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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, October 6, 2009.

Met according to adjournment at one o'clock P.M. (Mr. Rosenberg in the Chair).

Distinguished Guests.

There being no objection, the President introduced, seated in the rear of the Chamber, the Red Hat Ladies from the South Shore. They were the guests of Senate President Murray.

Reports of Committees.

By Mr. McGee, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Richard Donati, an employee of the Department of Correction (Senate, No. 2157);

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

By Mr. Michael O. Moore, for the committee on Community Development and Small Business, on petition, a Bill establishing the Sandwich Economic Initiative Corporation (Senate, No. 2073) [Local approval received];

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

Committee Discharged.

Mr. O'Leary, for the committee on Education, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2152) of Susan C. Tucker, Barry R. Finegold and Barbara A. L'Italien (by vote of the town) for legislation to authorize a ballot question relative to the Punchard Free School in the town of Andover,— **and recommending that the same be referred to the committee on Municipalities and Regional Government.**

Under Senate Rule 36, the report was considered forthwith and accepted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill relative to the tenure of the city clerk, city collector and city engineer of the city of Revere (House, No. 3708, amended,— on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Reports

Of the committee on Education, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 494) of Angelo M. Scaccia, Joan M. Menard and others for legislation to improve early education and care for children by family child care providers,— **and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities;**

Of the committee on Public Health, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 2147) of Kathi-Anne Reinstein, Louis L. Kafka and others relative to promoting the development of small house nursing homes in the Commonwealth,— **and recommending that the same be referred to the committee on Elder Affairs; and**

Of the petition (accompanied by bill, House, No. 3916) of Peter J. Koutoujian, Viriato Manuel deMacedo and others relative to further regulating funeral directors,— **and recommending that the same be referred to the committee on Labor and Workforce Development;**

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Notice was received from the Minority Leader of the House of Representatives announcing the following appointments:

That Representative Ross of Wrentham had been appointed to the special commission established (under Chapter 7 of the Resolves of 2008) for the purpose of making an investigation and study relative to the economy in order to create and maintain quality jobs in the Commonwealth;

That Mr. Wayne A. Klockner, the State Director and Vice President for the Nature Conservancy of Massachusetts, had been appointed to serve on the special commission established (under Chapter 8 of the Resolves of 2008) for the purpose of conducting an investigation and study of innovative methods for funding the conservation of forested wildlands and woodlands owned and managed by public and nonprofit organizations and by private individuals and organizations;

That Representative Hill of Ipswich had been appointed as his designee to serve on the special commission established (under Chapter 60 of the Acts of 2009) to review all aspects of regionalization including possible opportunities, benefits and challenges to regionalizing services within the Commonwealth; and

That Representative Perry of Sandwich had been appointed to the special commission established (under Section 22 of Chapter 61 of the Acts of 2009) for the purpose of making an investigation and study relative to the reorganization or consolidation of sheriffs' offices.

Recess.

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at one minute past two 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.

Orders of the Day.

The Orders of the Day were considered as follows:

The Senate Bill updating the animal control laws of Massachusetts (Senate, No. 406),— **was considered, the question being on ordering the bill to a third reading.**

The pending amendment, previously recommended by the committee on Ways and Means, substituting a new draft entitled "An Act further regulating animal control" (Senate, No. 2120),— was considered.

The pending amendment, previously recommended by the committee on Ethics and Rules, that Ways and Means new draft be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2151,— was considered; and it was rejected.

The pending Ways and Means new draft (Senate, No. 2120) was then considered; and it was rejected.

Ms. Jehlen and Messrs. Montigny and Rosenberg moved that the bill (Senate, No. 406) be amended by substituting a new draft entitled "An Act further regulating animal control" (Senate, No. 2172).

Mr. Tolman in the Chair, after debate, Mr. Knapik moved that the matter be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:

The House Bill relative to the town of Dedham in organizing town agencies (House, No. 4096),— was read a third time and was amended, on motion of Ms. Walsh, by inserting after section 1 the following section:—

"SECTION 1A. Paragraph (1) of subsection (c) of section 5-1 of said charter is hereby amended by striking out the words 'town collector and town treasurer' and inserting in place thereof the following word:— treasurer-collector."; and by inserting after section 4 the following section:—

"SECTION 4A. The second sentence of section 5A-8 of said charter is hereby amended by striking out the words 'town treasurer' and inserting in place thereof the word:— treasurer-collector."

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to port security (Senate, No. 2168),— **ought to pass, with an amendment substituting a “Resolve providing for an investigation and study by a special commission relative to the licensing of docking pilots” (Senate, No. 2173).**
The rules were suspended, on motion of Mr. Timilty, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.
The resolve (Senate, No. 2173) was then ordered to a third reading, read a third time and was passed to be engrossed. Sent to the House for concurrence.

Matter Taken Out of the Notice Section of the Calendar.

Ms. Menard in the Chair, there being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:

The House Bill establishing the position of municipal hearing officer in the town of Southbridge (House, No. 4116),— **was read a third time and passed to be engrossed, in concurrence.**

Report of a Committee.

The President in the Chair, by Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing the Massachusetts State Pilotage Rate Board (Senate, No. 2171),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2174) (Senator Morrissey dissenting).**

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

Messrs. Morrissey and Tarr moved that the Ways and Means new draft be amended by striking out section 2 and inserting in place thereof the following section:—

“SECTION 2. Said section 3 of said chapter 103, as so appearing, is hereby further amended by adding the following paragraph:—

Notwithstanding any regulation to the contrary, in determining the eligibility of applicants for consideration for appointment to any status as pilot candidate or for a warrant or full branch pilot commission, the pilot commission shall adopt regulations providing for preference to veterans as defined in clause Forty-third of section 7 of chapter and to those who were honorably discharged from or currently serving in the Armed Forces of the United States, including the Army, Navy, Air Force, Marine Corps and Coast Guard and the National Oceanic and Atmospheric Administration Officer Corps. If an active duty member or veteran applicant has a valid United States Coast Guard-issued Unlimited Master’s License with not less than 5 years of experience and First Class Federal Pilotage endorsement for any part of Boston Harbor, he shall be eligible for preference for appointment as a state-commissioned pilot apprentice. No person’s status as a veteran or as a military reservist and no person’s susceptibility to recall to military active duty shall affect that person’s eligibility for selection for pilot candidate training or for warrant or full branch pilot commission.”

The amendment was adopted.

Messrs. Morrissey, Petrucci, Tarr and McGee and Ms. Menard moved that the Ways and Means new draft be amended by striking out section 5 and inserting in place thereof the following section:—

“SECTION 5. Said chapter 103 is hereby further amended by inserting after section 31 the following section:

Section 31A. (a) There shall be a state pilotage rate board which shall determine the rates to be charged by pilots commissioned under this chapter to ensure the safe navigation of vessels within the waters of the commonwealth and to ensure that the most qualified individuals are retained as commissioned pilots.

(b) The board shall consist of the following members or their designees: the secretary of housing and economic development; the director of the Massachusetts Port Authority; the president of American Shipping Association; a commissioner of pilots designated by the commissioners of pilots; the chair of the Seaport Advisory Council; an individual appointed by the Boston Harbor Pilot Association, LLC and an individual appointed by the Boston Harbor Docking Pilots. The board shall elect a chairperson and a vice chairperson.

(c) The board may establish its own rules for meetings and such other matters to comply with this chapter and any other General Law; provided, however, that the board shall be subject to section 11A ½ of chapter 30A.

(d) Four board members shall constitute a quorum. In any vote, the majority vote shall be the binding decision as to rates for pilotage. Board members may vote by proxy or by electronic means.

(e) The board shall establish rates for pilotage within the waters of the commonwealth based upon prevailing rates in other similar ports, the need to retain the services of the best qualified harbor pilots available and other economic conditions that may affect the quality of pilotage services in the ports. In addition to the foregoing, the board may make inquiries, request information and base its rate decisions on any factual information it deems appropriate.

(f) The board shall meet at least once annually in October on a date to be set by the chairperson but not later than October 15. The board may meet at other times as required and necessary to carry out its duties.

(g) Board members shall serve without compensation but shall be reimbursed for travel and other reasonable expenses at the rate such expenses are reimbursed to full time employees of the commonwealth. Such reimbursement shall be paid by the Boston Marine Society from funds received pursuant to section 5.

(h) Any decision of the board as to the rates for pilotage shall become effective within 60 days after the board’s final decision on rates.

(i) The board shall determine how the rates for pilotage shall be made available to the maritime industry.”

The amendment was adopted.

The Ways and Means amendment was then adopted, as amended.

The bill (Senate, No. 2174, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Tarr,—

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

On motion of Mr. Petruccelli, at thirteen minutes before four o'clock P.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.