

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 29, 2009.

Met at five minutes past eleven o'clock A.M. (Mr. Tolman 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. Tolman), 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 Mr. Joyce for the purpose of an introduction. Mr. Joyce then introduced the eighth grade class from the Fenn School in Concord, Massachusetts. The class was led by Lucas O'Brien, the nephew of former Senator John O'Brien and Senator Joyce. The Senate welcomed them with applause and they withdrew from the Chamber.

Reports of Committees.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that the Senate Bill relative to the Veterans Hall of Fame (Senate, No. 2012),— **ought to pass.**

Referred, under Senate Rule 27, to the committee on Ways and Means.

By Ms. Candaras for the committee on Children, Families and Persons with Disabilities, on petition, a Bill further regulating the release of information concerning adoption (Senate, No. 50);

By the same Senator, for the same committee, on petition, a Bill relative to the reporting of child abuse to local law enforcement officials (Senate, No. 51); and

By the same Senator, for the same committee, on petition, a Bill relative to mandated reporters (Senate, No. 63);

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

By Mr. Eldridge, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing a land acquisition fund in the town of Middleborough (Senate, No. 2139) [Local approval received];

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

Committee Discharged.

Mr. Berry, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Resolutions memorializing the Congress of the United States to address the escalating electronic payment interchange rates that merchants and consumers are assessed, (Senate, No. 2013),— **and recommending that the same be referred to the Senate committee on Ethics and Rules.**

Under Senate Rule 36, the report was considered forthwith and accepted.

PAPERS FROM THE HOUSE.

Bills

Relative to the Wareham Fire District (House, No. 1976,— on petition); and
Relative to the Vietnam Veterans Memorial Skating Rink in the city of North Adams (House, No. 3550,— on petition);
Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

Bills

Establishing a town administrator and a municipal finance department in the town of Douglas (House, No. 1894,— on petition)
[Local approval received]; and
Relative to the election of the members of the board of public works of the town of Hopkinton (House, No. 1909,— 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 Ms. Chandler and Mr. Michael O. Moore) “commemorating the one hundred and fiftieth anniversary of the Worcester Public Library”;
Resolutions (filed by Mr. Morrissey) “commending Crystal Cruises, Inc. for its outstanding contributions to the tourism industry in the Commonwealth”;
Resolutions (filed by Mr. Pacheco) “congratulating Bryan Michael Hanson on his Eagle Scout Award”;
Resolutions (filed by Mr. Pacheco) “congratulating Karl Robert Hanson on his Eagle Scout Award”; and
Resolutions (filed by Mr. Tisei) “honoring Joseph A. Milano on his being named the recipient of the 2009 Don Orione Man of the Year Award.”

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted.

An engrossed Bill designating the building of the State Laboratory Institute as the Dr. William A. Hinton Laboratory (see House, No. 3007), 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 2 to 0. The bill was signed by the Acting President (Mr. Tolman) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Mary Markley, an employee of the Trial Court (see House, No. 4233), 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 2 to 0. The bill was signed by the Acting President (Mr. Tolman) and sent to the House for enactment.**

Communication.

The Clerk read the following communication:

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

October 28, 2009.

The Honorable William Welch, Clerk
Massachusetts State Senate
State House
Boston, MA 02133

Dear Mr. Clerk:

On Thursday, October 15, 2009 and Tuesday, October 20, 2009, I was absent from the Chamber during the formal session as a result of my hospitalization at Massachusetts General Hospital where I was being treated and recovering from injuries sustained on October 7th, 2009. Had I been present in the chamber, I would have voted in the following manner.

October 15, 2009

No. 139 — S. 21 Sandwich Land exchange, YEA;

No. 140 — S. 974 Kayak Safety, YEA;

No. 141 — S. 406 — Animal Control Law, NAY;

October 20, 2009

No. 142 — H. 4288 Amendment relative to 40B to Supplemental Appropriation bill, YEA

No. 143 — H. 4288 Supplemental Appropriation Bill, YEA

No. 144 — H. 1885 Easton Land lease, YEA

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for October 15, 2009 and October 20, 2009. Thank you in advance for your assistance.

Sincerely,
JAMES B. ELDRIDGE,
State Senator,
Middlesex and Worcester.

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

Matters 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 House Bill relative to the tenure of the city clerk, city collector and city engineer in the city of Revere (House, No. 3708, amended),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Montague to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4240),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Report of a Committee.

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 Senate Bill designating a certain bridge in the city of Fall River and the town of Somerset as the Veterans Memorial Bridge (Senate, No. 2124).

The rules were suspended, on motion Mr. Tisei, 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.

PAPER FROM THE HOUSE.

The House Bill authorizing the town of Norton to transfer certain park land (House, No. 4136),— **came from the House with endorsement that the House had NON-concurred in the Senate amendments striking out section 5 and inserting in place thereof the following 2 sections:—**

“SECTION 5. If the land conveyed pursuant to section 1 ceases to be used for the purposes described in said section 1, the land shall revert to the town of Norton to be used for conservation purposes.

SECTION 6. This act shall take effect upon its passage.”.

The rules were suspended, on motion of Mr. Tisei, and, on further motion of the same Senator, the Senate receded from its amendments.

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 Geno Orsogna for legislation relative to the licensing of businesses that repair televisions and radios.

Senate Rule 36 was suspended, on motion of Mr. Tisei, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Consumer Protection and Professional Licensure.

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 Colby Taylor for legislation relative to unmarried couples with children.

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

PAPERS FROM THE HOUSE.

Engrossed Bills.

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. Tolman) and laid before the Governor for his approbation, to wit:

Designating the building of the State Laboratory Institute as the Dr. William A. Hinton Laboratory (see House, No. 3007);

Relative to organizing town agencies in the town of Dedham (see House, No. 4096, amended);

Establishing a sick leave bank for Mary Markley, an employee of the Trial Court (see House, No. 4233); and

Authorizing the town of Winchester to grant 5 licenses for the sale of all alcoholic beverages to be drunk on the premises of certain restaurants (see House, No. 4259, amended).

Order Adopted.

On motion of Mr. Tisei,—

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

Adjournment in Memory of Craig Haberland.

The Senator from Essex and Middlesex, Mr. Tarr, requested that when the Senate adjourns today, it adjourn in memory of Craig Haberland.

Craig Haberland was born in Winthrop in 1940, and moved to Gloucester soon after, where he lived for most of his life. He attended public school in Gloucester, graduating from Gloucester High School in 1958 and the Lowell Technological Institute in 1962. After graduating, he was a general contractor for J.W. Gray in Gloucester for fifteen years before buying the company and operating it until 1986. Mr. Haberland was also the building inspector for the city of Gloucester for fourteen years before his retirement in 2000.

Mr. Haberland enjoyed woodworking, cross-country skiing, biking, boating on his Mako, and bluefishing on Cape Ann.

On Sunday, October 25, 2009, Craig Haberland passed away. He is survived by his wife of 44 years, Marjorie Haberland; two daughters; and many family members, including William Haberland, his nephew, who is the chief of staff to Senator Robert O'Leary. He will be missed.

Accordingly, as a mark of respect to the memory of Craig Haberland, at twenty-four minutes past eleven o'clock A.M., on motion of Mr. Donnelly, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.