

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, January 3, 2011.

Met at one minute past eleven o'clock A.M. (Mr. Donnelly 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. Donnelly), members, guests and employees then recited the pledge of allegiance to the flag.

PAPERS FROM THE HOUSE

Bills

Authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land in the city of North Adams (House, No. 5087,-- on petition);

Establishing a sick leave bank for Karen Reilly, an employee of the Department of Children and Families (House, No. 5111, changed and amended,-- on petition); and

Establishing a sick leave bank for Kathryn Beaupre, an employee of the Department of Public Health (House, No. 5116, amended,-- on petition); and

Establishing a sick leave bank for Stephen Costa, an employee of the Massachusetts Rehabilitation Commission (House, No. 5127,-- on petition);

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

Emergency Preamble Adopted.

An engrossed Bill establishing the Massachusetts Pilotage Rage Board (see Senate, No. 2174, 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 3 to 0.**

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

Engrossed Bill - Amended

An engrossed Bill amending the charter of the town of Winchendon (see Senate, No. 2333) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- **was laid before the Senate.**

On motion of Ms. Chang-Diaz, Senate Rule 49 was suspended.

Mr. Brewer presented a motion that the engrossed bill be amended by inserting after section 1 the following section:-
"SECTION 1A. Subsection (c) of section 3-7 of section 1 shall take effect as of March 1, 1993."

The amendment was adopted.

Sent to the House for concurrence in the amendment.

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 the distribution of copies of the warrant in the town of North Andover (House, No. 1900),-- **was read a second time, ordered to a third reading, read a third time and was passed to be engrossed, in concurrence.**

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill providing for the disposition of Commonwealth owned land in the city of Boston (Senate, No. 2612) (the committee on Bonding, Capital Expenditures and State Assets having recommended that the bill be amended by substituting a new draft with the same title, Senate, No. 2645),-- **reported, that the pending new draft be amended by striking out, in line 41, the word "used," and inserting in place thereof the following:- "developed prior to the receipt of the certification in section 7"; and by adding after section 6 the following new section:-** "SECTION 7. Upon completion of the redevelopment of the property for the purposes described in section 1, as evidenced by an architect's certificate of completion, the commissioner shall furnish the grantee with an appropriate instrument, in recordable form, certifying as to such completion. Such certification by the commissioner shall be a conclusive determination of the grantee's satisfaction of the conditions in section 1 and shall further constitute a termination of the right of reversion contained in section 6."

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time. The pending Bonding, Capital Expenditures and State Assets new draft (Senate, No. 2645) was then amended, as recommended by the committee on Ways and Means.

The pending bill (Senate, No. 2612) was then amended, on recommendation of the committees on Bonding, Capital Expenditures and State Assets and Ways and Means.

The bill (Senate, No. 2645, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Robert Manning, an employee of the Dorchester Division of the Boston Municipal Court (House, No. 5117),-- **ought to pass. There being no objection, the rules were suspended, on motion of Mr. McGee, 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 Robert Manning, an employee of the Trial Court".**

Motion To Take a Matter Out of the Orders of the Day.

The Chair (Mr. Donnelly) asked unanimous consent to take the engrossed Bill relative to the pooling of tips (see House, No. 4184) out of the Orders of the Day for consideration,-- **but objection was made thereto by Mr. Tolman. The engrossed bill was returned to the Orders of the Day for the next session.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5130) of Aaron Michlewitz for legislation to establish a sick leave bank for Ralph P. Ruzzo, Sr., an employee of the Trial Court,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.**

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 (Mr. Donnelly) and laid before the Governor for his approbation, to wit:

Relative to the registration of real estate appraisers (see House, No. 277, amended); and
Establishing the Lincoln Park Improvement District in the town of Dartmouth (see House, No. 4883, amended).

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Maryann Audette, an employee of the Department of Revenue (see Senate, No. 2644, 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 6 to 0. The bill was signed by the Acting President (Mr. Donnelly) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Beverley O'Riordan, an employee of the Department of Elementary and Secondary Education (see Senate, No. 2660), 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 6 to 0

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

A Bill authorizing the town of Reading to grant one additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 5122,-- on petition) [Local approval received],-- **was read.**

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, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the town of Reading to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises".

Engrossed Bills.

The following engrossed bills (the first 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. Donnelly) and laid before the Governor for his approbation, to wit:

Establishing the Massachusetts Pilotage Rage Board (see Senate, No. 2174, amended);

Relative to certain members of the Cambridge Retirement System (see House, No. 4280, amended); and

Relative to cutting down, trimming or removing bushes and small trees (see House, No. 5121, amended).

Recess.

There being no objection, at twenty-one minutes past eleven o'clock A.M., the Chair (Mr. Donnelly) declared a recess subject to the call of the Chair; and, at eighteen minutes before one o'clock P.M., the Senate reassembled, Mr. Donnelly in the Chair.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Frank J. Servello, an employee of the Executive Office of Public Safety and Security (see Senate, No. 2650), 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 3 to 0.**

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

Engrossed Bills.

The following engrossed bills (all 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. Donnelly) and laid before the Governor for his approbation, to wit:

Designating a certain area of the Blackstone River and Canal Heritage State Park in the town of Northbridge as the Spaulding R. Aldrich Memorial Recreation Area (see Senate, No. 2160);

Establishing a sick leave bank for Maryann Audette, an employee of the Department of Revenue (see Senate, No. 2644, amended); and

Establishing a sick leave bank for Beverley O'Riordan, an employee of the Department of Elementary and Secondary Education (see Senate, No. 2660).

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 Kenneth J. Donnelly for legislation to establish a sick leave bank for Nena Canada, an employee of the Trial Court.

The rules were suspended, on motion of Mr. Timilty, 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.

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 designating a walkway in the Belle Isle Marsh area in the town of Winthrop as the John Kilmartin Walkway (House, No. 5035).

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, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act designating a proposed walking path in the Belle Isle Marsh Area in the town of Winthrop as the John Kilmartin Walkway".

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Patrick J. Hager, an employee of the Department of Revenue (House, No. 5110, amended),-- **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.

Recess.

There being no objection, at nine minutes before one o'clock P.M., the Chair (Mr. Donnelly) declared a recess subject to the call of the Chair; and, at twenty-two minutes past three o'clock P.M., the Senate reassembled, Mr. Donnelly in the Chair.

PAPER FROM THE HOUSE

The engrossed Bill establishing a sick leave bank for Frank J. Servello, an employee of the executive Office of Public Safety and Security (Senate, No. 2650),-- **came from the House with an amendment striking out the first sentence and inserting in place thereof the following sentence:** "Notwithstanding any general or special law, rule or regulation to the contrary, the executive office of public safety and security shall establish a sick leave bank for Frank J. Servello, a 24-year employee of the department of correction, transferred to the executive office of public safety and security on August 1, 2010, as the result of consolidation of the secretariat's information technology functions."

The rules were suspended, on motion of Mr. Tarr, and the House amendment was considered forthwith and adopted, in concurrence.

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 Ernest A. Taft

The Senator from Worcester and Norfolk, Mr. Richard T. Moore, requested that when the Senate adjourns today, it adjourn in memory of Ernest A. Taft of Bellingham.

Ernest Taft, or "Ernie" as he was known to all, was a gentle soul with a permanent twinkle in his eye. Bellingham's unofficial ambassador, and often called, "Mr. Bellingham," he was always ready to show a visitor or new resident around town, a trip that inevitably ended at Ernie's favorite place, the Bellingham History Museum. Mr. Taft served as the Bellingham Town Historian for many years. He authored "Bellingham" in the Images of America local history book series, wrote and edited the "Crimpsville Commons" history newsletter, and was a frequent host to countless school classes, scout groups or senior citizens sharing his knowledge of local history.

Ernie Taft was admired throughout Bellingham and the region, not only for his cherished role as keeper of the town's collective memory, but for his lifelong display of personal courage living with chronic pain from rheumatoid arthritis since the age of 12. Despite this frailty, you never heard a complaint, as he was usually far too busy helping others. Having a conversation with Ernie Taft was inevitably an enlightening experience, and not just when it came to the topic of history. He was quick-witted and knowledgeable about a wide range of topics.

He served on numerous boards and committees including the committee to renovate the historic Town Hall. He was Chairman of the Bellingham Historical Commission, Vice Chairperson of the Bellingham Housing Authority, member of the Bellingham Democratic Town Committee and delegate to several Democratic State Conventions.

Mr. Taft, age 63, died December 27, 2010 from complications that were a result of a serious fall at his home on October 29, 2010. He leaves his mother, Josephine Taft, his sister, Joanne Arcand, nieces and nephews and countless friends.

Accordingly, as a mark of respect to the memory of Ernest A. Taft, at twenty-six minutes past three o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.