

**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.

JOURNAL OF THE SENATE.

Friday, July 30, 2010.

[being a continuation of the session  
of Wednesday, July 28, 2010.]

Met at one minute past one o'clock P.M. (Mr. Brewer in the Chair).

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

Distinguished Guests.

There being no objection, the President handed the gavel to Ms. Creem for the purpose of an introduction. Ms. Creem then introduced, in the rear of the Chamber, Dr. Rachel Geller. Dr. Geller is responsible for adding section 72AA to Chapter 111 of the General Laws, which orders long-term care facilities to distribute an informational brochure at the time of admission to all new patients. She was accompanied by her husband, Joel Kaplan. The Senate applauded her accomplishments and withdrew from the Chamber.

There being no objection, the President handed the gavel to Ms. Candaras for the purpose of an introduction. Ms. Candaras then introduced, on the rostrum, 14 year old Lauran Skehan Beluzo of East Longmeadow. She is a featured soloist with the Dan Kane Singers, with whom she has been a member since the age of 6. Recently, Lauran released a new CD of patriotic songs in memory of her grandfather, Richard Skehan, who served in World War II. Lauran addressed the Senate and sang "God Bless America". The Senate welcomed her with applause and she withdrew from the Chamber.

Committee Discharged.

Mr. Montigny, for the committee on the Bonding, Capital Expenditures and State Assets, reported, asking to be discharged from further consideration

Of the Senate Bill amending the conservation restrictions and agricultural preservations statutes (Senate, No. 382);

Of the Senate Bill expanding pleasure boat access to Boston Harbor (Senate, No. 420);

Of the Senate Bill relative to the sewer rate relief fund (Senate, No. 428);

Of the Senate Bill relative to cities and towns borrowing outside their debt limit (Senate, No. 781);

Of the Senate Bill relative to the Massachusetts Water Resources Authority (Senate, No. 1521);

Of the Senate Bill relative to revitalization of the South Boston designated port area (Senate, No. 2418);

Of the Senate Bill to promote the viability and sustainability of commercial fisheries in the Commonwealth (Senate, No. 2486);

Of the Senate Bill authorizing the leasing of the Ponkapoag Golf Course (Senate, No. 2500); and

Of the Senate Bill authorizing the transfer of a parcel of land in the city of Taunton (Senate, No. 2503);

And recommending that the same severally be referred to the Senate committee on Ways and Means.  
Under Senate Rule 36, the reports were considered forthwith and accepted.

Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 701) of Mark C. Montigny for legislation to authorize the funding of capital expenditures for workforce development and adult basic education,-- and recommending that the same be referred to the Senate committee on Ways and Means.  
Under Senate Rule 36, the report was considered forthwith and accepted.

#### PAPERS FROM THE HOUSE

##### Bills

Relative to post partum depression (House, No. 4859,-- on House No. 3897);  
Relative to the sale of wines at auction (House, No. 4908,-- on House, No. 397)  
Relative to the Connecticut River rowing facility (House, No. 4930,-- on House, No. 3145);  
Protecting out natural resources (House, No. 4943,-- on House, No. 736);  
Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

A Bill relative to the maximum storage charges on motor vehicles involuntarily towed (House, No. 4171,-- on House, No. 276),-- was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

A Bill authorizing the city of North Adams to use reserve funds to reduce debt (House, No. 4851,-- on petition) [Local approval received],-- was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

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##### Recess.

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

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##### Emergency Preambles Adopted.

An engrossed Bill relative to the pooling of tips (see House, No. 4814, 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 5 to 0.  
The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville Housing Authority (see Senate, No. 2286, 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 5 to 0.  
The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to transfer the control of certain land in the city of Boston to the Massachusetts Bay Transportation Authority (see House, No. 4778), 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 6 to 0.  
The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Tewksbury (see House, No. 4822), 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 8 to 0.  
The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing the granting of easements upon land of the Commonwealth located in the city of Cambridge (see House, No. 4875), 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 6 to 0.  
The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the town of Salisbury (see House, No. 4929, 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 9 to 0.

The bill was signed by the President and sent to the House for enactment.

#### 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 President and laid before the Governor for his approbation, to wit:

Further regulating above ground tanks used for the storage of certain fluids (see Senate, No. 914);

Relative to deposits in trust for other persons (see House, No. 999);

Relative to the Board of Directors of the Massachusetts Water Resources Authority (see House, No. 3807);

Relative to health insurance and other benefits in the town of Phillipston (see House, No. 4196);

Relative to certain banking laws (see House, No. 4341);

Establishing the Massachusetts Food Policy Council (see House, No. 4568, amended); and

Exempting all positions in the police department of the town of Provincetown from the civil service law (see House, No. 4656).

A petition (accompanied by bill, House, No. 4958) of James J. O'Day and Harriett L. Chandler relative to authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land to the West Boylston Water District for the purpose of a public water supply,- was referred, in concurrence, under suspension of Joint Rules 9 and 12, to the committee on State Administration and Regulatory Oversight.

#### Communications.

The Clerk read the following communications:

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

July 29, 2010  
Mr. William Welch  
Clerk of the Senate  
State House, Room 335  
Boston, MA 02133

Dear Mr. Clerk,

During the formal sessions held on Tuesday, July 27, 2010 and Wednesday, July 28, 2010, I was absent from the chamber serving in my capacity a member of the Special Senate Committee to the Annual Meeting of the National Conference of State Legislatures.

Consequently, I was not recorded on several roll call votes. Had I been present, I would have voted in the following manner:

Tuesday, July 27, 2010

H. 4156 – National Popular Vote – No

S. 2566 – Postponement - No

Wednesday, July 28, 2010

H. 4194 – North Andover Land - Yes

H. 4879 (as amended) – Prescription Drug Monitoring - Yes

H. 4304 – Cohasset Land – Yes

H. 4318 – Andover Easements – Yes

H. 4916(as amended) –Silver Alert Response System – Yes

I respectfully request that a copy of this letter be printed in the Journal of the Senate. Thank you in advance for your assistance.

Sincerely,

Richard T. Moore

State Senator

Worcester and Norfolk District

On motion of Mr. Richard T., Moore, the above communication was ordered printed in the Journal of the Senate.

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

July 30, 2010  
Mr. William Welch  
Clerk of the Senate  
State House, Room 335  
Boston, MA 02133

Dear Mr. Clerk,

On July 22, 2010, my attendance was required at a memorial service for a family member. My absence from the chamber during any roll calls in the Senate session that day was due entirely to this commitment.

I respectfully request that this communication be printed in the Journal of the Senate. Thank you for your assistance with this matter.

Very truly yours,  
Michael R. Knapik  
2nd Hampden and Hampshire District

On motion of Ms. Candaras, the above communication was ordered printed in the Journal of the Senate.

Matter Taken From the Orders of the Day

There being no objection, the following matter was taken out of the Orders of the Day and considered forthwith:

The House Bill authorizing the town of Lee to grant retirement benefits to Stanley Daoust (House, No. 4709),-- was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

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 House Bill designating a certain road in the town of Uxbridge as the Benny Emerick's Road to Boston (House, No. 3182). There being no objection, the rules were suspended, on motion of Mr. Michael O. Moore, and the bill was read a second time. Pending the question on ordering the bill to a third reading, Mr. Richard T. Moore moved to amend the bill by striking all after the enacting clause and inserting in place thereof the following text:-

"A portion of route 16 in the town of Uxbridge, beginning at the intersection of West River road and ending at the Mendon town line, shall be designated and known as the Sergeant Benjamin P. 'Benny' Emerick's 'Road to Boston.' The Massachusetts Department of Transportation shall erect and maintain suitable markers bearing that designation in compliance with the standards of the department and any existing historic preservation guidelines or statutes."

The amendment was adopted.

After remarks, 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.

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 validating action taken at a special town election held in the town of Ashfield (printed in House, No. 4612).

There being no objection, the rules were suspended, on motion of Mr. Downing, 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 providing equity for school principals (House, No. 371, changed) (the committee on Ethics and Rules recommending that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following text:-

"The second paragraph of section 41 of chapter 71 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- School principals, by whatever title their position may be known, shall not be represented in collective bargaining, but every principal shall meet and discuss individually the terms and conditions of the principal's employment in the principal's school district with such district's superintendent or the superintendent's designee at a time to be determined by the superintendent and may be represented by an attorney or other representative; provided, however, that the meeting may be waived if the principal and superintendent consent."

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

amended, as recommended by the committee on Ethics and Rules.

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.

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 designating the city of Salem as the Birthplace of the National Guard (House, No. 1145, changed) (the committee on Ethics and Rules recommending that the bill be amended by striking out section 2).

There being no objection, the rules were suspended, on motion of Mr. Berry, and the bill was read a second time and was amended, as recommended by the committee on Ethics and Rules.

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.

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 disabled firefighters (House, No. 4463).

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time, ordered to a third reading, read a third time and, after remarks, 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 relative to the Massachusetts Credit Union Share Insurance Corporation (House, No. 4483).

There being no objection, the rules were suspended, on motion of Mr. Berry, and the bill was read a second time, ordered to a third reading, read a third time and, after remarks, 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 improving emergency access to mental health services (House, No. 4681).

There being no objection, the rules were suspended, on motion of Ms. Flanagan, and the bill was read a second time, ordered to a third reading, read a third time and, after remarks, 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 licensed independent clinical social workers to apply for the emergency hospitalization of persons who pose a risk of harm to themselves or others due to mental illness".

By Mr. Panagiotakos, that the Senate Bill concerning financial literacy in schools (Senate, No. 2275),-- ought to pass.

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

After debate, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-eight minutes before four o'clock P.M., on motion of Mr. O'Leary, as follows, to wit (yeas 39 – nays 0) [Yeas and Nays No. 364]:  
INSERT ROLL CALL "364"

The yeas and nays having been completed at twenty-four minutes before four o'clock P.M., the bill was passed to be engrossed.  
Sent to the House for concurrence.

#### PAPER FROM THE HOUSE

A Bill authorizing the city of Boston to grant permanent volumetric easements related to vertical transportation improvements over certain parcels of land in the city of Boston (House, No. 4806,-- on petition) [Local approval received],-- was read.

There being no objection, the rules were suspended, on motion of Mr. Petrucci, 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 city of Boston to grant permanent volumetric easements relative to vertical transportation improvements over certain parcels of land in the city of Boston".

#### Reports of a Committee.

By Mr. Panagiotakos, that the Senate Bill to improve augmentative and alternative communication opportunities for children with disabilities (Senate, No. 2293),-- ought to pass, with an amendment substituting a new draft entitled "An Act to improve augmentative and alternative communication opportunities for children" (Senate, No. 2579).

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

Ms. Menard in the Chair, after remarks, the bill (Senate, No. 2579) was ordered to a third reading, read a third time and passed to

be engrossed.  
Sent to the House for concurrence.

By Mr. Panagiotakos, that the Senate Bill relative to timely decisions by awarding authorities (Senate, No. 2494),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2580).

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

After remarks, the bill (Senate, No. 2580) was ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Mr. Panagiotakos, that the Senate Bill further regulating business practices between motor vehicle dealers, manufacturers, and distributors (Senate, No. 2508),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2581).

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

After remarks, the bill (Senate, No. 2581) was ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

#### PAPER FROM THE HOUSE

The Senate Bill authorizing governmental bodies to enter into contracts for the inspection, maintenance, repair or modification of water storage facilities (Senate, No. 2449, amended),-- came from the House with the endorsement that the House had concurred in the further Senate amendment in proposed section 64, by adding the following subsection:

“(c) All subcontractors under the offer or shall maintain and participate in a bona fide apprentice training program as prescribed in sections 11H and 11I of chapter 23 for each trade or occupation with an apprentice training program and approved by the division of apprentice training in the department of labor and workforce development and shall abide by the apprentice-to-journeyman ratio for each such trade as prescribed in said chapter 23 while in the performance of the contract.” with a still further amendment striking out subsection (c) (inserted by amendment by the Senate) and inserting in place thereof the following subsection:

“(c) All subcontractors under the offer or employing 120 or more persons to perform service under a contract awarded pursuant to section 65 shall maintain and participate in a bona fide apprentice training program as prescribed in sections 11H and 11I of chapter 23 for each trade or occupation with an apprentice training program and approved by the division of apprentice training in the department of labor and workforce development and shall abide by the apprentice to journeyman ratio for each such trade as prescribed in said chapter 23 while in the performance of the contract .”

The rules were suspended, on motion of Mr. Pacheco, and the House still further amendment was considered forthwith and adopted, in concurrence.

#### Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill conveying certain property to the town of Sherborn (House, No. 4783),-- ought to pass.

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

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing the after school and out of school time coordinating council (Senate, No. 2278),-- ought to pass.

There being no objection, the rules were suspended, on motion of Mr. O’Leary, and the bill was read a second time, ordered to a third reading, read a third time and, after remarks, passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act establishing the Massachusetts after school and out of school time coordinating council”.

Sent to the House for concurrence.

At twenty-six minutes before five o’clock P.M., Mr. Knapik doubted the presence of a quorum; and, at twenty-five minutes before five o’clock P.M., a quorum was determined to be present and the Senate continued with its business at hand.

#### PAPER FROM THE HOUSE

##### Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the further Senate amendments to the Senate Bill relative to comprehensive siting reform for land based wind projects (Senate, No. 2260, amended) (further amended by the Senate by striking out the words, “NO SECTION 1.” and inserting in place thereof the following section:-

“SECTION 1. This act shall be construed in a manner to achieve its public purposes, which are to encourage the development of

clean, renewable, electric generating plants and ancillary facilities powered by wind, ensure that such facilities are sited in appropriate locations based on clear, predictable and protective environmental, cultural and historic resource standards and streamline the permitting of such facilities at the state and local level and reduce delays associated with appeals of such permits.”; In line 3, by striking out the word “department”, the second time it appears, and inserting in place thereof the following word:- “division”;

By inserting after section 2 the following 3 sections:-

“SECTION 2A. Said section 10 of said chapter 25A, as so appearing, is hereby amended by striking out, in lines 22 and 23, the words ‘or other local governmental body’ and inserting in place thereof the following words:- , other local governmental body or other local governmental bodies acting jointly on a regional basis.

SECTION 2B. Said section 10 of said chapter 25A, as so appearing, is hereby further amended by inserting after the word ‘locations’, in lines 27 and 28, the following words:- within the municipality, other local governmental body or other local governmental bodies acting jointly on a regional basis.

SECTION 2C. Said section 10 of said chapter 25A, as so appearing, is hereby further amended by inserting after the word ‘municipality’, in lines 29, 42 and 43, each time it appears, the following words:- , other local governmental body or other local governmental bodies acting jointly on a regional basis.”;

In line 17, by striking out the word “division” and inserting in place thereof the following words:- “energy facilities siting board”;

In line 24, by striking out the words “local governmental body” and inserting in place thereof the following word:-

“municipality”;

In section 3, in proposed section 69T of chapter 164 of the General Laws by striking out the definition of “Regional planning agency” and inserting in place thereof the following definition:-

“‘Regional planning agency’, an agency with regulatory authority to issue permits, licenses or other governmental approvals for particular land uses within its jurisdiction.”;

In line 31, by striking out the words “ , test towers”;

In line 45, by striking out the words “sections 4 and 69V of chapter 25D” and inserting in place thereof the following words:-

“section 69V and section 4 of chapter 25D. The siting of offshore wind facilities shall be governed by the integrated ocean management plan established under section 4C of chapter 21A.”;

In line 84, by insert after the word “Association” the following words:- “; provided, however, that the same municipal official may not serve on the energy facilities siting board and the advisory group established in this subsection”;

In line 91, by inserting after the word “megawatts” the following words:- “or related test towers”;

In line 92, by inserting after the word “facility” the following words:- “or related test towers”;

In line 96, by striking out the words “clerk of the local governmental body,” and inserting in place thereof the following words:- “city or town clerk”;

In lines 98 and 163, by striking out the word “division” , each time it appears, and inserting in place thereof the following words:- energy facilities siting board;

In line 191, by striking out the words “Notwithstanding the provisions of any other law to the contrary,”;

In section 3, in the second sentence of subsection (h) of proposed section 69V of chapter 164 of the General Laws, by striking out , the words “If the” and inserting in place thereof the following words:- “Notwithstanding any general or special to the contrary, if the”;

In said section 3, in said proposed section 69V of said chapter 164, by striking out subsection (k);

In said section 3, in subsection (m) of said proposed section 69V of said chapter 164 by adding the following words:- “The energy facilities siting board may retain said fees for the purpose of reviewing applications to construct wind energy facilities. Any remaining balances of said fees at the end of a fiscal year shall not revert to the General Fund, but instead shall be available to the energy facilities siting board during the following fiscal year for the purposes set forth in sections 69U to 69X, inclusive. Nothing in this section shall change the level or use of siting fees for any other type of facility subject to section 69J ½ of this chapter.”;

In section 4, in section 1 of proposed chapter 25D by striking out the definition of “Local governmental body”;

In said section 4, in said section 1 of said proposed chapter 25D by striking out the definition of “Regional planning agency” and inserting in place thereof the following definition:-

“‘Regional planning agency’, an agency with regulatory authority to issue permits, licenses or other governmental approvals for particular land uses within its jurisdiction.”;

In line 301 by striking out the words “local governmental bodies” and inserting in place thereof the following word:- “municipalities”;

In lines 302, 304, 332, 385, 388 and 390 by striking out the words “local governmental body”, each time they appear, and inserting in place thereof the following word:- “municipality”;

In line 305, by striking out the word “may” and inserting in place thereof the following word:- “shall”;

In said section 4, in section 2 of proposed chapter 25D by adding the following sentence: “In all other municipalities, the municipality may establish a wind energy permitting board.”;

In said section 4, in section 3 of proposed chapter 25D by striking out the first 2 sentences and inserting in place thereof the following 3 sentences:- “A wind energy permitting board established under section 2 may be composed of 3 or 5 members appointed by the city manager in the case of a city under a Plan E form of government, the mayor in the case of all other cities or the board of selectmen in the case of a town. A 3 member board shall consist of 1 member of the zoning board of appeals, 1 representative of the conservation commission, if any, and 1 member of the planning board. A 5 member board shall consist of 2

members of the conservation commission, 1 member from the zoning board of appeals and 2 members from the planning board.”; In line 359 and in lines 406 and 407, by striking out, each time they appear, the words, “clerk of the local governmental body” and inserting in place thereof the following words:- “city or town clerk”; In line 361 by striking out the word “application” and inserting in place thereof the following words:- “complete application or from the date the applicant elects to proceed on the information provided”; In line 454, by striking out the figure “2” and inserting in place thereof the following figure:- “1”; In line 468 by striking out the words “by the division of green communities”; and In section 14 by striking out the second sentence) reported, a “Bill relative to comprehensive siting reform for land based wind projects” (House, No. 4955), -- came from the House, and was read. The rules were suspended, on motion of Mr. Downing, and the report was considered forthwith.

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Under the provisions of Senate Rule 13B, for the purpose of a Republican caucus, at twenty-four minutes before five o’clock P.M., the Chair (Ms. Menard) declared a recess subject to the call of the Chair; and, at nine minutes before six o’clock P.M., the Senate reassembled, Ms. Menard in the Chair.

Suspension of Senate Rule 38A.

Mr. Baddour moved that Senate Rule 38A be suspended to allow the Senate to continue in session beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rule be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

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At seven minutes before six o’clock P.M., the Chair (Ms. Menard) declared a recess subject to the call of the Chair; and, at twenty-eight minutes past six o’clock P.M., the Senate reassembled, Mr. Petrucci in the Chair.

The report of the committee of conference (House, No. 4955) was again considered.

Mr. Baddour in the Chair, after debate, the question on acceptance of the report of the committee of conference was determined by a call of the yeas and nays, at nineteen minutes past seven o’clock P.M., on motion of Mr. Knapik, as follows, to wit (yeas 32-nays 7) [Yeas and Nays No. 365]:

INSERT ROLL CALL “365”

The yeas and nays having been completed at twenty-five minutes past seven o’clock P.M., the report of the committee of conference was accepted, in concurrence.

A petition (accompanied by bill, House, No. 4963) of Kay Kahn for legislation to establish a fund to provide services for victims of human trafficking,-- was referred, in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.

PAPER FROM THE HOUSE

The House Bill to protect the Massachusetts pension fund from the risks of investment in Iran (House, No. 4297, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment by adding the following section: “SECTION 8. The treasurer shall conform all public fund investments related to companies doing business with Iran with the foreign policy of the United States of America and with 22 U.S.C. 8532.” with a further amendment striking out the words “with the foreign policy of the United States of America and”.

The rules were suspended, on motion of Mr. Downing, and the House further amendment was considered forthwith and adopted, in concurrence.

Report of a Committee.

The President in the Chair, 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 relating to the standard fire insurance policy (House, No. 960) (the committee on Ethics and Rules recommending that the bill be amended in section 1 by inserting after the word “terrorism”, in line 5, the following words:- “; provided, however, that ‘an act of terrorism’ shall have the same meaning as defined in the Terrorism Risk Insurance Act of 2002 P.L. 107-297, as amended; and provided further, that exclusions under this clause shall remain valid and in effect until the expiration of the Terrorism Risk Insurance Program created by said Terrorism Risk Insurance Act of 2002 or its successor.”).

There being no objection, the rules were suspended, on motion of Mr. Buoniconti, and the bill was read a second time and was amended, on recommendation of the committee on Ethics and Rules.

Subsequently, Mr. Baddour in the Chair, pending the question on ordering the bill to a third reading, Mr. Buoniconti moved that the bill be amended in section 1, by striking out words “shall have the same meaning as defined in the Terrorism Risk Insurance Act of 2002 P.L. 107-297, as amended; and provided further, that exclusions under this clause shall remain valid and in effect until the expiration of the Terrorism Risk Insurance Program created by said Terrorism Risk Insurance Act of 2002 or its successor” and inserting in place thereof the following words:-“shall mean activities against persons, organizations or property of



any nature, the effect of which is either to (i) intimidate or coerce a government or the civilian population or any segment thereof, or to disrupt any segment of the economy; or (ii) further political, ideological, religious, social or economic objectives or to express, or to express opposition to, a philosophy or ideology; provided further, that the act of terrorism shall involve the following or preparation of the following: (1) use or threat of force or violence; (2) commission or threat of a dangerous act; or (3) commission or threat of an act that interferes with or disrupts an electronic, communication, information or mechanical system.”

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.

## PAPERS FROM THE HOUSE

### Engrossed Bills.

An engrossed Bill validating action taken at a special town election held in the town of Ashfield (see House Bill, printed in House, No. 4612) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage was passed to be enacted, two-thirds of the members present having voted in the affirmative, and signed by the Acting President (Mr. Baddour) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation.

The following engrossed bills (all of which originated in the House), 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. Baddour) and laid before the Governor for his approbation, to wit:

Relative to disabled firefighters (see House, No. 4463);

Relative to the Massachusetts Credit Union Share Insurance Corporation (see House, No. 4483);

Authorizing licensed independent clinical social workers to apply for the emergency hospitalization of persons who pose a risk of harm to themselves or others due to mental illness (see House, No. 4681);

Relative to retirement benefits for Stanley Daoust (see House, No. 4709, amended); and

Relative to the pooling of tips (see House, No. 4814, amended).

### Engrossed Bills — Land Takings for Conservation Etc.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville Housing Authority (see Senate, No. 2286, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-five minutes before eight o'clock P.M., as follows, to wit (yeas 39 - nays 0) [Yeas and Nays No. 366]:

### INSERT ROLL CALL “366”

The yeas and nays having been completed at ten minutes before eight o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Baddour) and laid before the Governor for his approbation.

An engrossed Bill modifying a conservation restriction in the town of North Andover (see House, No. 598) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at nine minutes before eight o'clock P.M., as follows, to wit (yeas 39 - nays 0) [Yeas and Nays No. 367]:

### INSERT ROLL CALL “367”

The yeas and nays having been completed at seven minutes before eight o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Baddour) and laid before the Governor for his approbation.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to lease a boat ramp in the city of Cambridge (see House, No. 4482, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at six minutes before eight o'clock P.M., as follows, to wit (yeas 38 - nays 0) [Yeas and Nays No. 368]:

INSERT ROLL CALL “368”

The yeas and nays having been completed at one minute before eight o’clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Baddour) and laid before the Governor for his approbation.

An engrossed Bill authorizing the lease of a certain parcel of state-owned land to Plimoth Plantation (see House, No. 4510) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eight o’clock P.M., as follows, to wit (yeas 38 - nays 0) [Yeas and Nays No. 369]:

INSERT ROLL CALL “369”

The yeas and nays having been completed at two minutes past eight o’clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Baddour) and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Sherborn to use certain town forest land (see House, No. 4585) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at three minutes past eight o’clock P.M., as follows, to wit (yeas 38 - nays 0) [Yeas and Nays No. 370]:

INSERT ROLL CALL “370”

The yeas and nays having been completed at five minutes past eight o’clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Baddour) and laid before the Governor for his approbation.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to transfer the control of certain land in the city of Boston to the Massachusetts Bay Transportation Authority (see House, No. 4778) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at six minutes past eight o’clock P.M., as follows, to wit (yeas 38 - nays 0) [Yeas and Nays No. 371]:

INSERT ROLL CALL “371”

The yeas and nays having been completed at nine minutes past eight o’clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Baddour) and laid before the Governor for his approbation.

An engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Tewksbury (see House, No. 4822) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at ten minutes past eight o’clock P.M., as follows, to wit (yeas 38 - nays 0) [Yeas and Nays No. 372]:

INSERT ROLL CALL “372”

The yeas and nays having been completed at twelve minutes past eight o’clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Baddour) and laid before the Governor for his approbation.

An engrossed Bill authorizing the city of Cambridge to grant a permanent easement to the Commonwealth and over certain strips of land owned by the city of Cambridge (see House, No. 4874) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at thirteen minutes past eight o’clock P.M., as follows, to wit (yeas 38 - nays 0) [Yeas and Nays No. 373]:

INSERT ROLL CALL “373”

The yeas and nays having been completed at fourteen minutes past eight o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Baddour) and laid before the Governor for his approbation.

An engrossed Bill authorizing the granting of easements upon land of the Commonwealth located in the city of Cambridge (see House, No. 4875) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at a quarter past eight o'clock P.M., as follows, to wit (yeas 38 - nays 0) [Yeas and Nays No. 374]:

INSERT ROLL CALL "374"

The yeas and nays having been completed at seventeen minutes past eight o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Baddour) and laid before the Governor for his approbation.

An engrossed Bill authorizing the city of Boston to grant permanent volumetric easements relative to vertical transportation improvements over certain parcels of land in the city of Boston (see House, No. 4806) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eighteen minutes past eight o'clock P.M., as follows, to wit (yeas 38 - nays 0) [Yeas and Nays No. 375]:

INSERT ROLL CALL "375"

The yeas and nays having been completed at twenty minutes past eight o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Baddour) and laid before the Governor for his approbation.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the town of Salisbury (see House, No. 4929) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-one minutes past eight o'clock P.M., as follows, to wit (yeas 38 - nays 0) [Yeas and Nays No. 376]:

INSERT ROLL CALL "376"

The yeas and nays having been completed at twenty-four minutes past eight o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Baddour) and laid before the Governor for his approbation.

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At twenty-three minutes before nine o'clock P.M., the Chair (Mr. Baddour) declared a recess subject to the call of the Chair; and, at thirteen minutes past nine o'clock P.M., the Senate reassembled, the President in the Chair.

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#### PAPER FROM THE HOUSE

Message from the Governor — Disapproval  
General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2011 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements. (see House, No. 4800), which on Thursday, June 24, 2010, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor. The message (House, No. 4840) was read; and the Senate proceeded to reconsider one item, which had been disapproved in accordance with the provisions of the Constitution.

Section 131 (Continuation of Cost Shifts to State Authorities) was considered as follows:

Section 131. The following agencies or authorities shall contribute the amounts below for programs or services in fiscal year 2011:

- (a) The Massachusetts Housing Finance Authority, \$2,700,000 for the Massachusetts rental voucher program;
- (b) The Massachusetts Development Finance Authority, \$3,000,000 for the Massachusetts cultural council, \$700,000 for Massachusetts office of business development small business technical assistance grants and \$335,000 for the permitting office;
- (c) The Massachusetts Educational Finance Authority, \$1,000,000 for the McNair Scholarship Program;
- (d) The Massachusetts Housing Partnership, \$2,000,000 for the soft second mortgage program;
- (e) The Massachusetts Convention Center Authority, \$5,000,000 for the office of travel and tourism marketing program;
- (f) The Massachusetts Technology Collaborative, \$500,000 for Massachusetts science, technology, engineering and mathematics grants, \$300,000 for the office of trade, \$500,000 for innovation initiatives and \$275,000 for the department of housing and economic development's broadband initiative;
- (g) The University of Massachusetts, \$541,000 for the Collins Center;
- (h) The Massachusetts Life Sciences Center, \$210,000 for the Massachusetts Biotech Research Institute.”.

[The Governor disapproved this section.]

After remarks, the question on passing section 131, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at fourteen minutes past nine o'clock P.M., as follows, to wit (yeas 34 — nays 4) [Yeas and Nays No. 377]:

INSERT ROLL CALL “377”

The yeas and nays having been completed at twenty-two minutes past nine o'clock P.M., section 131 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Reports of Committees of Conference.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the House amendments to the Senate Bill relative to economic development reorganization (Senate, No. 2380) (amended by the House by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4863), reported, in part, “An Act relative to economic development reorganization” (Senate, No. 2582)

The rules were suspended, on motion of Ms. Spilka, and the report was considered forthwith.

During consideration of the report, at twenty-seven minutes before ten o'clock P.M., Mr. McGee doubted the presence of a quorum; but a quorum was deemed present.

After remarks, the question on accepting the report of the committee of conference was determined by a call of the yeas and nays, at one minute past ten o'clock P.M., on motion of Ms. Spilka, as follows, to wit (yeas 39 — nays 0) [Yeas and Nays No. 378]:

INSERT ROLL CALL “378”

The yeas and nays having been completed at five minutes past ten o'clock P.M., the report of the committee of conference was accepted.

Sent to the House for concurrence in the report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the House amendments to the Senate Bill reforming the administrative procedures relative to criminal offender record information and pre- and post-trial supervised release (Senate, No. 2220, amended) (amended by the House by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4712; and striking out the title and inserting in place thereof the following title: “An Act reforming the administrative procedure relative to criminal offender record information”), reported “An Act reforming the administrative procedures relative to criminal offender record information and pre- and post-trial supervised release” (Senate, No. 2583).

The rules were suspended, on motion of Ms. Chang-Diaz, and the report of the committee of conference was considered; and it was accepted.

Sent to the House for concurrence in the report.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill authorizing governmental bodies to enter into contracts for the inspection, maintenance, repair or modification of water storage facilities (see Senate, No. 2449, 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 8 to 0.

The bill was signed by the Acting President (Mr. Baddour) and sent to the House for enactment.

Engrossed Bill — Land Taking for Conservation Etc.

An engrossed Bill conveying certain property to the town of Sherborn (see House, No. 4783) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-seven minutes before eleven o'clock P.M., as follows, to wit (yeas 38 - nays 0) [Yeas and Nays No. 379]:

INSERT ROLL CALL "379"

The yeas and nays having been completed at twenty-three minutes before eleven o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Baddour) and laid before the Governor for his approbation.

The House Bill relative to the enhancement of the prescription monitoring program (House, No. 4879, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2575 with a further amendment striking out section 4 (inserted by amendment by the Senate).

The rules were suspended, on motion of Ms. Flanagan, and the House further amendment considered forthwith and adopted, in concurrence.

On motion of Mr. Eldridge, at nineteen minutes before eleven o'clock P.M., the Senate stood in recess until tomorrow at eleven o'clock A.M.