

**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.

*Wednesday, June 30, 2010.*

Met at thirteen minutes past one o'clock P.M.

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 relative to the continued use of Memorial Park in the town of Rockland (Senate, No. 2474),-- **was read a second time and ordered to a third reading.**

The Senate Bill to protect motor vehicle owners' and independent repairers' right to repair (Senate, No. 2268),-- **was considered, the main question being on passing the bill to be engrossed.**

The pending amendment, previously moved by Mr. Hart, that the bill be amended by substituting a new draft with the same title (Senate, No. 2517),- **was considered.**

Pending the question on adoption of the amendment, Mr. Tisei moved that the pending new draft be amended in section 1, in proposed chapter 93J of the General Laws by adding the following section: -

"SECTION 6. The attorney general shall promulgate rules and regulations to implement the provisions of this act.

**The amendment was adopted.**

**After remarks, and pending the question on adoption of the amendment (Hart), as amended and pending the main question on passing the bill to be engrossed, Mr. Tisei moved that the matter be laid on the table; and, under the provisions of Senate Rule 24, the further consideration thereof was laid over until the next session.**

The engrossed Bill relative to debt restructuring (see House, No. 4617, amended),-- **was considered, the question being on passing the bill to be enacted.**

**The pending motion, previously moved by Mr. Montigny, to lay the matter on the table was considered; and it was negatived.**

**After remarks, Mr. Montigny moved that the matter be laid on the table; and, under the provisions of Senate Rule 24, the further consideration thereof was laid over until the next session.**

The House Bill establishing expanded gaming in the Commonwealth (House, No. 4619),-- **was considered, the main question being on ordering the bill to a third reading.**

**The pending motion, previously moved by Mr. Eldridge, to lay the matter on the table was considered; and it was negatived.**

The pending amendment, previously moved by Ms. Menard, that the proposed new text be amended by adding the following two sections:-

SECTION X. Section 2 of Chapter 266 of the Acts of 2002 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The Fall River Redevelopment Authority may develop said land for commercial, industrial and other economic development purposes, but expressly excluding any use of said land for landfill related purposes, without the necessity of adopting or adhering to an urban renewal plan, as defined in section 1 of chapter 121B of the General Laws, and with respect to said land the Fall River Redevelopment Authority shall enjoy the statutory authority it would possess for land and structures and other property within an urban renewal project as defined by section 1 of said chapter 121B. The lack of available industrial land in Fall River and Freetown is detrimental to the economic welfare of the citizens of the commonwealth and, in particular, the city of Fall River and the town of Freetown.

SECTION XX. Said Chapter 266 is hereby further amended by striking out Section 7 and inserting in place thereof the following section:-

SECTION 7. The Commonwealth of Massachusetts, acting by and through the Commissioner of Division of Capital Asset Management and Maintenance (“DCAM”) on behalf of and in consultation with Department of Conservation and Recreation (“DCR”), successor to Department of Environmental Management, shall execute and deliver in recordable form to the Fall River Redevelopment Authority an amendment to the Release Deed dated January 22, 2009 and recorded in Book 07124 Page 95 which shall incorporate the changes made to Section 2 of Chapter 266 of the Acts of 2002 as a result of this act. DCAM is hereby authorized and directed to execute and deliver a release or termination of any other documentation which in any way reflects the restriction described above to said Section 2 of said Chapter 266 prior to the enactment of this law. Such restrictions shall be fully released from the subject property. DCAM is also authorized and directed to execute any other documentation reasonably requested by the Fall River Redevelopment Authority or any successor or assignee to more fully carry out the provisions of this Act.; Mr. Panagiotakos having moved that the pending amendment (Menard) be further amended by striking the text in its entirety and inserting in place thereof the following text:-

by adding the following two sections:-

SECTION X. Section 2 of Chapter 266 of the Acts of 2002 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The Fall River Redevelopment Authority may develop said land for commercial, industrial and other economic development purposes, but expressly excluding any use of said land for landfill related purposes, without the necessity of adopting or adhering to an urban renewal plan, as defined in section 1 of chapter 121B of the General Laws, and with respect to said land the Fall River Redevelopment Authority shall enjoy the statutory authority it would possess for land and structures and other property within an urban renewal project as defined by section 1 of said chapter 121B. The lack of available industrial land in Fall River and Freetown is detrimental to the economic welfare of the citizens of the commonwealth and, in particular, the city of Fall River and the town of Freetown.

SECTION XX. Said Chapter 266 is hereby further amended by striking out Section 7 and inserting in place thereof the following section:-

SECTION 7. The Commonwealth of Massachusetts, acting through the Commissioner of Division of Capital Asset Management and Maintenance (“DCAM”) on behalf of and in consultation with Department of Conservation and Recreation (“DCR”), successor to Department of Environmental Management, shall execute and deliver in recordable form to the Fall River Redevelopment Authority an amendment to the Release Deed dated January 22, 2009 and recorded in Book 07124 Page 95 which shall incorporate the changes made to Section 2 of Chapter 266 of the Acts of 2002 as a result of this act.

DCAM is hereby authorized and directed to execute and deliver a release or termination of any other documentation which in any way reflects the restriction described above to said Section 2 of said Chapter 266 prior to the enactment of this law. Such restrictions shall be fully released from the subject property. DCAM is also authorized and directed to execute any other documentation reasonably requested by the Fall River Redevelopment Authority or any successor or assignee to more fully carry out the provisions of this Act.,-- **was considered.**

**After debate and pending question on adoption of the further amendment, Mr. Montigny moved that the matter be laid on the table; and, under the provisions of Senate Rule 24, the further consideration thereof was laid over until the next session.**

*Moment of Silence.*

At the request of the President, the members, guests and employees stood in a moment of silence and reflection to the memory of Representative Robert J. Nyman.

*Order Adopted.*

On motion of Ms. Flanagan,--

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

### **Adjournment in Memory of State Representative Robert J. Nyman**

The Senator from Plymouth and Barnstable, Ms. Murray, the Senator from Norfolk and Plymouth, Mr. Morrissey, and the Senator from the Plymouth and Bristol, Mr. Kennedy, requested that when the Senate adjourns today, it adjourn in memory of State Representative Robert J. Nyman of Hanover whose accidental passing on Friday was a shock to us all. He was 49.

Representative Nyman was a six-term Democrat from the 5th Plymouth District, representing Hanover, Rockland and Norwell. He will be remembered as a dedicated and beloved father, husband, friend and public servant.

He began his political career in 1979, at the age of 19, when he became a member of the Hanover School Committee. He served for five years and went on to become a member of the Hanover Board of Selectmen and the Plymouth County Charter Commission. He joined the House of Representatives in 1999 and has been a steady and positive influence his entire political life.

A true "Man of the People," Representative Nyman was universally respected and admired by his colleagues and his constituents. From everyday local events to the biggest fights on Beacon Hill, he cared and always showed up ready to lend a hand or stand his ground for the people in his communities.

His ardent support for education, senior citizens, and children and families was clear in his actions and accomplishments throughout his career and his life. Whether securing funding for a new school or senior center, or simply driving a friend to the hospital for medical treatments every week, Representative Nyman always tried to make life better for the people around him.

We will never forget his efforts to help raise funding for former Hanover resident, David Stewart, so the 11-year-old boy could undergo new treatment for an aggressive form of leukemia after he was denied coverage.

David later succumbed to the disease, but his plight was the impetus for Representative Nyman, Senator Murray and former Representative Kathleen Teahan to pass legislation that created in Catastrophic Illness in Children Relief Fund to provide families with the necessary resources for medical expenses not covered by insurance.

Representative Nyman's compassion and commitment will not be forgotten.

The Chair asks members to join in a moment of silence in memory of Representative Robert J. Nyman of Hanover.

Representative Nyman leaves his wife, Rhonda, their two daughters, Kristina and Kara, and his mother, Christine. Our hearts and prayers go out to the family at the difficult time.

Accordingly, as a mark of respect to the memory of Representative Robert J. Nyman, at a quarter past two o'clock P.M., on motion of Mr. Berry, the Senate adjourned to meet again tomorrow at two o'clock P.M.