

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.

Monday, April 23, 2012.

Met at three minutes past 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.

Distinguished Guests.

There being no objection, the Chair (Mr. Donnelly) handed the gavel to Mr. Ross for the purpose of an introduction. Mr. Ross then introduced, in the rear of the Chamber, Aaron and Aiden Fernandes of Franklin. Aiden is in the first grade at Davis Thayer Elementary School and is taking a tour of the State House and learning about the different aspects of state government. The Senate welcomed them with applause and he withdrew from the Chamber.

Communication.

A communication from Edward Nowak, President of the Standardbred Owners of Massachusetts, Inc., in conjunction with the Harness Horsemen's Association of New England, announcing the appointment (pursuant to Section 60(b) of Chapter 23K of Chapter 194 of the Acts of 2011) of Peter Goldberg of Hyannis as the organizations' representative to the Massachusetts Breeding and Sire Stakes Program, - **was placed on file.**

Report of a Committee.

By Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 2185), a Bill authorizing the town of Wenham to grant a license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2231) [Local approval received on Senate, No. 2185];

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

Committees Discharged.

Mr. Berry, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Order relative to authorizing the joint committee on Children, Families and Persons with Disabilities to make an investigation and study of a certain current Senate document relative to parental leave (Senate, No. 2224);

Of the Senate Order relative to authorizing the joint committee on Elder Affairs to make an investigation and study of certain current Senate and House documents relative to elder issues (Senate, No. 2225);

Of the Senate Order relative to authorizing the joint committee on Revenue to make an investigation and study of certain current Senate documents concerning matters relating to the raising of revenue for the Commonwealth by means of taxation, certain matters relating to the local property tax and such similar matters as have been referred to said committee (Senate, No. 2226);

Of the Senate Order relative to authorizing the joint committee on Revenue to make an investigation and study of a certain current Senate document relative to revenue (Senate, No. 2227); and

Of the Senate Order relative to authorizing the joint committee on Tourism, Arts and Cultural Development to make an investigation and study of a certain current Senate document relative to tourism, arts and cultural development issues (Senate, No. 2228);

And recommending that the same severally be referred to the Senate committee on Ethics and Rules. Under Senate Rule 36, the reports were severally considered forthwith and accepted.

PAPERS FROM THE HOUSE

A Bill validating the actions taken at the June 7, 2011 annual town meeting held by the town of North Andover (printed in House, No. 3665,-- being a message from His Excellency the Governor),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3997) of Jennifer E. Benson and James B. Eldridge (by vote of the town) for legislation to authorize the board of selectmen in the town of Harvard to appoint water commissioners for said town; and Petition (accompanied by bill, House, No. 3998) of Aaron Michlewitz (with the approval of the mayor and city council) for legislation relative to repealing the sunset clause for the preparation of certain ballots in the city of Boston;
Severally, to the committee on Election Laws.

Petition (accompanied by bill, House, No. 4008) of Kevin G. Honan (with the approval of the mayor and city council) for legislation relative to a form of governance for the Boston Housing Authority;
To the committee on Housing.

Petition (accompanied by bill, House, No. 4052) of F. Jay Barrows and James E. Timilty (by vote of the town) for legislation relative to the management of town buildings, properties and facilities in the town of Foxborough;
To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4026) of Thomas J. Calter, Robert L. Hedlund and Daniel K. Webster (by vote of the town) for legislation to exempt the position of deputy police chief in the town of Duxbury from the civil service law;
To the committee on Public Service.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:- Resolutions (filed by Ms. Chandler) "congratulating Hadassah on its one hundredth anniversary"; Resolutions (filed by Ms. Clark, Ms. Creem, Messrs. DiDomenico and Donnelly, Ms. Jehlen and Messrs. McGee and Tarr) "congratulating the Malden Catholic High School Hockey Team on its 2012 MIAA Super 8 Tournament victory"; Resolutions (filed by Messrs. Donnelly and Brownsberger, Ms. Clark, Messrs. Eldridge and Finegold, Ms. Jehlen and Mr. Tarr) "congratulating the Arlington Catholic High School Girls Hockey Team on its 2012 season and MIAA Division I State Championship"; Resolutions (filed by Mr. Ross) "honoring United States Army Lieutenant Colonel Gary M. Soldato on his retirement from active military service"; and Resolutions (filed by Mr. Welch and Ms. Candaras) "congratulating the Springfield Central High School Eagles Boys Varsity Basketball Team on its 2012 season and Division I State Championship."

Reports of Committees.

Mr. Berry, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill relative to rock wall climbing safeguards (Senate, No. 1217).

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

Pending the question on ordering the bill to a third reading, Mr. McGee presented an amendment in section 1, by striking out the figure "10", in lines 4, 7 and 11, and inserting in place thereof, in each instance, the following figure: --"12"; and by inserting before the enacting clause the following emergency preamble:--

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide rock wall climbing safeguards, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety."

The amendment was adopted.

The bill (Senate, No. 1217, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

Mr. Berry, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill designating a certain bridge in the town of Barre as the Purple Heart Bridge (Senate, No. 1724).

**There being no objection, the rules were suspended, on motion of Mr. Ross, and the bill 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.**

Mr. Berry, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill designating the birthplace of Michael Bartlett in the town of Oxford (Senate, No. 2170).

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

Pending the question on ordering the bill to a third reading, Mr. Richard T. Moore presented an amendment substituting a new draft entitled "An Act designating the birthplace of Michael Bartlett and Dr. Elliot P. Joslin in the town of Oxford" (Senate, No. 2232).

The amendment was adopted.

**The bill (Senate, No. 2232) was then ordered to a third reading, read a third time and passed to be engrossed.
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 Stephen Gladding, an employee of the Massachusetts Department of Transportation (House, No. 3935),-- **ought to pass.**

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

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill authorizing governmental bodies to enter into contracts for the inspection, maintenance, repair or modification of water storage facilities (Senate, No. 2126),-- **ought to pass.**

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 bill be placed in the Orders of the Day for Thursday, April 26, 2012.

The bill was placed in the Orders of the Day for Thursday, April 26, for a second reading.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to certain tanks used for the storage of fluids (Senate, No. 2166),-- **ought to pass.**

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 bill be placed in the Orders of the Day for Thursday, April 26, 2012.

The bill was placed in the Orders of the Day for Thursday, April 26, for a second reading.

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 providing for designated licenses for the sale of alcoholic beverages and wine and malt beverages at Logan International Airport granted by the Licensing Board for the city of Boston (House, No. 99),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the Licensing Board for the city of Boston to grant restricted airport licenses for the sale of all alcoholic beverages and for the sale of wines and malt beverages at Logan International Airport".**

PAPERS FROM THE HOUSE

A Bill authorizing the town of Topsfield to convey certain conservation land (House, No. 3719, amended-- on petition) [Local approval received],--was read.

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

Pending the question on ordering the bill to a third reading, Mr. Berry presented an amendment striking out all after the enacting clause and inserting in place thereof the following text:-

"SECTION 1. The conservation commission of the town of Topsfield may transfer the care, custody and control of a certain parcel of conservation land located off Pheasant Lane in said town to the board of selectmen. This parcel contains 7,681 square feet of land and is shown as 'Parcel A' on a plan of land entitled 'Plan of Land in Topsfield, Mass. Prepared for Brigitte & Timothy O'Malley And The Town of Topsfield Showing Parcels A & B', dated April 20, 2011, and prepared by The Neve-Morin Group, Inc., a copy of which is on file in the office of the board of selectmen of said town. Parcel A is a portion of an open space parcel granted to the town of Topsfield by deed dated May 20, 1991 and recorded in book 10857, page 271 in the Essex south

district registry of deeds.

SECTION 2. If the conservation commission makes the transfer authorized in section 1, the town of Topsfield, acting by and through its board of selectmen, may then convey such parcel to Brigitte and Timothy O'Malley of 19 Pheasant Lane, subject to subsections (a), (b) and (g) of section 16 of chapter 30B of the General Laws.

SECTION 3. In consideration for and as a condition of the conveyance authorized in section 2, Brigitte and Timothy O'Malley shall convey to the town of Topsfield a certain parcel of land containing 7,681 square feet and shown as 'Parcel B' on the plan of land described in section 1, to be held in the care, custody and control of the conservation commission for conservation purposes.

SECTION 4. 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.

A Bill relative to the Supplemental Reserve Fund to ensure fiscal stability in the town of Swansea (House, No. 3950,-- on petition) [Local approval received],-- **was read.**

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

The House Bill financing improvements to the Commonwealth's transportation system (House, No. 4000, amended),—came from the House with the endorsement that the House had concurred with the Senate in its amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2213) with a further amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4000, as amended and engrossed by the House.

Mr. Ross moved that the Senate NON-concur in the further House amendment and asked for a committee of conference on the disagreeing votes of the two branches; and Senators McGee, Joyce and Hedlund were appointed to the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Engrossed Bills

The following engrossed bills (all of which originated in the House), 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. Donnelly) and laid before the Governor for his approbation, to wit:

Designating a certain building in the city of Holyoke as the Raymond P. Murphy Jr. Congregate House (see House, No. 3575);

Increasing the membership of the Town Forest Committee of the town of Natick (see House, No. 3869); and

Relative to the town of Swansea Volunteer Fire Department (see House, No. 3996, amended).

A petition (accompanied by bill, House, No. 4053) of John D. Keenan for legislation to establish a municipal record preservation commission,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.**

Order Adopted.

On motion of Mr. Ross,--

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

Adjournment in Memory of Carmen Tringale.

The Senator from Middlesex, Suffolk and Essex, Mr. DiDomenico, and the Senator from Essex and Middlesex, Mr. McGee, moved that when the Senate adjourns today, it adjourn in memory of Carmen Tringale.

Carmen Tringale passed away on Wednesday, April 11, 2012 at the age of 83. Mr. Tringale was a retired boat builder and industrial arts teacher.

Born in 1929 and raised in East Boston, Carmen was a graduate of the United States Merchant Marine Academy in Kings Point, New York. As an officer in the United States Navy during the Korean War, Carmen was responsible for the refueling destroyers and aircraft carriers moving in and around the Korean peninsula as a member of the U.S.S. Cimarron. Upon his return from the military service, he worked with his father at the family's boat yard, C. Tringale & Sons, in East Boston. Later, he was hired as the industrial arts teacher at Belmonte Junior High in Saugus. For 18 years, he taught young men and women how to construct.

Carmen was always known to building or fixing something, and he gladly shared his experiences with students, family and friends. He was a devoted husband, father and grandfather beloved by all his family members.

Carmen was married to the extraordinary Mary S. (Amaru) Tringale; they were married for 57 years. Together, they had 3 children, Steven Tringale and his wife Peggy Tringale of Reading, Carol Gryniewicz of Billerica and Robert Tringale of North Reading and loving grandfather to Christopher, Andrew, Steven Jr., Michael, Jaime and Kate. Carmen was dear brother to Joseph Tringale of Saugus and the late Mary Zannino.

Accordingly, as a mark of respect to the memory of Carmen Tringale, at twenty minutes past eleven o'clock A.M., on motion of Mr. Ross, the Senate adjourned to meet again on Thursday next at one o'clock P.M.