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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, February 24, 2010.

Met according to adjournment at eleven o'clock A.M. (Mr. Timilty in the Chair).

Petitions.

Petitions were severally presented and referred, as follows:

By Mr. Brewer, a petition (accompanied by bill, Senate, No. 2284) of Stephen M. Brewer and Todd M. Smola (by vote of the town) for legislation to authorize a certain question relative to a charter provision in the town of Palmer to be placed on the state election ballot [Local approval received];

**Under Senate Rule 20, to the committee on Election Laws.
Sent to the House for concurrence.**

By Mr. Baddour, a petition (subject to Joint Rule 12) of Stephen A. Baddour Bruce E. Tarr and Barbara A. L'Italiien for legislation to designate a certain overpass in the city of Haverhill as the Captain Richard J. Cashin overpass;

Under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Ms. Fargo, for the committee on Public Health, on petition, a Resolve establishing a commission to reduce unnecessary wait time for children with special health care needs to receive needed medical equipment such as wheelchairs and lifts (Senate, No. 800);

Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.

By Ms. Flanagan, for the committee on Mental Health and Substance Abuse, on Senate, No. 743 and House, No. 1945, a Bill concerning the right of persons receiving services from programs or facilities of the Department of Mental Health to daily access to fresh air and the outdoors (Senate, No. 2280);

By the same Senator, for the same committee, on Senate, Nos. 753, 755 and 756 and House, Nos. 1930, 1959 and 1960, a Bill relative to substance abuse education and prevention (Senate, No. 2281); and

By Mr. McGee, for the committee on Public Service, a petition, a Bill relative to health reimbursement accounts (Senate, No. 1047);

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. O'Leary, for the committee on Education, on Senate, Nos. 209, 228, 233, 242, 243, 281 and 290 and House, Nos. 364, 378, 428, 440, 455, 483, 524, 3433 and 3804, a Bill to prevent bullying (Senate, No. 2283);

By Mr. McGee, for the committee on Public Service, on petition, a Bill relative to the annual allowance for widows and widowers of certain public employees (Senate, No. 1044);

By the same Senator, for the same committee, on petition, a Bill continuing retirement group membership for law enforcement officials (Senate, No. 1063);

By the same Senator, for the same committee, on petition, a Bill to expedite insurance coverage for new employees of the

Commonwealth (Senate, No. 1084);

By the same Senator, for the same committee, on petition, a Bill relative to retirement options of certain educational personnel (Senate, No. 1090);

By the same Senator, for the same committee, on petition, a Bill relative to credible service for school nurses (Senate, No. 1095);

By the same Senator, for the same committee, on petition, a Bill modifying the retirement benefits of certain widows and surviving spouses (Senate, No. 1152);

By the same Senator, for the same committee, on petition, a Bill extending Creditable Service for Peace Corps Service (Senate, No. 1172);

By the same Senator, for the same committee, on Senate, Nos. 1125 and 1187, a Bill relative to the retirement of University of Massachusetts police (Senate, No. 1187);

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Christine Frangakis, an employee of the Department of Public Health (Senate, No. 2269); and

By the same Senator, for the same committee, on petition, a Bill authorizing and directing the Teachers' Retirement Board to permit Jeanne Hicks to purchase certain out of state teaching service (printed as House, No. 2345);

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

By Mr. McGee, for the committee on Public Service, on petition, a Bill relative to dental insurance for certain retired teachers (Senate, No. 1042); and

By the same Senator, for the same committee, on Senate, No. 1173 and House, No. 2601, a Bill relative to the Optional Retirement Program (Senate, No. 1173);

Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

By Mr. McGee, for the committee on Public Service, on petition, a Bill authorizing the town of Wilbraham to provide certain benefits to Christopher J. Doyle (Senate, No. 2104) [Local approval received]

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

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 Resolve reviving and continuing the special commission relative to the establishment of a Cranberry Heritage Area (Senate, No. 1876); and

Of the Senate Resolve reviving and continuing the special commission on Civic Engagement And Learning (Senate, No. 2277);

And recommending that the same severally be referred to the Senate committee on Ethics and Rules

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

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4504) of Jonathan Hecht, Steven A. Tolman and Peter J. Koutoujian (with the approval of the mayor and city council) that the city known as the town of Watertown be authorized to lease certain land to the Watertown Boys and Girls Club,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

There being no objection, at one minute past eleven o'clock A.M., the Chair (Mr. Timilty) declared a recess for the purposes of majority and minority caucuses and for the purposes of attending the Joint Session of the two Houses.

*Joint Session of the Two Houses to Consider
Specific Amendments to the Constitution*

At six minutes past one o'clock P.M., the two Houses met in

JOINT SESSION

and were called to order by the Honorable Therese Murray, President of the Senate.

Distinguished Guests.

There being no objection, the President introduced the State Champion Watertown Field Hockey team. On Saturday, November 21, 2009 Watertown High School defeated Oakmont Regional High School, in a physical, hard fought 1-0 victory, to become the 2009 MIAA Division II State Champion Field Hockey Team. The Raider's 2009 State Championship capped a season of undefeated play. The championship is the 10th in Watertown program history, and the first since the Raiders won back-to-back

titles in 2001 and 2002. Watertown's 2009 team was captained by Emily Sideris and Kelsey Prendergast, who are here with their teammates today. Also joining the team in the Chamber today is their coach Eileen Donahue and Watertown's Athletic Director Michael Lahiff. The team was the guest of Senator Tolman and Representative Hecht of Watertown

Without action on the matters duly and constitutionally assigned for consideration, on motion of Ms. Menard, at eight minutes past one o'clock P.M., the joint session was recessed until Thursday, July 29, 2010, at one o'clock P.M.; and the Senate withdrew from the House Chamber under the escort of the Sergeant-at-Arms.

At twenty-seven minutes before three o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and employees in the recitation of the pledge of allegiance to the flag.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill authorizing the town of Franklin to appropriate funds and incur debt to replace overhead utilities with underground facilities (see House, No. 4251, 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 President and laid before the Governor for his approbation.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Relative to the responsibilities of the Nantucket Planning & Economic Development Commission (House, No. 1122);

Relative to the appointment of special police officers in the town of Dracut (House, No. 1143);

Establishing a board of health in the town of Nantucket (House, No. 1895);

Authorizing the lease of certain agricultural land in the town of Westford (House, No. 4193); and

Amending the charter of the town of Millis to establish an appointed board of assessors (House, No. 4473);

Were severally read a second time and ordered to a third reading.

The House Bill establishing a sick leave bank for Elizabeth J. Lynch, an employee of the Department of Children and Families (House, No. 4464),-- **was read a third time and was passed to be engrossed, in concurrence.**

The Senate Bill relative to flea market vendors (Senate, No. 2282),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Panagiotakos moved that the bill be amended in section 4, by striking out the proposed section 3B of chapter 101 of the General Laws and inserting in place thereof the following section:-

“Section 3B. For the purpose of determining a single show for this chapter the conduct of an activity or event described in the definition of ‘show’ as found in section 1 of chapter 62C held on any single day in the commonwealth shall constitute a single show. The fee schedule for a license as a promoter shall be as follows: \$200.00 for 1 to 9 single shows to be held per year; \$300.00 for 10 to 19 single shows to be held per year; \$400.00 for 20 to 29 single shows to be held per year; \$500.00 for 30 to 39 single shows to be held per year; \$600.00 for 40 to 49 single shows to be held per year; \$1,000.00 for over 50 single shows to be held per year.”

The amendment was adopted.

The bill (Senate, No. 2282, amended) was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill authorizing the lease of land to yacht clubs (House, No. 4346),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, on motion of Ms. Jehlen, the further consideration thereof was postponed until Thursday, March 4.

Report of a Committee.

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 relative to funeral processions (Senate, No. 1884).

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

Pending the question on ordering the bill to a third reading, the same Senator moved that the bill be amended by striking out, in

lines 85 to 87, inclusive, the words “Such vehicle may display a flashing, rotating or oscillating red light in the opposite direction in which the vehicle is proceeding.”

The amendment was adopted.

The bill (Senate, No. 1884, amended) was then 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 funeral processions.”

Subsequently, Mr. Knapik moved to reconsider the vote by which the had passed the bill to be engrossed and after receiving unanimous consent, the motion was considered forthwith.

After debate, the motion to reconsider was *rejected*.

The bill was then sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4527) of James Dwyer, Michael F. Rush, Bradley H. Jones, Jr. and others relative to repeat domestic violence offenders;

Petition (accompanied by bill, House, No. 4528) of Bradley H. Jones, Jr., F. Jay Barrows, Viriato Manuel deMacedo and others for legislation relative to prohibiting the electronic transmission of harmful material to minors; and

Petition (accompanied by bill, House, No. 4529) of Eugene L. O’Flaherty, Attorney General Martha Coakley, Christopher N. Speranzo and others relative to defining the dissemination of obscene material;

Severally under suspension of Joint Rules 12, to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 4530) of Joseph R. Driscoll, Jr. for legislation establish a sick leave bank for Thomas Troy, an employee of the Department of Correction;

Under suspension of Joint Rules 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 4531) of Dennis Rosa, Jennifer L. Flanagan, James Arciero and others for legislation relative to real estate tax exemptions of certain veterans;

Under suspension of Joint Rule 12, to the committee on Revenue.

Order Adopted.

On motion of Mr. Baddour,—

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

Adjournment in Memory of John M. Dunn of Holyoke.

The Senator from Hampden and Hampshire, Mr. Knapik, requested that when the Senate adjourns today, it adjourn in memory of John M. Dunn of Holyoke.

John M. Dunn of Holyoke, the father of former Senator Martin J. Dunn, passed away on February 17, 2010. John Dunn was a lifelong Holyoke resident and a proud World War II Veteran serving in the 1st battalion, 330th infantry regiment participating in the D-day invasion in Normandy, France. He was awarded the Purple Heart, the bronze star medal with oak leaf cluster, and the army of occupation medal with Germany clasps, among other honors. John was a former elected official in the city of Holyoke, serving on the Holyoke school committee and retired from the Holyoke school department where he was employed for 28 years. John was an avid golfer and enjoyed trips to Ireland with his family and friends.

Accordingly, as a mark of respect to the memory of John M. Dunn, at seventeen minutes before three o’clock P.M., on motion of Mr. Knapik, the Senate adjourned to meet again tomorrow at eleven o’clock A.M.