

**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.

*Tuesday, January 4, 2011.*

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

#### *Report.*

A report the Office of the District Attorney for the Norfolk District (pursuant to Section 99(R) of Chapter 272 of the General Laws) submitting its Annual Report of Interceptions for the year of 2010 (received January 4, 2011),-- **was placed on file.**

#### *Report of a Committee.*

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 relative to the installation of approved smoke detectors in certain residential buildings or structures (Senate, No. 2252) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft with the same title, Senate, No. 2556).

**Under Senate Rule 26, placed in the Orders of the Day for the next session for a second reading with the amendment pending.**

### PAPERS FROM THE HOUSE

A Bill establishing a sick leave bank for Betty Garcia, an employee of the Department of Transitional Assistance (House, No. 5084,-- on petition); and

A Resolve providing for an investigation and study by a special commission on college scholarships (House, No. 5129,-- on House, No. 4940);

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

#### *Motion to Take a Matter Out of the Orders of the Day.*

The Chair (Mr. Petrucci) asked unanimous consent to take the engrossed Bill relative to the pooling of tips (see House, No. 4814, amended) out of the Orders of the Day for consideration,-- **but objection was made thereto by Mr. Tolman.**

### PAPERS FROM THE HOUSE

#### *Emergency Preambles Adopted.*

An engrossed Bill designating a proposed walking path in the Belle Isle Marsh Area in the town of Winthrop as the John Kilmartin Walkway (see House, No. 5035), 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 5 to 0.**

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

An engrossed Bill establishing a sick leave bank for Patrick J. Hager, an employee of the Department of Revenue (see House, No. 5110, 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 5 to 0.**  
**The bill was signed by the Acting President (Mr. Petruccelli) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Robert Manning, an employee of the Trial Court (see House, No. 5117), 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 5 to 0.**  
**The bill was signed by the Acting President (Mr. Petruccelli) and sent to the House for enactment.**

#### *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 House Bill relative to apprentice training (House, No. 4580, amended).

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

Pending the question on ordering the bill to a third reading, Mr. Michael O. Moore presented an amendment striking out all after the enacting clause and inserting in place thereof the following 3 sections:-

“SECTION 1. Said section 11H of said chapter 23, as appearing in the 2008 Official Edition, is hereby further amended by adding the following definition:-

‘Proctor’, an instructor approved by the division or a person competent in an apprentice’s trade or occupation including, but not limited to, a journey worker.

SECTION 2. Section 11I of said chapter 23, as so appearing, is hereby amended by inserting after the word ‘apprenticed’, in line 9, the following words:- and any examinations administered during such instruction shall be monitored by a proctor.

SECTION 3. Section 11K of said chapter 23, as so appearing, is hereby amended by inserting after the word ‘learned’, in line 19, the following words:- and any examinations administered during such instruction shall be monitored by a proctor.”

**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.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to special license plates for certain military personnel (House, No. 4923),-- **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2667.**

**There being no objection, the rules were suspended, on motion of Mr. Donnelly, 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.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to home service contracts (House, No. 4957),-- **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2668.**

**There being no objection, the rules were suspended, on motion of Mr. Donnelly, 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**

A Bill relative to the appointment of the treasurer of Palmer fire district number one and Palmer water district number one (House, No. 1881,-- on petition) [Local approval received],-- **was read.**

**There being no objection, the rules were suspended, on motion of Mr. Donnelly, 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 providing for the appointment of the treasurer of Palmer Fire District Number One and Palmer Water District Number One”.**

*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. Petruccelli) and laid before the Governor for his approbation, to wit:

Authorizing the town of Cummington to continue the employment of Police Chief Dennis W. Forgea (see Senate, No. 2632, amended);

Relative to the distribution of copies of the warrant in the town of North Andover (see House, No. 1900); and

Authorizing the town of Reading to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 5122).

*Emergency Preambles Adopted.*

An engrossed Bill relative to the issuance of uniform police identification cards (see Senate, No. 2649), 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 5 to 0.**

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

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, 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. Petruccelli) and sent to the House for enactment.**

*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. Petruccelli) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Frank J. Servello, an employee of the Executive Office of Public Safety and Security (see Senate, No. 2650);

Designating a proposed walking path in the Belle Isle Marsh Area in the town of Winthrop as the John Kilmartin Walkway (see House, No. 5035);

Establishing a sick leave bank for Patrick J. Hager, an employee of the Department of Revenue (see House, No. 5110, amended); and

Establishing a sick leave bank for Robert Manning, an employee of the Trial Court (see House, No. 5117).

An engrossed Bill relative to early education and care by family child care providers (see House, No. 4917, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was laid before the Senate.

**On the question of passing the bill to be enacted objection was made thereto by Mr. Tarr.**

**Under Senate Rule 26, the engrossed bill was placed in the Orders of the Day for the next session.**

*Recess.*

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

*Communication.*

A communication from Honorable Counsel to House and Counsel to the Senate (pursuant to Section 53 of Chapter 3 of the General Laws) submitting proposed legislation making corrective changes in certain general and special laws (Senate, No. 2669),-- **was read and referred, under Senate Rule 26, to the committee on Ethics and Rules.**

**Subsequently, Mr. Berry, for the said committee, reported, that the matter be placed in the Orders of the Day for the next session.**

**The rules were suspended, on motion of Mr. Tarr, and the bill (printed in Senate, No. 2669) 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.**

## PAPER FROM THE HOUSE

A Bill authorizing the appointment of Christopher M. Dufresne as a firefighter in the town of North Andover notwithstanding the maximum age requirement (House, No. 5011,-- on petition) [Local approval received],-- **was read.**

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

*Matter Taken From 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 authorizing the town of Harwich to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5026, amended),-- **was read a second time.**

**Pending the question on ordering the bill to a third reading, Mr. O'Leary presented an amendment striking out all after the enacting clause and inserting in place thereof the following text:**

"SECTION 1 . (a) Notwithstanding sections 17 and 17A of chapter 138 of the General Laws, the licensing authority of the town of Harwich may convert 1 currently issued seasonal license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138, currently issued to Back Nine Café, LLC. , located at 183 Oak street, to an annual license for the sale of all alcoholic beverages to be drunk on the premises under said section 12 of said chapter 138. The license granted under this section shall be subject to all of said chapter 138 except said sections 17 and 17A.

(b) The licensing authority shall not approve the transfer of the license to any other location, but it may grant the license to a new applicant at the same location if the applicant for the license files with the authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location under the same conditions as specified in this section.

SECTION 2. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Harwich may grant a license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138, to Patrick Wiseman and Annie Wiseman doing business at 86 Sisson road, state highway route 39, Harwich Port.

(b) The licensing authority shall not approve the transfer of the license to any other location, but it may grant the license to a new applicant at the same location if the applicant for the license files with the authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location under the same conditions as specified in this section.

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

**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.**

*Report of a Committee.*

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 practice of podiatry (House, No. 4912).

Mr. Tarr moved that the rules be suspended; but objection was made thereto by Mr. Timilty.

**Under Senate Rule 26, the bill was placed in the Orders of the Day for the next session for a second reading.**

## PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 5131) of David B. Sullivan for legislation to establish a sick leave bank for Jeffery Botelho, an employee of the Department of Correction,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

*Engrossed Bill Returned with Recommendation of Amendment.*

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to the standard fire insurance policy (see House, No. 960, amended) [for message, see House, No. 4983],— **came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:-**

**By striking out all after the enacting clause and inserting in place thereof the following:**

"Section 99 of chapter 175 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after clause Twelfth A the following clause:-

Thirteenth. Notwithstanding any other provision of this chapter, a commercial policy issued in compliance with this section may

exclude coverage for loss by fire or other perils insured against if the fire or other perils insured against were caused directly or indirectly by an act of terrorism; provided, however, that "an act of terrorism" shall have the meaning as defined in the Terrorism Risk Insurance Act of 2002 (P.L. 107-297), as amended. Exclusions under this clause shall remain valid and in effect until the expiration of the Terrorism Risk Insurance Program created by the Terrorism Risk Insurance Act of 2002, or its successor."

**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. Tolman, and the Governor's amendment was considered forthwith.**

**On motion of the same Senator, the Governor's amendment was adopted, in concurrence.**

**Sent to the House for re-enactment.**

#### *Engrossed Bill - Amended*

An engrossed Bill designating certain bridges under the control of the Massachusetts Department of Transportation (see Senate, No. 2666) (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 Mr. Tarr, Senate Rule 49 was suspended.**

**Mr. Baddour presented an amendment in section 3, by striking out, in line 6, the words "and maintain" and inserting in place thereof the following words:- "and maintain".**

**The amendment was adopted.**

**Sent to the House for concurrence in the amendment.**

#### *Engrossed Bills.*

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. Petrucci) and laid before the Governor for his approbation, to wit:

Relative to group health insurance (see Senate, No. 489);

Relative to the issuance of uniform police identification cards (see Senate, No. 2649); and

Providing for the appointment of the treasurer of Palmer Fire District Number One and Palmer Water District Number One (see House, No. 1881).

A petition (accompanied by bill, House, No. 5132) of Sean Garballey for legislation to establish a sick leave bank for Lois Keithly, an employee of the Department of Public Health,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

#### *Recess.*

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

#### **PAPERS FROM THE HOUSE**

##### *Emergency Preamble Adopted.*

An engrossed Bill relative to special license plates for certain military personnel (see House, No. 4923, 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 4 to 0.**

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

#### *Engrossed Bills.*

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. Petrucci) and laid before the Governor for his approbation, to wit:

Amending the charter of the town of Winchendon (see Senate, No. 2333, amended);

Relative to compliance with reserve requirements of life insurers (see Senate, No. 2542); and

Authorizing the appointment of Christopher M. Dufresne as a firefighter in the town of North Andover notwithstanding the maximum age requirements (see House, No. 5011).

An engrossed Bill relative to the standard fire insurance policy (see House, No. 960, amended) (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 re-enacted and signed by the Acting President (Mr. Petrucci) and again laid before the Governor for his approbation.**

#### *Reports of a Committee.*

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Betty Garcia, an employee of the Department of Transitional Assistance (House, No. 5084),-- **ought to pass.**

**There being no objection, the rules were suspended, on motion of Mr. Richard T. Moore, 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 authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the city of North Adams (House, No. 5087),-- **ought to pass.**

**There being no objection, the rules were suspended, on motion of Mr. Richard T. Moore, 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 providing for consideration for the conveyance of certain land in the city of North Adams".**

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Karen Reilly, an employee of the Department of Children and Families (House, No. 5111, changed and amended),-- **ought to pass.**

**There being no objection, the rules were suspended, on motion of Mr. Richard T. Moore, 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 Kathryn Beaupre, an employee of the Department of Public Health (see House, No. 5116, amended),-- **ought to pass.**

**There being no objection, the rules were suspended, on motion of Mr. Richard T. Moore, 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 Lori J. Madrazo-Bulak, an employee of the Office of Health and Human Services (see House, No. 5119, amended),-- **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the following text:.**

"SECTION 1. Notwithstanding any general or special law, rule or regulation to the contrary, the department of developmental services shall establish a sick leave bank for Lori J. Madrazo-Bulak, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Lori J. Madrazo-Bulak. Whenever Lori J. Madrazo-Bulak terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department."; by striking out the emergency preamble and inserting in place thereof the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of developmental services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and by striking out the title and inserting in place thereof the following title: "An Act establishing a sick leave bank for Lori J. Madrazo-Bulak, an employee of the Department of Developmental Services."

**There being no objection, the rules were suspended, on motion of Mr. Richard T. Moore, 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.**

#### **PAPER FROM THE HOUSE**

A Bill relative to dental hygienists (printed as Senate, No. 804,-- on petition),-- **was read.**

**There being no objection, the rules were suspended, on motion of Mr. Richard T. Moore, 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 further regulating dental hygienists practicing in public health settings".**

*Motion to Take a Matter Out of the Orders of the Day.*

The Chair (Mr. Petrucci) asked unanimous consent to take the engrossed Bill relative to early education and care by family child care providers (see House, No. 4917, amended) out of the Orders of the Day for consideration,-- **but objection was made thereto by Mr. Tarr.**

**The engrossed bill was returned to the Orders of the Day for the next session.**

#### **PAPERS FROM THE HOUSE**

A Bill validating a certain election in the town of Millville (House, No. 5115,-- on petition) [Local approval received],-- **was read.**

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

A Bill authorizing the town of Bellingham to grant an additional license for the sale of alcoholic beverages to be drunk on the premises (House, No. 5123,-- on petition) [Local approval received],-- **was read.**

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

A Bill relative to the distribution of the simplified rules of procedure for special town meetings in the town of North Andover (House, No. 1899,-- on pe-tition) [Local approval received],-- **was read.**

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

A Bill providing for park expansion and urban wildlife preservation in the town of Belmont and the city of Cambridge (House, No. 701, amended,-- on peti-tion),-- **was read.**

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

A Bill regulating the issuance of second hand motor vehicle licenses in the city of Revere (House, No. 5074,-- on petition) [Local approval received],-- **was read.**

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

A Bill establishing a sick leave bank for Lois Keithly, an employee of the Department of Public Health (House, No. 5132,-- on petition),-- **was read.**

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

*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:

House Bill relative to the practice of podiatry (House, No. 4912),-- **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**

*Engrossed Bill - Amended*

An engrossed Bill relative to home service contracts (see House, No. 4957) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was laid before the Senate.**

**On motion of Mr. Donnelly, Senate Rule 49 was suspended.**

**Mr. Panagiotakos presented an amendment striking out, in section 2 in the definition of "service contract" the word "real"; and by striking out, in section 2 in proposed subsection (j) of proposed section 149N of chapter 175 of the General Laws, the word "real".**

**The amendment was adopted.**

**Sent to the House for concurrence in the amendment.**

*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. Petruccelli) and laid before the Governor for his approbation, to wit:

Designating certain bridges under the control of the Massachusetts Department of Transportation (see Senate, No. 2666, amended);

Relative to special license plates for certain military personnel (see House, No. 4923, amended); and

Authorizing the town of Harwich to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5026, amended).

A Bill authorizing the appointment of Christopher J. Lane as a police officer in the city of Methuen, notwithstanding the maximum age requirement (House, No. 4900,-- on petition) [Local approval received],-- **was read.**

**There being no objection, the rules were suspended, on motion of Mr. Donnelly, and the bill 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. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Heidi Howard, an employee of the Department of Developmental Services (Senate, No. 2655),-- **ought to pass, with an amendment striking out, in line 6, the word “may” and inserting in place thereof the following word:- “shall”.**

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

**The bill (Senate, No. 2655, amended) was then 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 designating a certain intersection on Turtle Pond Parkway in the Hyde Park district of the city of Boston as Paul P. Loring Square (House, No. 4120).

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

**Pending the question on ordering the bill to a third reading, Ms. Walsh moved that the bill be amended by striking out the text and inserting in place thereof the following text:**

“The department of conservation and recreation shall designate a certain area on the Turtle Pond Parkway in the Hyde Park district of the City of Boston to be known as Paul P. Loring Square in memory of the late Paul P. Loring, a Turtle Pond parkway resident who served honorably in the United States Army in the Iraq War and served the people of Boston as a firefighter. The department of conservation and recreation shall erect a suitable sign bearing such designation at the designated location.”; and by striking out the title and inserting in place thereof the following title: “An Act requiring the Department of Conservation and Recreation to designate a certain area as Paul P. Loring Square”.

**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.**

#### **PAPER FROM THE HOUSE**

A Bill establishing a sick leave bank for Ralph P. Ruzzo, Sr., an employee of the Trial Court (House, No. 5130,-- on petition),-- **was read.**

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

Pending the question on ordering the bill to a third reading, Mr. Panagiotakos moved that the bill be amended by striking out, in line 2, the word “trial” and inserting in place thereof the following words: - “Boston municipal.”.

**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.**

#### *Report of a Committee.*

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 further regulating the issuance of firearm identification cards and licenses to carry firearms (House, No. 2229).

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

**Pending the question on ordering the bill to a third reading, Mr. Brewer presented an amendment striking out all after the enacting clause and inserting in place thereof the following text:-**

“SECTION 1. Section 129B of chapter 140 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word “denied”, in line 172, the following words:-- ; provided, however, that if the cardholder is on active duty with the armed forces of the United States on the expiration date of his card, the card shall remain valid until the cardholder is released from active duty and for a period of not less than 90 days following such release.

SECTION 2. Section 129C of said chapter 140, as so appearing, is hereby amended by striking out clause (j) and inserting in place thereof the following clause:-

(j) Any resident of the commonwealth returning after having been absent from the commonwealth for not less than 180 consecutive days or any new resident moving into the commonwealth, with respect to any firearm, rifle or shotgun and any ammunition therefor then in his possession, for 60 days after such return or entry into the commonwealth.

SECTION 3. Section 131 of said chapter 140, as so appearing, is hereby amended by inserting after the word “denied”, in line 237, the following words:- if the licensee is on active duty with the armed forces of the United States on the expiration date of his license, the license shall remain valid until the licensee is released from active duty and for a period of not less than 90 days following such release.”; and by striking out the title and inserting in place thereof the following title: -- “An Act relative to the expiration of firearm identification cards and licenses to carry firearms issued to active duty military”.

**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.

#### **PAPERS FROM THE HOUSE**

##### *Emergency Preambles Adopted.*

An engrossed Bill making corrective changes in certain general and special laws (see Senate Bill, printed in Senate, No. 2669), 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 4 to 0.**  
**The bill was signed by the Acting President (Mr. Petrucci) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Betty Garcia, an employee of the Department of Transitional Assistance (see House, No. 5084), 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 4 to 0.**

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

An engrossed Bill establishing a sick leave bank for Kathryn Beaupre, an employee of the Department of Public Health (see House, No. 5116, 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 4 to 0.**

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

##### *Engrossed Bills.*

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

Relative to the distribution of the simplified rules of procedure for special town meetings in the town of North Andover (see House, No. 1899);

Relative to apprentice training (see House, No. 4580, amended);

Providing for consideration for the conveyance of certain land in the city of North Adams (see House, No. 5087); and

Authorizing the town of Bellingham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5123).

The Senate Bill further regulating the Cape & Vineyard Electric Cooperative, Inc. (Senate, No. 2613),-- **came from the House passed to be engrossed, in concurrence, with an amendment striking it in its entirety and replacing it with:**

“SECTION 1. Sections 1 to 3, inclusive, 6, 6A, 7, 9B, 10 to 14, inclusive, 16, 35, 37, 48, 49, 51, 53 to 58, inclusive, 61, 62, 65 to 69, inclusive, 72 to 74, inclusive, 78 to 80, inclusive, 100 to 102, inclusive, 104 to 106, inclusive, 108, 109 and 112 to 116, inclusive, of chapter 156B of the General Laws shall apply to the Cape & Vineyard Electric Cooperative, Inc.

SECTION 2. Sections 63 and 64 of chapter 156B of the General Laws shall apply to the Cape & Vineyard Electric Cooperative, Inc. for statements, reports, articles of organization, articles of amendment and articles of consolidation or merger required to be filed pursuant to said chapter 156B or pursuant to section 136 of chapter 164 of the General Laws.

SECTION 3. Chapter 156B of the General Laws that are made applicable to the Cape & Vineyard Electric Cooperative, Inc. under section 1 and that pertain to stock and stockholders, shares and classes or series of shares and stock and transfer records shall be applicable as nearly as may be to members, classes of members and records of membership.”

**The rules were suspended, on motion of Mr. Tarr, and the House amendment was considered forthwith and adopted, in concurrence (as corrected BTR).**

##### *Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Lois Keithly, an employee of the Department of Public Health (see House, No. 5132, 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. Petrucci) and sent to the House for enactment.**

##### *Engrossed Bills.*

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.

Petrucelli) and laid before the Governor for his approbation, to wit:

Providing for the disposition of Commonwealth-owned land in the city of Boston (see Senate, No. 2645, amended);

Making corrective changes in certain general and special laws (see Senate Bill, printed in Senate, No. 2669);

Providing for park expansion and urban wildlife preservation in the town of Belmont and the city of Cambridge (see House, No. 701, amended);

Regulating the issuance of second hand motor vehicle licenses in the city of Revere (see House, No. 5074);

Establishing a sick leave bank for Betty Garcia, an employee of the Department of Transitional Assistance (see House, No. 5084);

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

Establishing a sick leave bank for Lois Keithly, an employee of the Department of Public Health (see House, No. 5132).

#### *Suspension of Senate Rule 38A.*

Mr. Tarr moved that Senate Rule 38A be suspended to allow the Senate to continue in session beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rule be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

### **PAPERS FROM THE HOUSE**

#### *Emergency Preambles Adopted.*

An engrossed Bill establishing a sick leave bank for Karen Reilly, an employee of the Department of Children and Families (see House, No. 5111, changed and 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. Petrucelli) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Lori J. Madrazo-Bulak, an employee of the Department of Developmental Services (see House, No. 5119, 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. Petrucelli) and sent to the House**

#### *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. Petrucelli) and laid before the Governor for his approbation, to wit:

Further regulating the Cape & Vineyard Electric Cooperative, Inc. (see Senate, No. 2613, amended);

Further regulating dental hygienists practicing in public health settings (see House Bill, printed as Senate, No. 804);

Authorizing the appointment of Christopher J. Lane as a police officer in the city of Methuen, notwithstanding the maximum age requirements (see House, No. 4900);

Relative to home service contracts (see House, No. 4957, amended);

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

Establishing a sick leave bank for Lori J. Madrazo-Bulak, an employee of the Department of Developmental Services (see House, No. 5119, amended).

#### *Report of a Committee.*

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Stephen Costa, an employee of the Massachusetts Rehabilitation Commission (House, No. 5127),-- **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the following text:-**

“Notwithstanding any general or special law, rule or regulation to the contrary, the Massachusetts rehabilitation commission shall establish a sick leave bank for Stephen Costa, an employee of the Massachusetts rehabilitation commission. Any employee of the commission may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Stephen Costa. Whenever Stephen Costa terminates employment with the commission or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the commission.”

**There being no objection, the rules were suspended, on motion of Mr. Tarr, 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

##### *Emergency Preambles Adopted.*

An engrossed Bill establishing a sick leave bank for Heidi Howard, an employee of the Department of Developmental Services (see Senate, No. 2655, 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. Petrucci) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Ralph P. Ruzzo, Sr., an employee of the Trial Court (see House, No. 5130, 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. Petrucci) and sent to the House for enactment.**

##### *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. Petrucci) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Heidi Howard, an employee of the Department of Developmental Services (see Senate, No. 2655, amended);

Relative to the expiration of firearm identification cards and licenses to carry firearms issued to active duty military (see House, No. 2229, amended);

Authorizing the Department of Conservation and Recreation to designate a certain area as Paul P. Loring Square (see House, No. 4120, amended); and

Establishing a sick leave bank for Ralph P. Ruzzo, Sr., an employee of the Trial Court (see House, No. 5130, amended).

##### *Emergency Preamble Adopted; Engrossed Bill Enacted.*

An engrossed Bill establishing a sick leave bank for Stephen Costa, an employee of the Massachusetts Rehabilitation Commission (see House, No. 5127, 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. Petrucci) and sent to the House for enactment.**

**Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.**

**The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Petrucci) and laid before the Governor for his approbation.**

##### *Adjournment Sine Die.*

At eight minutes before nine o'clock P.M., the Chair (Mr. Petrucci) adjourned the Senate sine die.

[Under the provisions of Article X of the Amendments to the Constitution, the 2010 session of the General Court was dissolved on the day next preceding the first Wednesday of January, without any proclamation or other action of the Governor.]

Attest: WILLIAM F. WELCH,  
Clerk of the Senate.

[P.S. During the second session of the General Court held in the year 2010, \_\_\_ Acts and \_\_\_ Resolves became law; \_\_\_ Acts received Executive Approval; \_\_\_ Acts (Chapters ) became law without approval; and \_\_\_ Acts (Chapters ) became law over the objections of His Excellency the Governor.]