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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, May 5, 2009.

Met at four minutes past two o'clock P.M. (Mr. Rosenberg in the Chair).

Petitions.

Petitions were presented and referred as follows:

By Mr. Brewer, a petition (accompanied by bill, Senate, No. 2033) of Stephen M. Brewer (by vote of the town) for legislation to pay down the debt for school projects in the town of Rutland [Local approval received];
Under Senate Rule 20, to the committee on Municipalities and Regional Government.

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer for legislation to exempt battery-operated electric trolling motors from registration fees;

By Mr. Montigny, a petition (subject to Joint Rule 12) of Mark C. Montigny, Stephen R. Canessa, Robert M. Koczera, John F. Quinn and other members of the General Court for legislation to authorize the commissioner of the Division of Capital Asset Management and Maintenance to convey a parcel of land in the city of New Bedford;

By Mr. O'Leary (by request), a petition (subject to Joint Rule 12) of Scott Anderson for legislation relative to certain benefits for Lynda Watts;

By Mr. Pacheco, a petition (subject to Joint Rule 7B) of Marc R. Pacheco for legislation to authorize the town of Wareham to issue eight additional licenses for the sale of all-alcoholic beverages to be drunk on the premises;
Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

PAPERS FROM THE HOUSE.

Reports

Of the committee on Children, Families and Persons with Disabilities, asking to be discharged from further consideration
Of the petition (accompanied by bill, House, No. 3416) of Ruth B. Balser and others for legislation to protect the interests and well being of residents in nursing homes, rest homes and long-term care facilities; and
Of the petition (accompanied by bill, House, No. 3417) of Christine E. Canavan and others for legislation to increase the personal need allowance for certain elderly and disabled residents residing in licensed medical facilities;
And recommending that the same severally be referred to the committee on Elder Affairs.

Of the committee on Elder Affairs, asking to be discharged from further consideration
Of the petition (accompanied by bill, Senate, No. 307) of Gale D. Candaras, Christine E. Canavan, Willie Mae Allen, Martha M. Walz and other members of the General Court for legislation relative to cueing and supervision in the personal care attendant program,— **and recommending that the same be referred to the committee on Children, Families and Persons with**

Disabilities.

Of the petition (accompanied by bill, House, No. 541) of William Smitty Pignatelli and others relative to the fee for certain firearms licenses for persons seventy years of age or older,— **and recommending that the same be referred to the committee on Public Safety and Homeland Security.**

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

Recess.

There being no objection, at five minutes past two o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at nine minutes before three o'clock P.M., the Senate reassembled, the President in the Chair.

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

Orders of the Day.

The Orders of the Day were considered, as follows:

The Senate Bill establishing a sick leave bank for Sheila Ferreira, an employee of the Trial Court (Senate, No. 2046),— **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows:

The Senate Bill authorizing the town of Sandwich to exchange certain parcels of land (Senate, No. 21),— **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. Hart moved to amend the bill in section 1, by striking out the first sentence and inserting in place thereof the following sentence:— “For the purposes of remediating the encroachment of a large retaining wall on town land, the board of selectmen of the town of Sandwich may convey a certain parcel of land in the town of Sandwich, upon such terms and conditions as it deems to be in the best interests of the town, to Richard Cunningham and Sarah DeWalt.”; and in section 2, by adding the following paragraph:-

“As a condition of the conveyance authorized in section 1, Richard Cunningham and Sarah DeWalt shall transfer to the town a parcel of land identified as Parcel ‘B’ on the plan described in section 1 and such parcel shall be dedicated to Article XCVII purposes and under the jurisdiction of the conservation commission. The fair market value of the parcel to be conveyed to the town shall be equal to or greater than the fair market value of the property described in section 1, as determined by an independent appraisal. For the purposes of the appraisal, the fair market value of the property shall be calculated in its highest and best use and, where applicable, as assembled with other lands owned or otherwise controlled by Richard Cunningham and Sarah DeWalt. If there is a disparity in these values in favor of Richard Cunningham and Sarah DeWalt, they shall pay a sum equal to the difference to the town for deposit in its open space fund or otherwise dedicated to open space preservation.”

The amendment was **adopted.**

The bill (Senate, No. 21, amended) was then ordered to a third reading, read a third time and was passed to be engrossed. Sent to the House for concurrence.

The Senate Bill to amend the town charter of Sandwich (Senate, No. 782),— **was read a second time, 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 amending the charter of the town of Sandwich”. Sent to the House for concurrence.**

The Senate Bill authorizing the town of Bellingham to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 152)(its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and was passed to be engrossed. Sent to the House for concurrence.**

Report of a Committee.

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 making technical correction in a certain law relative to oral health (Senate, No. 536).

There being no objection, the rules were suspended, on motion of Ms. Chandler, 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 making a technical correction in a certain law

relative to oral health”.
Sent to the House for concurrence.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No 4080) of James E. Vallee for legislation to establish a sick leave bank for Margaret Freddie Purcell, an employee of the Department of Mental Retardation.,— **was referred, in concurrence, to committee on Public Service.**

Order Adopted.

On motion of Mr. Tisei,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday 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 Former Congressman Jack Kemp.

Senators Tisei, Tarr, Hedlund, Knapik and Brown requested that when the Senate adjourns today, it adjourn in memory of former Congressman and Secretary of Housing and Urban Development Jack Kemp, who passed away May 1, 2009.

Following a successful football career, Jack Kemp served as a member of Congress from New York State from 1971-1989, when he was appointed by George H.W. Bush as Secretary of Housing and Urban Development. In 1996, he was the Republican nominee for Vice President of the United States.

Kemp was widely known for his support for a free market, free trade, economic growth, and a simpler tax code. He was widely considered a visionary on domestic policy. From education and housing, to civil rights, he strived to empower all Americans.

Accordingly, as a mark of respect to the memory of Jack Kemp, at four minutes before four o'clock P.M., on motion of Ms. Menard, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.