

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, April 12, 2010.

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

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

Reports of Committees.

By Mr. Petrucci, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill establishing a wildlife management commission (Senate, No. 397);

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

By Ms. Fargo, for the committee on Public Health, on Senate, No. 804 and House, No. 2159, a Bill making technical corrections to Chapter 350 of the 2008 Session Laws (Senate, No. 804);

By the same Senator, for the same committee, on petition, a Bill to modernize determination of need review for non-acute hospitals (Senate, No. 853);

By the same Senator, for the same committee, on petition, a Bill relative to the Division of Medical Assistance (Senate, No. 865);

By the same Senator, for the same committee, on Senate, No. 873 and House, No. 4258, a Bill strengthening health reform (Senate, No. 873); and

By the same Senator, for the same committee, on petition, a Bill relative to oral cancer therapy (Senate, No. 2271);

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

By Mr. Petrucci, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill amending the conservation restrictions and agricultural preservations statutes (Senate, No. 382);

Read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Asset.

By Mr. Petrucci, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill establishing the Quaboag and Ware River Valley Heritage District Commission (Senate, No. 369);

By the same Senator, for the same committee, on petition, a Bill to protect public water supply lands (Senate, No. 370);

By the same Senator, for the same committee, a Bill protecting the viability of farms in the Commonwealth (Senate, No. 375);

By the same Senator, for the same committee, on petition, a Bill clarifying certain farm commodities as agriculture in the Commonwealth (Senate, No. 377);

By the same Senator, for the same committee, on petition, a Bill to promote healthy communities and the environment (Senate, No. 388);

By the same Senator, for the same committee, on petition, a Bill establishing a 0% interest program for the state revolving loan fund for water and sewer projects and establishing 3:1 leveraging for such projects (Senate, No. 391);

By the same Senator, for the same committee, on petition, a Bill to provide public input into changes to public lands and buildings located thereon (Senate, No. 398);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 368), a Bill relative to sustainable farming protection (Senate, No. 2372);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 390), a Bill to protect the Commonwealth's hemlock trees Senate, No. 2373); and
By the same Senator, for the same committee, on Senate, No. 2113 and House, No. 786, a Bill protecting lakes and ponds (Senate, No. 2374); and

By Ms. Creem, for the committee on the Judiciary, on petition (accompanied by bill, Senate, No. 1861), a Bill to clarify recording requirements at registries of deeds (Senate, No. 2369);

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

By Ms. Creem, for the committee on the Judiciary, on petition (accompanied by bill, Senate, No. 1594), a Bill relative to trusts for the care of animals (Senate, No. 2371);

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

PAPERS FROM THE HOUSE.

Bills

Designating a certain motor vehicle plate assignment (House, No. 4515,- on House, No. 3253);

Establishing a sick leave bank for Frances Bonnayer, an employee of the Massachusetts Department of Transportation (House, No. 4573,-- on petition); and

Establishing a sick leave bank for Stephanie Savini, an employee of the Trial Court (House, No. 4577,-- on petition);

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

Notice was received from the House announcing the following appointment:

That the Minority Leader of the House of Representatives has appointed Mr. Dave Hanlon, the Director of Government Services at WorldTech Engineering, LLC, to serve on the special Water Infrastructure Finance Commission established (under Section 145 of Chapter 27 of the Acts of 2009) to develop a comprehensive, long-range water infrastructure finance plan for the Commonwealth and municipalities.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-
Resolutions (filed by Mr. Kennedy) "congratulating Major Arthur W. McLaughlin on the occasion of his retirement from the Massachusetts State Police";

Resolutions (filed by Mr. Rosenberg) "supporting Taiwan's participation as an observer in the meetings and activities of the International Civil Aviation Organization (ICAO) and United Nations Framework Convention on Climate Change (UNFCCC)";
Resolutions (filed by Ms. Spilka) "honoring Timothy Kilduff and the Boston Marathon on the occasion of the 2500th anniversary of the Battle of Marathon";

Resolutions (filed by Ms. Spilka, Mr. Brewer, Ms. Candaras, Ms. Chandler, Ms. Creem, Mr. Eldridge, Ms. Flanagan, Ms. Jehlen, Messrs. Joyce, Kennedy, Knapik and McGee, Ms. Menard, Messrs. Michael O. Moore, Richard T. Moore, Morrissey, O'Leary, Pacheco, Panagiotakos, Rosenberg, Tarr, Tisei and Tolman and Ms. Tucker) "honoring Dimitri Kyriakides and the Boston Marathon on the occasion of the 2500th anniversary of the Battle of Marathon"; and

Resolutions (filed by Ms. Spilka, Mr. Brewer, Ms. Candaras, Ms. Chandler, Ms. Creem, Mr. Eldridge, Ms. Flanagan, Ms. Jehlen, Messrs. Joyce, Kennedy, Knapik and McGee, Ms. Menard, Messrs. Michael O. Moore, Richard T. Moore, Morrissey, O'Leary, Pacheco, Panagiotakos, Rosenberg, Tarr, Tisei and Tolman and Ms. Tucker) "honoring Mayor Spyros Zagaris and the Boston Marathon on the occasion of the 2500th anniversary of the Battle of Marathon."

Communication.

The Clerk read the following communication:

MASSACHUSETTS SENATE
STATE HOUSE
BOSTON, MA 02133-1053

April 8, 2010

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

Dear Mr. Clerk:

This correspondence is regarding the roll call vote relative to amendment #34 amending S 2345.

I was recorded in the affirmative. It was my desire to have been recorded in the negative.

I respectfully request that a copy of this correspondence be printed in the Senate Journal for April 8, 2010.

Thank you for your attention to this matter.

Sincerely,
MARIAN WALSH.

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

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered forthwith:

The Senate Bill relative to a betterment assessment in the town of Sturbridge (Senate, No. 2043),-- **was read a third time and passed to be engrossed.**
Sent to the House for concurrence.

The Senate Bill authorizing the town of Wilbraham to provide certain benefits to Christopher J. Doyle (Senate, No. 2104),-- **was read a third time and passed to be engrossed.**
Sent to the House for concurrence.

The Senate Bill authorizing the town of Carver to assess excise taxes on private water suppliers (Senate, No. 2143),-- **was read a third time and passed to be engrossed.**
Sent to the House for concurrence.

The Senate Bill relative to the payment of property taxes in the town of Carver (Senate, No. 2145),-- **was read a third time and passed to be engrossed.**
Sent to the House for concurrence.

PAPER FROM THE HOUSE

A Bill relative to an extension of a lease by the town of Watertown for the Watertown Boys and Girls Club (House, No. 4504,-- on petition) [Local approval received],--**was read.**

There being no objection, the rules were suspended, on motion of Mr. Knapik, 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 relative to an extension of a lease by the city known as the town of Watertown for the Watertown Boys and Girls Club".

Reports of Committees.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill providing benefits for permanent functional loss and disfigurement under the worker's compensation act (Senate, No. 681),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time and ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill protecting honest employees (Senate, No. 682),-- **ought to pass, with an amendment substituting a new draft entitled "An Act further regulating workers' compensation insurance" (Senate, No. 2375).**

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2375) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill authorizing certain development in the Fort Point Channel (Senate, No. 2229),-- **ought to pass, with an amendment substituting a new draft entitled "An Act authorizing certain development in the Fort Point Channel in the city of Boston" (Senate, No. 2376).**

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2376) was then ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to pension governance reform (Senate, No. 2088),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2377).**

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

**was amended, as recommended by the committee on Ways and Means.
The bill (Senate, No. 2377) was then ordered to a third reading.**

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 providing for the continued medical care and treatment of Ellen E. Englehardt, a state trooper injured in the line of duty (Senate, No. 1142).

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time and ordered to a third reading.

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 providing for the payment of certain accidental disability retirement and medical benefits to Antonio Pickens (Senate, No. 2044).

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time and ordered to a third reading.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Richard R. Tisei, Steven C. Panagiotakos and John A. Hart, Jr., for legislation relative to restaurant rejuvenation;

The rules were suspended, on motion of Mr. Knapik, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Community Development and Small Business.

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. 4615) of Ronald Mariano that the Department of Children and Families be authorized to establish a sick leave bank for Dinamarie McCarthy, an employee of said department;

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

Petition (accompanied by bill, House, No. 4616) of Cleon H. Turner, Robert A. O'Leary and Demetrius J. Atsalis for legislation to designate a certain bridge on Route 28 over the Bass River connecting the towns of Dennis and Yarmouth as the United States Marine Corporal Nicholas G. Xiarhos Bridge;

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

Order Adopted.

On motion of Mr. Knapik,—

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 Polish President Lech Kaczynski

The Senator from Worcester and Norfolk, Mr. Richard T. Moore, the Senator from Hampden and Hampshire, Mr. Knapik, and the Senator from Middlesex and Norfolk, Ms. Spilka, requested that when the Senate adjourns today, it adjourn in memory of Lech Kaczynski, President of Poland and the 95 other civic and military leaders tragically killed in a plane crash.

Lech Kaczynski, President of Poland, and ninety-five other Polish civic and military leaders tragically died when their plane crashed in Russia on their way to honor World War II Polish officers who were murdered by Josef Stalin's secret police at the end of the war.

Mr. Kaczynski, a former Mayor of Warsaw, was born on June 18, 1949, when Warsaw was in ruins. His suspicions of Russia and Germany had deep roots. His father, Rajmund, an engineer, and his mother, Jadwiga, who studied linguistics, had been active in the Polish resistance against the Nazis.

Mr. Kaczynski began his rise to political prominence, with his identical twin brother Jaroslaw, in the underground Solidarity movement in the 1980s. They were close, at first, to Mr. Walesa, but they fell out with his movement during the 1990s, claiming that the intellectuals had made too many compromises with former Communists and the secret police. The brothers remained active in politics, with Lech Kaczynski serving as justice minister from 2000 to 2001 and gaining popularity by emphasizing his tough stance against crime.

He and his brother wanted a complete break with the past by purging the civil service and the media of former Communists. But the twins were helped in their rise to power by an image of honesty in a country that had witnessed one corruption scandal after another for years. A devout Roman Catholic, Mr. Kaczynski was regarded as skeptical of the European Union while he fought to defend Poland's sovereignty against Brussels and to protect its traditional, conservative values.

His wife, Maria, an economist, also died in the crash. Mr. Kaczynski is survived by his brother, Jaroslaw, a former prime minister, by his daughter, Marta; two granddaughters, Ewa and Martyna; and his mother.

Accordingly, as a mark of respect to the memory of Polish President Lech Kaczynski and the victims of the plane crash, at nineteen minutes past eleven o'clock A.M., on motion of Mr. Knapik, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.