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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, February 9, 2012.

Met according to adjournment at one o'clock P.M. (Mr. Petrucci in the Chair).

Reports of a Committee

By Mr. Richard T. Moore, for the committee on Health Care Financing, on petition (accompanied by bill, Senate, No. 1999), a Bill extending hospice care to the MassHealth basic and MassHealth essential programs (Senate, No. 2133) [Estimated cost – more than \$100,000]; and

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

By Mr. Richard T. Moore, for the committee on Health Care Financing, that the Senate Bill to establish standards for long term care insurance (Senate, No. 411) (also based on Senate, No. 507 and House, No. 2082) – **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2134) [Estimated cost – more than \$100,000];**

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

By Mr. Richard T. Moore, for the committee on Health Care Financing, that the Senate Bill relative to medical emergency response plans for schools (Senate, No. 2110),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2132) [Estimated cost – less than \$100,000];**

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

PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 3900) of Peter J. Durant and Richard T. Moore (by vote of the town) relative to the charter of the town of Southbridge,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Petrucci) declared a recess subject to the call of the Chair; and, at twenty-seven minutes past one o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and staff then recited the pledge of allegiance to the flag.

Resolutions.

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

Resolutions (filed by Mr. Knapik) "commending Richard C. Woodger for his dedicated service as a member of the Board of Directors of Agri-Mark, Inc."

PAPERS FROM THE HOUSE.

A Bill designating an additional voting precinct in the city of Quincy (House, No. 3899,-- on petition) [Local approval received],-
-was read.

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

Pending the question on ordering the bill to a third reading, the same Senator moved that the bill be amended by striking out, in line 12, the words "and shall be known as 95 Martensen street, ward 2 precinct 3"; and by adding the following 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.

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

Petition (accompanied by bill, House, No. 3940) of Peter J. Durant and others relative to clarifying homeowners right to perform electrical work;

Under suspension of Joint Rule 12, to the committee on Consumer Protection and Professional Licensure.

A Petition (accompanied by bill, House, No. 3939) of Kay Khan and others relative to a long term care partnership program;

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

Engrossed Bills.

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) (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 President and laid before the Governor for his approbation.

An engrossed Bill establishing a voting precinct in the town of Hingham (see House Bill, printed in House, No. 3907) (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, two-thirds of the members present having voted in the affirmative, and signed by the President and laid before the Governor for his approbation.

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the town of Norton to grant easements and restrictions over certain town-owned land (see House, No. 3431) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at a half past one o'clock P.M., as follows, to wit (*yeas 36 - nays 0*) **[Yeas and Nays No. 146]:**

YEAS

Baddour, Steven A. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Brownsberger, William N. Kennedy, Thomas P.
Candaras, Gale D. Knapik, Michael R.
Chandler, Harriette L. McGee, Thomas M.
Chang-Diaz, Sonia Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petrucci, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.
Downing, Benjamin B. Ross, Richard J.
Fargo, Susan C. Rush, Michael F.
Finegold, Barry R. Spilka, Karen E.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 36.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Rosenberg, Stanley C.— 3.
Eldridge, James B.

The yeas and nays having been completed at twenty-three minutes before two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Relative to a certain reserve fund in the town of Millville (Senate, No. 1879);
Providing for recall elections in the town of Northfield (Senate, No. 1959);
Revising the charter of the town of Norwell (Senate, No. 1965);
Validating the actions taken at the town meeting in the town of Wilbraham (Senate, No. 2051); and
Relative to the water and sewer commission of the town of Dudley (Senate, No. 2060);
Were severally read a second time and ordered to a third reading.

The Senate Bill relative to the Architectural Access Board (Senate, No. 1246),-- **was read a second time.**
After remarks and pending the question adoption of the amendment previously recommended by the committee on Ways and Means, and pending the main question on ordering the bill to a third reading, on motion of Mr. Tarr, the further consideration thereof was postponed until Thursday, February 16.

The Senate Bill to establish the Massachusetts Uniform Trust Code (Senate, No. 2034),-- **was read a second time.**
After remarks and pending the question on adoption of the previously recommended Ways and Means new draft (Senate, No. 2128), and pending the main question on ordering the bill to a third reading, on motion of Mr. Tarr, the further consideration thereof was postponed until the next session.

The House Bill relative to students with disabilities in post-secondary education, employment and independent living (House, No. 3720),-- **was read a second time.**
Pending the question on ordering the bill to a third reading, the pending amendment, previously recommended by the committee on Ways and Means, in section 3, by striking out, in line 31, the word "June" and inserting in place thereof the following word:- "September",-- was considered; and it was adopted.
The bill, as amended, was then ordered to a third reading and read a third time.
After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at thirteen minutes before two o'clock P.M., on motion of Mr. DiDomenico, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 147**]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Brewer, Stephen M. Joyce, Brian A.
Brownsberger, William N. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
Chang-Diaz, Sonia McGee, Thomas M.
Clark, Katherine M. Montigny, Mark C.
Creem, Cynthia Stone Moore, Michael O.
DiDomenico, Sal N. Moore, Richard T.
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petrucci, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Ross, Richard J.
Fargo, Susan C. Rush, Michael F.
Finegold, Barry R. Spilka, Karen E.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Welch, James T.
Hedlund, Robert L. Wolf, Daniel A. — 36.
NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Timilty, James E.— 3.
Rosenberg, Stanley C.

The yeas and nays having been completed at nine minutes before two o'clock P.M., the bill was passed to be engrossed, in concurrence, with amendment
Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Mr. Brewer,--

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.

Moment of Silence.

At the request of the President, the members, guests and employees stood in a moment of silence and reflection to the memory of former Mayor Kevin H. White.

Recess.

There being no objection, at five minutes past two o'clock P.M., the President declared a recess subject to the call of the Chair; and, at nineteen minutes past three o'clock P.M., the Senate reassembled, the Mr. Keenan 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 Preamble Adopted.

An engrossed Bill relative to a Uniform Anatomical Gift Act (see Senate, No. 2067), 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. Keenan) 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. Keenan) and laid before the Governor for his approbation, to wit:

Authorizing the sale of land by the Wakefield Housing Authority (see Senate, No. 1986);

Providing access to forensic and scientific analysis (see Senate, No. 1987, amended);

Authorizing the town of Lincoln to place a certain question on the ballot relative to the granting of a license for the sale of wines and malt beverages not to be drunk on the premises (see House, No. 3532, amended); and

Designating an additional voting precinct in the city of Quincy (see House, No. 3899, amended).

Adjournment in Memory of Kevin Hagan White

Senators Hart, DiDomenico, Rush, Chang-Diaz, Petruccelli and Brownsberger, moved that when the Senate adjourns today, it adjourn in memory of former Boston Mayor Kevin Hagan White.

Mayor White was born on September 26, 1929 in Boston to a family deeply rooted in Boston politics. Both his father and his mother's father had been Boston City Council Presidents. He was educated at Tabor Academy, Williams College, Boston College Law School, and the Harvard Graduate School of Public Administration. At age of 31, he was elected Secretary of the Commonwealth where he served from 1960-1967, the youngest person to ever hold that constitutional office.

In 1967, he was elected Boston's 51st Mayor and served for sixteen years from 1968 to 1984. During his four terms, he made a special mark on the landscape of the city particularly the revitalization of Boston's waterfront, the Financial District, Faneuil Hall and Quincy Market. Additionally, he was responsible for building more schools, neighborhood libraries, police and fire stations as well as neighborhood recreational facilities than at any time in Boston's history. More importantly, as Mayor he was able to maintain balance in the city during a very tumultuous period of city busing.

Mayor Kevin White died on January 27, 2012 at the age of 82 in his Beacon Hill home, surrounded by his loving family and his wife of 55 years, Kathryn. Mayor White will be forever remembered for helping transform Boston into a world – class city.

Accordingly, as a mark of respect to the memory of Kevin Hagan White, at twenty-one minutes past three o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.