Knapik, 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.

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 Stephen M. Brewer for legislation to exempt battery-operated electric trolling motors from registration fees.

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

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 Stephen M. Brewer and Anne Gobi for legislation to designate a certain bridge in the town of Barre as the Purple Heart Bridge

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

Severally sent to the House for concurrence.

Orders Adopted.

Mr. Morrissey presented the following order:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the joint committee on Consumer Protection and Professional Licensure be granted until Monday, May 31, 2010 in which to make its final report on Senate document numbered 2346 relative to consumer protection and professional licensure in the Commonwealth.

Under the rules, referred to the committees on Rules of the two branches, acting concurrently.

Subsequently, Mr. Berry, for the said committees, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Knapik, and the order was considered forthwith and adopted.

Mr. Creem presented the following order:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the joint committee on the Judiciary be granted until Monday, May 21, 2010 in which to make its final report on Senate document numbered 977 relative to the Judiciary.

Under the rules, referred to the committees on Rules of the two branches, acting concurrently.

Subsequently, Mr. Berry, for the said committees, reported, recommending that the order ought to be adopted. The rules were suspended, on motion of Ms. Jehlen, and the order was considered forthwith and adopted.

On motion of Ms. Jehlen,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Mr. Knapik, at a quarter past eleven o'clock P.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.