

**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.

Wednesday, July 11, 2012.

Met at one minute past eleven o'clock A.M. (Ms. Clark in the Chair).

The Chair (Ms. Clark), members, guests and staff then recited the pledge of allegiance to the flag.

#### *Petition.*

Ms. Creem presented a petition (subject to Joint Rule 12) of Cynthia Stone Creem for legislation to authorize the Division of Capital Asset Management to lease a certain property in the town of Weston;

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

#### *Reports of Committees.*

By Mr. Joyce, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate bills Relative to the conveyance of land in the town of Sutton (Senate, No. 2172, changed), and Authorizing the city of Lowell to acquire easements over certain parcels of land (Senate, No. 2233);

**Severally ought to pass.**

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

By Mr. Joyce, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill to authorize the leasing of the Ponkapoag Golf Course (Senate, No. 1588),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2335);**

**Under Senate Rule 27, referred to the committee on Ways and Means, with the amendment pending.**

By Mr. Donnelly, for the committee on State Administration and Regulatory Oversight, on petition, a Bill authorizing the lease of the Daly Field complex located in the Brighton section of the city of Boston (Senate, No. 2306); and

By the same Senator, for the same committee, on petition (accompanied by bill, House, No. 4037), a Bill providing regulatory reform to promote job growth (Senate, No. 2334);

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

By Mr. Richard T. Moore, for the committee on Health Care Financing, on petition (accompanied by bill, S498), a Bill relative to student health insurance (Senate, No. 2333) (Estimated cost - \$0);

**Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

By Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill authorizing the town of Rockport to grant a license for the sale of wines and malt beverages at a food store (Senate, No. 2239) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill authorizing the city of Easthampton to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2294) [Local approval received]; **Severally 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 Bill establishing an advisory committee on residential care facilities (Senate, No. 273),-- **and recommending that the same be referred to the Senate committee on Ethics and Rules. Under Senate Rule 36, the report was considered forthwith and accepted.**

**PAPERS FROM THE HOUSE**

A petition (accompanied by bill, House, No. 4246) of Paul J. Donato, Patricia D. Jehlen and Sean Garballey (by vote of the town) authorizing the city of Medford to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises,-- **was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.**

*Bills*

Relative to the regulation of cyber cafes (House, No. 3765,-- on petition); and Designating a certain bridge in the city of Lowell as the Gentz Brothers Memorial Bridge (House, No. 3951,-- on petition); **Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill authorizing the town of Reading to grant a utility easement over certain parcels of land in the town (House, No. 4170,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

A report of the committee on Health Care Financing, asking to be discharged from further consideration of the House Bill to provide access to hearing aids for children (House, No. 52, changed), and recommending that the same be referred to the committee on House Ways and Means,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence in the discharge of the joint committee.**

*Resolutions.*

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

Resolutions (filed by Ms. Clark and Mr. McGee) “congratulating Kayla Harrison on earning a position on the United States Olympic Judo Team for the 2012 Summer Olympic Games”;

Resolutions (filed by Ms. Clark, Mr. Donnelly and Ms. Jehlen) “congratulating James ‘Jimmy’ Pedro, Jr. on his selection to coach the United States Judo Team in the 2012 Summer Olympic Games”; and

Resolutions (filed by Ms. Clark) “congratulating Travis Stevens on earning a position on the United States Olympic Judo Team for the 2012 Summer Olympic Games.”

*Reports of Committees.*

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property in the city of Lawrence (Senate, No. 1579),-- **ought to pass, with an amendment substituting a new draft entitled “An Act authorizing the Division of Capital Asset Management and Maintenance to lease certain property in the city of Lawrence to the Greater Lawrence Community Boating Program, Inc.” (Senate, No. 2338).**

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

**The bill (Senate, No. 2338) 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 Senate Bill establishing a sick leave bank for Laurie Bourassa, an employee of the Department of Developmental Services (Senate, No. 2332),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2339).**

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

**The bill (Senate, No. 2339) 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 Raynham as the Cpl. Brian Oliveira Bridge (Senate, No. 1775). **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. Pacheco presented an amendment substituting a new draft entitled "An Act designating certain bridges under the control of the Massachusetts Department of Transportation in the town of Raynham and the city of Taunton" (Senate, No. 2337). The amendment was adopted. The bill (Senate, No. 2337) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

#### PAPER FROM THE HOUSE

A Bill establishing Fragile X Awareness Day (House, No. 843,-- on petition),-- **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. Rosenberg presented an amendment 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 establish forthwith Fragile X Awareness Day on July 22, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."  
**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.**

#### *Reports of Committees.*

The following report was laid before the Senate, the time within which the said committee was required to report having expired:---

Of the committee on Education, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 197) of Sal N. DiDomenico, James B. Eldridge and Denise Provost for legislation relative to an English language learner's program in the public schools.  
**On motion of Mr. Ross, the rules were suspended; and, on further motion of the same Senator, the petition was recommitted 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 Sal N. DiDomenico, William N. Brownsberger and Patricia D. Jehlen for legislation relative to the lease of Northeastern University Henderson Boat House.  
**Senate Rule 36 was suspended, on motion of Mr. Ross, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight.**

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 Sal N. DiDomenico, William N. Brownsberger, Michael F. Rush, Patricia D. Jehlen and others for legislation relative to a boat house land lease in the city of Boston.  
**Senate Rule 36 was suspended, on motion of Mr. Ross, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight.**

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 Benjamin B. Downing and Paul W. Mark for legislation to authorize the Massachusetts Department of Transportation to acquire a parcel of land in the town of Hinsdale.  
**Senate Rule 36 was suspended, on motion of Mr. Ross, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Severally sent to the House for concurrence.**

#### *Order Adopted.*

On motion of Mr. Ross,--

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

*Moment of Silence.*

At the request of the Chair (Ms. Clark), the members, guests and employees stood in a moment of silence and reflection to the memory of Chelsea Firefigher Michael Smith.

*Adjournment in Memory of Michael Smith*

Mr. Tarr requested that when the Senate adjourns today, it do so in memory of Gloucester Firefighter Michael Smith, who passed away at the age of 43 on July 7, 2012 at Mass General Hospital, with his beloved wife Mary-Beth by his side.

Born in Gloucester, he was the son of Allyn and Jean Smith. He graduated from Gloucester High School in 1987 and joined the Gloucester Fire Department. He was a 17-year veteran of the Gloucester Fire Department. In May of 1997, he married his soul mate, Mary-Beth Morrissey.

Mike was diagnosed with small-non-cell lung cancer in March of 2012. He faced many obstacles and challenges throughout his four-month journey and faced each one with grace, strength and dignity.

Mike touched the lives of so many he knew, but most importantly, his three children, Noah, Luke and Josh Smith. His children were the pride and joy of his life.

In addition to his wife, children and parents, Mike is survived by 5 siblings; Allyn (Chip) Smith and his wife LeeAnn, Dan Smith and his wife Meghan, Jim Smith and his wife Gina, Steve Smith and his wife Dabney and his sister Karen Smith and fiancé John Arsenault; mother-in-law, Lucille Morrissey, brother-in-law, Joseph Morrissey and wife Ellen and sister-in-law, Phyllis-Ann Bourassa and husband Mark. Mike is also survived by many nephews and nieces who he loved dearly.

He is predeceased by his sister Katherine Irene Smith and his father-in law, Joseph J. Morrissey.

Accordingly, as a mark of respect to the memory of Michael Smith, at twenty-four minutes past eleven o'clock A.M., on motion of Mr. Ross, the Senate adjourned to meet again tomorrow at one o'clock P.M.