

**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, September 13, 2012.*

Met at twelve minutes past eleven o'clock A.M. (Ms. Flanagan 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 (Ms. Flanagan), members, guests and staff then recited the pledge of allegiance to the flag.

#### *Distinguished Guests.*

There being no objection, the Chair (Ms. Flanagan) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the rear of the Chamber, a group from the North Reading Council on Aging. The group was on a tour of the State House. The Senate welcomed them with applause and they withdrew from the Chamber. They were also guests of Representative Jones.

#### *Communications.*

The following communications were severally received and placed on file:

Communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing the appointment of Elliott L. Jacobson of Gloucester as his designee to the Special Commission established (pursuant to Section 41 of Chapter 209 of the Acts of 2012) to make an investigation and study of energy and electricity policies in the Commonwealth; and

Communication from the Honorable Elin Suleymanov, Ambassador of the Republic of Azerbaijan to the United States, stating the Azerbaijani position on House Resolutions relative to Nagorno-Karabakh.

#### *Report of a Committee.*

By Mr. Donnelly, for the committee on State Administration and Regulatory Oversight, on petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement upon land of the Commonwealth located in the town of Ware to the Massachusetts Water Resources Authority (Senate, No. 2419);

**Read and, under Senate Rule 26, referred to the committee on Bonding, Capital Expenditures and State Assets.**

### PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4430) of Kevin Aguiar and Michael J. Rodrigues (with the approval of the mayor and city council) for legislation relative to authorizing the city of Fall River to enter into certain contracts for the operation, maintenance and modification of the wastewater treatment plant, sewers, pump stations, collection system and appurtenances in said city; and

Petition (accompanied by bill, House, No. 4431) of Kevin Aguiar and Michael J. Rodrigues (with the approval of the mayor and city council) for legislation that the city of Fall River be authorized to enter into a contract or contracts for the acquisition,

purchase, lease, sale, disposition or exchange of certain parcels of real property in regards to a water storage facility at Airport Road in said city;

**Severally, to the committee on Municipalities and Regional Government.**

A Bill exempting the position of deputy police chief in the town of Duxbury from the civil service laws (House, No. 4026,-- on petition) [Local approval received],-- **was 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 Mr. Hart) “congratulating Harry G. Uhlman, Jr. of South Boston on his eightieth birthday”;

Resolutions (filed by Mr. Michael O. Moore) “congratulating the National Ataxia Foundation on their observance of National Ataxia Awareness Day on September 25, 2012”;

Resolutions (filed by Messrs. Richard T. Moore and Brewer, Ms. Creem, Mr. Eldridge, Ms. Fargo, Messrs. Hart and Hedlund, Ms. Jehlen, Messrs. Keenan, Knapik, Michael O. Moore, Rodrigues and Rush, Ms. Spilka and Messrs. Tarr and Timilty) “congratulating the Boy Scouts of America on the one hundredth anniversary of the Eagle Scout rank”;

Resolutions (filed by Mr. Richard T. Moore) “congratulating the descendants of Paul and Betsey Whitin on the occasion of the Whitin Family Reunion”;

Resolutions (filed by Ms. Spilka) “congratulating the American Legion Post 47 in the town of Holliston on their observance of the ninety-third anniversary of the founding of the American Legion”; and

Resolutions (filed by Mr. Timilty) “honoring Patrick Noone for his years of tireless support and enthusiasm for the New England Patriots.”

*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 authorizing the city of Medford to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4246),--**was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

*Reports of Committees.*

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Gloria Chisholm, an employee of the Massachusetts Department of Transportation (House, No. 4184),-- **ought to pass.**

**There being no objection, the rules were suspended on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in 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 relative to the New Bedford Police Association (House, No. 4006).

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

**Pending the question on ordering the bill to a third reading, Mr. Montigny presented an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2435.**

**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. Sent to the House for concurrence in the amendment.**

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 Municipalities and Regional Government, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 1008) of Harriette L. Chandler and Marc R. Pacheco for legislation relative to land use.

**The rules were suspended, on motion of Mr. Tarr; and on further motion of the same Senator, the petition was recommitted to the Joint Committee on Municipalities and Regional Government.**

Of the committee on Municipalities and Regional Government, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 1019) of James B. Eldridge, Stephen Kulik, Paul J. Donato, Marc R. Pacheco and other members of the General Court for legislation to comprehensive land use reform and partnership.

**The rules were suspended, on motion of Mr. Tarr; and on further motion of the same Senator, the petition was recommitted to the Joint Committee on Municipalities and Regional Government.**

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill providing for a labor/management workplace and education trust fund at the University of Massachusetts Amherst (Senate, No. 2001),-- **ought to pass with an amendment substituting a new draft entitled “An Act providing for a labor-management workplace and education trust fund at the University of Massachusetts at Amherst” (Senate, No. 2434).**

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

**The bill (Senate, No. 2434) 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**

##### *Engrossed Bill.*

An engrossed Bill relative to the town of Marion Open Space Acquisition Commission (see House, No. 4188) (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 Acting President (Ms. Flanagan) and laid before the Governor for his approbation.

##### *Recess.*

There being no objection, at twenty-four minutes past eleven o'clock A.M., the Chair (Ms. Flanagan) declared a recess subject to the call of the Chair; and, at twenty-one minutes before twelve o'clock noon, the Senate reassembled, Ms. Flanagan in the Chair.

#### **PAPER FROM THE HOUSE**

##### *Engrossed Bill.*

An engrossed Bill authorizing the city of Medford to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4246) (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 Acting President (Ms. Flanagan) and laid before the Governor for his approbation.

##### *Order Adopted.*

On motion of Mr. Tarr,--

*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 Kevin McCarthy*

The Senator from Essex and Middlesex, Mr. McGee, moved that when the Senate adjourns today, it adjourn in memory of Kevin McCarthy.

Kevin McCarthy passed away on Wednesday September 5, 2012, at the young age of 21. Kevin was a lifelong Lynn resident who graduated from Lynn English High School in 2010. He loved to play baseball for the Lynn Challenger League where he played for 16 years. Kevin was an avid fan of all local sports teams. He was known for his enthusiasm for life and his infectious smile that brought insurmountable joy to his family, friends, and casual acquaintances. Kevin's sense of humor could cheer you up on the worst of days. He is the son of Phillip Allan and Nanette (Forrest) McCarthy. In addition he is survived by his sister Gail M. McCarthy of Lynn, his brother Paul A. McCarthy of Lynn as well as several aunts and uncles.

Accordingly, as a mark of respect to the memory of Kevin McCarthy, at seventeen minutes before twelve o'clock noon, on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.