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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, June 14, 2010.

Met according to adjournment at eleven o'clock A.M. (Ms. Spilka 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 (Ms. Spilka), members, guests and employees then recited the pledge of allegiance to the flag.

Petition.

Mr. Brewer presented a petition (subject to Joint Rule 12) of Stephen M. Brewer and Lewis G. Evangelidis for legislation to validate certain proceedings of the Pathfinder Regional Vocational Technical High School;

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

PAPERS FROM THE HOUSE

A communication from the Department of Energy Resources of the Office of Energy and Environmental Affairs (under the provisions of section 12 of Chapter 25A of the General Laws) submitting proposed regulations (225 CMR 9.00) to provide significant assistance to the Commonwealth in meeting its renewable energy goals (accompanied by bill, House, No. 4745),-- was referred, in concurrence, to the committee on Telecommunications, Utilities and Energy.

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

Petition (accompanied by bill, House, No. 4736) Karyn E. Polito, James B. Eldridge, Carolyn Dykema and George N. Peterson, Jr. (by vote of the town) that the town of Westborough be authorized to issue an additional license for the sale of alcoholic beverages not to be drunk on the premises;

Petition (accompanied by bill, House, No. 4737) of Theodore C. Speliotis and Frederick E. Berry (by vote of the town) that the town of Danvers be authorized to issue a license for the sale of wine and malt beverages to McKinnon's Butcher Shop; and

Petition (accompanied by bill, House, No. 4738) of Theodore C. Speliotis and Frederick E. Berry (by vote of the town) for legislation to authorize the town of Danvers to issue a license for the sale of wine and malt beverages to Diluigi's Butcher Shop;

Severally to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4739) of Steven Stat Smith (with the approval of the mayor, board of aldermen and common council) for legislation validating the election of a charter commission in the city of Everett;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 4740) of Sarah K. Peake and Robert A. O'Leary (by vote of the town) for legislation to authorize the town of Truro to lease certain land to the town of Provincetown for the purpose of developing water wells;

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4741) of James Arciero and James B. Eldridge (by vote of the town) for legislation to authorize the Littleton Electric Light Department to perform certain electrical work;

To the committee on Telecommunications, Utilities and Energy.

Bills

Establishing a sick leave bank for Meridyth L. Reith, an employee of the Department of Environmental Protection (House, No. 4575,-- on petition);

Establishing a sick leave bank for Rick LeClair, an employee of the Department of Children and Families (House, No. 4698, amended,-- on petition);

Establishing a sick leave bank for Elise Lachance, an employee of the Department of Correction (House, No. 4710,-- on petition);

Establishing a sick leave bank for Carol Roberts, an employee of the Department of Transitional Assistance (House, No. 4711,-- on petition);

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

Bills

Relative to manslaughter (House, No. 1614,-- on petition);

Relative to stone walls (House, No. 1694, amended,-- on petition); and

Designating a certain bridge in the town of Westminster as the Ryan Patrick Jones Bridge (House, No. 4437,-- on petition);

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

Bills

Relative to the removal of spending limits in the town of North Andover (House, No. 1897,-- on petition) [Local approval received];

Relative to certain easements in the town of Andover (House, No. 4318,-- on petition) [Local approval received];

Authorizing the town of Northborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4719,-- on House, No. 4651) [Local approval received on House, No. 4651]; and

Authorizing the town of Clinton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4737,-- on House, No. 4227) [Local approval received on House, No. 4227];

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Notice was received from the Speaker of the House of Representatives announcing the following appointment:

That Representatives Kocot of Northampton and Walsh of Lynn had been appointed to the special commission established (under Section 104 of Chapter 28 of the Acts of 2009) to study the creation of a new independent Office of Public Accountability which would function as the single state entity for the administration and enforcement of the provisions of law currently administered and enforced by the State Ethics Commission, the Office of Campaign and Political Finance and the Lobbyist Division of the Office of the Secretary of State.

Resolutions.

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

Resolutions (filed by Mr. Baddour) "recognizing Joan Harding, RN, for her service and dedication to American Training, Inc."; and

and Resolutions (filed by Mr. Rosenberg) "honoring Irene L. 'Reenie' Wood on the occasion of her retirement from the Franklin Hampshire Employment and Training Consortium."

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 relative to certain limited registrations (Senate, No. 2192).

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.

PAPERS FROM THE HOUSE

The House Bill establishing a sick leave bank for Thomas Troy, a former employee of the Department of Correction (House, No. 4530, amended),-- **came from the House with the endorsement that the House had concurred in the Senate amendment with a further amendment striking out the text (as amended by the Senate) and inserting in place thereof the following text:**

"Section 1. Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Thomas Try, a former employee of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Thomas Troy. Whenever Thomas Troy terminates employment with the trial court or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the trial court paid sick leave bank. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court."; by striking out the emergency preamble and inserting in place thereof the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain former employee of the trial court, therefore it hereby be declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and by striking out the title (as inserted by amendment by the Senate) and inserting in place thereof the following title:-- “An Act establishing a sick leave bank for Thomas Troy, a former employee of the Trial Court”.

The rules were suspended, on motion of Mr. Knapik, and the further House amendment was considered forthwith.

Mr. Hart moved that the Senate concur with the further House amendment with a still further amendment striking out the text (as inserted by amendment by the House) and inserting in place thereof the following text:

“Notwithstanding any general or special law or rule or regulation to the contrary, the Suffolk County Sheriff’s Department shall establish a sick leave bank for Thomas Troy, an employee of the sheriff’s department. Any employee of the Suffolk County Sheriff’s Department may voluntarily contribute 1 or more sick days to the sick leave bank for use by Thomas Troy. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the sheriff’s department. Whenever Thomas Troy terminates employment with the sheriff’s department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.”; by striking out the emergency preamble (as inserted by amendment by the House) and inserting in place thereof the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the Suffolk County Sheriff’s Department, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and by striking out the title (as inserted by further amendment by the House) and inserting in place thereof the following title:- “An Act establishing a sick leave bank for Thomas Troy, an employee of the Suffolk County Sheriffs’ Department”.

The motion was accepted; and the further House amendment was adopted.

Sent to the House for concurrence in the still further amendment.

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

Petition (accompanied by bill, House, No.4758) of Garrett J. Bradley that the Department of Revenue be directed to reimburse cities and towns the proceeds collected from the excise tax imposed on satellite subscriptions;

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

Petition (accompanied by bill, House, No. 4757) of Garrett J. Bradley and Robert L. Hedlund for legislation to authorize the Department of Conservation and Recreation to lease a certain parcel of land within the “shipyard” in the town of Hingham to the Massachusetts Bay Transportation Authority;

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

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 (Ms. Spilka) and laid before the Governor for his approbation, to wit:

Exempting the position of deputy chief of police in the town of Wakefield from the civil service law (see Senate, No. 2230);

Designating the portion of state highway Route 140 located in the town of Upton as the George L. Wood Veterans of Foreign Wars Post #5594 and the Marshall-Leland American Legion Post #173 Roadway (see House, No. 4334); and

Providing for the appointment of a treasurer-collector in the town of Freetown (see House, No. 4415).

Recess.

There being no objection, at ten minutes past eleven o’clock A.M., the Chair (Ms. Spilka) declared a recess subject to the call of the Chair; and, at thirteen minutes past one o’clock P.M., the Senate reassembled, Mr. Hart in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPER FROM THE HOUSE

A Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4759, amended,-- on House, No. 4669, in part),--**was read.**

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

Pending the question on ordering the bill to a third reading, Mr. Tisei moved that the bill be amended by adding the following section:-

“SECTION X. Notwithstanding any special or general law to the contrary, an instructor of the reserve officer training corps affiliated with any public secondary school of the commonwealth shall be exempt from the requirement to pay service fees under sections 2 and 12 of chapter 150E. This provision shall not apply to a person who is employed full-time as a public employee under chapter 150E. ”.

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Recess.

There being no objection, at a quarter past one o'clock P.M., the Chair (Mr. Hart) declared a recess subject to the call of the Chair; and, at sixteen minutes past three o'clock P.M., the Senate reassembled, Mr. Hart in the Chair.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4759, 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. Hart) and sent to the House for enactment.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Hart) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Knapik,

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.

On motion of the same Senator, at twenty-three minutes past three o'clock P.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.