

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, December 21, 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).

Reports.

The following reports were severally placed on file, to wit:

A report of the Plymouth County Registry of Deeds (under the provisions Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received Friday, December 18, 2009); and
A report of the Bristol County Registry of Deeds (under the provisions of Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received Monday, December 21, 2009).

Petitions.

Petitions were severally presented and referred, as follows:

By Ms. Murray, a petition (accompanied by bill, Senate, No. 2234) of Therese Murray, Timothy Madden and Mathew C. Patrick (by vote of the town) for legislation relative to the financing of wind energy facilities in the town of Falmouth [Local approval received];

Under Senate Rule 20, to the committee on Telecommunications, Utilities and Energy.

By Mr. Michael O. Moore, a petition (subject to Joint Rule 12) of Michael O. Moore for legislation relative to the format on civil service exams; and

By Mr. Pacheco, a petition (subject to Joint Rule 12) of Marc R. Pacheco and Theodore C. Speliotis for legislation to further regulate business practices between motor vehicle dealers, manufacturers and distributors;

Severally under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

PAPER FROM THE HOUSE.

A Bill establishing a sick leave bank for Olivia Mulhall, an employee of the Trial Court (House, No. 4361,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill naming a certain bridge in the city of Malden as Joseph E. Croken Memorial Bridge (House, No. 3210,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Bills

Relative to the selectman-town administrator form of government of the town of Stoneham (House, No. 633,— on petition) [Local approval received];

Relative to the Nantucket Historic District Commission (House, No. 1121,— on petition) [Local approval received];

Relative to elections for the Dennis Water District (House, No. 1140,— on petition) [Local approval received];
Relative to the town meetings in the town of Framingham (House, No. 1896,— on petition) [Local approval received];
Relative to the sale of taxi licenses in the town of Brookline (House, No. 3712,— on petition) [Local approval received];
Authorizing the town of Lincoln to place a certain question relative to the sale of wines and malt beverages on the town's election ballot (House, No. 4257,— on petition) [Local approval received];
Increasing the membership of the Board of Selectmen in the town of Hamilton (House, No. 4294,— on petition) [Local approval received]; and
Authorizing the town of Sharon to grant licenses for the sale of wines and malt beverages at a food store, not to be drunk of the premises (House, No. 4371,— on petition) [Local approval received];
Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Recess.

There being no objection at six minutes past eleven o'clock A.M., the Chair (Mr. Tolman) declared a recess subject to the call of the Chair; and, at twenty-two minutes before twelve o'clock noon, the Senate reassembled, Mr. Tolman in the Chair.

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

Communication.

The Clerk read the following communication:

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

December 18, 2009.

The Honorable Senate President Therese Murray
Office of the President
Room 332, State House
Boston, MA 02133-1053

Dear Senate President Murray:

In light of today's court proceedings, I respectfully request your acceptance of my resignation of my committee chairmanship and all of the committees to which I have been appointed. I will continue to follow the work of these committees and participate as appropriate.

Sincerely yours,
ANTHONY D. GALLUCCIO,
State Senator,
Middlesex, Suffolk and Essex.

On motion of Mr. Knapik, 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 authorizing the abatement of certain property tax assessments in the town of Lexington (House, No. 1135),— **was read a third time.**

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

“SECTION 1. Notwithstanding sections 2A, 2D, 18 and 38 of chapter 59 of the General Laws or any other general or special law to the contrary, the town of Lexington, acting by and through its board of assessors, shall abate or refund a portion of the taxes assessed for fiscal year 2009 on any real estate that decreased in assessed valuation by over 50 per cent as the result of fire or natural disaster that occurred during fiscal year 2009. The post-fire or post-natural disaster valuation shall be considered the assessed valuation of the property as of January 1, 2008 for purposes of assessing taxes for the fiscal year beginning on July 1, 2008.

SECTION 2. Applications for an abatement or refund shall be filed with the Lexington Board of Assessors not later than January 1, 2011.

SECTION 3. This act shall take effect upon its passage.”

The amendment was adopted.

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.**

The House Bill authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 1892),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 1891),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Report 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 Steven C. Panagiotakos and Thomas A. Golden, Jr. for legislation to establish a sick leave bank for Denise Cailler, an employee of the Trial Court.

**The rules were suspended, on motion of Mr. Knapik, 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.
Sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4400) of Lori Ehrlich relative to establishing a sick leave bank for Tree Borden, an employee of the Norfolk District Attorney's Office;

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

Petition (accompanied by bill, House, No. 4401) of Charles A. Murphy relative to elevator regulations;

Under suspension of Joint Rule 12, to the committee on Public Safety and Homeland Security.

Petition (accompanied by bill, House, No. 4402) of Peter V. Kocot and Stanley C. Rosenberg to establish a sick leave bank for Janet Ochner, an employee of the Department of Developmental Services;

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

A Bill validating a certain vote taken by the town of Belmont (printed in House, No. 4389,— **being a message from His Excellency the Governor**),— **was read.**

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.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Vanessa Williams, an employee of the Office of Medicaid (see House, No. 4365), 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.

Engrossed Bill.

An engrossed Bill establishing the office of Treasurer-Collector for the town of Whitman (see House, No. 1920) (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. Tolman) and laid before the Governor for his approbation.

Recess.

There being no objection at seven minutes before twelve o'clock noon, the Chair (Mr. Tolman) declared a recess subject to the call of the Chair; and, at twenty minutes before two o'clock P.M., the Senate reassembled, Mr. Tolman in the Chair.

PAPERS FROM THE HOUSE.

Engrossed Bills.

An engrossed Bill validating a certain vote taken by the town of Belmont (see House Bill, printed in House, No. 4389) (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 was signed by the Acting President (Mr. Tolman) and laid before the Governor for his approbation.

The following engrossed bills (the first two of which originated in the Senate), 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 a certain bridge in the town of Raynham as the SFC Jared C. Monti Bridge (see Senate, No. 2177);

Designating a certain bridge in the city of Taunton as the SSG Adelino Paulo Bridge (see Senate, No. 2178); and

Establishing a sick leave bank for Vanessa Williams, an employee of the Office of Medicaid (see House, No. 4365).

Order Adopted.

On motion of Mr. Knapik,—

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 eighteen minutes before two o'clock P.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.