

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, December 3, 2009.

Met according to adjournment at eleven o'clock A.M. (Mr. Rosenberg in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Senator from Plymouth and Norfolk, Mr. Hedlund, then led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Communication.

A communication from the Honorable Charles Kilb, Board Counsel to the Division of Professional Licensure notifying the General Court of the intention of the Executive Office of Administration and Finance to implement certain fees (pursuant to Chapter 232 of the Acts of 2008) (received in the Office of the Clerk of the Senate on Monday, November 30, 2009, at a quarter before twelve o'clock noon),— **was placed on file.**

Petition.

Mr. Panagiotakos presented a petition (accompanied by bill, Senate, No. 2224) of Steven C. Panagiotakos (with the approval of the mayor and city council) for legislation to transfer the Paul E. Tsongas Arena from the city of the Lowell to the University of Massachusetts Building Authority [Local approval received];

Under Senate Rule 20, referred to the committee on Municipalities and Regional Government.

Report of a Committee.

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to emergency medical services at certain prison facilities (Senate, No. 987); and

By the same Senator, for the same committee, on petition, a Bill requiring health care employers to develop and implement programs to prevent workplace violence (Senate, No. 988);

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to certain tanks used for the storage of fluids (Senate, No. 914);

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

Committee Discharged.

Mr. Panagiotakos, for the committee on Ways and Means, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2182) of Marc R. Pacheco and Susan Williams Gifford for legislation relative to the Wareham fire district,— **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.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4381) of Bradford R. Hill, Bruce E. Tarr and Barbara A. L'Italien (by vote of the town) for legislation to provide for recall elections in the town of Boxford;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 4380) of James E. Vallee, Carolyn Dykema and Karen E. Spilka (by vote of the town) that the town of Medway be authorized to continue the employment of Paul J. Trufant, chief of the fire department of said town;

To the committee on Public Service.

Bills

Establishing a sick leave bank for Bill St. Claire, an employee of the Department of Correction (House, No. 4337, amended,— on petition);

Establishing a sick leave bank for Laraine Nasif, an employee of the Department of Revenue (House, No. 4362,— on petition);

Establishing a sick leave bank for Patricia Cahill, an employee of the Department of Transitional Assistance (House, No. 4363,— on petition); and

Establishing a sick leave bank for Vanessa Williams, an employee of the Division of Medical Assistance (House, No. 4365,— on petition);

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

A Bill authorizing the town of Plymouth to conduct a referendum election on January 19, 2010 (printed in House, No. 4358,— being a message from His Excellency the Governor),—**was read.**

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

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 Joan M. Menard for legislation to establish a sick leave bank for Catherine Ann Ouellette, an employee of the Trial Court.

Senate Rule 36 was suspended, on motion of Mr. Hedlund, 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.

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 sick leave bank for John Riordan.

Senate Rule 36 was suspended, on motion of Mr. Hedlund, 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 Thomas P. Kennedy for legislation to extend the deadline for mailing quarterly tax bills.

Senate Rule 36 was suspended, on motion of Mr. Hedlund, 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.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Joyce) “honoring Florence Edgers on the happy occasion of her one hundredth birthday”;

Resolutions (filed by Ms. Walsh) “congratulating Paul Barry Jr. on the occasion of his elevation to the rank of Eagle Scout”;

Resolutions (filed by Ms. Walsh) “congratulating Matthew Cerullo on the occasion of his elevation to the rank of Eagle Scout”;

Resolutions (filed by Ms. Walsh) “congratulating Sean Donaghy on the occasion of his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Ms. Walsh) “congratulating Michael Thomas on the occasion of his elevation to the rank of Eagle Scout.”

Matter Taken Out of the Orders of the Day.

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

The Senate Bill to authorize the town of Charlton to acquire dams within the town, to make improvements to dams and to authorize the assessment of betterments to pay costs associated therewith (Senate, No. 2108) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Brewer presented an amendment in section 1, in the first sentence, by striking out the words “incidental or related thereto, so long as any such dam or dams and any incidental” and inserting in place thereof the following words:— “appurtenant thereto, if such dam and any appurtenant”.

The amendment was adopted.

**The bill (Senate, No. 2108, amended) was then passed to be engrossed.
Sent to the House for 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 Senate Bill designating a certain bicycle path in the city of Fall River and the town of Somerset as the Army Pvt. Michael E. Bouthot Bicycle Path (Senate, No. 2204).

**There being no objection, the rules were suspended, on motion of Mr. Hedlund, 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. 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 Board of Registration of Social Workers (House, No. 4262).

There being no objection, the rules were suspended, on motion of Mr. Hedlund, 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 House Bill establishing a sick leave bank for Deborah Kotarba, an employee of the Department of the Trial Court (House, No. 4269),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Hedlund, 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 House Bill establishing sick leave banks for Lori Polson and Eric Polson, employees of the Department of Correction (House, No. 4273),— **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2225.**

**There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. 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 authorizing the town of Plymouth to conduct a referendum election on January 19, 2010 (see House Bill, printed in House, No. 4358) (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 it was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.

An engrossed Bill establishing a land acquisition fund in the town of Middleborough (see Senate, No. 2139, amended) (which originated in the Senate), 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. Rosenberg) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Hedlund,—

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.

On motion of the same Senator, at twenty-eight minutes before twelve o'clock noon, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.