

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, March 4, 2010.

Met at two minutes past two to adjournment at one o'clock P.M.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Communication

A communication from the Honorable Richard R. Tisei, Senate Minority Leader announcing the following Minority Party committee appointments:

Joint Committee on Consumer Protection and Professional Licensure – Senator Knapik

Joint Committee on Education – Senator Hedlund

Joint Committee on Election Laws – Senator Knapik

Joint Committee on Public Safety and Homeland Security – Senator Tarr

Joint Committee on Veterans and Federal Affairs – Senator Tarr.

The communication was placed on file.

Petitions.

Petitions were severally presented and referred, as follows:

By Mr. Donnelly, a petition (subject to Joint Rule 12) of Kenneth J. Donnelly, for legislation to designate a certain bridge in the town of Billerica as the Helen Knight bridge;

By Ms. Menard, a petition (subject to Joint Rule 12) of Joan M. Menard and Stephen R. Canessa, for legislation to designate the Plymouth Red-Bellied Cooter as the official turtle of the Commonwealth; and

By Mr. Tarr, a petition (subject to Joint Rule 12) of Bruce E. Tarr, Thomas M. McGee, Robert Fennell, Steven A. Baddour and other members of the General Court for legislation to reform the Essex regional retirement board;

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

Reports of Committees.

By Ms. Candaras, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill relative to eligibility criteria for nursing homes serving pediatric residents (Senate, No. 78);

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

By Ms. Candaras, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill to let child support come home (Senate, No. 29);

By the same Senator, for the same committee, on petition, a Bill encouraging low-income savings and economic opportunity (Senate, No. 30);

By the same Senator, for the same committee, on petition, a Bill relative to workers' pathways to self sufficiency (Senate, No.

37);

By the same Senator, for the same committee, on petition, a Bill to prevent homelessness among recipients of transitional assistance (Senate, No. 43);

By the same Senator, for the same committee, on petition, a Bill relative to parental leave (Senate, No. 44);

By the same Senator, for the same committee, on petition, a Bill to enhance opportunities for housing among recipients of transitional assistance (Senate, No. 66);

By the same Senator, for the same committee, on petition, a Bill relative to welfare reform (Senate, No. 69);

By the same Senator, for the same committee, on petition, a Bill supporting strong families by providing paid family and medical leave, increasing tax deductions, and establishing a work-family council (Senate, No. 71);

By the same Senator, for the same committee, on petition, a Bill to promote self-sufficiency (Senate, No. 72);

By the same Senator, for the same committee, on petition, a Bill protecting disabled persons from financial exploitation (Senate, No. 75);

By Mr. Buoniconti, for the committee on Financial Services, on petition, a Bill protecting consumers from unsolicited loans (Senate, No. 447);

By Mr. McGee, for the committee on Labor and Workforce Development, on Senate, No. 689 and House, No. 1880, a Bill further defining comparable work (Senate, No. 689); and

By the same Senator, for the same committee, on petition, a Bill relative to labor relations and representational elections (Senate, No. 725);

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

By Ms. Buoniconti, for the committee on Financial Services, on petition, a Bill to facilitate the resolution of auto insurance claims in emergencies (Senate, No. 459); and

By the same Senator, for the same committee, on Senate, No. 487 and House, No. 1024, a Bill banning the use of certain socio-economic factors for insurance underwriting and rating of motor vehicle liability insurance (Senate, No. 487);

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

By Mr. Buoniconti, for the committee on Financial Services, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 471) of Anthony D. Galluccio, Sonia Chang-Diaz, Linda Dorcena Forry and Timothy J. Toomey, Jr. for legislation to preserve homeownership:

Referred, under Senate Rule 36, to the committee on Ethics and Rules.

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor (under Article LXXXVII of the Amendments to the Constitution) reorganizing certain agencies of the Executive Department (House, No. 4541),-- **referred, in concurrence, to the committee on State Administration and Regulatory Oversight.**

A Bill providing for the financial stability of the city of Lawrence (House, No. 4516,-- on House, No. 4421), -- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Prohibiting devocalization of dogs and cats (House, No. 344,-- on petition); and

Relative to licensure of health plans (House, No. 971,-- on petition);

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

A Bill providing the voters of the town of Bridgewater a choice of charters for a new form of government (House, No. 4547,-- on petition) [Local approval received];-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

A communication from the Public Employee Retirement Administration commission (under Section 50 of Chapter 7 of the General Laws) submitting proposed rules and regulations governing retirement of public employees (House, No. 4545),-- **was referred, in concurrence, to the committee on Public Service.**

Engrossed Bill.

An engrossed Bill establishing a board of health in the town of Nantucket (see House, No. 1895) (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 and considered, as follows:

Bills

Authorizing the town of Carver to divert funds from the Conservation Fund (Senate, No. 2095);

Authorizing the town of Wilbraham to provide certain benefits to Christopher J. Doyle (Senate, No. 2104);

Relative to property tax exemptions for rental properties in the town of Wellfleet restricted to affordable housing (House, No. 2852);

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); and

Authorizing the town of Norwood to acquire a certain Veterans of Foreign Wars parcel and building for leasing (House, No. 4383)

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

The House Bill validating the actions taken at a special town meeting of the town of Lynnfield (House, No. 4498),-- **was read a second time and ordered to a third reading. There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the lease of land to yacht clubs (House, No. 4346),-- **was considered, and after debate, was passed to be engrossed, in concurrence, with the amendment previously adopted by the Senate. Sent to the House for concurrence in the amendment previously adopted by the Senate.**

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 authorizing the appointment of special police officers in the town of Dracut (House, No. 1143) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

PAPER FROM THE HOUSE.

The Senate Bill punishing assault and battery by means of a bodily substance upon correctional facility employees (Senate, No. 997, amended),-- came from the House passed to be engrossed, in concurrence, with an amendment striking out the words “less than 2 and a half years nor more than 15” (as amended by the Senate and as changed by the House committee on Bills in the Third Reading) and inserting in place thereof the following words: “more than 10”; by adding the following paragraph: “(d) Any person with an open mental health case charged under this statute shall be evaluated under the provisions set forth in Chapter 123, section 15”; and by adding the following section:

“SECTION 2. Section 31 of Chapter 272 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking, in lines 40 through 43, inclusive, the definition of ‘Matter’ and inserting in place thereof the following definition:-

‘Matter’, any handwritten or printed material, visual representation, live performance or sound recording including but not limited to books, magazines, motion picture films, pamphlets, phonographic records, pictures, photographs, figures, statues, plays, dances, or any electronic communication including but not limited to any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system.”

After remarks, Ms Creem and Mr. Timilty moved that the Senate concur in the House with a further amendment, in section 1, by inserting after the words “state prison for”, in line 10, the following words:-- “not less than 2 ½ years and”; in said section 1, at by striking out the words “more than 10”, as inserted by amendment by the House, and inserting in place thereof the following words:-- “not less than 3 nor more than 10”; by striking out section 2, as inserted by amendment by the House, and inserting in place thereof the following 2 sections:-

“SECTION 2. Section 31 of chapter 272 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 40 through 43, inclusive, the definition of “Matter” and inserting in place thereof the following definition:-

“Matter”, any handwritten or printed material, visual representation, live performance or sound recording including but not limited to books, magazines, motion picture films, pamphlets, phonographic records, pictures, photographs, figures, statues, plays, dances, or any electronic communication including but not limited to electronic mail, instant messages, text messages, and any other communication created by means of use of the Internet or wireless network, whether by computer, telephone, or any other device or by any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system.

SECTION 3. The definition of “visual material” in said Section 31 of said chapter 272, as so appearing, is hereby amended, by inserting after the word “computer”, the following words:- , telephone or any other device capable of electronic data storage or

transmission.”; and by striking out the title and inserting thereof the following title:- “An Act relative to assault and battery by means of a bodily substance upon correctional facility employees and expanding the prohibition on the dissemination of obscenity”.

After remarks, the question on concurring in the House amendment with the further amendment was determined by a call of the yeas and the nays at twenty-one minutes before two o’clock P.M., on motion of Ms. Creem, as follows, to wit (*yeas 33 — nays 0*) **[Yeas and Nays No. 195]:**

INSERT RC “195”

**The yeas and nays having been completed at fourteen minutes before two o’clock P.M., the Senate concurred in the House amendment with a further amendment.
Sent to the House for concurrence in the further amendment.**

Order Adopted.

On motion of Mr. Tolman,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday 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 Meghan McCarthy

The Senator from Essex and Middlesex, Ms. Tucker, requested that when the Senate adjourns today, it adjourn in memory of Meghan McCarthy of Tewksbury.

Meghan McCarthy, aged 17, died January 19, 2010, after a nearly three year battle with glioblastoma multiforme. A lifelong resident of Tewksbury, Meghan was active at a young age in youth sporting events. Despite her diagnosis as a freshman at Tewksbury High School, Meghan remained an honor roll student and continued her involvement with the school’s basketball, field hockey, and track and field teams.

Meghan had to sit on the sidelines during much of this past season due to her chemotherapy treatments. However, Meghan was never far from her teammate’s thoughts. Her friend and basketball teammate, Danielle DePierro honored Meghan by wearing Meghan’s number 24 jersey when she hit the 1,000-point threshold for her career one week before Meghan’s passing. The team continues to bring Meghan’s jersey to practices and games.

Meghan will be remembered for her positive attitude and her accomplishments in the face of adversity, her fundraising efforts for the Rally Against Cancer and the Jimmy Fund, and for her volunteer efforts to teach basketball to special needs children in the Tewksbury area.

She is survived by her mother Lee McCarthy and her life partner Ronald Parizo of Tewksbury, her father James McCarthy of Laconia, NH, her brothers Teagan and Tyler McCarthy of Tewksbury, and her grandmother Helen McCarthy of Boxford.

Accordingly, as a mark of respect to the memory of Meghan McCarthy, at twelve minutes before two o’clock P.M., on motion of Mr. Pacheco, the Senate adjourned to meet again on Monday next at eleven o’clock A.M.