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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, July 27, 2010.

Met at two minutes past two o'clock P.M. (Mr. Rosenberg in the Chair).

Communication.

A communication from the Department of Transitional Assistance relative to insufficient funding in the departments FY11 appropriation account 4403-2000 for clothing allowance payments, -- **was placed on file.**

Reports of Committees.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that the House Bill relative to the enhancement of the prescription monitoring program (House, No. 4879, amended), -- **ought to pass;**
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 Elder Affairs to make an investigation and study of certain current Senate documents relative to elder issues (Senate, No. 2569),-- **and recommending that the same be referred to the Senate committee on Ethics and Rules.**

Mr. Berry, for the committee on the Ethics and Rules, reported, asking to be discharged from further consideration of the Senate Bill relative to the Optional Retirement Program (Senate, No. 1173),-- and recommending that the same be referred to the committee on Ways and Means.

Severally, under Senate Rule 36, the reports were considered forthwith and accepted.

PAPER FROM THE HOUSE

A Bill relative to the public health enterprise fund in the town of Stoughton (House, No. 4852,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

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

The President, members, guests and employees then recited the pledge of allegiance to the flag.

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 President and laid before the

Governor for his approbation, to wit:

Exempting the Office of Deputy Chief of Police in the town of Rockland from the civil service law (see Senate, No. 2475);
Relative to property tax exemptions in the town of Ashland (see House, No. 1904, changed, amended);
Authorizing the Dukes County Contributory Retirement System to grant certain retirement benefits (see House, No. 4174);
Regulating elections in the town of Yarmouth (see House, No. 4243);
Establishing a shellfish mitigation receipts reserved for appropriation fund in the town of Dennis (see House, No. 4245);
Relative to certain exemptions in Massachusetts automobile insurance plans (see House, No. 4476, amended);
Establishing a road maintenance revolving account in the town of Brewster (see House, No. 4495);
Relative to seawalls in the town of Duxbury (see House, No. 4655); and
Designating Eunice Kennedy Shriver Day (see House, No. 4796).

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 Bayswater Environmental Program (House, No. 4511).

There being no objection, the rules were suspended, on motion of Mr. Berry, 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 authorizing certain MassPort employees to receive benefits from the Bayswater Environmental Program".

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester County 4H Center (Senate, No. 1402),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2571).**

There being no objection, the rules were suspended, on motion of Mr. Michael O. 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. 2571) 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 changing the use of a certain parcel of land in the town of Greenfield (Senate, No. 2481),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time, 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 authorizing certain changes in the lease of a certain parcel of land in the town of Greenfield".

The following report was laid before the Senate, the time within which the said committee was required to report having expired:--

Of the committee on Municipalities and Regional Government, ought NOT to pass (under Joint Rule 10), of Michael W. Morrissey and Allen J. McCarthy (by vote of the town) for legislation relative to the transfer of certain funds in the town of Abington [Local approval received].

The rules were suspended, on motion of Mr. Morrissey, and the report was considered forthwith.

Mr. Morrissey then moved that the report be amended by substitution of a "Bill relative to an enterprise fund in the town of Abington" (Senate, No. 2491).

The amendment was adopted.

The bill (Senate, No. 2491) was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered forthwith:

The House Bill authorizing the town of Westford to lease a certain parcel of land for camp purposes (House, No. 4662),-- **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. Panagiotakos moved that the bill be amended in section 1, by adding the following sentence:- "The lease, license or rental agreement shall be subject to subsections (a), (b) and (g) of section 16 of chapter 30B of the General Laws."

The amendment was adopted.

The bill, as amended, 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.

The House Bill authorizing the town of North Andover to amend a certain conservation restriction (House, No. 4194),-- **was read a third time and passed to be engrossed, in concurrence.**

Orders of the Day.

The Orders of the Day were considered as follows:

The Senate Bills

Exempting a certain structure from certain harbor lines in South Boston section of the city of Boston (Senate, No. 2071) (its title having been changed by the committee on Bills in the Third Reading); and

Relating to the Medical Professional Mutual Insurance Company (Senate, No. 2385);

Were severally read a third time and passed to be engrossed.

Severally sent to the House for concurrence.

The Senate Bill establishing the fire prevention regulations appeals board (Senate, No. 2570),-- **was read a third time and, after remarks, was passed to be engrossed.**

Sent to the House for concurrence.

An engrossed Bill relative to the agreement among the states to elect the President by national popular vote (see House, No. 4156) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- **was considered, the main question being on passing the bill to be enacted.**

At nineteen minutes before four o'clock P.M., under the provisions of Senate Rule 13B, on motion of Mr. Tisei, the President declared a recess subject to the call of the Chair; and, at five minutes past four o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were further considered, as follows:

An engrossed Bill relative to the agreement among the states to elect the President by national popular vote (see House, No. 4156) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- **was considered, the main question being on passing the bill to be enacted.**

The pending motion, previously moved by Mr. Tisei, to lay the matter on the table was considered; and, after debate, the motion was negatived.

After debate, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-one minutes past four o'clock P.M., on motion of Mr. Brewer, as follows, to wit (*yeas 28 – nays 9*) [**Yeas and Nays No. 348**]:

INSERT ROLL CALL “348”

The yeas and nays having been completed at twenty-six minutes past four o'clock P.M., the bill was passed to be enacted, two thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

There being no objection, during consideration of the Orders of the Day, one matter was considered as follows:

PAPER FROM THE HOUSE

A Bill relative to the protection of children (House, No. 1589,- on petition),-- **was read.**

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

Orders of the Day.

The Orders of the Day were further considered, as follows:

The Senate Bill relative to uniform wage compliance and recordkeeping (Senate, No. 678),-- **was considered, the main question being on passing it to be engrossed.**

The pending motion, previously moved by Mr. Tisei, to lay the matter on the table was considered; and it was negatived.

Pending the questions on adoption of the further amendment (McGee) to the pending amendment (Tisei, et al), and pending the main question on passing the bill to be engrossed, on motion of Mr. Baddour, the further consideration thereof was postponed until the next session.

The Senate Bill to protect and enhance the rights of child and adult victims and witnesses of crime (Senate, No. 2566),-- **was considered, the main question being on passing the bill to be engrossed.**

The pending motion, previously moved by Ms. Creem, to lay the matter on the table was considered; and it was negative.

The pending motion, previously moved by Ms. Creem, to postpone further consideration of the matter until Thursday, July 29,

was determined by a call of the yeas and nays, at twenty-three minutes before five o'clock P.M., on motion of Mr. Morrissey, as follows, to wit (*yeas 0 – nays 37*) [**Yeas and Nays No. 349**]:

INSERT ROLL CALL “349”

The yeas and nays having been completed at eighteen minutes before five o'clock P.M., the motion to postpone was *rejected*. The pending amendment, previously moved by Messrs. Morrissey, Timilty, Baddour and Buoniconti striking out section 1 and inserting in place thereof the following 2 section:-

“SECTION 1. Section 54 of chapter 119 of General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word ‘sixty-nine’, in line 26, the following words:- or the person has committed a violation of section 13B of chapter 268.

SECTION 1A. Section 1 of chapter 258B of the General Laws, as so appearing, is hereby amended by inserting after the word ‘delinquency’, in line 10, the following words:- or conviction as a youthful offender.” -- **was considered; and it was adopted.**

The bill (Senate, No. 2566) was then passed to be engrossed.

Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Brewer,

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 Ms. Menard, at sixteen minutes before five o'clock P.M., the Senate adjourned to meet again tomorrow at one o'clock P.M.