

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, June 20, 2011.

Met at four minutes past eleven o'clock A.M. (Mr. Tolman 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. Tolman), members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the Chair (Mr. Tolman) handed the gavel to Mr. Knapik for the purpose of an introduction. Mr. Knapik then introduced, in the rear of the Chamber, Tom and Cindy Menard from Chicopee. Their son, Nick Tourville, was a legislative aid in Senator Knapik's office. He joined the Navy Reserves two years ago and has been deployed in Iraq since January. The Senate welcomed them with applause and they withdrew from the Chamber.

Petitions.

Petitions were severally presented and referred, as follows:

By Mr. Baddour, a petition (subject to Joint Rule 12) of Steven A. Baddour for legislation relative to minors at work;

By Mr. Kennedy, a petition (subject to Joint Rule 12) of Thomas P. Kennedy and Thomas J. Calter for legislation to establish a sick leave bank for Donna Jean Kelly, an employee of the trial court;

By Mr. Pacheco, a petition (subject to Joint Rule 12) of Marc R. Pacheco and David B. Sullivan for legislation to establish a sick leave bank for Steven Thomas, an employee of the Department of Correction; and

By Mr. Rodrigues, a petition (subject to Joint Rule 12) of Michael J. Rodrigues, Michael O. Moore, Bruce E. Tarr, Michael R. Knapik and other members of the General Court for legislation relative to the use of off-highway and recreational vehicles;

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

Reports of a Committee.

By Mr. Welch, for the committee on Municipalities and Regional Government, on petition, a Bill establishing a sewer construction fund for the town of Barnstable (Senate, No. 1065) [Local approval received];

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

By Mr. Welch, for the committee on Municipalities and Regional Government, on petition, a Bill amending the charter of the city of Malden (Senate, No. 1923) [Local approval received];

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

Committee Discharged.

Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 82) of Steven A. Baddour for legislation relative to motor

vehicle glass repair shop registration,-- **and recommending that the same be referred to the committee on Financial Services.**

Under Senate Rule 36, the report was considered forthwith and accepted. Sent to the House for concurrence.

PAPERS FROM THE HOUSE

A Bill establishing a sick leave bank for Matthew Robitaille, an employee of the Bristol Sheriff's Office (House, No. 3495, amended,-- on petition);

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

Report of the committee on Labor and Workforce Development asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1403) of Angelo J. Puppulo, Jr. and others relative to the sanctity of collective bargaining,-- and recommending that the same be referred to the committee on Public Service,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Resolutions.

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

Resolutions (filed by Mr. Donnelly) "congratulating Barbara Flaherty on the occasion of her retirement";

Resolutions (filed by Mr. Joyce) "congratulating Lieutenant Paul 'Barry' Ronayne of the Canton Fire Department on the occasion of his retirement";

Resolutions (filed by Mr. Pacheco) "congratulating Robert and Joan Brady on the occasion of their fiftieth wedding anniversary"; and

Resolutions (filed by Ms. Spilka, Messrs. Baddour, Berry and Brewer, Ms. Chandler, Ms. Clark, Ms. Fargo, Ms. Flanagan, Mr. Hedlund, Ms. Jehlen and Messrs. McGee, Montigny, Rosenberg and Tarr) "honoring Kathleen M. Scanlan for her 24 years of dedicated service to the Massachusetts Council on Compulsive Gambling."

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 designating the Stephen Drawbridge Wildlife Management Area (Senate, No. 326).

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was 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 designating the Barre Falls Wildlife Management Area as the Stephen Drawbridge Wildlife Management Area".

Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Louise D'Orsi, an employee of the Department of Transportation (Senate, No. 1933),-- ought to pass, with an amendment striking out the third sentence and inserting in place thereof the following sentence:- "Whenever Louise D'Orsi terminates employment with the Massachusetts Department of Transportation or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness paid leave bank."; by striking out, in line 7, the word "may" and inserting in place thereof the following word:- "shall"; and by striking out the emergency preamble and inserting in place thereof the following emergency preamble:-

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the Massachusetts Department of Transportation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

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

The bill (Senate, No. 1933, 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 House Bill designating a certain bridge in the town of Natick as the Silvano Anthony Melchiorri Bridge (House, No. 3389).

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

Pending the question on ordering the bill to a third reading, Ms. Spilka presented an amendment striking out the first section and inserting in place thereof the following section:-

"SECTION 1. The portion of Speen street south of route 135 and north of Mill street and Pond street in the West Natick section of the town of Natick, including the Speen Street culvert Beaver Brook Dam at Fisk Pond under the care and control of the department of conservation and recreation, shall be designated and known as the Silvano Anthony Melchiorri Bridge, in memory

of Silvano Anthony Melchiorri, to honor his contributions as a veteran, firefighter, town meeting member, developer, musician and pillar of the town of Natick. The department of conservation and recreation shall erect and maintain a suitable marker bearing this designation in compliance with the standards of the department.”; and by striking out the emergency preamble and inserting in place thereof the following emergency preamble:-

“Whereas, the deferred operation of this act would tend to defeat its purpose, which is forthwith to designate a certain portion of road in the West Natick section of the town of Natick as the Silvano Anthony Melchiorri Bridge, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted.

Mr. Richard T. Moore presented an amendment inserting after section 1, the following section:-

“SECTION 2. Chapter 411 of the acts of 2008 is hereby amended by inserting, after the words ‘John Dean’, the following word:- ‘Memorial’.”

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 amendments, its title having been changed by the committee on Bills in the Third Reading to read as follows:

“An Act designating certain bridges in the towns of Natick and Millville”.

Sent to the House for concurrence in the amendments.

PAPERS FROM THE HOUSE

Emergency Preambles.

An engrossed Bill establishing a sick leave bank for Mark E. Lopes, an employee of the Bristol County Sheriff’s Office (see House, No. 3388, 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 3 to 0.**

The bill was signed by the Acting President (Mr. Tolman) and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Mitch Dembowski, an employee of the Department of Developmental Services (see House, No. 3393, 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 3 to 0.**

The bill was signed by the Acting President (Mr. Tolman) and sent to the House for enactment.

Recess.

There being no objection, at twenty-three minutes past eleven o’clock A.M., the Chair (Mr. Tolman) declared a recess subject to the call of the Chair; and, at eight minutes before two o’clock P.M, the Senate reassembled, Mr. Tolman in the Chair.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 3510, 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 2 to 0.**

The bill was signed by the Acting President (Mr. Tolman) and sent to the House for enactment.

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 Acting President (Mr. Tolman) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Christine S. Drew, an employee of the Trial Court (see Senate, No. 1925);

Establishing a sick leave bank for Mark E. Lopes an employee of the Bristol County Sheriff’s Office (see House, No. 3388, amended);

Establishing a sick leave bank for Mitch Dembowski, an employee of the Department of Developmental Services (see House, No. 3393, amended); and

Making appropriations for the fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3510, amended).

Order Adopted.

On motion of Mr. Knapik,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Wednesday next at one o'clock P.M., in a formal session without a calendar.

Adjournment in Memory of Charles W. Medeiros

The Senator from Hampden and Hampshire, Mr. Knapik, requested that when the Senate adjourns today, it adjourn in memory of Charles W. Medeiros of Westfield.

Mr. Medeiros passed away on June 16th after battling lung cancer. He served over thirty years as a member of the Westfield City Council. Charlie was elected Council President by his colleagues eight times and twice served as Acting Mayor. Charlie was also retired from his career as an Investigator with the State Auditor's Bureau of Special Investigations. Charlie had a special talent and affinity for campaigning. He was an organizer for several candidates for state and local office, including Governor Ed King, Sheriff Michael Ashe, and Governor's Councillor Edward O'Brien. He will be missed by his loving wife, Kathy, his children, grandchildren, brothers, sisters, and countless friends.

Accordingly, as a mark of respect to the memory of Charles W. Medeiros, at eight minutes past two o'clock P.M., on motion of Mr. Knapik, the Senate adjourned to meet again on Wednesday at one o'clock P.M.