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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, April 28, 2011.

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

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Tolman for the purpose of an introduction. Mr. Tolman then introduced, in the rear of the Chamber, the Watertown High School Girls Field Hockey Team. The team was recognized for winning their second consecutive Division II State Championship title. This year the team finished undefeated with an 18-0 record in the Middlesex League and captured yet another Middlesex League title. Overall, the Watertown Field Hockey Program has won 21 Middlesex League Championships, 18 North Sectional Championships, 11 State Championships, and have a 460-30-44 record under Coach Eileen Donahue. The Senate applauded their accomplishments and they withdrew from the Chamber.

There being no objection, the President handed the gavel to Mr. DiDomenico for the purpose of an introduction. Mr. DiDomenico then introduced, in the rear of the Chamber, the Everett High School Football Team and Cheerleading Team. The team was recognized for winning the Super Bowl Championship title, finishing their season with at 12-0 record, outscoring the opposition 443-112, and for being ranked number 1 in Massachusetts and number 22 in the nation by USA Today. They were accompanied by Superintendent Fred Foresteire, Assistant Superintendent Charles Obremski, Assistant Superintendent Dr. Thomas Stella and Coach John DiBiaso. The Senate applauded their accomplishments and they withdrew from the Chamber.

There being no objection, the President handed the gavel to Mr. Donnelly for the purpose of an introduction. Mr. Donnelly then introduced members of the American Society of Safety Engineers. They will be celebrating North American Occupational Safety and Health Week beginning on May 1 and Occupational Safety and Health Professional Day on May 4 in an effort to highlight the critical function of occupational health and safety professionals in keeping people safe at work. Mr. Donnelly introduced, in the rear of the Chamber, Kristen Hoff, President of the Boston Chapter; Richard O'Keefe, Government Affairs Chair for Massachusetts; Pamela Quinlan, Director and Greater Boston President of the Massachusetts Association of Occupational Health Nurses; Susan Katz-Sliski, Vice President of the Massachusetts Occupational Health Nurses; Matthew Hackman, Treasurer of the New England Academy of Hazardous Materials Managers and Debra Gursha from the New England American Industrial Hygiene Association. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, the President introduced, in the rear of the Chamber, the Danvers High School Basketball Cheerleading Team. They were recognized for winning the New England Championship Competition in Providence, Rhode Island on March 19. It marked not only the first time in program history that a team from the school qualified for the New England Championships, but also won it. Danvers topped teams from Dracut High and Notre Dame Academy in Hingham as well as several schools from Maine and Connecticut, to emerge as champions. The team of 20 seniors, juniors and sophomores is lead by coach Sherri Blais, and senior co-captains Nicole Perry and Megan O'Gara. They were guests of Senator Berry. The Senate applauded their accomplishments and they withdrew from the Chamber.

Petition.

Mr. Pacheco presented a petition (subject to Joint Rule 12) of Marc R. Pacheco and Angelo D'Emilia for legislation to establish a sick leave bank for James Dupont, an employee of the Department of Revenue;
Under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of a Committee.

By Ms. Clark, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Francisco Delgado, an employee of the Department of Correction (Senate, No. 1898); and
By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Edward V. Brooks, an employee of the Department of Correction (Senate, No. 1917);
Severally read and, under Senate Rule 27, referred to the committee on Ways and Means

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Linda Kelley, an employee of the Department of Transportation (House, No. 3387,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill authorizing the town of Shrewsbury to establish a special fund (House, No. 556, changed,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Report of the committee on Public Health asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3310) of Alice K. Wolf relative to the personal care services administered by the Division of Medical Assistance,-- **and recommending that the same be referred to the committee on Elder Affairs,-- was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

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

That John Lepper of Attleboro had been appointed to serve on the permanent commission on the status of grandparents raising grandchildren (under Section 69 of Chapter 3 of the General Laws).

There being no objection, at six minutes past one o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at twenty-one minutes past one 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.

Report of a Committee.

By Mr. Welch, for the committee on Municipalities and Regional Government, on petition, a Bill establishing procedures for the sale and/or lease of property known as Conomo Point in the Town of Essex (Senate, No. 1058, changed in line 7 by striking out the words "sell or"; and further in line 7 after the word "lease" by inserting the words "for five years or less"; and in line 16 by striking out the words "sale or") [Local approval received].

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill as read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the lease of certain property at Conomo Point in the town of Essex".

Sent to the House for concurrence.

Petition.

On motion of Mr. Donnelly, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Ms. Murray, (accompanied by bill) of Therese Murray, Kenneth J. Donnelly, Brian A. Joyce, Richard T. Moore and other members of the General Court for legislation to improve the administration of state government and finance,-- **and the same was referred to the committee on State Administration and Regulatory Oversight.**
Sent to the House for concurrence.

PAPER FROM THE HOUSE.

A Bill authorizing the town of Saugus to place a certain question relative to a real estate tax assessment for snow and ice removal costs on the town's election ballot (House, No. 3334,-- on petition),-- **was read.**

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

Resolutions.

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

Resolutions (filed by Mr. Brewer) "honoring Police Officer James J. Lynch, III on the occasion of his retirement from the Palmer Police Department";

Resolutions (filed by Messrs. Donnelly and Brewer, Ms. Chandler, Ms. Clark, Messrs. DiDomenico and Eldridge, Ms. Fargo, Ms. Jehlen, Messrs. Joyce, Keenan, Knapik, Richard T. Moore, Michael O. Moore, Pacehco and Rosenberg, Ms. Spilka and Messrs. Tolman and Wolf) "congratulating the American Society of Safety Engineers on its celebration of North American Occupational Safety and Health Week and Occupational Safety and Health Professional Day"; and

Resolutions (filed by Mr. Hart) "honoring the contributions of William and Denise McDonough to the South Boston community on their twenty-fifth wedding anniversary."

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered, as follows:

The Senate Bill relative to debt payments in the town of Rutland (Senate, No. 1882),-- **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.**

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 third time.**

Pending the question on passing the bill to be engrossed, Mr. Finegold moved that the bill be amended in section 1, by inserting after the word "contrary", in line 2, the following words:- " but subject to subsections (a), (b) and (g) of section 16 of said chapter 30B"; and in said section 1, in the last sentence, by adding the following words:- " and such land shall be held by the society solely for purposes consistent with open space preservation".

The amendment was adopted.

The bill (Senate, No. 1028, amended) was then passed to be engrossed.

Sent to the House for concurrence.

Reports of Committees.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill providing for the abandonment of a certain Wakefield sewer easement (Senate, No. 1569, changed),-- **ought to pass, with an amendment in section 1, by striking out the first sentence, and inserting in place thereof the following sentence:** "Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance, in consultation with the executive director of the Massachusetts Water Resources Authority, may release by deed or other instrument for the benefit of Conger Wakefield Realty Trust, owner of the premises known and numbered as 0 Meadow lane, Wakefield, Massachusetts, and its successors or assigns, a certain sewer easement, or portion of the sewer easement, in the town of Wakefield, recorded at Middlesex south registry of deeds at book 4213, page 25, no longer needed for the construction, maintenance or operation of the Massachusetts Water Resources Authority sewer system."

There being no objection, the rules were suspended, on motion of Ms. Clark, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 1569, changed and amended) 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 David Cummings, an employee of the Executive Office of Health and Human Services (House, No. 3220),-- **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.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Katherine M. Clark for legislation concerning media literacy in schools;

The rules were suspended, on motion of Mr. Berry, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Therese Murray for legislation to establish a sick leave bank for Christine S. Drew, an employee of the Trial Court;

The rules were suspended, on motion of Mr. Berry, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (the first 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 President and laid before the Governor for his approbation, to wit:

Relative to the filling of vacancies in the office of mayor of the city of Revere (see Senate, No. 1877);

Amending the charter of the town of Eastham (see House, No. 3256); and

Establishing an appointed town treasurer-collector position in the town of Eastham (see House, No. 3257, amended).

An engrossed Bill validating the actions taken at the annual town election held in the town of North Brookfield (see House Bill, printed in House, No. 1831) (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.

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

A petition (accompanied by bill, House, No. 3397) of John H. Rogers and Michael F. Rush for legislation to establish a sick leave bank for Robert P. Henifer, an employee of the Trial Court

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

A petition (accompanied by bill, House, No. 3398) of John P. Fresolo for legislation to establish a sick leave bank for Michael Briggs, an employee of the Department of Youth Services;

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

Engrossed Bill.

An engrossed Bill authorizing the town of Saugus to place a certain question relative to a real estate tax assessment for snow and ice removal costs on the town's election ballot (see House, No. 3334) (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 President and laid before the Governor for his approbation.

Recess.

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

PAPER FROM THE HOUSE

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the lease of certain property at Conomo Point in the town of Essex (see Senate, No. 1058) (which originated in the Senate), 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 eight minutes past five o'clock P.M., as follows, to wit (*yeas 34 - nays 0*) **[Yeas and Nays No.**

13]:

YEAS

Baddour, Steven A.	Hedlund, Robert L.
Berry, Frederick E.	Jehlen, Patricia D.
Brewer, Stephen M.	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.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Finegold, Barry R.	Tolman, Steven A.
Flanagan, Jennifer L.	Welch, James T.
Hart, John A., Jr.	Wolf, Daniel A. — 34.

NAYS —0.

PAIRED.

YEAS. NAYS.

Joyce, Brian A.	Petruccelli, Anthony
<i>(present)</i>	— 2.

ABSENT OR NOT VOTING

Ross, Richard J.	Timilty, James E. — 3
	.
Rush, Michael F.	

The yeas and nays having been completed at fourteen minutes 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 President and laid before the Governor for his approbation.

Report of a Committee.

Mr. Berry, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day: The House Bill relative to the Citizens Advisory Board on uses of the Rumney Marsh area (House, No. 2598) **There being no objection, the rules were suspended, on motion of Mr. Hedlund, 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. McGee,--

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 Deborah Ann Joyce

The Senator from Norfolk, Bristol and Plymouth, Mr. Joyce, requested that when the Senate adjourns today, it adjourn in memory of Deborah Ann Joyce of Boxborough, who died yesterday after a long illness.

Debbie died as she lived, gracefully and peacefully, with her loving and devoted husband, Chris, and their two children, Seamus and Madeline. Debbie was the beloved daughter of the late Ken and Ruth Driscoll of Lee, and the adored sister of Michael Driscoll of Yarmouthport.

Debbie was an extraordinary person who made this world more beautiful. She loved all forms of nature, arts and literature, her friends, and politics, and she especially loved her beautiful family. She was justifiably proud of Seamus and Madeline and enjoyed cheering Madeline as she captained the U19 Women's Hockey National Championship Team and delighted in the beautiful woman she is. She was excited when her son, Seamus, who interned in the Massachusetts Senate, was elected president of his Connecticut College class and will join him in spirit at his upcoming graduation. Debbie died knowing how much Chris, Seamus and Madeline and all who knew her loved her.

In her final selfless act, Debbie donated her brain to the Massachusetts General Hospital so that further advances may be made for the benefit of others in the treatment of brain cancer.

Accordingly, as a mark of respect to the memory of Deborah Ann Joyce, at fourteen minutes past five o'clock P.M., on motion of Mr. Joyce, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.