

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 29, 2011.

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

Petitions.

Petitions were severally presented and referred, as follows:

By Ms. Candaras, a petition (accompanied by bill, Senate, No. 2026) of Gale D. Candaras and Brian Ashe (by vote of the town) for legislation to validate the actions taken at the annual town election in the town of Hampden [Local approval received];
Under Senate Rule 20, to the committee on Election Laws.

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 2025) of Patricia D. Jehlen, Sal N. DiDomenico, Denise Provost, Carl M. Sciortino, Jr. and other members of the General Court (with the approval of the mayor and board of aldermen) for legislation to authorize the city of Somerville to incur debt on certain property under control of said city [Local approval received];
Under Senate Rule 20, to the committee on Municipalities and Regional Government.

By Mr. Michael O. Moore, a petition (accompanied by bill, Senate, No. 2024) of Michael O. Moore (with approval of the mayor and city council) for legislation to allow the city of Worcester to utilize video cameras to enforce certain traffic violations [Local approval received];
Under Senate Rule 20, to the committee on Transportation.
Severally sent to the House for concurrence.

By Ms. Clark (by request), a petition (subject to Joint Rule 12) of Roberta Alpert for legislation to restrict medical prescriptions filing personnel; and

By Mr. Pacheco, a petition (subject to Joint Rule 12) of Marc R. Pacheco for legislation to designate the month of May as Blue Star Mothers month;

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

Report of a Committee.

By Ms. Clark, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Scott Hayward, an employee of the Executive Office of Health and Human Services (Senate, No. 2021);

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

PAPERS FROM THE HOUSE

A Bill establishing a sick leave bank for Shaun T. Sawyer, an employee of the Department of Developmental Services (House, No. 3701, amended,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill relative to vendor contracts (House, No. 3726,-- on House, No. 5),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Resolutions.

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

Resolutions (filed by Mr. Tolman) "congratulating the Perkins School for the Blind on the opening of the Grousbeck Center for Students and Technology."

Matters 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 exempting the position of police chief in the town of Marblehead from the civil service law (Senate, No. 1929),-- **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

The Senate Bill authorizing the town of Newbury to use certain fund balances for capital expenditures (Senate, No. 1934),-- **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

The House Bill 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. 3687),-- **was read a third time and passed to be engrossed, in concurrence, with the amendment previously adopted by the Senate. Sent to the House for concurrence in the amendment.**

Reports of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Brunilda Rivera, an employee of the Department of Environmental Protection (House, No. 3328, amended),-- **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 establishing a sick leave bank for Michael Jordan, an employee of the Trial Court (House, No. 3446),-- **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.**

PAPERS FROM THE HOUSE

A House Bill validating the actions taken at certain elections in the town of Abington (printed in House, No. 3664,-- being a message from His Excellency the Governor),-- **was read.**

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.

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

Petition (accompanied by bill, House, No. 3730) of William M. Straus, Marc R. Pacheco and Mark C. Montigny relative to unpaid leave and retirement benefits of Penelope Harvey, an employee of the Fairhaven public school system; and

Petition (accompanied by bill, House, No. 3731) of John J. Binienda for legislation to establish a sick leave bank for Luis Rodriguez, an employee of the Department of Children and Families;

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

Engrossed Bill.

An engrossed Bill relative to the geographic limits of Fire District No. 2 in the town of South Hadley (see House, No. 3485, amended) (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 (Mr. DiDomenico) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. 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 Joseph E. Garland

The Senator from Essex and Middlesex, Mr. Tarr, moved that when the Senate adjourns today, it do so in memory of Joseph E. Garland, a longtime Gloucester resident, historian, writer and civic proponent who passed away peacefully at his home on August 30th at the age of 88.

Born in Brookline, Massachusetts in 1922, Joe had lived in Gloucester since the 1950s but had family roots in the community dating back for generations. He was the fourth Joseph Garland to live in Gloucester, but unlike his three predecessors, chose to pursue a career in journalism over medicine.

Joe enlisted in the United States Army in 1943, and served in Italy and France as a member of the Intelligence & Reconnaissance Platoon of the 45th Infantry Division's 157th Regiment. During the war, Joe kept a private diary of his experiences that became the basis of the book *Unknown Soldiers*, which he published 65 years later.

After the war, Joe worked as a reporter for the *Minneapolis Tribune*, *Boston Herald* and *Providence Journal*, and later turned to freelance work. He was the author of 25 books, including a biography of Gloucester fisherman Howard Blackburn and other works that celebrated the era of the fishing schooners.

Joe had a direct connection to Blackburn, who sailed solo across the Atlantic Ocean in 1899, despite having lost his fingers and several toes to frostbite during a previous trip to sea. Joe's grandfather had operated on Blackburn after his fateful voyage, and Joe later restored two of Blackburn's boats – the *Great Republic* and *Cruising Club* – and enjoyed sailing them with family and friends.

When Gloucester celebrated its 350th anniversary, Joe skippered his schooner, *Bandit*, in a classic wooden boat race with two local fishing captains as his crew. He also played a key role in the successful effort to bring the *Schooner Adventure* back to Gloucester.

Joe was a voracious reader who enjoyed hiking and had a lifelong passion for sailing. Many of his works of non-fiction were devoted to this subject, and he could often be seen on the deck of *Black Bess*, his home on Eastern Point, watching the fishing fleet.

In addition to his books, Joe was well-known for his "Beating to Windward" column in the *Gloucester Times* newspaper, where he shared his opinions on a variety of local and national issues. While serving as Gloucester's historian, Joe became renowned as a provocative public speaker, and was later awarded a regional lifetime achievement award from the city for his many cultural contributions.

Joe is survived by his wife of almost 30 years, Helen Bryan Garland; her four children, Anna and her husband Bill Gannett, Janet, Alison and Robert Carlson and his wife Elizabeth; and two daughters from his previous marriage to Rebecca Choate, Susan Choate Garland and Peggy Garland and her husband Stephen Tucker. He is also survived by 11 grandchildren, including Alden and Erica Freed; Emma, Robert, Alison and Anne Carlson; Theodore and Sarah Gannett; Abigail and Eli Spindel, and Molly Flomer and her husband Brandt; as well as a great-grandson, Theodore Flomer.

A celebration of Joe's life will take place on Saturday, October 1st at 1 p.m. in the center of Gloucester, one day after what would have been his 89th birthday. The event will celebrate not only the man, but also the colorful and vital city he loved.

Accordingly, as a mark of respect to the memory of Joseph E. Garland, at eleven 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.