

**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, August 3, 2009.*

Met at one minute past eleven o'clock A.M. (Mr. Petrucci in the Chair).

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

#### *Petitions.*

A petition (accompanied by bill, Senate, No. 2073) of Therese Murray and Jeffrey Davis Perry (by vote of the town) for legislation to establish the Sandwich Economic Initiative Corporation [having been returned by the Secretary of the Commonwealth under Section 5 of Chapter 3 of the General Laws, with memorandum relative thereto] [Local approval received],— **was referred to the committee on Community Development and Small Business. Sent to the House for concurrence.**

Ms. Jehlen presented a petition (subject to Joint Rule 12) of Patricia D. Jehlen, Carl M. Sciortino, Jr., Denise Provost, Timothy J. Toomey, Jr. and other members of the General Court (with the approval of the mayor and Board of Aldermen) for legislation to authorize the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville Housing Authority [Local approval received],— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

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

A petition (accompanied by bill, House, No. 4183) Antonio F.D. Cabral (by vote of the town) for legislation relative to the Nucleo Sportinguista Club of New Bedford,— **was referred, in concurrence, to committee on Consumer Protection and Professional Licensure.**

A Bill designating the Mary L. Girouard flagpole (printed as Senate, No. 1470,— on petition), — **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill relative to the establishment of an Enterprise Fund for the Brook School Apartments in the town of Weston (House, No. 1124,— on petition) [Local approval received],— **was 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 considered forthwith and adopted, as follows:

Resolutions (filed by Ms. Murray) “congratulating the Falmouth Historical Society on its celebration of the one hundred and fiftieth birthday of Katharine Lee Bates, the author of America the Beautiful.”

*Communications.*

The Clerk read the following communications:

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

*July 30, 2009.*

Mr. William Welch, Clerk  
Massachusetts State Senate  
State House, Room 335  
Boston, MA 02133

Dear Mr. Clerk:

Due to a necessary and unavoidable operation on my hand on July 28, 2009, I was away from the State House and unable to participate in several roll call votes. Further, while I was able to come to the State House on the afternoon of July 29 in order to follow debate and vote on several matters before the Senate, I was unable to remain beyond 8 o'clock pm due to continuing recovery from this medical procedure.

Had I been present, I would have voted in the following manner on roll calls taken on July 28 and July 29:

JULY 28, 2009:

1. Yes, Section 89 of H. 4129, Middlesex Probate Court (Roll Call No. 98);
2. No, H. 4148, Trial Court Transferability (Roll Call No. 99);
3. Yes, Comptroller: line item 1000-0001 (Roll Call No. 100);
4. Yes, Water Infrastructure: Section 145 of H. 4129 (Roll Call No. 101);
5. Yes, Aid to Elderly: line item 4408-1000 (Roll Call 102);
6. Yes, Transitional Aid to Families With Dependent Children: line item 4403-2000 (Roll Call 103);
7. Yes, Conservation and Recreation: Line Item 2800-0100 (Roll Call No. 104);
8. Yes, IT Admin: 1790-0100 (Roll Call No. 105);
9. Yes, 7004-0101L Emergency Assistance, Family Shelters and Services (Roll Call No. 106);
10. Yes, S. 1469 Disabilities Awareness Month (Roll Call 107);
11. Yes, Administration and Finance: line item 1100-1100 (Roll Call 108);
12. Yes, Outreach to Seniors: line item 1201-0100 (Roll Call 109);
13. Yes, Social Worker Service: line item 4800-0015 (Roll Call 110);
14. Yes, Literacy Program: line item 7010-0033 (Roll Call 111);
15. Yes, RMV-Branch closures: line item 8400-0001 (Roll Call 112);
16. Yes, Department of Corrections facilities: line item 8900-0001 (Roll Call 113);
17. Yes, Hampden Sheriff's Department: line item 8910-0102 (Roll Call 114);
18. Yes, Worcester Sheriff's Department: line item 8910-0105 (Roll Call 115);
19. Yes, Middlesex Sheriff's Department: line item 8910-0107 (Roll Call 116);
20. Yes, Franklin Sheriff's Department: line item 8910-0108 (Roll Call No. 117);
21. Yes, Hampshire Sheriff's Department: line item 8910-0110 (Roll Call No. 118);
22. Yes, Berkshire Sheriff's Department: line item 8910-0145 (Roll Call No. 119);
23. Yes, Essex Sheriff's Department: line item 8910-0619 (Roll Call No. 120);
24. Yes, SOPS Chargebacks: line item 4510-0108 (Roll Call No. 121);
25. Yes, Holyoke Soldiers Home: line item 4190-0100 (Roll Call No. 122);
26. Yes, Chelsea Soldiers Home: line item 4180-0100 (Roll Call No. 123).

JULY 29, 2009:

1. No, H. 4181 Tisei Amendment — Managed Care (Roll Call No. 127);
2. No, H. 4181 Sales Tax Amendment (Roll Call No. 128);
3. Yes, H. 4181 Tarr Amendment RMV (Roll Call No. 129);
4. Yes, H. 4181 Supplemental Appropriation, Engrossment (Roll Call No. 130);
5. Yes, H. 3147 Westborough Enactment (Roll Call No. 131);
6. Yes, H. 4134 Nantucket Enactment (Roll Call No. 132).

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official records for July 28 and July 29, 2009. Thank you in advance for your attention to this important matter.

*Sincerely,*  
CYNTHIA S. CREEM,  
*State Senator.*

On motion of Mr. Brown, the above communication was ordered printed in the Journal of the Senate.

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

*July 29, 2009.*

William Welch, Clerk  
Massachusetts State Senate  
State House, Room 335  
Boston, MA 02133

Dear Mr. Clerk:

On July 28, 2009, I was away from the State House for a portion of the Senate session and unable to participate in several roll call votes. Had I been present, I would have voted in the following manner:

1. Yes, Veto Override — Line Item 8400-0001.
2. Yes, Veto Override — Dept. of Correction — Line Item 8900-0001;
3. Yes, Veto Override — Hampden Sheriff — Line Item 8910-0102;
4. Yes, Veto Override — Worcester Sheriff — Line Item 8910-0105;
5. Yes, Veto Override — Middlesex Sheriff — Line Item 8910-0107;
6. Yes, Veto Override — Franklin Sheriff — Line Item 8910-0108;
7. Yes, Veto Override — Hampshire Sheriff — Line Item 8910-0110;
8. Yes, Veto Override — Berkshire Sheriff — Line Item 8910-0145;
9. Yes, Veto Override — Essex Sheriff — Line Item 8910-0619;
10. Yes, Veto Override — SOPS Chargebacks — Line Item 4510-0108;
11. Yes, Veto Override — Holyoke Soldiers Home — Line item 4190-0100;
12. Yes, Veto Override — Chelsea Soldiers Home — Line Item 4180-0100.

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for July 28, 2009. Thank you in advance for your attention to this matter.

*Sincerely,*  
ANTHONY D. GALLUCCIO,  
*State Senator.*

On motion of Mr. Brown, the above communication was ordered printed in the Journal of the Senate.

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

*July 29, 2009.*

William Welch, Clerk  
Massachusetts State Senate  
State House, Room 335  
Boston, MA 02133

Dear Mr. Clerk:

Due to a previously scheduled class, on July 28, 2009 I was away from the State House and unable to participate in several roll call votes. Had I been present, I would have voted in the following manner:

1. Yes, S. 1469 Disabilities Awareness Month, Roll Call 107;
2. Yes, H4129 — line item, 1100-1100 Administration and Finance: relative to the administration and finance. Roll Call 108;
3. Yes, H4129 — line item 1201-0100 Dept. of Revenue Outreach to Seniors. Roll Call 109;
4. Yes, H4129 — line item 4800-0015 Social Worker Service. Roll Call 110;

5. Yes, H4129 — line item 7010-0033 Literacy program. Roll Call 111;
6. Yes, H4129 — line item 8400-0001 RMV-Branch closures. Roll Call 112;
7. Yes, H4129 — line item 8900-0001 Department of Corrections facilities. Roll Call 113;
8. Yes, H4129 — line item 8910-0102 Hampden Sheriff's Department Roll Call 114
9. Yes, H4129 — line item 8910-0105 Worcester Sheriff's Department. Roll Call 115;
10. Yes, H4129 — line item 8910-0107 Middlesex Sheriff's Department. Roll Call 116;
11. Yes, H4129 — line item 8910-0108. Franklin Sheriff's Department. Roll Call No. 117
12. Yes, H4129 — line item 8910-0110. Hampshire Sheriff's Department. Roll Call No. 118;
13. Yes, H 4219 — line item 8910-0145. Berkshire Sheriff's Department. Roll Call No. 119;
14. Yes, H4129 — line item 8910-0619. Essex Sheriff's Department. Roll Call No. 120;
15. Yes, H4129 — line item 4501-0108. SOPS Chargebacks. Roll Call No. 121;
16. Yes, H4129 — line item 4190-0100. Holyoke Soldiers Home. Roll Call No. 122;
17. Yes, H4129 — line item 4180-0100. Chelsea Soldiers Home. Roll Call No. 123.

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for July 28, 2009.  
Thank you in advance for your attention to this important matter.

*Very Truly Yours,*  
ROBERT A. O'LEARY,  
*State Senator.*

On motion of Mr. Brown, the above communication was ordered printed in the Journal of the Senate.

*Reports of Committees.*

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Jennifer L. Flanagan for legislation to provide retirement benefits to certain employees who provide special education services.

**Senate Rule 36 was suspended, on motion of Mr. Brown, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.**

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael W. Morrissey for legislation to establish a study commission relative to payment of fair and reasonable excise taxes on recreational vehicles.

**Senate Rule 36 was suspended, on motion of Mr. Brown, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue. Severally sent to the House for concurrence.**

*Order Adopted.*

On motion of Mr. Brown,—

*Ordered.* That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

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