

**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, August 22, 2011.*

Met according to adjournment at eleven o'clock A.M. (Mr. Petrucci 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. Petrucci), members, guests and employees then recited the pledge of allegiance to the flag.

#### *Report.*

A report of the Massachusetts Clean Energy Center (under the provisions of Section 5 of Chapter 23J of the General Laws) submitting its annual Statement of Net Assets, Revenues, and Expenditures, Year Ended June 30, 2011 (received August 16, 2011) (copies having been forwarded as required to the committees on Ways and Means, the joint committee on Economic Development and Emerging Technologies, the joint committee on Telecommunications, Utilities and Energy and the joint committee on Environment, Natural Resources and Agriculture).

#### *Petition.*

Mr. Tarr, presented a petition (subject to Joint Rule 12) of Bruce E. Tarr, Bradley H. Jones, Jr., Robert L. Hedlund, Michael R. Knapik and other members of the General Court for legislation to promote motor vehicle safety;

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

### PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3675) of Paul McMurty (by vote of the town) for legislation that the town of Westwood be authorized to grant special licenses for the sale of all alcoholic beverages; and

Petition (accompanied by bill, House, No. 3677) of Mark James Cusack and John F. Keenan (with the approval of the mayor and town council) for legislation to authorize the town of Braintree to grant two additional licenses for the sale of all alcoholic beverages to be drunk on the premises;

**Severally to the committee on Consumer Protection and Professional Licensure.**

Petition (accompanied by bill, House, No. 3676) of Thomas J. Calter and Therese Murray (by vote of the town) for legislation that the town of Plympton be authorized to create the position of treasurer-collector;

**To the committee on Municipalities and Regional Government.**

#### *Bills*

Establishing a sick leave bank for Mark Denault, an employee of the Massachusetts Department of Transportation (House, No. 3642-- on petition); and

Establishing a sick leave bank for Grisel Caraballo, an employee of the Department of Revenue (House, No. 3662-- on petition);

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

A Bill relative to derivative activities of state banks (House, No. 303,-- on petition);- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Gina Rossi, an employee of the Parole Board (see House, No. 3574), 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. Petruccelli) and sent to the House for enactment.**

*Resolutions.*

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

Resolutions (filed by Mr. R. Moore) "commending Leon Mosczynski for his exemplary public service and outstanding leadership in Environmental Preservation";

Resolutions (filed by Mr. Ross) "congratulating Richard Lionel Lanoue on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Ross) "congratulating Craig Jeffrey Maloney on his elevation to the rank of Eagle Scout"; and

Resolutions (filed by Mr. Ross) "congratulating Paul Thomas Siebert on his elevation to the rank of Eagle Scout."

*Matter Taken Out of the Orders of the Day.*

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The Senate Bill amending the charter of the city of Malden (Senate, No. 1923),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Ms. Clark presented an amendment by striking out section 2 and inserting in place thereof the following section:-

"SECTION 2. Section 9 of said chapter 169 of the acts of 1881 is hereby amended by striking out the fourth and fifth sentences and inserting in place thereof the following 6 paragraphs:-

A vacancy in the office of mayor, arising from any cause during the first 17 months of a term, shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term and shall be sworn to office immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office.

A vacancy in the office of mayor, arising from any cause between May 1 and July 1 of a municipal election year in which a mayoral election would not ordinarily be held shall be filled at the regular election. The person so elected shall fill the remainder of the unexpired term and shall be sworn to office immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office.

A vacancy in the office of mayor, arising from any cause after July 1 in a municipal election year during which a mayoral election would not ordinarily be held but before May 1 in a municipal election year during which a mayoral election would ordinarily be held shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term and shall be sworn to office immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office.

A vacancy in the office of mayor, arising from any cause from May 1 but before July 1 of a municipal election year during which a mayoral election would ordinarily be held shall be filled at the regular municipal election. The person so elected shall fill the remainder of the unexpired term and the next regular term of office and shall be sworn to office immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office and the next regular term.

A vacancy in the office of mayor, arising from any cause after July 1 of a municipal election year during which a mayoral election would ordinarily be held shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term, if any, and/or the balance of the next regular term to begin on the first Monday in January in the year subsequent to the one in which the vacancy arose. The person so elected shall be sworn to office for the remainder of the unexpired term or the next regular term, as the case may be, immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term, if any, and the next regular term.

Any election held under this section shall be preceded by a primary, if required by chapter 314 of the acts of 1912.";

By striking out section 3 and inserting in place thereof the following section:-

"SECTION 3. Said section 9 of said chapter 169 is hereby further amended by striking out the last paragraph, as inserted by section 2 of chapter 255 of the acts of 1964, and inserting in place thereof the following 7 paragraphs:-

A vacancy in the office of ward councilor, arising from any cause during the first 17 months of a term, shall be filled by special

election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term and shall be sworn to office immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office.

A vacancy in the office of ward councilor, arising from any cause between May 1 and July 1 of a municipal election year shall be filled at the regular election. The person so elected shall fill the remainder of the unexpired term in addition to the next regular term and shall be sworn to office for the remainder of the unexpired term immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office and the next regular term.

A vacancy in the office of ward councilor, arising from any cause after July 1 of a municipal election year shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term, if any, and/or the balance of the next regular term to begin on the first Monday in January in the year subsequent to the one in which the vacancy arose. The person so elected shall be sworn to office for the remainder of the unexpired term or the next regular term, as the case may be immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term, if any, and the next regular term.

A vacancy in the office of councilor at large, arising from any cause during the first 17 months of a term, shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term and shall be sworn to office immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office.

A vacancy in the office of councilor at large, arising from any cause between May 1 and July 1 of a municipal election year shall be filled at the regular election. The person receiving the highest number of votes and is not presently serving shall fill the remainder of the unexpired term in addition to the next regular term and shall be sworn to office for the remainder of the unexpired term immediately upon certification of the results of the election. Ballots shall indicate that 2 persons shall be elected to fill the next regular term of office and that 1 person shall be elected to fill the vacancy in the present term and the next regular term.

A vacancy in the office of councilor at large, arising from any cause after July 1 of a municipal election year shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term, if any, and/or the balance of the next regular term to begin on the first Monday in January in the year subsequent to the one in which the vacancy arose. The person so elected shall be sworn to office for the remainder of the unexpired term or the next regular term, as the case may be immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term, if any, and the next regular term.

Any election held under this section shall be preceded by a primary, if required by chapter 314 of the acts of 1912.”; and

By striking out section 5 and inserting in place thereof the following section:-

“SECTION 5. Section 24 of said chapter 169 is hereby amended by striking out the sixth sentence, as inserted by section 3 of chapter 255 of the acts of 1964, and inserting in place thereof the following 4 paragraphs:-

A vacancy in the office of school committee, arising from any cause during the first 17 months of a term, shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term and shall be sworn to office immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office.

A vacancy in the office of school committee, arising from any cause between May 1 and July 1 of a municipal election year shall be filled at the regular election. The person so elected shall fill the remainder of the unexpired term in addition to the next regular term and shall be sworn to office for the remainder of the unexpired term immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office and the next regular term.

A vacancy in the office of school committee, arising from any cause after July 1 of a municipal election year shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term, if any, and/or the balance of the next regular term to begin on the first Monday in January in the year subsequent to the one in which the vacancy arose. The person so elected shall be sworn to office for the remainder of the unexpired term or the next regular term, as the case may be, immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term, if any, and the next regular term.

Any election held under this section shall be preceded by a primary, if required by chapter 314 of the acts of 1912.

**The amendment was adopted.**

**The bill (Senate, No. 1923, amended) was then passed to be engrossed.**

**Sent to the House for concurrence.**

The House bill authorizing the town of Truro to lease certain land to the town of Provincetown (House, No. 573),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House bill establishing a Barrier Beach Protection Stabilization Fund in the town of Dennis (House, No. 3258),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

## **PAPERS FROM THE HOUSE**

### *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. Petrucci) and laid before the Governor for his approbation, to wit:

Relative to amending the charter of the town of Saugus (see House, No. 3336);  
Relative to the appointment of a town manager in the town of Wilmington (see House, No. 3455); and  
Establishing a sick leave bank for Gina Rossi, an employee of the Parole Board (see House, No. 3574).

### *Order Adopted.*

On motion of Ms. Knapik,--

*Ordered*, That when the Senate adjourns today, it adjourn to meet again on Thursday 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 Kevin C. Woodman*

The Senator from Essex, Mr. Baddour and the Senator From Essex and Middlesex, Mr. Tarr requests that when the senate adjourns today, it adjourn in memory of Police Officer Kevin C. Woodman, who died on August 7, 2011 at Spaulding Rehab of the North Shore in Salem at the age of 57.

A lifelong Haverhill resident, Officer Woodman graduated from Haverhill high school in 1972. He attended Bridgeton Academy in Maine and received his B.S. from Springfield College in 1994 and his Master's in Criminal Justice Administration from Springfield College in 1996.

Officer Woodman had a passion and love for football, coaching most of his life for various schools and organizations throughout the Merrimack Valley and Southern New Hampshire. In addition to being the Co-Founder and Co-Director of the Haverhill Recreation Football Camp, he also had served as the Haverhill Youth Football League Director since 2004.

Officer Woodman coached at the Haverhill YMCA, Whittier Voc-Tech, Phillips Academy Football Camp, Amesbury Youth Football, Amesbury High School, Central Catholic High School, Governor Dummer Academy, the New Hampshire Wing T Football Camp, Haverhill Youth Football Organization, Brooks Academy and Haverhill High School. The Haverhill Recreation Department recently presented him with its "Community Spirit Award" for 10 years of service.

Officer Woodman was a member of The Massachusetts Police Association, the Groveland Police Association, the Haverhill Recreation Department and the Haverhill Touchdown Club. He is survived by his wife of 21 years, Darlene F. (Hileman) Woodman, and his children, Kyle A. Woodman, Kevin M. Woodman, Patricia M. Healey-Woodman and Keith A. Healey and his fiancée Alicia Cutrona, all of Haverhill. He is also survived by his brothers, David A. Woodman and his wife Pamela A. of Hampstead, New Hampshire and Robert H. Woodman and his wife Jayne B. of Bradford; his grandchildren, Kylie Cutrona And Jonathan Quigley, both of Haverhill; and several nieces and nephews.

Accordingly, as a mark of respect to the memory of Kevin C. Woodman, at seventeen minutes past eleven o'clock A.M., on motion of Mr. Knapik, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.