

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, October 8, 2009.

Met at 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.

Reports of Committees.

By Mr. Baddour, for the committee on Transportation, on petition (accompanied by bill, Senate, No. 1950), a Bill designating a certain bridge in the town of Raynham as the SFC Jared C. Monti Bridge (Senate, No. 2177); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1952), a Bill designating a certain bridge in the city of Taunton as the SSG Adelino Paulo Bridge (Senate, No. 2178);

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

By Mr. Michael O. Moore, for the committee on Community Development and Small Business, on petition, a Bill establishing a linkage exaction program in the city of Gloucester (Senate, No. 100) [Local approval received];

Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

PAPERS FROM THE HOUSE.

A communication (accompanied by bill, House, No. 4272) from the Public Employee Retirement Administration (under Section 50 of Chapter 7 of the General Laws) submitting rules and regulations governing retirement of public employees in the Commonwealth,— **was referred, in concurrence, to the committee on Public Service.**

Bills

Authorizing the town of Harvard to grant licenses for the sale of wine and malt beverages not to be drunk on the premises (House, No. 1127,— on petition) [Local approval received];

Authorizing the abatement of certain property tax assessments in the town of Lexington (House, No. 1135,— on petition) [Local approval received];

Authorizing the Board of Selectmen in the town of Tisbury to grant licenses for the sale of beer and wine in restaurants, inns and hotels (House, No. 1907,— on petition) [Local approval received];

Relative to the development of certain town land in the town of Chatham (House, No. 3823,— on petition) [Local approval received];

Authorizing the Board of Assessors of the town of Newbury to grant a real estate tax abatement (House, No. 4200,— on petition) [Local approval received]; and

Ratifying, validating and conforming in all respects the election calendar established by the city of Peabody for elections to be held in 2009 (House, No. 4219,— 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. Brewer) “recognizing Earl Nelson Sample and his lifelong dedication to the community of Barre and its residents”;

Resolutions (filed by Mr. Brown and Ms. Spilka) “honoring Charles Sisitsky, Director of Public Works in the town of Natick, for his many years of dedicated service”;

Resolutions (filed by Ms. Jehlen) “honoring the friendship, camaraderie and long-standing relationship of the town of Winchester and St. Germain-En-Laye of France in celebration of the twentieth anniversary of their Jumelage”;

Resolutions (filed by Mr. Pacheco) “honoring Henry ‘Hank’ Mello on the occasion of his retirement”;

Resolutions (filed by Mr. Pacheco) “congratulating Roland ‘Rick’ Robillard on his retirement.”

Matter Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day, and considered as follows:

The Senate Bill authorizing the town of Templeton to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2063) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House Bill authorizing the conveyance of certain parcels of land in the town of Nantucket (House, No. 4182),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. O’Leary presented an amendment striking out all after the enacting clause and inserting in place thereof the following text:—

“SECTION 1. Notwithstanding any general or special law to the contrary, the town of Nantucket, acting by and through its board of selectmen, may release the open space restriction on a certain parcel in the town of Nantucket located at 1 Miacomet road, shown as parcel 345 on assessors’ map 67 and use the parcel for any lawful general municipal purpose. The portion of said parcel 345 that may be released from such restriction contains 20,806 square feet and is shown as ‘Lot A’ on a plan entitled ‘Exhibit A Plan in Nantucket, Mass., Prepared for Town of Nantucket,’ dated January 18, 2008, prepared by Blackwell & Associates, Inc. which is on file in the Nantucket planning office.

SECTION 2. In consideration for and as a condition of the release authorized in section 1, the town of Nantucket shall transfer 3 lots used for general municipal use and located within parcels 680 and 679 on said assessors’ map 67 at 5 and 7 Miacomet Road, respectively, either to the conservation commission for conservation and open space purposes or to the Nantucket Islands Land Bank to be used for conservation and open space purposes. The lots, totaling 25,961 square feet, are shown as ‘Lots B, C and D’ on said plan prepared for the town by Blackwell & Associates.

SECTION 3. If the land released pursuant to section 1 ceases to be used for the purposes described in said section 1, the land shall revert to the town of Nantucket and be dedicated to open space.

SECTION 4. This act shall take effect upon its passage.”; and by striking out the title and inserting in place thereof the following title:—

“AN ACT AUTHORIZING THE RELEASE OF CERTAIN RESTRICTIONS ON A PARCEL OF LAND IN THE TOWN OF NANTUCKET.”

The amendment was adopted.

The bill, as amended, was then passed to be engrossed.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows, to wit:

A petition (accompanied by bill, House, No. 4273) of David L. Flynn and Marc R. Pacheco relative to establishing a sick leave bank for Lou Polson and Eric Polson, employees of the Department of Correction;

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

A petition (accompanied by bill, House, No. 4274) of Michael J. Rodrigues, Joan M. Menard and David B. Sullivan relative to designating a certain bridge in the city of Fall River as the Louis Phillip Gagne, Jr. bridge;

Under suspension of Joint Rule 12, to the committee on Transportation.

Engrossed Bill.

An engrossed Bill establishing the position of municipal hearing officer in the town of Southbridge (see House, No. 4116) (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 and signed by the Acting President (Mr. Hart) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Knapik,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday 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 eleven minutes past eleven o'clock A.M., the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.