

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, April 7, 2011.

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

Distinguished Guests.

There being no objection, the President handed the gavel to Ms. Clark for the purpose of an introduction. Ms. Clark then introduced, in the rear of the Chamber, the Malden Catholic High School Hockey Team. They were recognized for winning their first Super 8 Hockey Championship. The team was accompanied by Coach Chris Serino. The Senate applauded their accomplishments and withdrew from the Chamber.

Petitions.

Petitions were severally presented and referred, as follows:

By Ms. Spilka, a petition (accompanied by bill, Senate No.1891) of Karen E. Spilka and Tom Sannicandro (by vote of the town) for legislation to exempt Dimitri P. Karpouzis from the maximum age requirement for police officers in the town of Ashland [Local approval received];

**Under Senate Rule 20, to the committee on Public Service.
Sent to the House for concurrence.**

By Mr. Richard T. Moore, a petition (subject to Joint Rule 12) Richard T. Moore for legislation to establish a sick leave bank for Jacqueline Enno; and

By Ms. Spilka (by request), a petition (subject to Joint Rule 12) of Varujan Kundakjian for legislation relative to the excise tax on motor vehicles;

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

PAPER FROM THE HOUSE.

Notice was received from the House announcing the following appointment by the Minority Leader of the House of Representatives:

That Representative Kuros of Uxbridge had been appointed to serve on the commission established within the International Trade Office (under Section 13S of Chapter 23A of the General Laws) for the purpose of evaluating the impact of state laws and regulations on international trade policies and agreements.

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

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

Resolutions.

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

Resolutions (filed by Mr. Brewer) “celebrating the two hundred and fiftieth anniversary of the town of Monson”;

Resolutions (filed by Ms. Chandler) “honoring the retirement of Rabbi Seth L. Bernstein of Temple Sinai in the city of Worcester”; and

Resolutions (filed by Mr. Hedlund) “congratulating Hingham Boy Scouts Troop 1 on its one hundredth anniversary.”

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill providing for the municipal road and bridge maintenance needs of the Commonwealth (House, No. 3324),-- **was read a second time.**

Pending the question on adoption of the pending amendment, previously recommended by the committee on Bonding, Capital Expenditures and State Assets (Senate, No. 1890), and pending the main question on ordering the bill to a third reading, Mr. Rosenberg moved that the proposed new text be amended by inserting at the end thereof the following new sections:-

“SECTION 5. The secretary of the department of transportation in consultation with the secretary of administration and finance shall establish a financing plan to end the current system of retroactive reimbursement of the regional transit authorities established under Chapter 161 and 161B of the General Laws. Said financing plan may include and the secretary of the department of transportation may use capital bond funds in whole or in part to finance the transition of regional transit authorities to a current funding system, so called. The secretary of the department of transportation may use any other available funds in addition to or in place of bond funds necessary to establish a current financing system.

SECTION 6. 6001-0606. For the purpose of retiring revenue anticipation notes and any interest associated thereof for the purpose of establishing a current funding system for the regional transit authorities established under Chapter 161 and 161B with capital bond funds; provided, that each authority shall submit to the executive office of transportation and the executive office for administration and finance a certified statement identifying the total amount of notes and interest issued by the regional transit authority which are attributable to contract assistance and any notes and interest that may be outstanding which are attributable to contract assistance; provided further, that amounts allocated to the authorities from this item shall be expended in accordance with policies, rules and regulations established by the department of transportation.....\$85,000,000

SECTION 7. To meet the expenditures necessary in carrying out Section 6, the state treasurer shall, upon the request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding in the aggregate the sum of \$85,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Regional Transportation Authority Current Financing, and shall be issued for such maximum term of years, not exceeding 5 years, as the governor may recommend to the general court under Section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2016. All interest and payments on account of principal on such obligations shall be payable from the Highway Fund. Notwithstanding any previous act or special law, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.”

The amendment was *rejected*.

The pending Bonding, Capital Expenditures and State Assets amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1890,-- **was considered; and it was adopted.**

After remarks, the bill, as amended, was ordered to a third reading.

There being no objection, the rules were suspended, on motion of Mr. Joyce, and the bill was read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The Senate Order (offered by Mr. Tarr) relative to fiscal year '12 local aid resolutions (Senate, No. 1889),-- **was considered, the main question being on adoption.**

The pending motion, previously moved by Mr. Knapik, to lay the matter on the table was considered; and it was negatived.

Pending the question on adoption of the order, Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended by striking the text in its entirety and inserting in place thereof the following new text:

“*Ordered*, that the Senate Committee on Ways and Means shall prepare a preliminary local aid joint resolution detailing the minimum amounts to be distributed to each city, town and district from the accounts known as chapter 70 and unrestricted

general governmental aid in fiscal year 2012, and shall file said resolution with the senate clerk not later than April 13, 2011 for consideration by the Senate on April 14, 2011; provided, that adoption of said resolution shall not limit the amounts from these accounts which may be distributed pursuant to subsequent legislative actions by the General Court.”

After remarks, the amendment was adopted.

The order, as amended, was then adopted.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered forthwith: The House Bill amending the charter of the town of Westborough (House, No, 1456),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3339) of Christopher G. Fallon for legislation to establish a sick leave bank for Joseph DeMartino, an employee of the Department of Correction,- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Recess.

There being no objection, at twenty-six minutes before three o'clock P.M., the President declared a recess subject to the call of the Chair; and, at ten minutes before three o'clock P.M., the Senate reassembled, the President in the Chair.

PAPER FROM THE HOUSE

The House Bill providing for the municipal road and bridge maintenance needs of the Commonwealth (House, No. 3324, amended),— **came from the House with the endorsement that the House had NON-concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1890. The rules were suspended, on motion of Mr. Baddour, and on further motion of the same Senator, the Senate insisted on its amendment and asked for a committee of conference on the disagreeing votes of the two branches; and Senators McGee, Joyce and Knapik were appointed to the committee on the part of the Senate. The bill was returned to the House endorsed accordingly.**

Recess.

There being no objection, at eight minutes before three o'clock P.M., the President declared a recess subject to the call of the Chair; and, at three minutes before five o'clock P.M., the Senate reassembled, 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

A communication was received from the Honorable Steven T. James, Clerk of the House of Representatives, informing the Senate that the House has receded from its non-concurrence in Senate amendment of the House Bill providing for the municipal road and bridge maintenance needs of the Commonwealth (House, No. 3324), and concurred therein.

Emergency Preambles Adopted.

An engrossed Bill providing for the municipal road and bridge maintenance needs of the Commonwealth (see House, No. 3324, 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. Keenan) and sent to the House for enactment.**

An engrossed Bill designating a certain bridge in the town of Westport as the Leo J. St. Onge Bridge (see Senate, No. 1781, 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. Keenan) and sent to the House for enactment.**

Engrossed Bill.

An engrossed Bill amending the charter of the town of Westborough (see House, No. 1456) (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. Keenan) and laid before the Governor for his approbation.

Engrossed Bill—State Loan.

An engrossed Bill providing for the municipal road and bridge maintenance needs of the Commonwealth (see House, No. 3324, amended) (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 borrowing of money, in accordance with the provisions of Section 3 of Article LXII 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 eleven minutes past five o'clock P.M., as follows to wit (*yeas 39 - nays 0*) [**Yeas and Nays No. 11**]:

YEAS

Baddour, Steven A.	Keenan, John F.
Berry, Frederick E.	Kennedy, Thomas P.
Brewer, Stephen M.	Knapik, Michael R.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Chang-Diaz, Sonia	Moore, Michael O.
Clark, Katherine M.	Moore, Richard T.
Creem, Cynthia Stone	Murray, Therese
DiDomenico, Sal N.	Pacheco, Marc R.
Donnelly, Kenneth J.	Petruccelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
Finegold, Barry R.	Tarr, Bruce E.
Flanagan, Jennifer L.	Timilty, James E.
Hart, John A., Jr.	Tolman, Steven A.
Hedlund, Robert L.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. — 39.
Joyce, Brian A.	

NAYS —0.

ABSENT OR NOT VOTING

Rush, Michael F.— **1.**

The yeas and nays having been completed at quarter past five 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 Acting President (Mr. Keenan) and laid before the Governor for his approbation.

Engrossed Bill.

An engrossed Bill designating a certain bridge in the town of Westport as the Leo J. St Onge Bridge (see Senate, No. 1781, 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 Acting President (Mr. Keenan) and laid before the Governor for his approbation.**

Orders Adopted.

Mr. Richard T. Moore presented the following order:

Ordered, That a special committee of Senate be appointed to represent the Senate at the Spring Forum of the National Conference of State Legislatures (NCSL) in Washington, D.C., from April 14-15, 2011, and that the Senator from Worcester and Norfolk, Mr. Richard Moore, President of the NCSL, and **those Senators that may attend be appointed to said committee. Under the rules, referred to the committee on Ethics and Rules. Subsequently, Mr. Berry, for the said committee, reported, recommending that the order ought to be adopted. The rules were suspended, on motion of Mr. Richard T. Moore, and the order was considered forthwith; and it was adopted.**

On motion of Mr. Hart,--

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.

Adjournment in Memory of Former Senator Charles E. Shannon, Jr.

The Senator from Middlesex, Ms. Jehlen, requested that when the Senate adjourns today, it adjourn in memory of former Senator Charles E. Shannon, Jr.

Charley Shannon enjoyed a successful and bi-partisan 15 year career as a State Senator in this body. He served with many members who are still here today and is remembered fondly by his colleagues. Senator Shannon is probably best remembered for his dedication to public safety and to the youth of the Commonwealth as exemplified by the Shannon Grants which bear his name. He has also been honored for his dedication to nature and the environment through the naming of Shannon Beach in Winchester. Senator Shannon passed away 6 years ago on April 5, 2005 at the age of 61 after a long and courageous battle with cancer.

Accordingly, as a mark of respect to the memory of Charles E. Shannon, Jr., at eighteen minutes past five o'clock P.M., on motion of Mr. Eldridge, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.