

**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, July 12, 2010.*

Met at three minutes past eleven o'clock A.M. (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).

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

#### *Petition Returned by State Secretary.*

A communication was received from the Secretary of State on the Senate petition of Stephen J. Buoniconti (accompanied by bill) for legislation to establish the Union Station Development Corporation (having been transmitted, under the provisions of Joint Rule 9 and Section 5 of Chapter 3 of the General Laws, to the Secretary of State), stating that the petitioners had failed to file proof of notice of publication with the Secretary's office.

**Under the provisions of Joint Rule 9, the petition was placed on file.**

#### *Reports.*

The following reports were severally placed on file, to wit:

A report of the Fall River Registry of Deeds (under the provisions Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received Thursday, March 4, 2010); and

A report of the Dukes County Registry of Deeds (under the provisions Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received Thursday, June 24, 2010).

#### *Petitions.*

Petitions were severally presented and referred, as follows, to wit:

By Mr. Kennedy, a petition (accompanied by bill, Senate No. 2539) of Thomas P. Kennedy (by vote of the town) for legislation relative to amend the subsidized housing inventory for the town of Hanover;

**Under Senate Rule 20, to the Committee on Municipalities & Regional Government.**

**Sent to the House for concurrence.**

By Mr. Morrissey, a petition (subject to Joint Rule 7B) of Michael W. Morrissey for legislation to authorize the city of Quincy to abate fiscal year 2009 real property taxes;

**Under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Reports of Committees.*

By Mr. McGee, for the committee on Labor and Workforce Development, on Senate, No. 474, an Order relative to authorizing the joint committee on Labor and Workforce Development to make an investigation and study of a certain current Senate document relative to labor and workforce issues (Senate, No. 2537);

**Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.**

By Mr. Joyce, for the committee on State Administration and Regulatory Oversight, on petition, a Bill changing the use of a certain parcel of land in the Town of Greenfield (Senate, No. 2481);

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

#### **PAPERS FROM THE HOUSE**

A petition (accompanied by bill, House, No. 4849) of John V. Fernandes and Richard T. Moore (by vote of the town) for legislation to place on the ballot in the current year the filling of a vacancy on the board of selectmen in the town of Mendon,-- **was referred, in concurrence, to the committee on Election Laws.**

##### *Bills*

Establishing a sick leave bank for Susan Spera, an employee of the Department of Developmental Services (House, No. 4717,-- on petition); and

Relative to the bond amount paid by gasoline distributors, unclassified importers and unclassified exporters (House, No. 4729,-- on House, No. 2810);

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

##### *Bills*

Promoting fairness in private construction contracts (House, No. 4721,-- on House, No. 1804); and

Relative to state universities (House, No. 4864,-- on Senate, No. 2162 and House, Nos. 449 and 1109);

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

##### *Bills*

Relative to a transfer of land in the town of Plymouth (House, No. 4264, amended,-- on petition) [Local approval received];

Relative to the number of town meeting members among precincts in the town of Shrewsbury (House, No. 4305,-- on petition) [Local approval received];

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

##### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:- Resolutions (filed by Mr. Baddour) "congratulating the Newburyport Affordable Housing Corporation's president, Mark Moquin, and its Board Of Commissioners on the occasion of the opening of 8 housing units"; and Resolutions (filed by Mr. Richard T. Moore) "congratulating Paul N. O'Donnell on the occasion of his eightieth birthday."

##### *Reports of a Committee.*

Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for James E. Munchbach, an employee of the Trial Court (Senate, No. 2413),-- **ought to pass.**

**There being no objection, the rules were suspended, on motion of Mr. Ross, 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. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to auto body labor rates (Senate, No. 122),-- **ought to pass.**

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

Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to compliance with reserve requirements of life insurers (Senate, No. 497),-- **ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2542).**

**There being no objection, the rules were suspended, on motion of Mr. Ross, and the bill was read a second time and amended, as recommended by the committee on Ways and Means.**

**The bill (Senate, No. 2542) was then ordered to a third reading.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing the Massachusetts Food Policy Council (House, No. 4568),-- **ought to pass, with an amendment in section 1: by striking out, in line 4, the figure "15" and inserting in place thereof, the following figure:- "17"; in line 15, by striking out the figure "5" and inserting in place thereof the figure "7"; by inserting after the word "nutrition," in line 18, the following words :- "1 of whom shall be an expert in food safety,**

1 of whom shall be an expert in food processing and handling”; and by striking out, in lines 26 and 27, the words “department shall provide administrative support to the council as requested” and inserting in place thereof the following words:- “council may request administrative support from the department”.

**There being no objection, the rules were suspended, on motion of Mr. Ross, and the bill was read a second time and amended, as recommended by the committee on Ways and Means.**

**The bill, as amended, was then ordered to a third reading.**

#### **PAPERS FROM THE HOUSE**

The Senate Bill relating to safety regulations for school athletic programs (Senate, No. 2469),-- came from the House passed to be engrossed, in concurrence, with an amendment striking out section 2; and by inserting before the enacting clause the following emergency preamble:-

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to enhance forthwith the public health of school athletes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.”.

**The rules were suspended, on motion of Mr. Ross, and the House amendment were considered forthwith and adopted, in concurrence.**

A petition (accompanied by bill, House, No. 4873) of Sarah K. Peake and Robert A. O’Leary relative to an intermunicipal agreement between the towns of Provincetown and Truro,- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.**

#### *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. Hart) and laid before the Governor for his approbation, to wit:

Relative to the North Carver Water District (see Senate, No. 2348);

Relative to the provision of notice of the availability of the annual finance committee report (see House, No. 1901);

Authorizing the town of Norwood to acquire a certain parcel of real estate from the Veterans of Foreign Wars Norwood 2452, Inc. and to lease the same to the post and certain other veterans’ organizations (see House, No. 4383, amended);

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

Authorizing the town of Sheffield to continue the employment of Police Chief James M. McGarry (see House, No. 4487).

#### *Recess.*

There being no objection, at nine minutes past eleven o’clock A.M., the Chair (Mr. Hart) declared a recess subject to the call of the Chair; and, at nineteen minutes before one o’clock P.M., the Senate reassembled, Mr. Hart in the Chair.

#### *Reports of a Committee.*

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to level IV treatment interventions (Senate, No. 45),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2540).**

**Ms. Jehlen moved that the rules be suspended; but objection was made thereto by Mr. Ross.**

**The bill was referred, under Senate Rule 26, to the committee on Ethics and Rules.**

**Subsequently, Mr. Berry, for the said committee on Ethics and Rules, reported that the matter be placed in the Orders of the Day for the next session.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill creating a special commission on behavior modification (Senate, No. 46),-- **ought to pass, with an amendment substituting a resolve entitled “A Resolve providing for a special commission on behavior modification” (Senate, No. 2541).**

**Ms. Jehlen moved that the rules be suspended; but objection was made thereto by Mr. Ross.**

**The bill was referred, under Senate Rule 26, to the committee on Ethics and Rules.**

**Subsequently, Mr. Berry, for the said committee on Ethics and Rules, reported that the matter be placed in the Orders of the Day for the next session.**

#### *Order Adopted.*

On motion of Ms. Jehlen,

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

On motion of the same Senator, at seventeen minutes before one o’clock P.M., the Senate adjourned to meet again tomorrow at one o’clock P.M.