

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.

Thursday, February 19, 2009.

Met at five minutes past eleven o'clock A.M. (Mr. Petrucci in the Chair).

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

Petition.

The following petition (having been deposited in the Office of the Senate Clerk prior to five o'clock in the afternoon on Friday, January 16, 2009) was referred as follows:

By Mr. Joyce, a petition (accompanied by bill, Senate, No. 12) of Brian A. Joyce, Joseph R. Driscoll, Bruce J. Ayers and Walter F. Timilty (by vote of the town) for legislation to provide the voters of the town of Randolph a choice of charters for a new form of government [Local approval received];

To the committee on Municipalities and Regional Government.

PAPERS FROM THE HOUSE.

A communication from the Clerk of the House of Representatives, informing the Senate of the following appointments:

Appointment of Majority Leaders.

Under the provisions of Rule 18, the Speaker announced that the Majority Party Caucus had ratified the following appointments: Representative Vallee of Franklin, Majority Floor Leader; Representative Mariano of Quincy, Assistant Majority Floor Leader; Representative Haddad of Somerset, Second Assistant Majority Floor Leader; and Petrolati of Ludlow, Speaker pro-tempore.

House Standing Committees.

House standing committees were appointed as follows:—

Rules — Representatives Binienda of Worcester, Atkins of Concord, Rushing of Boston, Fox of Boston, Petrolati of Ludlow, Tobin of Quincy, Mariano of Quincy, Toomey of Cambridge, Valle of Franklin, Nangle of Lowell, Bradley of Hingham, Haddad of Somerset, Frost of Auburn, Jones of North Reading and Webster of Pembroke.

Ways and Means — Representatives Murphy of Burlington, L'Italien of Andover, Kulik of Worthington, Scaccia of Boston, Fox of Boston, Koczera of New Bedford, Canavan of Brockton, Fagan of Taunton, Quinn of Dartmouth, Garry of Dracut, Creedon of Brockton, Rodrigues of Westport, Balser of Newton, Timilty of Milton, Kane of Holyoke, Donelan of Orange, Lantigua of Lawrence, Rush of Boston, Driscoll of Braintree, Guyer of Dalton, Sciortino of Medford, Sannicandro of Ashland, Welch of West Springfield, Speranzo of Pittsfield, Rice of Gardner, Conroy of Wayland, deMacedo of Plymouth, Hargraves of Groton, Perry of Sandwich, Polito of Shrewsbury, Smola of Palmer and Webster of Pembroke.

Bills in the Third Reading — Representatives Pedone of Worcester, Welch of West Springfield and Peterson of Grafton.

Bonding, Capital Expenditures and State Assets — Representatives Cabral of New Bedford, Bosley of North Adams, Fennell of Lynn, Atsalis of Barnstable, Lantigua of Lawrence, Brownsberger of Belmont, Peake of Provincetown, Hogan of Stow, Rosa of Leominster, Barrows of Mansfield and Poirier of North Attleborough.

Ethics — Representatives Kocot of Northampton, Harkins of Needham, Tobin of Quincy, Vallee of Franklin, Reinstein of Revere, Haddad of Somerset, Sanchez of Boston, Perry of Sandwich, Barrows of Mansfield, Hill of Ipswich and Poirier of North Attleborough.

Global Warming and Climate Change — Representatives Smizik of Brookline, Brownsberger of Belmont, Patrick of Falmouth, Spiliotis of Peabody, Turner of Dennis, Campbell of Methuen, D'Amico of Seekonk, Garballey of Arlington, _____ of _____, Hill of Ipswich and Ross of Wrentham.

Personnel and Administration — Representatives Galvin of Canton, Fagan of Taunton, Kujawski of Webster, Provost of Somerville, Calter of Kingston, Smith of Everett, McMurtry of Dedham, Benson of Lunenburg, Hogan of Stow, Poirier of North Attleborough, deMacedo of Plymouth, Hargraves of Groton and Jones of North Reading.

Post Audit and Oversight — Representatives Linsky of Natick, Swan of Springfield, Miceli of Wilmington, Timilty of Milton, Stanley of Waltham, Welch of West Springfield, Peake of Provincetown, Richardson of Framingham, Smith of Everett, Hargraves of Groton and Ross of Wrentham.

Steering, Policy and Scheduling — Representatives Kafka of Stoughton, Tobin of Quincy, Golden of Lowell, Murphy of Lowell, Timilty of Milton, Kane of Holyoke, Sannicandro of Ashland, Richardson of Framingham, Dwyer of Woburn, Hill of Ipswich and Gifford of Wareham.

Floor Division Committees — First Division Chairperson, Representative Bradley of Hingham; Second Division Chairperson, Representative Reinstein of Revere; Third Division Chairperson, Representative Rushing of Boston; and Fourth Division Chairperson, Representative Story of Amherst.

Joint Standing Committees.

Children, Families and Persons with Disabilities — Representatives Khan of Newton, Sannicandro of Ashland, Scaccia of Boston, Murphy of Lowell, Walsh of Boston, Nyman of Hanover, Dwyer of Woburn, Gregoire of Marlborough, Lewis of Winchester, Humason of Westfield and deMacedo of Plymouth.

Community Development and Small Business — Representatives Forry of Boston, Walsh of Boston, Miceli of Wilmington, Canavan of Brockton, Golden of Lowell, Callahan of Sutton, Cantwell of Marshfield, Dykema of Holliston, Rosa of Leominster, Polito of Shrewsbury and Barrows of Mansfield.

Consumer Protection and Professional Licensure — Representatives Spiliotis of Danvers, St. Fleur of Boston, Greene of Billerica, Stanley of Waltham, D'Amico of Seekonk, Puppolo of Springfield, O'Day of West Boylston, Bowles of Attleboro, Gregoire of Marlborough, Humason of Westfield and Evangelidis of Holden.

Economic Development and Emerging Technologies — Representatives Dempsey of Haverhill, Scibak of South Hadley, Koczera of New Bedford, Canavan of Brockton, Nyman of Hanover, Pignatelli of Lenox, Guyer of Dalton, Rice of Gardner, DiNatale of Fitchburg, Brady of Brockton, Ferrante of Gloucester, Ross of Wrentham and Frost of Auburn.

Education — Representatives Walz of Boston, McCarthy of East Bridgewater, Harkins of Needham, Rogers of Norwood, Canessa of New Bedford, Alicea of Charlton, Sandlin of Agawam, Clark of Melrose, Benson of Lunenburg, Perry of Sandwich and Ross of Wrentham.

Elder Affairs — Representatives Wolf of Cambridge, Lantigua of Lawrence, Miceli of Wilmington, Ayers of Quincy, Callahan of Sutton, Curran of Springfield, Allen of Boston, Fernandes of Milford, Hecht of Watertown, Ross of Wrentham and Poirier of North Attleborough.

Election Laws — Representatives Moran of Boston, Golden of Lowell, Kujawski of Webster, Falzone of Saugus, Allen of Boston, Smith of Everett, Ashe of Longmeadow, Bowles of Attleboro, _____ of _____, Frost of Auburn and Jones of North Reading.

Environment, Natural Resources and Agriculture — Representatives Straus of Mattapoisett, Guyer of Dalton, Atsalis of

Barnstable, Rush of Boston, Wallace of Boston, Garballey of Arlington, Dykema of Holliston, Ferrante of Gloucester, Madden of Nantucket, Gifford of Wareham and Evangelidis of Holden.

Financial Services — Representatives Koutoujian of Waltham, Murphy of Weymouth, Fallon of Malden, Nyman of Hanover, Driscoll of Braintree, Allen of Boston, McCarthy of East Bridgewater, O'Day of West Boylston, Cantwell of Marshfield, Webster of Pembroke and Gifford of Wareham.

Health Care Financing — Representatives Stanley of West Newbury, Grant of Beverly, Koczera of New Bedford, Garry of Dracut, Nangle of Lowell, Patrick of Falmouth, Sciortino of Medford, Alicea of Charlton, D'Amico of Seekonk, Hecht of Watertown, Lewis of Winchester, Hargraves of Groton and Gifford of Wareham.

Higher Education — Representatives Torrisi of North Andover, Flynn of Bridgewater, Callahan of Sutton, Pignatelli of Lenox, Provost of Somerville, Calter of Kingston, DiNatale of Fitchburg, Aguiar of Fall River, Arciero of Westford, Humason of Westfield and Peterson of Grafton.

Housing — Representatives Honan of Boston, Fox of Boston, Greene of Billerica, Rodrigues of Westport, Fresolo of Worcester, Stanley of Waltham, Curran of Springfield, Hogan of Stow, _____ of _____, Webster of Pembroke and Peterson of Grafton.

The Judiciary — Representatives O'Flaherty of Chelsea, Speranzo of Pittsfield, Fagan of Taunton, Garry of Dracut, St. Fleur of Boston, Fernandes of Milford, Clark of Melrose, Dwyer of Woburn, Gregoire of Marlborough, Evangelidis of Holden and Webster of Pembroke.

Labor and Workforce Development — Representatives Coakley-Rivera of Springfield, Rice of Gardner, Rogers of Norwood, Fresolo of Worcester, Rush of Boston, McMurtry of Dedham, Garballey of Arlington, Arciero of Westford, Ferrante of Gloucester, Smola of Palmer and Polito of Shrewsbury.

Mental Health and Substance Abuse — Representatives Malia of Boston, Scaccia of Boston, Fallon of Malden, Sullivan of Fall River, Walsh of Boston, Balser of Newton, Wallace of Boston, Canessa of New Bedford, O'Day of West Boylston, Polito of Shrewsbury and Smola of Palmer.

Municipalities and Regional Government — Representatives Donato of Medford, Spiliotis of Peabody, Sullivan of Fall River, Curran of Springfield, Puppolo of Springfield, Richardson of Framingham, Clark of Melrose, Ashe of Longmeadow, Madden of Nantucket, Barrows of Mansfield and Hargraves of Groton.

Public Health — Representatives Sanchez of Boston, Balser of Newton, Toomey of Cambridge, Quinn of Dartmouth, Murphy of Lowell, Turner of Dennis, Aguiar of Fall River, Brady of Brockton, Lewis of Winchester, Evangelidis of Holden and Humason of Westfield.

Public Safety and Homeland Security — Representatives Costello of Newburyport, Donelan of Orange, Toomey of Cambridge, Ayers of Quincy, Nangle of Lowell, Alicea of Charlton, Campbell of Methuen, Aguiar of Fall River, Ashe of Longmeadow, Perry of Sandwich and Hill of Ipswich.

Public Service — Representatives Spellane of Worcester, Rodrigues of Westport, Kujawski of Webster, Creedon of Brockton, St. Fleur of Boston, Brownsberger of Belmont, McCarthy of East Bridgewater, Basile of Boston, Brady of Brockton, Smola of Palmer and Hill of Ipswich.

Revenue — Representatives Kaufman of Lexington, Peisch of Wellesley, Greene of Billerica, Fennell of Lynn, Wallace of Boston, Driscoll of Braintree, Ehrlich of Marblehead, Arciero of Westford, Cantwell of Marshfield, Evangelidis of Holden and Barrows of Mansfield.

State Administration and Regulatory Oversight — Representatives Walsh of Lynn, Gobi of Spencer, Tobin of Quincy, Creedon of Brockton, Fallon of Malden, Spiliotis of Peabody, Turner of Dennis, Conroy of Wayland, Hecht of Watertown, Frost of Auburn and Perry of Sandwich.

Telecommunications, Utilities and Energy — Representatives Finegold of Andover, Kane of Holyoke, Rogers of Norwood, Ayers of Quincy, DiNatale of Fitchburg, Puppolo, Jr. of Springfield, Basile of Boston, Ehrlich of Marblehead, Benson of Lunenburg, deMacedo of Plymouth and Polito of Shrewsbury.

Tourism, Arts and Cultural Development — Representatives Keenan of Salem, Peake of Provincetown, Harkins of Needham, Sullivan of Fall River, Atsalis of Barnstable, Falzone of Saugus, Pignatelli of Lenox, Sandlin of Agawam, Madden of Nantucket, Gifford of Wareham and Frost of Auburn.

Transportation — Representatives Wagner of Chicopee, Sciortino of Medford, Fennell of Lynn, Fresolo of Worcester, Canessa of New Bedford, Provost of Somerville, Fernandes of Milford, Sandlin of Agawam, Basile of Boston, Ehrlich of Marblehead, Bowles of Attleboro, Peterson of Grafton and Humason of Westfield.

Veterans and Federal Affairs — Representatives Naughton of Clinton, Campbell of Methuen, Flynn of Bridgewater, Falzone of Saugus, Patrick of Falmouth, Calter of Kingston, McMurtry of Dedham, Dykema of Holliston, Rosa of Leominster, Poirier of North Attleborough and Smola of Palmer for the 2009-2010 legislative session,— **was placed on file.**

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Richard T. Moore) “congratulating Katherine J. Bradley on the occasion of her one hundredth birthday”;

Resolutions (filed by Mr. Pacheco) “congratulating David Hayhurst on becoming an Eagle Scout”;
Resolutions (filed by Mr. Pacheco) “congratulating Liam Kelly on becoming an Eagle Scout”; and
Resolutions (filed by Mr. Pacheco) “congratulating Joseph Nelson on becoming an Eagle Scout.”

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

February 17, 2009.

Mr. William Welch
Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk,

On Thursday, January 29, 2009, I was out of state on official business at a McArthur Foundation Juvenile Indigent Defense Action Network meeting and was, therefore, unable to be present in the Senate Chamber.

I respectfully request that a copy of this communication be printed in the Senate Journal. Thank you for your assistance.

Sincerely,
SENATOR KAREN E. SPILKA,
2nd Middlesex and Norfolk.

On motion of Mr. Tisei, the above communication was ordered printed in the Journal of the Senate.

Reconsideration of Referral to Committee.

Mr. Tisei moved that the Senate reconsider the vote by which, at a previous session, it had referred to the committee on the Judiciary the message from His Excellency the Governor recommending legislation to transfer county sheriffs to the Commonwealth (accompanied by bill, Senate, No. 7).

The motion to reconsider prevailed.

On further motion of the same Senator, the message was referred to the committee on State Administration and Regulatory Oversight.

Sent to the House for concurrence.

Petition.

On motion of Mr. Tisei, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Ms. Creem (accompanied by bill) of Cynthia Stone Creem for legislation to prevent abuse of the state pension system,— **and the same was referred to the committee on Public Service.**

Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Tisei,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M.

On motion of the same Senator, at fourteen minutes past eleven o'clock A.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.