

**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.

*Thursday, June 17, 2010.*

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

#### *Petitions.*

Petitions were severally presented and referred, as follows:

Mr. Buoniconti presented a petition (accompanied by bill, Senate, No. 2484) of Stephen J. Buoniconti (with the approval of the mayor and city council) for legislation relative to the sale and storage of goods in public ways in the city of Springfield [Local approval received]; and

By Mr. Morrissey, a petition (accompanied by bill, Senate, No. 2494) of Michael W. Morrissey and Allen J. McCarthy (by vote of the town) for legislation relative to the transfer for certain funds in the town of Abington [Local approval received];

**Severally, under Senate Rule 20, to the committee on Municipalities and Regional Government.  
Severally sent to the House for concurrence.**

#### *Reports of Committees.*

By Mr. Buoniconti, for the committee on Financial Services, on Senate, No. 462 and House, No. 979), a Bill to establish standards for long term insurance (Senate, No. 2476);

**Referred, under Joint Rule 1E, to the committee on Health Care Financing.**

By Mr. Morrissey, for the committee on the Consumer Protection and Professional Licensure, on petition, a Bill relative to protecting the consumer rights of wheelchair owners (Senate, No. 167);

By the same Senator, for the same committee, on petition, a Bill to study and expand charitable gaming (Senate, No. 2035);

By the same Senator, for the same committee, on petition, a Bill relative to the period of registration of real estate appraisers (Senate, No. 2134); and

By Mr. Buoniconti, for the committee on Financial Services, on petition, a Bill relating to the Medical Professional Mutual Insurance Company (Senate, No. 2385);

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

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill to protect victims of unlicensed debt collection activity (Senate, No. 132); and

By Mr. Eldridge, for the committee on Municipalities and Regional Government, on Senate, Nos. 765 and 783 and House, No. 3572, a Bill relative to land use (Senate, No. 2482);

**Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 2133), a Bill authorizing the town of Wareham to issue eight (8) additional liquor licenses (Senate, No. 2483) [Local approval received on Senate, No. 2133]; and  
By Mr. McGee, for the committee on Public Service, on petition, a Bill exempting the position of chief of police of the town of Great Barrington from the provisions of civil service law (Senate, No. 2332) [Local approval received];  
**Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

#### PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 4766) of Robert A. DeLeo (by vote of the town) that the town of Winthrop be authorized to grant certain easements for underground utility work,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

A Bill relative to trusts for the care of animals (House, No. 1467,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-  
Resolutions (filed by Mr. Joyce) “congratulating K9 Officer Scott Brown on receiving the 2010 Public Safety Award of the Knights of Columbus, Father John J. Flatley Council 2095 of Canton”;  
Resolutions (filed by Mr. Joyce) “congratulating Firefighter Herbert King of the Canton Fire Department on receiving the 2010 Public Safety Award of the Knights of Columbus, Father John J. Flatley Council 2095 of Canton”;  
Resolutions (filed by Mr. Ross) “congratulating Evan T. Gennis of Wayland on his elevation to the rank of Eagle Scout”; and  
Resolutions (filed by Mr. Timilty) “recognizing the 2010 Building Educated Leaders for Life Bowl.”

#### *Order.*

Mr. Panagiotakos presented the following order:

*Ordered,* That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill establishing expanded gaming in the Commonwealth (House, No. 4619), with the recommended Senate Ways and Means new text (Senate, No. 2495) shall be placed in the Orders of the Day for a second reading on Wednesday June 23, 2010.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 12:00 Noon on Monday, June 21, 2010. All such amendments shall be second-reading amendments to the Ways and Means new text 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.

Mr. Timilty moved that the rules be suspended so that the matter be considered forthwith; but objection was made by Ms. Tucker.  
**The order was then placed in the Orders of the Day for the next session, the question being on adoption.**

#### *Communication.*

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE  
STATE HOUSE, BOSTON 02133-1053

June 14, 2010

Mr. William Welch, Clerk  
Massachusetts State Senate  
State House  
Boston, MA 02133

Dear Mr. Clerk,

I was unable to attend the formal session of the Senate on June 10, 2010. Had I been present, I would have voted in the affirmative on H4561 and H4368. In addition, I would have voted in favor of the ruling of the chair to lay aside the Senate Minority Leader’s amendment to H1696.

I respectfully request that a copy of this correspondence be printed in the journal during the next session.

Thank you in advance for your assistance in this matter.

Respectfully,  
JENNIFER L. FLANAGAN  
State Senator  
Worcester & Middlesex District.

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

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 credit union shares and deposits (Senate, No. 468).

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

Sent to the House for concurrence.

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 House Bill relative to the transportation of telephone poles (House, No. 3790).

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

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 House Bill authorizing the government employers in the county of Dukes County to establish a pooled other post-employment benefits trust fund (House, No. 4105).

There being no objection, the rules were suspended, on motion of Mr. Timilty, 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 authorizing the government employers in the county of Dukes County to establish a pooled other postemployment benefits trust fund".

By Mr. Downing, for the committee on Revenue, on petition, a Bill authorizing the city of Melrose to enter into a tax deferral agreement with Stone Place Limited Partnership (Senate, No. 2438) [Local approval received].

The bill 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.

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. 4776) of Anne M. Gobi and Robert L. Hedlund for legislation that Richard D. Valcourt, a member of the Worcester regional retirement system, be eligible for benefits from the Group Insurance Commission; and

Petition (accompanied by bill, House, No. 4777) of Michael J. Rodrigues for legislation to establish a sick leave bank for Colleen Robichaud, an employee of the Registry of Motor Vehicles;

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

Petition (accompanied by bill, House, No. 4778) of Martha M. Walz for legislation to authorize the Division of Capital Asset Management and Maintenance be authorized to transfer the care, custody and control of a certain parcel of land for improvements to the MBTA Science Park Station;

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

Petition (accompanied by bill, House, No. 4779) of Garrett J. Bradley and Robert L. Hedlund for legislation (by vote of the town) that the Board of Library Commissioners for the Commonwealth be directed to certify the public library of the town of Hull and providing that said library be eligible for assistance under the public libraries program;

Under suspension of Joint Rule 12, to the committee on Tourism, Arts and Culture Development.

Emergency Preamble Adopted.

An engrossed Bill relative to the Essex North Shore Agricultural and Technical School (see Senate, No. 2392), 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. Donnelly) and sent to the House for enactment.

Engrossed Bills.

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

Designating the East Brookfield District Courthouse as the Francis H. George Courthouse (see Senate, No. 1575);

Establishing a sick leave bank for Melissa Gordon, an employee of the Trial Court (see Senate, No. 2433);  
Establishing a sick leave bank for Howard Ray, an employee of the Department of Early Education (see Senate, No. 2452); and  
Authorizing the appointment of special police officers in the town of Millis (see House, No. 1882).  
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.

On motion of the same Senator, at ten minutes past eleven o'clock A.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.