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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, May 24, 2010.

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

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

Reports of Committees.

By Ms. Creem, for the committee on the Judiciary, on petition, a Bill establishing a sick leave bank for Melissa Gordon, an employee of the Trial Court (Senate, No. 2433);

By Mr. McGee, for the committee on Labor and Workforce Development, on the recommitted petition, a Bill expediting appeals of wage violations (Senate, No. 717);

By Mr. McGee, for the committee on Public Service, on petition (accompanied by bill, Senate, No. 2448), a Bill establishing a sick leave bank for Howard Ray, an employee of the Department of Early Education and Care (Senate, No. 2452); and

By Mr. Joyce, for the committee on State Administration and Regulatory Oversight, on petition (accompanied by bill, Senate, No. 2411), a Bill authorizing the department of fish and game to acquire land of the town of Athol and to acquire a conservation restriction on lands of the town of Athol in exchange for grants of easements to the town of Athol (Senate, No. 2451);

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

By Mr. Joyce, for the committee on State Administration and Regulatory Oversight, on petition, a Bill relative to designating a playground at the Marine Park in South Boston as the Michael Joyce Memorial Playground (Senate, No. 2435);

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

Committees Discharged.

Mr. Berry, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Order relative to authorizing the joint committee on Community Development and Small Business to make an investigation and study of certain current Senate documents relative to community development and small business (Senate, No. 2444);

Of the Senate Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to charter schools (Senate, No. 2445); and

Of the Senate Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to health issues (Senate, No. 2446);

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

Under Senate Rule 36, the reports were considered forthwith and accepted.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4682) of Christopher N. Speranzo and Benjamin B. Downing (with the approval of the mayor and city council) that the city of Pittsfield be authorized to increase the size of their licensing board to five members,-- **was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.**

A Bill relative to certain exemptions in Massachusetts automobile insurance plans (House, No. 4476,-- on Senate, Nos. 490 and 491 and House, Nos. 953, 958 and 961), -- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

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, as follows:
The House Bill amending the charter of the town of Millis to establish an appointed board of assessors (House, No. 4473),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Ms. Spilka presented an amendment striking out section 3 and inserting in place thereof the following section:-

“SECTION 3. Upon the effective date of this act, the board of selectmen may appoint a board of assessors in accordance with section III-3 of the Millis town charter. Initial appointments under said section shall be made as follows: 1 for a 1-year term, 1 for a 2-year term, and 1 for a 3-year term. Upon the appointment of a board of assessors under said section III-3, the terms of the incumbent members of the board of assessors shall terminate and the elected board of assessors shall be abolished. No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected board of assessors. The appointed board shall, in all respects, be the lawful successor of the elected board. All records, property and equipment whatsoever of the elected board shall be assigned to the appointed board.”

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.

The House Bill authorizing the town of Westport to lease a portion of the Westport Town Farm to the Trustees of Reservations (House, No. 4368),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Ms. Menard 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 Westport, acting by and through its board of selectmen may enter into an agreement with the Trustees of Reservations to lease, for a term of 99 years, a portion of the Town Farm for agricultural, educational and preservation purposes. The lease shall be subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws. The leasehold premises consist of approximately 39 acres and is shown on a sketch plan entitled “Westport Town Farm”, prepared on behalf of the Trustees of Reservations, and on file in the office of the town clerk.

SECTION 2. If the land subject to the lease in section 1 is used for any other purposes other than those listed in section 1, shall immediately become null and void and any leasehold interest in the land shall immediately revert to the town of Westport.

SECTION 3. 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.

Report of Committees.

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 Frederick E. Berry for legislation to establish a sick leave bank for Daniel Donovan, III, an employee of the Department of Conservation and Recreation.

The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

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. 4700) Patricia A. Haddad and Marc R. Pacheco for legislation authorizing Bristol County to borrow money for the repair of Bristol County Agricultural High School;

Under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4701) of Barry R. Finegold, Susan C. Tucker and James R. Miceli relative to authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Tewksbury for recreational and open space purposes;

Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

On motion of Mr. Tarr, pursuant to an order previously adopted and under the provisions of Senate Rule 38B, the Senate adjourned to meet again on Wednesday next at ten o'clock A.M., in a full formal session with the only item on the Calendar being the general appropriations bill.