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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, July 19, 2010.

Met at two minutes past eleven o'clock A.M. (Mr. Petrucci in the Chair) (having been appointed by the President, under authority conferred by 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.

Communications.

The following communications were severally placed on file:

A communication from the Honorable Therese Murray, President of the Senate, announcing the appointment of the Honorable Stephen M. Brewer to the special commission established (pursuant to Chapter 132 of the Acts of 2009) to make an investigation and study of the feasibility and costs relative to a functional magnetic resonance imaging and neuropsychological cognitive testing program for all military forces of the Commonwealth prior to and upon return from deployment; and

A communication from the Board of Higher Education (under the provisions of Section 7 of Chapter 150E of the General Laws) submitting a copy of a request for an appropriation to fund certain Fiscal Year 2011 incremental cost items contained in a collective bargaining agreement executed by and between the Board of Higher Education and the Massachusetts Community College Council (MCCC)/Massachusetts Teachers Association/NEA.

Petition.

Mr. Downing presented a petition (accompanied by bill, Senate No. 2551) of Benjamin B. Downing and Daniel E. Bosley (by vote of the town) for legislation relative to the position of appointed treasurer-collector in the town of Florida.

**Referred, under Senate Rule 20, to the Committee on Municipalities & Regional Government.
Sent to the House for concurrence.**

Reports of Committees.

By Mr. McGee, for the committee on Public Service, on Senate, Nos. 1069, 1070, 1071, 1072, 1073, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1087, 1088, 1089, 1091, 1092, 1093, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135 and 1136, an Order relative to authorizing the joint committee on Public Service to make an investigation and study of certain current Senate documents relative to public service (Senate, No. 2550);
Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Joyce, for the committee on State Administration and Regulatory Oversight, on petition, a Bill relative to performance guarantees for subdivision roadway winter plowing (Senate, No. 2490);
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

Committees Discharged

Mr. Berry, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Public Health to make an investigation and study of certain current Senate documents relative to public health (Senate, No. 2544),-- **and recommending that the same be referred to the committee on Ethics and Rules.**
Under Senate Rule 36, the report was considered forthwith and accepted.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-
Resolutions (filed by Mr. O'Leary) "congratulating Pamet Harbor Yacht and Tennis Club on the occasion of its fiftieth anniversary celebration."

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 exempting the position of deputy chief of police in the city of Somerville from the civil service law (Senate, No. 2263) (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 Senate Bill exempting the office of deputy chief of police in the town of Rockland from the civil service law (Senate, No. 2475) (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 town of Manchester-by-the-Sea to grant an easement over certain land acquired for water supply purposes (House, No. 4304) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Tarr offered an amendment in section 1, by inserting after the first sentence the following sentence:- "The deed conveying the easement shall include a requirement that the Essex County Club shall utilize the land so as not to degrade the public water supply."

The amendment was adopted.

The bill was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

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 for the next session:

The House Bill relative to the determination of condominium common area interest (House, No. 1235).

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Mr. Berry, for the committee on Ethics and Rules, reported, that the following matter be placed in the Orders of the Day for the next session:

The House Bill relative to time-share ownership (House, No. 4803).

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, that the Senate Bill relative to limiting certain types of dual alcohol licensure (Senate, No. 169),-- ought to pass, with an amendment in section 1, by striking out, in line 6, the words "January 1, 2007" and inserting in place thereof the following words:- "January 1, 2011"; and in section 2, by striking out, in line 13, the words "January 1, 2007" and inserting in place thereof the following words:- "January 1, 2011".

There being no objection, the rules were suspended, on motion of Mr. Richard T. Moore, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 169, 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 to protect public water supply lands (Senate, No. 370),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2552).

There being no objection, the rules were suspended, on motion of Mr. Richard T. Moore, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2552) 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 authorizing the Commonwealth of Massachusetts to convey a certain parcel of land in the town of Dartmouth (Senate, No. 2198) (the committee on Bonding, Capital Expenditures and State Assets having recommended that the bill be amended by substituting a new draft with the same title, Senate, No. 2443),-- **ought to pass, with an amendment substituting the pending Bonding, Capital Expenditures and State Assets new draft (Senate, No. 2443) with a new draft with the same title (Senate, No. 2553).**

There being no objection, the rules were suspended, on motion of Mr. Richard T. Moore, and the bill was read a second time.

The pending Bonding, Capital Expenditures and State Assets new draft (Senate, No. 2443) was then amended, on recommendation of the committee on Ways and Means by substitution of a new draft with the same title (Senate, No. 2553).

The pending bill (Senate, No. 2198) was then amended, on recommendation of the committees on Bonding, Capital Expenditures and State Assets and Ways and Means.

The bill (Senate, No. 2553) 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, that the House Bill establishing a sick leave bank for John K. Ryan, an employee of the Office of the Inspector General (House, No. 4866),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Richard T. Moore, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

PAPERS FROM THE HOUSE

The Senate Bill clarifying the requirements for licensing as a real estate broker or salesperson (Senate, No. 121, amended),-- came from the House passed to be engrossed, in concurrence, with an amendment in section 1 (as changed by the Senate committee on Bills in the Third Reading), in line 4 by striking out the year "2006" and inserting in place thereof the year "2008"; and in section 2 by striking out the word "January" and inserting in place thereof the word "June".

The rules were suspended, on motion of Mr. Richard T. Moore, and the House amendment were considered forthwith and adopted, in concurrence.

The Senate Bill to regulate the use of off highway and recreation vehicles (Senate, No. 2257),-- **came from the House passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4747.**

The rules were suspended, on motion of Mr. Richard T. Moore, and the House amendment were considered forthwith and adopted, in concurrence.

The Senate Bill establishing an organ and tissue donor registration fund (Senate, No. 2515, amended),-- **came from the House passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4860.**

The rules were suspended, on motion of Mr. Tarr, and the House amendment were considered forthwith and adopted, in concurrence.

Engrossed Bills.

The following engrossed bills (the first four 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. Petrucelli) and laid before the Governor for his approbation, to wit:

Relative to police appointments in the town of Dudley (see Senate, No. 1146);

Authorizing a certain question relative to a charter revision in the town of Palmer to be placed on the state election ballot (see Senate, No. 2352);

Relative to the sale of antique barometers, thermometers and clocks (see Senate, No. 2403);

Establishing a sick leave bank for James E. Munchbach, an employee of the Trial Court (see Senate, No. 2413);

Relative to the sewer service area for the town of Lunenburg (see House, No. 4561, amended); and

Relative to state universities (see House, No. 4864).

Order Adopted.

On motion of Mr. Knapik,

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

On motion of the same Senator, at twenty-five minutes before twelve o'clock noon, the Senate adjourned to meet again tomorrow at one o'clock P.M.