

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, December 13, 2010.

Met at one minute past eleven o'clock A.M. (Mr. Donnelly 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. Donnelly), members, guests and employees then recited the pledge of allegiance to the flag.

Communications.

The following communications were severally received and placed on file:

A communication from the Honorable Martin W. Healy, Chief Operating Officer and Chief Legal Counsel, Massachusetts Bar Association, announcing the appointment of Attorney Peter Elikann, as the MBA representative to the Special Commission established (pursuant to Section 6 of Chapter 54 of the Acts of 2005) to make an investigation and study of the imposition of civil penalties on certain offenses within the Commonwealth; and

A communication from the Honorable James F. Walsh, Executive Director of the Massachusetts Sheriffs' Association announcing the appointment of Sheriff Andrea J. Cabral, Sheriff of Suffolk County, to the Special Commission established (pursuant to Section 22 of Chapter 61 of the Acts of 2009) relative to the reorganization or consolidation of sheriffs' offices.

Reports of Committees.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill authorizing the town of Chelmsford to regulate the removal of aboveground utility poles and overhead wires and other associated structures and to regulate the installation of underground wires and associated structures (House, No. 4408),-- **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2658.**
Referred, under Senate Rule 26, to the committee on Ethics and Rules.

By Mr. Joyce, for the committee on State Administration and Regulatory Oversight, on petition, a Bill providing for the abandonment of a certain Wakefield sewer easement (Senate, No. 2654);
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

PAPER FROM THE HOUSE

A petition (accompanied by bill, House, No. 5108) of Stephen Kulik and Stanley C. Rosenberg (by vote of the town) for legislation that the town of Montague be authorized to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises,-- **was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.**

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:- Resolutions (filed by Ms. Creem) “congratulating Ronny Sydney on the occasion of her retirement”; and Resolutions (filed by Mr. Ross) “congratulating Brian Patrick Keller on his elevation to the rank of Eagle Scout.”

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 Senate Bill clarifying the application of Chapter 156B (Senate, No. 2613).

There being no objection, the rules were suspended, on motion of Mr. Ross, 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 further regulating the Cape & Vineyard Electric Cooperative, Inc.”. Sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Tanya Robideau, an employee of the Massachusetts Department of Correction (House, No. 5079, amended),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Ross, 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 Tanya Robideau, an employee of the Department of Correction”.

PAPERS FROM THE HOUSE

The Senate Bill relative to a lien for architects, engineers, land surveyors, and site professionals (Senate, No. 2512, amended),-- **came from the House passed to be engrossed, in concurrence with an amendment striking out the word “prime”. Senate Rule 36 was suspended, on motion of Mr. Ross and the House amendment was considered forthwith.**

Ms. Spilka requested that the Senate concur with the House amendment with further amendments, in section 10, by inserting after the word “mortgage, in line 103, the following word: --“except”;

By striking out section 19 and inserting in place thereof the following section:--

“SECTION 19. Section 33 of said chapter 254, as so appearing, is hereby amended by striking out, in line 28, the word ‘section’ and inserting in place thereof the following words:- sections 2C, 2D or “; and by adding the following 2 sections:--

“SECTION 20. This act shall apply to liens for professional services, as defined in section 1, for which any person has filed or recorded a notice of contract on an interest in real property on or after the effective date of this act; provided, however, that this act shall not apply to any mortgage filed or recorded before the effective date of this act.

SECTION 21. This act shall take effect on July 1, 2011.”.

The further amendments were adopted.

The Senate then concurred in the House amendment, as amended.

Sent to the House for concurrence in the further Senate amendments.

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Cheryl A. Cole, an employee of the Office of Medicaid (see House, No. 4921, amended) (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 and signed by the Acting President (Mr. Donnelly) and laid before the Governor for his approbation.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 5109) of Geraldo Alicea and Stephen M. Brewer for legislation to establish a sick leave bank for Sheila Santelli, an employee of the Department of Housing and Community Development;

Petition (accompanied by bill, House, No. 5110) of Linda Dean Campbell for legislation to establish a sick leave bank for Patrick J. Hager, an employee of the Department of Revenue; and

Petition (accompanied by bill, House, No. 5111) of Christopher N. Speranzo for legislation to establish a sick leave bank for Tara Reilly, an employee of the Department of Children and Families;

Severally, under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 5112) of William M. Straus and Anthony W. Petrucci for legislation to extend the filing date of the special commission (including members of the General Court) established to make an investigation and study of the water quality of the lower basin of the Charles River;

Under suspension of Joint Rule 12, to the committee on Rules of the two branches, acting concurrently.

Emergency Preambles.

An engrossed Bill establishing a sick leave bank for Meghan Savage, an employee of the Department of Children and Families (see House, No. 4798, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and

containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 2 to 0.**

The bill was signed by the Acting President (Mr. Donnelly) and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Maurice Jandreau, an employee of the Trial Court (see House, No. 5083), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 2 to 0.**

The bill was signed by the Acting President (Mr. Donnelly) and sent to the House for enactment.

Order Adopted.

On motion of Mr. Ross,--

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.

Adjournment in Memory of U.S. Army Sergeant James Ayube, Jr.

The Senator from Essex, Mr. Berry, requested that when the Senate adjourns today, it adjourn in memory of U.S. Army Sergeant James Ayube, Jr. of Salem.

25 year-old U.S. Army Sergeant James Ayube Jr. of Salem died at the hands of a suicide bomber on Wednesday, December 8th, 2010. Sergeant Ayube was conducting combat operations near Chehel, Afghanistan.

Sergeant Ayube was a medic assigned to Company H, 2nd Stryker, Cavalry Regiment, Rose Barracks in Vilseck, Germany. He completed basic combat training in 2007 and had served a tour of service in Iraq. He was promoted to sergeant earlier this year.

Sergeant Ayube was a 2003 graduate of Salem High School and received an associate's degree in 2007 from Bunker Hill Community College. He was a former member of Boy Scout Troop 24 in Salem.

James Ayube leaves behind his wife Lauren, parents James Sr. and Christina, twin brother Alex, sister Ashleigh, and many other family and friends.

He will be remembered as a family man with great humor who always championed the underdog.

Accordingly, as a mark of respect to the memory of U.S. Army Sergeant James Ayube, Jr., at a quarter past eleven o'clock A.M., on motion of Mr. Ross, the Senate adjourned to meet again on Thursday at eleven o'clock A.M.