

**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, January 26, 2012.*

Met according to adjournment at 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 staff then recited the pledge of allegiance to the flag.

#### *Communications.*

The following communications were severally received and placed on file:

The Honorable Therese Murray, President of the Senate, has announced the following appointments to various special commissions and committees:

Senator Jennifer Flanagan (pursuant to Section 68 of Chapter 194 of the Acts of 2011) to the Gaming Advisory Committee;

Senator John A. Hart, Jr. to the Special Commission established (pursuant to Section 58 of Chapter 176 of the Acts of 2011) to make an investigation and study of retiree healthcare and other non-pension benefits; and

Senators Steven A. Baddour and Harriette L. Chandler to the Special Commission established (pursuant to Section 56 of Chapter 176 of the Acts of 2011) to make an investigation and study of the Massachusetts public employees' pension classification system.

#### *Report.*

A report of the Division of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003) submitting its Registers Technological Fund Spending Plan (Copies will be forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received January 26, 2011),-- **was placed on file.**

#### *Petitions.*

Petitions were severally presented and referred as follows:

By Ms. Murray, a petition (accompanied by bill, Senate, No. 2114) of Therese Murray, David T. Vieira, Susan Williams Gifford and Randy Hunt (by vote of the town) for legislation to amend the charter of the town of Bourne [Local approval received];

**Under Senate Rule 20, to the committee on Municipalities and Regional Government.**

By Mr. DiDomenico, a petition (subject to Joint Rule 12) of Sal N. DiDomenico and Stephen Stat Smith for legislation relative to a temporary toll discount on the Tobin Bridge;

**Under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Reports of Committees.*

By Mr. Downing, for the committee on Telecommunications, Utilities and Energy, on Senate, No. 1666, an Order relative to authorizing the joint committee on Telecommunications, Utilities and Energy to make an investigation and study of a certain current Senate document relative to energy (Senate, No. 2113);

**Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.**

By Mr. Eldridge, for the committee on Housing, on petition, a Bill relative to creating a statutory housing restriction and providing remedies related to statutory housing (Senate, No. 587); and

By the same Senator, for the same committee, on petition, a Bill protecting condominium owners (Senate, No. 610);

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

By Mr. Eldridge, for the committee on Housing, on petition, a Bill ensuring proper notice for rent and fee increases in manufactured housing establishments (Senate, No. 590); and

By the same Senator, for the same committee, on petition, a Bill clarifying the collection of condominium fees (Senate, No. 617);

**Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules**

By Mr. Welch, for the committee on Municipalities and Regional Government, on petition, a Bill relative to a certain reserve fund in the town of Millville (Senate, No. 1879) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill to authorize the town of Kingston to install, finance and operate wind energy facilities (Senate, No. 1915)[Local approval received];

By the same Senator, for the same committee, on petition, a Bill authorizing the board of selectmen in the town of Middleborough to impose reasonable fees for the employment of outside consultants in connection with the review of earth removal applications (Senate, No. 1949) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill revising the charter of the town of Norwell (Senate, No. 1965) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill validating the actions taken at the town meeting in the town of Wilbraham (Senate, No. 2051) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to the water and sewer commission in the town of Dudley (Senate, No. 2060) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill relative to the position of town clerk in the town of Tewksbury (Senate, No. 2104) [Local approval received];

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

By Mr. Downing, for the committee on Telecommunications, Utilities and Energy, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1916) of Therese Murray (by vote of the town) for legislation relative to the town of Kingston;  
**Referred, under Senate Rule 36, to the committee on Ethics and Rules.**

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

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the town of Groton, acting by and through its board of selectmen and board of water commissioners, to convey a conservation restriction on certain parcels of land to the Division of Fisheries and Wildlife by its Department of Fish and Game (House, No. 3886),-- **was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.**

Notice was received that the Speaker of the House had made the following appointments:

That Ms. Laurie Giardella of Nahant had been appointed to serve a full term; and that Ms. Maureen Reddy of Winthrop and Ms. Marianne Fleckner of Westford had been appointed to serve until October 31, 2014, as members (under Section 66 of Chapter 3 of the General Laws) of the Massachusetts Commission on the Status of Women;

That Representative Straus of Mattapoisett had been appointed (under Section 261 of Chapter 60 of the Acts of 1994) to the Cranberry Experiment Station Board of Oversight;

That Representative Donato of Medford had been appointed (under Section 69 of Chapter 3 of the General Laws) to serve as a member of the permanent Commission on the Status of Grandparents raising Grandchildren;

That Ms. Trudy Macero of Winthrop and Ms. Mary Kay Wydra of Springfield had been appointed (under Section 181 of Chapter 240 of the Acts of 2010) to serve as members of the Commission to Develop an Index of Creative and Innovative Education in the Public Schools;

That Mr. Larry Wong of Stoneham had been appointed (to serve until December 31, 2012), Mr. Joel Buenaventura of Quincy (to serve until December 31, 2013) and Ms. Deborah Ho of Newton (to serve until December 31, 2014) as members (under Section 68 of Chapter 3 of the General Laws) of the Massachusetts Asian-American Commission;

That Timothy Leshan of Northeastern University had been appointed to serve on the Special Commission established (under Section 190 of Chapter 68 of the Acts of 2011) to make an investigation and study of the need to Incentivize the Commonwealth's College Scholarship System; and

That James C. Kennedy and Martin Healy had been appointed (under Section 1 of Chapter 211D of the General Laws) to serve as members of the Committee for Public Counsel Services.

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-

Resolutions (filed by Mr. Hedlund) "congratulating Daniel James Allen of the town of Norwell on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Hedlund) "congratulating Steven William McClelland of the town of Norwell on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Hedlund) "congratulating Ian Thomas Black Nelson of the town of Norwell on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Hedlund) "congratulating Brian Folan O'Leary of the town of Norwell on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Hedlund) "congratulating Devin James Uhlman of the town of Norwell on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Richard T. Moore) "honoring the Sutton High School 'Sammies' Boys Varsity Soccer Team on winning the 2011 Massachusetts Division III State Championship";

Resolutions (filed by Mr. Rosenberg) "commending Mary Clare Higgins for her dedication to the city of Northampton"; and

Resolutions (filed by Mr. Tarr) "commemorating the ninetieth anniversary of the Cape Ann Chamber of Commerce."

#### *Reports of a Committee.*

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Michael Monterio, an employee of the Department of Corrections (Senate, No. 1962),-- **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, 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 Michael Monterio, an employee of the Department of Correction".**

**Sent to the House for concurrence.**

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Pamela Shuttle, an employee of the Department of Public Health (House, No. 3823),-- **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**

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

Petition (accompanied by bill, House, No. 3902) of Kevin J. Kuros, Richard T. Moore and others for legislation to expand the Department of Children and Families definition of mandated reporter;

**Under suspension of Joint Rule 12, to the committee on Children, Families and Persons with Disabilities.**

Petition (accompanied by bill, House, No. 3903) of Vincent A. Pedone relative to the accessibility of hearing aids;  
**Under suspension of Joint Rule 12, to the committee on Consumer Protection and Professional Licensure.**

Petition (accompanied by bill, House, No. 3904) of Ronald Mariano and others relative to promoting equity and efficiency in health care rates;

**Under suspension of Joint Rule 12, to the committee on Health Care Financing.**

Petition (accompanied by bill, House, No. 3905) of Donald F. Humason, Jr., Colleen M. Garry and others relative to the reporting of a missing child;

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

The House joint petition of John V. Fernandes, Richard T. Moore and others (accompanied by bill) for legislation to enhance community safety by strengthening the laws regulating undocumented illegal aliens residing or working in the Commonwealth,--  
**came from the House with the endorsement that Joint Rule 12 had been suspended and that the petition was referred to the committee on the Judiciary.**

**There being no objection, the rules were suspended, on motion of Mr. Tarr, and the Senate concurred on the suspension of Joint Rule 12.**

**Pending the question on concurring in the referral to the committee on the Judiciary, on motion of Mr. Tarr, the further consideration thereof was postponed until the next session.**

*Engrossed Bill.*

An engrossed Bill exempting the position of fire chief in the city of Haverhill from the civil service law (see House, No. 3486) (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. Donnelly) and laid before the Governor for his approbation.

*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 authorizing the town of Lincoln to place a certain question on the ballot relative to the granting of a single license for the sale of wines and malt beverages not to be drunk on the premises (House, No. 3532) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, in concurrence, Ms. Fargo presented an amendment in section 1, by striking out the second paragraph and inserting in place thereof the following 2 paragraphs:-

“Below the ballot question shall appear a fair and concise summary of the ballot question prepared by town counsel and approved by the board of selectmen.

If the question is to appear on the state election ballot, notice shall be given to the state secretary 60 days before the date of that election.”

**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.**

*Order Adopted.*

On motion of Mr. Tarr,--

*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.

On motion of the same Senator, at sixteen minutes past eleven o'clock A.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.