

**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, March 1, 2010.*

Met at three minutes past eleven o'clock A.M. (Mr. Tolman in the Chair) (having been appointed by the President, under the provisions of Senate 4, to perform the duties of the Chair).

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

#### *Petitions.*

Petitions were severally presented and referred, as follows:

By Mr. Buoniconti, a petition (accompanied by bill, Senate, No. 2297) of Stephen J. Buoniconti and James T. Welch (with approval of the mayor and city council) for legislation to authorize the town of West Springfield to continue the employment of police chief Thomas E. Burke [Local approval received];

**Under Senate Rule 20, to the committee on Public Service.**

**Sent to the House for concurrence.**

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M Brewer, Michael W. Morrissey for legislation relative to accessory after the fact for crimes committed;

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

#### *Reports of Committees.*

By Mr. O'Leary, for the committee on Education, on Senate, Nos. 208 and 254 and House, Nos. 410, 499 and 3828, a Bill relative to medical emergency response plans for schools (Senate, No. 2295);

**Referred, under Joint Rule 1E, to the committee on Health Care Financing.**

By Mr. O'Leary, for the committee on Education, on petition (accompanied by bill, Senate, No. 223), a Bill to improve augmentative and alternative communication opportunities for children with disabilities (Senate, No. 2293);

By the same Senator, for the same committee, on Senate, Nos. 248 and 249 and House, Nos. 404, 457 and 3430, a Bill relative to evaluating and enhancing quality physical education (Senate, No. 2294);

By the same Senator, for the same committee, on petition (accompanied by bill, House, No. 408), a Bill regarding the decommissioning of school houses for which school facilities project applicant receives grant payments (Senate, No. 2296);

By Mr. Morrissey, for the committee on Telecommunications, Utilities and Energy, on petition, a Bill relative to water meter testing fees (Senate, No. 1488); and

By the same Senator, for the same committee, on petition, a Bill relative to the qualification of inspectors of wire and assistant inspectors of wire by a city or town (Senate, No. 1540);

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

By Mr. Morrissey, for the committee on Telecommunications, Utilities and Energy, on petition, a Bill relative to tampering with water company meters (Senate, No. 1486); and

By the same Senator, for the same committee, on petition, a Bill relative to clarifying chapter 445 of the Acts of 2008 (Senate, No. 1523);

**Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

By 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 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);

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

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

#### **PAPERS FROM THE HOUSE.**

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation to authorize the town of Millbury to pay certain unpaid bills (House, No. 4525),-- **referred, in concurrence, to the committee on Municipalities and Regional Government.**

A petition (accompanied by bill, House, No. 4518) of Steven J. D'Amico and James E. Timilty (by vote of the town) that the town of Seekonk be authorized to convert certain seasonal licenses for the sale of all alcoholic beverages to annual all alcoholic beverage licenses,-- **was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.**

A Bill relative to representation by the Attorney General in actions involving pilots (House, No. 4469,-- on House, No. 3676), -- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

#### *Bills*

Designating a certain intersection in the town of Stoughton as the Police Chief William F. Gross and Ann M. Gross intersection (House, No. 4370,-- on petition); and

Designating a certain road in the town of Salisbury as the Army Sergeant Jordan Michael Shay Memorial Drive (House, No. 4412,-- on petition);

**Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

#### *Bills*

Relative to property tax exemptions for rental properties in the town of Wellfleet restricted to affordable housing (House, No. 2852,-- on petition) [Local approval received];

Authorizing the town of North Andover to grant a license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4189,-- on petition) [Local approval received]; and

Authorizing the town of Norwood to acquire a certain Veterans of Foreign Wars parcel and building for leasing (House, No. 4383,-- on petition) [Local approval received];

**Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

#### *Reports*

Of the committee on Telecommunications, Utilities and Energy, asking to be discharged from further consideration Of the petition (accompanied by bill, House, No. 3107) of Elizabeth Poirier, Richard J. Ross and others for legislation to prohibit businesses from misrepresenting the geographic location of such businesses in local telephone directories;

Of the petition (accompanied by bill, House, No. 3119) of John W. Scibak and Jennifer M. Callahan for legislation to further regulate the solicitation of contributions in the Commonwealth;

**And recommending that the same severally be referred to the committee on Consumer Protection and Professional Licensure.**

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

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-

Resolutions (filed by Ms. Chang-Diaz) "congratulating the Arts Learning and the Massachusetts Cultural Council on their celebration of the month of March as Arts Education Month."

#### *Matter Taken Out of the Orders of the Day.*

There being no objection, the following matter was taken out of the Orders of the Day and considered, as follows:

The House Bill authorizing the lease of certain agricultural land in the town of Westford (House, No. 4193),-- **was read a third time.**

**Pending the question on passing the bill to be engrossed, Mr. Panagiotakos presented an amendment striking out all after**

**the enacting clause and inserting in place thereof the following text:-**

“SECTION 1. Notwithstanding any general or special law to the contrary, the town of Westford, acting by and through its conservation commission, may lease a portion of the Day Agricultural and Conservation land, shown on Westford assessors’ map 26 as parcel 37, for agricultural purposes for not more than 10 years. The lease shall be subject to subsections (a), (b) and (g) of section 16 of chapter 30B of the General Laws and shall be on such terms and conditions as the conservation commission may determine. No lease agreement shall be valid unless it provides that the property shall be used solely for agricultural purpose. SECTION 2. This act shall take effect upon its passage.”

**The amendment was adopted.**

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

**Sent to the House for concurrence in the amendment.**

**PAPERS FROM THE HOUSE.**

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

Petition (accompanied by bill, House, No. 4535) of John J. Binienda, John P. Fresolo and others for legislation to authorize the State Lottery Commission to establish a fund from the sale of a certain lottery ticket to assist cities and towns for snow and ice removal;

**Under suspension of Joint Rules 12, to the committee on the Consumer Protection and Professional Licensure.**

Petition (accompanied by bill, House, No. 4536) of John J. Binienda, John P. Fresolo and others relative to video conference hearings in court proceedings on child and family relations;

**Under suspension of Joint Rules 12, to the committee on the Judiciary.**

*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 Acting President (Mr. Tolman) and laid before the Governor for his approbation, to wit:

Designating a certain walking path along Lynn Shore Drive at Red Rock Park in the city of Lynn as the Senator Walter J.

Boverini Scenic Walkway (see Senate, No. 407); and

Establishing a sick leave bank for Elizabeth J. Lynch, an employee of the Department of Children and Families (see House, No. 4464).

*Order Adopted.*

On motion of Mr. Tarr,—

*Ordered*, That when the Senate adjourns today, it adjourn to meet again on tomorrow at one o’clock P.M., in a full formal session.

*Adjournment in Memory of Former New England Patriot Mosi Tatupu*

The Senator from Bristol and Norfolk, Mr. Timilty, requested that when the Senate adjourns today, it adjourn in memory of Mosiula Faasuka “Mosi” Tatupu.

Born in Pago Pago, American Samoa, Mosi Tatupu was a professional football player and high school and college football coach from the town of Wrentham. He passed away Tuesday February 23rd 2010.

Drafted by the New England Patriots in the eighth round of the 1978 draft, Mosi Tatupu was a standout running back from the University of Southern California and a high school football star at Punahou High in Honolulu, Hawai’i where he broke the state record for career yards.

Mosi Tatupu was a member of the USC Trojans’ 1974 national championship team and was named both Offensive Player of the Year and Most Inspirational Player in senior season of 1977. Professionally Mosi Tatupu played in over 200 NFL games during a 14 year career, including Super Bowl XX. Mosi was widely known for his hard work and determination which inspired the New England faithful to create a cheering section at Patriots home games in his honor, called “Mosi’s Mooses.”

His honors include being named to the 1986 Pro Bowl, the 1986 NFL Alumni Special Teams Player of the Year, a member of the Patriots’ Team of the 80’s, and the Patriots’ 35th and 50th Anniversary Teams as a Special Teamer.

After his playing career, Mosi Tatupu became the head coach at King Philip High School in Wrentham, where he coached his son, Lofa, now a Pro Bowl linebacker for the Seattle Seahawks. Mosi also served for several seasons as an assistant coach for running backs at Curry College in Milton.

Mosi leaves behind a loving family, many friends and teammates, and many more adoring fans.

Accordingly, as a mark of respect to the memory of Mosi Tatupu, at twenty-four minutes past eleven o'clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again tomorrow at one o'clock P.M.