

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 14, 2011.

Met at sixteen minutes past at one o'clock P.M. (Mr. Rosenberg in the Chair).

Communications.

The following communications were severally received and placed on file:

A communication from the Honorable Therese Murray, President of the Senate, announcing the withdrawal of her appointment of Senator Brian A. Joyce to the Special Commission established (pursuant to Section 22 of Chapter 61 of the Acts of 2009) relative to the reorganization or consolidation of the Sheriffs' Office and the appointment of Senator Kenneth Donnelly thereto;

A communication from the Honorable Therese Murray, President of the Senate, announcing the appointments of Senators Jennifer L. Flanagan and John F. Keenan to the special commission established (pursuant to Section 9 of Chapter 283 of the Acts of 2010) to investigate and determine a best practices model for the implementation of an official Massachusetts tamper proof prescription form;

A communication from the Honorable Therese Murray, President of the Senate, announcing the appointments (pursuant to § 35QQ of Chapter 10 of the General Laws) of Senators Barry R. Finegold and Anthony W. Petrucci to the Financial Literacy Trust Fund Board of Trustees; and

A communication from the Division of Professional Licensure, Board of Registration in Embalming and Funeral Directing, announcing proposed fee changes (received April 11, 2011).

Petition.

Ms. Clark presented a petition (accompanied by bill, Senate No.1895) of Katherine M. Clark (with approval of the mayor and city council) for legislation relative to an increase in the exemption for residential real property in the city of Malden from 20 per cent to 30 per cent [Local approval received];

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

Reports of Committees.

By Ms. Clark for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Kevin Sitler, an employee of the Department of Corrections (Senate, No. 1892); and

By Mr. Donnelly, for the committee on State Administration and Regulatory Oversight, on petition, a Bill providing for the abandonment of a certain Wakefield sewer easement (Senate, No. 1569, changed in line 24, by striking out the number "30" and

inserting in place thereof the number “60”);

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

By Mr. Donnelly, for the committee on State Administration and Regulatory Oversight, on petition, a Bill authorizing an alternative mode of design and construction for the rehabilitation of a sewer interceptor in the city of Everett (Senate, No. 1571) (Representative Lyons of Andover dissenting);

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 authorizing the town of Plymouth to make improvements on private ways (Senate, No. 1049) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill relative to debt payments in the town of Rutland (Senate, No. 1882) [Local approval received];

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

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3343) of James J. Dwyer, Jay Kaufman, Kenneth J. Donnelly and other members of the General Court (with the approval of the mayor and board of aldermen) for legislation to authorize the city of Woburn to issue eight additional licenses for the sale of all alcoholic beverage to be drunk on the premises; and

Petition (accompanied by bill, House, No. 3344) of Steven L. Levy and James B. Eldridge (with the approval of the mayor and city council) for legislation to authorize the city of Marlborough to issue an additional licenses for the sale of all alcoholic beverage to be drunk on the premises;

Severally to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3342) of Stephen Stat Smith (with the approval of the mayor and city council) for legislation to increase the retirement allowance to former police officer Michael Marchese of the city of Everett;

To the committee on Public Service.

A Bill validating the actions taken at the annual town election held in the town of North Brookfield (printed in House, No. 1831,- being a message from His Excellency the Governor),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Bills

Establishing a sick leave bank for Yvonne B. Smith, an employee of the Trial Court (House, No. 3327, amended,-- on petition); and

Establishing a sick leave bank for Lisa A. Sullivan, an employee of the Trial Court (House, No. 3249, amended,-- on petition);
Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Bills

Relative to amending the charter of the town of Eastham (House, No. 3256,-- on petition) [Local approval received]; and

Relative to urban redevelopment in the city of Quincy (House, No. 3337,-- on Senate, No. 1035 and House, No. 992) [Local approval received on Senate, No. 1035 and House, No. 992];

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

Reports

Of the committee on Children, Families and Persons with Disabilities, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 977) of Linda Dorcena Forry, James B. Eldridge, Martin J. Walsh and other members of the General Court for legislation relative to workers' pathways to self sufficiency; and

Of the petition (accompanied by bill, House, No. 1832) of David M. Torrisi, William “Smitty” Pignatelli, Carl M. Sciortino, Jr. and other members of the General Court for legislation relative to an appropriation of a certain sum of money to provide for the establishment of an education loan repayment program for social workers;

And recommending that the same be severally referred to the committee on Higher Education;

Of the petition (accompanied by bill, House, No. 2684) of John W. Scibak, John P. Fresolo, Brian A. Joyce and other members of the General Court for legislation relative to supporting children and parental custody,-- **and recommending that the same be referred to the committee on the Judiciary; and**

Of the committee on Labor and Workforce Development, asking to be discharged from further consideration the petition (accompanied by bill, House, No. 541) of the petition of Tom Sannicandro, James J. O'Day, Jason M. Lewis and other members of the General Court for legislation to include family child care providers under certain collective bargaining laws governing public employees,-- **and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities;**

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

There being no objection, at seventeen minutes past one o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at twelve 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 Messrs. Baddour, Berry and Brewer, Ms. Candaras, Ms. Chandler, Ms. Chang-Díaz, Ms. Clark, Ms. Creem, Messrs. DiDomenico and Donnelly, Ms. Donoghue, Messrs. Downing and Eldridge, Ms. Fargo, Mr. Finegold, Ms. Flanagan, Messrs. Hart and Hedlund, Ms. Jehlen, Messrs. Joyce, Keenan, Kennedy, Knapik, McGee, Montigny, Michael O. Moore and Richard T. Moore, Ms. Murray, Messrs O'Leary, Pacheco, Petruccelli, Rodrigues, Rosenberg, Ross and Rush, Ms. Spilka and Messrs. Tarr and Timilty) "recognizing Thomas G. Kelley and his over 50 years of dedicated service to the United States and the Commonwealth";

Resolutions (filed by Ms. Murray) "commemorating the observance of Performance Recognition Day."

Resolutions (filed by Mr. Joyce) "congratulating Fire Chief David Jardin on the occasion of his retirement"; and

Resolutions (filed by Messrs. Tolman, Berry and Brewer, Ms. Candaras, Ms. Chandler, Ms. Chang-Díaz, Ms. Clark, Ms. Creem, Messrs. DiDomenico and Donnelly, Ms. Donoghue, Messrs. Downing and Eldridge, Ms. Fargo, Mr. Finegold, Ms. Flanagan, Messrs. Hart and Hedlund, Ms. Jehlen, Messrs. Joyce, Keenan, Kennedy, Knapik, McGee, Montigny, Michael O. Moore and Richard T. Moore, Ms. Murray, Messrs. O'Leary, Pacheco, Petruccelli, Rodrigues, Rosenberg, Ross and Rush, Ms. Spilka and Messrs. Tarr, Timilty, Tolman, Welch and Wolf) "memorializing the Congress of the United States to fully fund the Department of Health and Human Services' Community Service Block Grant Program."

Petitions.

On motion of Mr. Hart, Senate Rule 20 and Joint Rule 12 were suspended on the Senate petition (accompanied by bill) of Frederick E. Berry for legislation to establish a sick leave bank for Edward V. Brooks, an employee of the Department of Correction,-- **and the same was referred to the committee on the Public Service. Sent to the House for concurrence.**

On motion of Mr. Hart, Senate Rule 20 and Joint Rule 12 were suspended on the Senate petition (accompanied by bill) of Jennifer L. Flanagan and Stephen L. DiNatale for legislation to establish a sick leave bank for Francisco Delgado, an employee of the Department of Correction,-- **and the same was referred to the committee on the Public Service. Sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3387) of Viriato Manuel deMacedo for legislation to establish a sick leave bank for Linda Kelley, an employee of the Department of Transportation; and

Petition (accompanied by bill, House, No. 3388) of Shaunna O'Connell for legislation to establish a sick leave bank for Mark E. Lopes, an employee of the Bristol County Sheriff's Office;

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

Petition (accompanied by bill, House, No. 3389) of David Paul Linsky, Karen E. Spilka and other members of the General Court for legislation to designate a certain bridge in the town of Natick as the Silvano Anthony Melchiorri bridge;

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

A Bill creating an appointed town treasurer-collector position in the town of Eastham (House, No. 3257,-- on petition),--**was read.**

There being no objection, the rules were suspended on the motion, of Mr. Wolf, 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 in section 6, by striking out, in line 22, the word "The" and inserting in place thereof the following words:- "Notwithstanding section 42C of chapter 54 of the General Laws or any other general or special law or town by-law to the contrary, the",."

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, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act establishing an appointed town treasurer-collector position in the town of Eastham".

Sent to the House for concurrence in the amendment.

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 exempting the positions of fire chief and city marshal in the city of Newburyport from the civil service law (House, No. 1846),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Michelle Potter, an employee of the Trial Court (House, No. 517),-- **ought to pass.**

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

Orders of the Day.

The Orders of the Day were considered, as follows:

The Senate Bill authorizing the town of Andover to exchange certain parcels of land with the Andover Village Improvement Society (Senate, No. 1028),-- **was read a second time and ordered to a third reading**

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, pursuant to an order previously adopted, reported Senate Resolutions providing for a declaration of the intent of the Senate relative to the amount and distribution of local aid to the Commonwealth's cities, towns and regional school districts for Fiscal year 2012 (Senate, No. 1894),-- **ought to be adopted.**

After remarks, the question on adoption of the resolutions was determined by a call of the yeas and nays, at twenty-nine minutes past two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 12**]:

YEAS

| | |
|------------------------|-----------------------|
| Berry, Frederick E. | Joyce, Brian A. |
| Brewer, Stephen M. | Keenan, John F. |
| Candaras, Gale D. | Kennedy, Thomas P. |
| Chandler, Harriette L. | Knapik, Michael R. |
| Chang-Díaz, Sonia | McGee, Thomas M. |
| Clark, Katherine M. | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| DiDomenico, Sal N. | Murray, Therese |
| Donnelly, Kenneth J. | Petrucelli, 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. — 36. |

NAYS —0.

PAIRED.

YEAS.

NAYS.

Baddour, Steven A.

Pacheco, Marc R.
(*present*) — **2.**

ABSENT OR NOT VOTING

Rush, Michael F.

Moore, Richard T. —
2.

The yeas and nays having been completed at twenty-eight minutes before three o'clock P.M., the resolutions were adopted.

Order Adopted.

On motion of Mr. Berry,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday 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 twenty-nine minutes before three o'clock P.M., the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.