

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 16, 2010.

Met according to adjournment at eleven o'clock A.M. (Mr. Timilty 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. Timilty), members, guests and employees then recited the pledge of allegiance to the flag.

Communications.

The following communications were severally received and placed on file:

Several communications from the Honorable Richard R. Tisei, Senate Minority Leader, announcing the following appointments:

Senator Richard Ross to the Special Commission established (pursuant to Section 72 of Chapter 188 of the Acts of 2010) to make an investigation and study of school district collaboration and regionalization;

Dianne Bissonnette Moes of Boston to the Special Commission established (pursuant to Section 3 of Chapter 58 of the Acts of 2006) to make an investigation and study of the feasibility of reducing or eliminating the contribution made by contributing employers to the Uncompensated Care Trust Fund; and

Mr. Tom Tilis to the Special Commission established (pursuant to Section 145 of Chapter 27 of the Acts of 2009) to make an investigation and study of water infrastructure financing.

Report.

A report of the Dukes County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and section 2KKK of Chapter 29 of the General Laws) submitting a copy of 2 requests for Technology Fund Monies (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight). (Received December 15, 2010).

Petition.

Mr. Donnelly presented a petition (subject to Joint Rule 12) of Kenneth J. Donnelly to establish a sick leave bank for Nena Canada, an employee of the Trial Court;

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. 5113) of Jennifer M. Callahan and Richard T. Moore (by vote of the town) for legislation that the town of Bellingham be authorized to issue an additional license for the sale of alcoholic beverages to Paul

Winshman, doing business as a restaurant operator in said town,-- **was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.**

A Bill establishing a sick leave bank for Doreen Edwards, an employee of the Dorchester division of the Boston Municipal Court department (House, No. 5101,-- on petition);

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

A Bill creating an annual City Year day (House, No. 4230,-- on petition);

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

A Bill authorizing the town of Dedham to grant an additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5025,-- **on House, No. 4896) [Local approval received];**

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

Emergency Preambles Adopted.

An engrossed Bill validating certain proceedings of the Pathfinder Regional Vocational-Technical High School District (see Senate, No. 2536, 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 2 to 0.**

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

An engrossed Bill establishing a sick leave bank for Tanya Robideau, an employee of the Department of Correction (see House, No. 5079, 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 2 to 0.**

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

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 House Bill relative to certain members of the Cambridge Retirement System (House, No. 4280),-- **was read a second time.** Pending the question on ordering the bill to a third reading, Mr. DiDomenico presented an amendment striking out, in line 7, the word "board" and inserting in place thereof the following words:- "state board of retirement"; and by striking out, in line 14, the word "shall" and inserting in place thereof the following word: - "may".

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

Reports of Committees.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Resolve providing for an investigation and study by a special commission relative to gender-responsive programming for criminal justice system involved girls (House, No. 4931, amended),-- ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2659.

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

The resolve, 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.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House bill establishing a sick bank leave for Brian C. Linehan, an employee of the Department of Revenue (House, No. 5067, amended),-- ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Knapik, 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 establishing a sick leave bank for Brian C. Linehan, an employee of the Department of Revenue."

PAPERS FROM THE HOUSE

Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill authorizing the town of Sudbury to enter into and to extend wireless facility contracts or leases for periods in excess of 20 years (see House, No. 4715) [for message, see House, No. 5009],— came from the House with amendment in the form approved by the committee on

Bills in the Third Reading as follows:-

In section 2 by inserting after the following “30B” (the third time it appears) the words “; provided, however, that the terms of the lease shall allow the town at its sole discretion, to acquire said wireless service facilities at the depreciated cost”.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Knapik the Governor’s amendment was considered forthwith.

On further motion of Mr. Knapik, the Governor’s amendment was adopted, in concurrence.

Sent to the House for re-enactment.

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

Petition (accompanied by bill, House, No. 5115) of Jennifer M. Callahan and Richard T. Moore for legislation to validate the annual election in the town of Millville;

Under suspension of Joint Rule 7B, to the committee on Election Laws.

Petition (accompanied by bill, House, No. 5117) of Martin J. Walsh for legislation to establish a sick leave bank for Robert Manning, an employee of the Dorchester Division of the Boston Municipal Court;

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

Petition (accompanied by bill, House, No. 5116) of Peter V. Kocot and Stanley C. Rosenberg for legislation to establish a sick leave bank for Kathryn Beaupre, an employee of the Department of Public Health;

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

Engrossed Bills.

The following engrossed bills (both 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 (Ms. Timilty) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Meghan Savage, an employee of the Department of Children and Families (see House, No. 4798, amended); and

Establishing a sick leave bank for Maurice Jandreau, an employee of the Trial Court (see House, No. 5083).

Order Adopted.

On motion of Mr. Knapik,--

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.

Moment of Silence.

At the request of the Chair (Mr. Timilty), the members, guests and employees stood in a moment of silence and reflection to the memory of Lance Corporal Michael E. Geary.

Adjournment in Memory of Lance Corporal Michael E. Geary.

The Senator from Middlesex and Essex, Mr. Tisei, requested that when the Senate adjourns today, it adjourn in memory of Lance Corporal Michael E. Geary, killed in action, December 8, 2010 while conducting combat operations in Helmand Province, Afghanistan. He was 20 years old.

Born in Malden, Michael spent his early years residing in Brighton before moving to Derry, New Hampshire at the age of nine. He was assigned to the 2nd Battalion, 9th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force out of Camp Lejeune, North Carolina.

Michael joined the Marines after graduating from Pinkerton Academy in 2009, fulfilling a lifelong dream to serve his country. He wrote his senior essay on the topic of what it takes to become a Marine and what Marines have to offer.

A black belt in karate, Michael was also an avid runner who also played football as a freshman at Pinkerton Academy. After completing his Marine Corps boot camp, Michael returned to the school in full dress uniform to show his teachers he had achieved what he set out to do.

Michael began serving his first tour of duty in Afghanistan in July, 2010, and was due to return home in February, 2011. He had plans to become a police officer when he got out of the service. One of Michael’s greatest attributes was the desire to protect and support others.

Teacher Paula Vaughn said Michael was someone who made people laugh and whose smile would “light up the room,” while Michael’s English teacher, Joseph Dion, described him as “a young man people could admire for his conviction and his accomplishment.”

“I am saddened by Mike’s death because he was so young,” Dion said. “But like so many other Marines I have known, his sacrifice reinforces for me why we should not take for granted the men and women who have served and continue to serve in our armed forces.”

Michael is survived by his parents, Nancy (Buiting) Geary and Timothy Geary of Derry, N.H., and by grandmother, Beverly Geary of Londonderry, N.H. Michael was predeceased by his paternal grandfather, Charles Geary of Londonderry, N.H., and by his maternal grandparents, Joseph and Louise Buiting of Brighton. Michael is also survived by many loving aunts, uncles, and cousins.

Accordingly, as a mark of respect to the memory of Lance Corporal Michael E. Geary, at twelve minutes past eleven o’clock A.M., on motion of Mr. Knapik, the Senate adjourned to meet again on Monday next at eleven o’clock A.M.