

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.

Thursday, August 25, 2011.

Met at two 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.

Report.

A report of the Massachusetts Life Sciences Center (under the provisions of Section 5(e)(2) of Chapter 231 of the General Laws) submitting a copy of the 2009 tax incentive program (copies having been forwarded as required to the committees on Ways and Means, the joint committee on Economic Development and Emerging Technologies and the joint committee on Revenue),-- **was placed on file.**

Petition.

Mr. Tarr, presented a petition (subject to Joint Rule 12) of Frederick E. Berry, John F. Keenan, Anthony W. Petruccelli, Sal N. DiDomenico and other members of the General Court for legislation requiring employees at residential facilities licensed by the department of mental health to be equipped with panic buttons;

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

PAPERS FROM THE HOUSE.

Bills

Exemption relative to the geographic limits of fire district No. 2 in the town of South Hadley (House, No. 3485, amended,-- on petition) [Local approval received]; and

Authorizing the town of West Tisbury to place a certain question on the ballot relative to the issuance of licenses for the sale of wines and malt beverages in restaurants, inns and hotels and the issuance of 1 day licenses for the sale of wines and malt beverages at events (House, No. 3465,-- on House, No. 3454) [Local approval received on House, No. 3687]

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

Resolutions.

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

Resolutions (filed by Ms. Candaras) "recognizing the city of Springfield's observance of Changing Diabetes Day"; and
Resolutions (filed by Mr. Pacheco) "congratulating Belva Wanat on the occasion of her one hundredth birthday."

Reports of Committees.

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 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;

The rules were suspended, on motion of Mr. Hedlund, 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.

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 Richard T. Moore for legislation to designate "Me and Paul Revere" as the revolutionary song of the Commonwealth;

The rules were suspended, on motion of Mr. Hedlund, 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.

PAPERS FROM THE HOUSE.

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

A petition (accompanied by bill, House, No. 3690) of Eugene L. Flaherty and Carlo Basile for legislation to exempt certain water dependent structures from certain harbor lines in Chelsea Creek;

Under suspension of Joint Rules 9 and 12, to the committee on Environment, Natural Resources and Agriculture.

A petition (accompanied by bill, House, No. 3691) of Michael J. Moran for legislation to establish a sick leave bank for Annmarie Kineavy, an employee of the Massachusetts Department of Transportation;

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

A petition (accompanied by bill, House, No. 3692) of Martha M. Walz and others for legislation to establish a State House Arts Commission to maintain custody and care of all works of art and historical artifacts at the State House;

Under suspension of Joint Rule 12, to the committee on Tourism, Arts and Cultural Development.

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 exempting employees of the school department in the town of Acushnet and town of Acushnet clerical and janitorial employees from the civil service law (House, No. 1618),-- **was read a second time, ordered to a third reading, read a 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 exempting certain employees of the school department in the town of Acushnet and certain town of Acushnet clerical and janitorial employees from the civil service law."**

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 to include call/volunteer firefighters on the Massachusetts Fire Training Council (Senate, No. 1188).

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, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act adding members of the Massachusetts Call and Volunteer Fire Fighters Association to the Massachusetts Fire Training Council."

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Bethany M. Tsioropoulos, an employee of the Massachusetts Rehabilitation Commission (Senate, No. 1922),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No 2002).**

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

The bill (Senate, No. 2002) 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 Caron Parker (Senate, No. 1974),-- **ought to pass, with an amendment substituting a new draft entitled "An Act establishing a sick leave bank for Caron Parker, an employee of the Department of Revenue." (Senate, No 2003).**

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

The bill (Senate, No. 2003) 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 Arcelia Williams-Sullivan an employee of the Massachusetts rehabilitation commission (House, No. 3588),-- **ought to pass.**

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.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill relocating certain harbor lines in the Fairhaven and New Bedford Harbors (House, No. 3402),-- **ought to pass, with an amendment by striking out, in line 119, the words “division of waterways within the department of environmental management” and inserting in place thereof the following words:- “office of waterways within the department of conservation and recreation”.**

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

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 for concurrence in the amendment.

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Lisa A. Sullivan, an employee of the Trial Court (see House, No. 3249), 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.

Order Adopted.

On motion of Ms. Hedlund,--

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 former State Representative and Senator Stephen Davenport.

The Senator from Second Suffolk, Ms. Chang-Díaz requests that when the senate adjourns today, it adjourn in memory of former State Representative and Senator Stephen Davenport who passed away on August 17, 2011.

A lifelong Jamaica Plain resident, Stephen Davenport was a U.S. Naval aviator during WWII, served as a state representative and a state senator and he was a Boston mayoral candidate in 1967. Steve was born in Roslindale and began at an early age swinging for the fences as he was a first baseman on the Roslindale Royals under 16 baseball team that won the city of Boston championship played at Fenway Park. He really coveted his navy wings of gold which he earned in Pensacola, fl and he then embarked on a distinguished career as a navy jet fighter pilot during the WWII & Korean War era flying the F6F Hellcat, F8F Bearcat and F4U Corsair in WWII and the F9F Panther Jet during the Korean War. Captain Davenport had over 147 aircraft carrier landings on over 5 different carriers and was one of the first aviators in U.S. navy history to land on the first angled deck carrier the USS Antietam. As if his jet fighter experience wasn't enough he volunteered for helicopter training and flew as a navy helicopter pilot as well.

After his active duty service, as a graduate of BU and BU Law School with a masters in taxation, he had a distinguished career as a lawyer with the city of Boston corporation counsel under Mayor John B. Hynes and then as a state rep. And senator serving Mission Hill, Jamaica Plain, Roslindale and West Roxbury. In the early 60's he joined the former speaker of the house and Attorney General Bob Quinn, George Keneally Jr., Joe Moakley and other Boston legislators in sponsoring legislation that established the University of Massachusetts Boston in 1964 and prior to that supported his dear friend senate president Maurice Donahue with legislation that would establish UMass Medical School and Center. Bob Quinn, former house speaker stated "Steve was a dear colleague and friend who relished greatly in extending a helping hand to make things better for those in critical need of affordable educational opportunities right here in our own native home of Boston.

Accordingly, as a mark of respect to the memory of former State Representative and Senator Stephen Davenport , at twenty-two minutes past eleven o'clock A.M., on motion of Mr. Hedlund, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.