

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, May 10, 2010.

Met at one minute past eleven o'clock A.M. (Mr. Petruccelli in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

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

Petition.

Ms. Fargo presented a petition (subject to Joint Rule 12) of Susan C. Fargo, Thomas P. Conroy and Cory Atkins for legislation relative to the improvement of Route 2, Crosby's Corner Interchange, in the towns of Lincoln and Concord;
Under Senate Rule 20, referred 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. 214, 241, 251, 257, 260, 285, 293 and 2122, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to education issues (Senate, No. 2422);

By the same Senator, for the same committee, on Senate, Nos. 235, 244 and 246, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to vocational education (Senate, No. 2423);

By Mr. McGee, for the committee on Labor and Workforce Development, on Senate, Nos. 694, 718 and 728, an Order relative to authorizing the joint committee on Labor and Workforce Development to make an investigation and study of certain current Senate documents relative to labor and workforce issues (Senate, No. 2419);

By Ms. Flanagan, for the committee on Mental Health and Substance Abuse, on Senate, Nos. 731, 734, 736 and 742, an Order relative to authorizing the joint committee on Mental Health and Substance Abuse to make an investigation and study of certain current Senate documents relative to mental health and substance abuse issues (Senate, No. 2420); and

By Mr. Eldridge, for the committee on Municipalities and Regional Government, on Senate, Nos. 761, 762, 763, 768, 774 and 778, an Order relative to authorizing the joint committee on Municipalities and Regional Government to make an investigation and study of certain current Senate documents relative to municipal government (Senate, No. 2421);

Severally referred, under Joint Rule 29, to the committee on Rules of the two branches acting concurrently.

By Ms. Creem, for the committee on the Judiciary, on petition, a Bill establishing a sick leave bank for James E. Munchbach, an employee of the Trial Court (Senate, No. 2413);

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

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4651) of Harold P. Naughton, Jr., Harriette L. Chandler, James B. Eldridge and Karyn

E. Polito (by vote of the town) that the town of Northborough be authorized to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises;

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4652) of James E. Vallee and Karen E. Spilka (by vote of the town) relative to amending the charter of the town of Franklin;

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4656) of Sarah K. Peake and Robert A. O'Leary (by vote of the town) that members of the police department of the town of Provincetown be exempt from provisions of the civil service law;

To the committee on Public Service.

Petition (accompanied by bill, House, No. 4653) of Sarah K. Peake and Robert A. O'Leary (by vote of the town) relative to the disbursement of room occupancy excise tax revenue collected in the town of Provincetown;

Petition (accompanied by bill, House, No. 4654) of Sarah K. Peake and Robert A. O'Leary (by vote of the town) that the town of Provincetown be authorized to impose a room occupancy excise tax on vacation rental property in said town; and

Petition (accompanied by bill, House, No. 4655) of Daniel K. Webster, Robert L. Hedlund and Thomas J. Calter (by vote of the town) that the town of Duxbury be authorized to assess betterments for certain seawall repair cost;

Severally to the committee on Revenue.

A Bill making appropriations for the fiscal year 2011 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4601,- on House, No. 2, in part), -- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Resolutions.

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

Resolutions (filed by Ms. Chang-Diaz) "welcoming the Ninety-First Conference of Grand Masters, Prince Hall Masons, Inc. and Sixty-Second Conference of Grand Matrons and Grand Patrons of the Order of the Eastern Star";

Resolutions (filed by Mr. Donnelly) "congratulating the Billerica Public Library on the tenth anniversary of its renovated building";

Resolutions (filed by Mr. Pacheco) "congratulating Neil Maynard Horton, Jr. on the occasion of his elevation to the rank of Eagle Scout"; and

Resolutions (filed by Mr. Pacheco) "honoring James 'Jim' F. Strojny, Jr. for his commitment and dedication to the Massachusetts Elks Association."

PAPERS FROM THE HOUSE.

A joint petition (accompanied by bill, House, No. 4659) of Louis L. Kafka and James E. Timilty for legislation to authorize Janet Picheny to purchase certain creditable service for retirement purposes, - **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Engrossed Bills.

The following engrossed bills (the first two 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. Petruccelli) and laid before the Governor for his approbation, to wit:

Relative to payment for services rendered for extraordinary storm damage in the town of Templeton (see Senate, No. 2231); Amending the charter of the town of Stoughton (see Senate, No. 2238);

Establishing the Sherwood Forest Lake District in the town of Becket (see House, No. 3702); and

Exempting certain employees in the town of Brookline from the civil service laws (see House, No. 4198, amended).

Recess.

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

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to municipal relief (House, No. 4631, published as amended), -- **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2424.**

Order Adopted.

Mr. Panagiotakos offered the following order:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill relative to municipal relief (House, No. 4631), with the recommended Ways and Means new text (Senate, No. 2424) shall be placed in the Orders of the Day for a second reading on Thursday, May 13, 2010.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M. on Tuesday, May 11, 2010. All such amendments shall be second-reading amendments to the Ways and Means new text (Senate, No. 2424), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Ethics and Rules.

Subsequently, Mr. Berry, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Knapik, and the order was considered forthwith and adopted.

The bill (House, No. 4631) was then placed in the Orders of the Day for a second reading on Thursday, May 13, 2010, with the Ways and Means new text (Senate, No. 2424) pending.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Sarah F. Bowler, an employee of the Department of Children and Families (see House, No. 4611, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 2 to 0.**

The bill was signed by the Acting President (Mr. Petruccelli) and sent to the House for enactment.

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. Petruccelli) and laid before the Governor for his approbation, to wit:

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

Authorizing the town of Oxford to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (see House Bill, printed as Senate, No. 2196); and

Relative to the Historic Districts Commission of the town of Concord (see House, No. 632).

Order Adopted.

On motion of Mr. Knapik,--

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

On motion of the same Senator, at ten minutes before three o'clock P.M., the Senate adjourned to meet again on Thursday next at one o'clock P.M.