

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.

Wednesday, February 8, 2012.

Met at one minute past eleven o'clock A.M. (Mr. DiDomenico in the Chair).

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

Petitions.

Petitions were severally presented and referred, as follows:

By Ms. Donoghue, a petition (subject to Joint Rule 12) of Eileen M. Donoghue, Thomas A. Golden, Jr., Kevin J. Murphy and David M. Nangle for legislation to authorize the city of Lowell to acquire easements over certain parcels of land;

By Ms. Fargo, a petition (subject to Joint Rule 12) of Susan C. Fargo, Jennifer E. Benson and Denise Provost for legislation to regulate the practice and licensure of lactation consultants;

By Mr. Hedlund, a petition (subject to Joint Rule 12) of Robert L. Hedlund for legislation to establish a sick leave bank for Judith Christianson, an employee of the Department of Transitional Assistance; and

By Mr. Richard T. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore, Kevin J. Kuros and Peter J. Durant for legislation to designate a certain portion of Route 197 in the town of Dudley as the Anthony B. DiDonato, Sr. Memorial Highway;

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

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3892) of James J. Dwyer and others (with the approval of the mayor and city council) authorizing the city of Woburn to place a certain question relative to the sale of alcoholic beverages on the state election ballot;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 3845) of Cleon H. Turner and Daniel A. Wolf (by vote of the town) creating the Melpet Farm Stable Operations and Improvement Fund for the town of Dennis;

To the committee on Municipalities and Regional Government.

Resolutions.

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

Resolutions (filed by Mr. Brewer) "congratulating William Hultgren on the occasion of his retirement from the Charlton Planning Board."

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The Senate Bill authorizing the board of selectmen of 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),-- **was read a third time and passed to be engrossed.**
Sent to the House for concurrence.

The Senate Bill relative to the town clerk in the town of Tewksbury (Senate, No. 2104),-- **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.

Communication.

The Clerk read the following communication.

COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT
STATE HOUSE, BOSTON 02133-1053

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

Dear Mr. Clerk:

I was unable to attend the formal session on Thursday, February 2, 2012 because, in my capacity as Chairman of the Joint Committee on Higher Education, I was attending the Achieving the Dream and Developmental Education Initiative State Policy Meeting in Seattle, Washington,

Had I been present, I would have voted in the affirmative on the engrossment of S.2072, An Act relative to prescription drug diversion, abuse and addiction (Roll Call # 145) and voted in the negative on an amendment to S.2072 relative to a drug trafficking registry (Roll Call #144).

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

Sincerely,
State Senator Michael O. Moore
Second Worcester District

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

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3934) of Michael D. Brady and others to increase transparency in the Massachusetts land record systems to protect the property rights of homeowners and businesses;

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

Petition (accompanied by bill, House, No. 3935) of Nicholas A. Boldyga and Michael R. Knapik for legislation establishing a sick leave bank for Stephen Gladding, an employee of the Massachusetts Department of Transportation;

Petition (accompanied by bill, House, No. 3936) of Wendy Foxmyn for legislation to authorize Franklin Regional Retirement System to grant retirement benefits to Wendy Foxmyn;

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

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to the Architectural Access Board (Senate, No. 1246),— **ought to pass, with an amendment by striking out, in line 8, the following word:- “public”.**

Referred, under Senate Rule 26, to the committee on Ethics and Rules.

Subsequently, Mr. Berry, for the said committee on Ethics and Rules, reported that the matter be placed in the Orders of the Day for Thursday, February 9th.

The bill was placed in the Orders of the Day for Thursday, February 9, 2012, for a second reading, with the amendment pending.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Sharyn LeCesse, an employee of the Registry of Motor Vehicles (Senate, No. 2123),— **ought to pass, with an amendment substituting a new draft with same title (Senate, No. 2129).**

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 (Senate, No. 2129) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

The House Bill to promote the successful transition of students with disabilities to post-secondary education, employment, and independent living (House, No. 3720);

Referred, under Senate Rule 26, to the committee on Ethics and Rules.

Subsequently, Mr. Berry, for the said committee on Ethics and Rules, reported that the matter be placed in the Orders of the Day for Thursday, February 9th.

The bill was placed in the Orders of the Day for Thursday, February 9, 2012, for a second reading, with the amendment pending.

Recess.

There being no objection, at a quarter past eleven o'clock A.M., the Chair (Mr. DiDomenico) declared a recess subject to the call of the Chair; and, at twenty-five minutes past twelve o'clock noon, the Senate reassembled (Mr. Petruccelli in the Chair) having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (see Senate, No. 2112, 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. Petruccelli) and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Frank Silveira, an employee of the Department of Revenue (see Senate, No. 2117), 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. Petruccelli) and sent to the House for enactment.

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Frank Silveira, an employee of the Department of Revenue (see Senate, No. 2117) (which originated in the Senate), 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. Petruccelli) and laid before the Governor for his approbation.

The House Bill establishing a voting precinct in the town of Hingham (printed in House, No. 3907,-- **being a message from his Excellency the Governor),-- 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.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on tomorrow at one o'clock P.M., in a full formal session with a calendar.

On motion of the same Senator, at ten minutes before one o'clock P.M., the Senate adjourned to meet again tomorrow next at one o'clock P.M.