

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, July 7, 2011.

Met at three minutes past eleven o'clock A.M. (Mr. Tolman in the Chair).

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

Reports.

Reports were severally read and placed on file:

Report of the Dukes 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 Tuesday, July 5, 2011); and Report of the Nantucket 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 Thursday, July 7, 2011).

Petition.

Mr. Donnelly presented a petition (accompanied by bill, Senate No. 1954) of Kenneth J. Donnelly, William N. Brownsberger, Sean Garballey and Jay Kaufman (by vote of the town) for legislation to health reimbursement accounts for the insured employees of the town of Arlington [Local approval received];

Referred, under Senate Rule 20, to the committee on Public service.

Sent to the House for concurrence.

Reports of Committees.

By Mr. Petrucci, for the committee on Financial Services, on petition (accompanied by bill, Senate, No. 420), a Bill relative to limited line legal insurance products (Senate, No. 1952);

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

PAPER FROM THE HOUSE

A message from His Excellency the Governor recommending legislation relative the transmission of firearms background check information (House, No. 3569),-- **was referred, in concurrence, to the committee on the Judiciary.**

A Bill relocating certain harbor lines in the Fairhaven and New Bedford harbors (House, No. 3402,-- on petition);

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

A Bill relative to the Nantucket Planning and Economic Development Commission (House, No. 570,-- on petition) [Local approval received];

Was 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. Ross) "congratulating Dante P. Francomano on his elevation to the rank of Eagle Scout";
Resolutions (filed by Mr. Ross) "congratulating Patrick M. Moriarty on his elevation to the rank of Eagle Scout"; and
Resolutions (filed by Mr. Ross) "congratulating Jay E. Pettengill on his elevation to the rank of Eagle Scout."

Communication.

The Clerk read the following communication:

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

July 8, 2011

Mr. William F. Welch
Clerk of the Senate
Room 335, State House
Boston, MA 02133

Dear Mr. Clerk:

On Thursday, June 30, 2011, I was unavoidably absent from the State House because I was attending a funeral. Therefore, I was unable to be present for Roll Call #43 on an amendment to Senate Bill 1950. Had I been present, I would have voted in the affirmative on this amendment.

I respectfully request that this letter be printed in the Senate Journal as part of the official record for June 30, 2011. Thank you for your assistance in this matter.

Sincerely,
SENATOR SUSAN C. FARGO
3rd Middlesex District

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

Reports of a Committee.

By Mr. Brewer for the committee on Ways and Means, that the Senate Bill relative to economic development in the North Point area of the city of Cambridge (Senate, No. 1902) (the committee on Bonding, Capital Expenditures and State Assets having recommended that the bill be amended by substituting a new draft new draft entitled "An Act authorizing the development of certain state-owned land in the city of Cambridge" (Senate, No. 1945),-- ought to pass, with an amendment substituting the pending Bonding, Capital Expenditures and State Assets new draft (Senate, No. 1945) with a new draft with the same title (Senate, No. 1955).

There being no objection, the rules were suspended, on motion of Ms. Fargo, and the bill was read a second time.

The pending Bonding, Capital Expenditures and State Assets new draft (Senate, No. 1945) was then amended, on recommendation of the committee on Ways and Means by substitution of a new draft with the same title (Senate, No. 1955).

The pending bill (Senate, No. 1902) was then amended, on recommendation of the committees on Bonding, Capital Expenditures and State Assets and Ways and Means.

The bill (Senate, No. 1955) was then ordered to a third reading.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Nancy Whittier, an employee of the Trial Court (House, No. 3496),-- **ought to pass.**

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

PAPERS FROM THE HOUSE

The House Bill increasing the membership of the board of selectmen in the town of Rehoboth (House, No. 3293, amended),--
came from the House with the endorsement that the House had concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the following text:-

“SECTION 1. Section 1 of article III of the by-laws of the town of Rehoboth, is hereby amended by striking out the sentence ‘Three Selectmen, each for a term of three years, of which one shall be elected at each Annual Meeting.’ and inserting in place thereof the following sentence:- Five Selectmen, each for a term of 3 years, of which 1 or 2 shall be elected at each Annual Town Meeting.

SECTION 2. Notwithstanding any general or special law or by-law to the contrary, at the next annual town election occurring at least 64 days following the effective date of this act, the town shall elect 2 members in addition to the 1 member otherwise to be elected. One member shall be elected to a 2-year term and 1 member to a 3-year term; both offices shall be listed separately on the ballot. Thereafter, all members of the board of selectmen shall be elected to 3-year terms.

SECTION 3. This act shall not affect the terms of office of incumbent members of the board of selectmen on the effective date of this act.”; and by striking out the title and inserting in place thereof the following title:- “An Act increasing the membership of the board of selectmen in the town of Rehoboth.”) with a further amendment striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the following:

“SECTION 1. Notwithstanding any general or special law or by-law to the contrary, the number of members of the board of selectmen of the town of Rehoboth shall be increased to 5 members. At the next annual town election occurring at least 64 days following the effective date of this act, the town shall elect 2 members in addition to the 1 member otherwise to be elected. One member shall be elected to a 2-year term and 1 member to a 3-year term; both offices shall be listed separately on the ballot. Thereafter, all members of the board of selectmen shall be elected to 3-year terms. The terms of those members currently serving as selectmen on the effective date of this act shall be unchanged.”

The rules were suspended, on motion of Ms. Fargo, and the further House amendment was adopted, in concurrence.

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

Petition (accompanied by bill, House, No. 3570) of Charles A. Murphy, James R. Miceli and Bruce E. Tarr (by vote of the town) for legislation to exempt the town of Wilmington for liability relative to the solid waste landfill, commonly known as the “maple Meadow Landfill” located in said town;

Under suspension of Joint Rule 12, to the committee on the Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 3571) of Chris Walsh for legislation to establish the position of architect of the State House;

Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

Petition (accompanied by bill, House, No. 3572) of Chris Walsh relative to designating a certain bridge on highway Route 9 in the town of Framingham as the Gregory B. Vilidnitsky Memorial Bridge;

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

Recess.

There being no objection, at ten minutes past eleven o’clock A.M. the Chair (Mr. Tolman) declared a recess, subject to the call of the Chair; and, at eight minutes past four o’clock P.M., the Senate reassembled, the President in the Chair.

Order Adopted.

On motion of Mr. Tarr,--

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

Adjournment in Memory of Ipswich Fire Department Chief Willard I. Maker, Jr.

The Senator from Essex and Middlesex, Mr. Tarr, moved that when the Senate adjourns today, it do so in memory of former Ipswich Fire Department Chief Willard I. Maker, Jr., who passed away on June 19, 2011 in the Anna Jaques Hospital in Newburyport.

Chief Maker was born in Ipswich on October 1, 1955 and was a 1973 graduate of Georgetown High School. He was first appointed to the Ipswich Fire Department in 1976, and rose to the rank of Chief of the Department in 1992. He retired after 33 years of service in October of 2009.

Chief Maker was an amateur archeologist with an active interest in Native American history and culture. He was a member of several organizations, including the Ipswich Historical Society, the Ipswich Firefighters Relief Association, the Massachusetts

Professional Firefighters Association, and the Massachusetts and Essex County Fire Prevention Associations. He was also interested in photography, dealing primarily with nature.

Chief Maker is survived by his wife of 34 years, Lou Anne (Moon) of Ipswich, and his parents, Willard I. Maker, Sr. of Rowley and Letitia A. Bilodeau of Fitzwilliam, New Hampshire. He is also survived by his three daughters, Cassandra L. Maker of Brighton, Natalie D. Maker of Wayne, Pennsylvania, and Kelly Marecka of Ipswich, as well as four sisters, three brothers and many nieces and nephews.

Accordingly, as a mark of respect to the memory of Ipswich Fire Department Chief Willard I. Maker, Jr., at ten minutes past four o'clock P.M., on motion of Mr., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.