

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.

Tuesday, November 1, 2011.

Met at eight minutes past one o'clock P.M. (Mr. Rosenberg in the Chair).

Communication.

Communication from the Office of the Commissioner of Probation (pursuant to Section 177 of Chapter 68 of the Acts of 2011) submitting copies of memorandums of understanding between the Office of the Commissioner of Probation and the Department of Revenue and Office of the Commissioner of Probation and the Department of Transitional Assistance relative electronic verification of claims of indigency (received Monday, October 31, 2011),-- **was placed on file.**

Petition.

By Mr. Joyce, a petition (accompanied by bill, Senate, No. 2052) of Brian A. Joyce and Linda Dorcena Forry (by vote of the town) for legislation to authorize the town of Milton to grant an additional license for the sale of all alcoholic beverages to be drunk on the premise of a certain restaurant;

Under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.

PAPER FROM THE HOUSE.

A joint petition (accompanied by bill, House, No. 3783) of Kathi-Anne Reinstein and Anthony W. Petrucci (with the approval of the mayor and city council) for legislation to authorize the conveyance of certain parcels of land in the city of Revere,-- **was referred, in concurrence, to committee on State Administration and Regulatory Oversight.**

Recess.

There being no objection, at nine minutes past one o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at twenty-one minutes past one o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Resolutions.

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

Resolutions (filed by Mr. Pacheco) "congratulating Joshua T. Cannon on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Pacheco) "congratulating Matthew Clough on his elevation to the rank of Eagle Scout"; and

Resolutions (filed by Mr. Ross) "recognizing David Mackenzie for his 33 years of dedicated public service to the Commonwealth."

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

October 27, 2011

Mr. William F. Welch
Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

During the formal session held on Thursday, October 27, 2011, I was absent from the chamber while serving in my capacity as Immediate Past President of the National Conference of State Legislatures.

Consequently, I was not recorded on several roll call votes relative to local land takings. However, had I been present, I would have voted in the following manner:

- H 3341 – An Act authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Hopkinton – Yes
- H 3660 – An Act authorizing a design and build contract for and lease of a recreational facility in the city known as the town of Braintree – Yes
- H 3690 – An Act authorizing certain structures to be exempted from certain harbor lines in Chelsea Creek – Yes
- H 3706 – An Act authorizing the Division of Capital Asset Management and Maintenance to grant an easement over an access road in Upton State Forest – Yes

I respectfully request that a copy of this letter be printed in the Journal of the Senate. Thank you in advance for your assistance.

Sincerely,
RICHARD T. MOORE
State Senator
Worcester & Norfolk District

On motion of Ms. Chandler, the above communication was ordered printed in the Journal of the Senate.

PAPERS FROM THE HOUSE.
Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Luis Rodriguez, an employee of the Department of Children and Families (see House, No. 3731), 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 6 to 0. The bill was signed by the President and sent to the House for enactment.**

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), 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 President and laid before the Governor for his approbation, to wit:

Exempting Dimitri P. Karpouzis from the maximum age requirement for police officers in the town of Ashland (see Senate, No. 1891); and

Authorizing the city of Easthampton to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3639).

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Authorizing the town of Peru to establish a fire station (Senate, No. 1878);

Relative to health reimbursement accounts for the insured employees of the town of Arlington (Senate, No. 1954);

Amending the charter of the town of Winchendon (Senate, No. 1966);

Relative to the administrative organization of financial officers (Senate, No. 1990);

Relative to the transfer of certain properties from the Melrose Housing Authority to the Melrose Affordable Housing Corporation (Senate, No. 2004);

Authorizing the city of Somerville to incur debt to repair or maintain property, leased, licensed, or otherwise under the control of the city pursuant to an agreement between the city and the Commonwealth of Massachusetts (Senate, No. 2025);

Authorizing the Nantucket Islands Land Bank to convey certain land situated in the town of Nantucket (House, No. 569, amended);

Authorizing the town of Danvers to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3699);

Authorizing the town of Fairhaven to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3722); and

Authorizing the town of Fairhaven to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3724);

Were severally read a second time and ordered to a third reading.

The Senate Bill establishing executive councillor and senatorial districts (Senate, No. 2045),-- **was read a second time.**

Pending the question on passing the bill to be engrossed, Ms. Spilka moved that the bill be amended in section 1 by striking out, in lines 102-104, inclusive, the following sentence, "Second Middlesex and Norfolk – Consisting of Ashland, Framingham, Holliston, Hopkinton and Natick, precincts 1 to 5, inclusive and 8, in the county of Middlesex; and the towns of Franklin, precincts 5 and 6, and 8, and Medway in the county of Norfolk" and inserting in place thereof the following:- "Second Middlesex and Norfolk – Consisting of the towns of Ashland, Framingham, Holliston, Hopkinton and Natick, precincts 1 to 5, inclusive and 8, in the county of Middlesex; and the towns of Franklin, precincts 1 and 5 to 8, inclusive, and Medway in the county of Norfolk."; and in section 1 by striking out, in lines 117 to 122, inclusive, the following sentence, "Norfolk, Bristol, and Middlesex – Consisting of the towns of Franklin, precincts 1 to 4, inclusive, and precinct 7, Millis, Needham, precincts A to C, inclusive, I and J, Norfolk, Plainville, Wellesley, precincts B, F, and G, and Wrentham, all in the county of Norfolk; the city of Attleboro, ward 1, ward 2, and ward 3, precinct A, and the town of North Attleborough, all in the county of Bristol; and the towns of Natick, precincts 6, 7, 9, and 10, Sherborn, and Wayland, all in the county of Middlesex" and inserting in place thereof the following:- "Norfolk, Bristol, and Middlesex – Consisting of the towns of Franklin, precincts 2 to 4, inclusive, Millis, Needham, precincts A to C, inclusive, I and J, Norfolk, Plainville, Wellesley, precincts B, F, and G, and Wrentham, all in the county of Norfolk; the city of Attleboro, ward 1, ward 2, and ward 3, precinct A, and the town of North Attleborough, all in the county of Bristol; and the towns of Natick, precincts 6, 7, 9, and 10, Sherborn, and Wayland, all in the county of Middlesex."

The amendment was *rejected*.

Mr. Richard T. Moore moved that the bill be amended by striking, in line 163 the following:- "Northbridge, precincts 2 and 4,"; and by striking, in line 177, the following:- "precincts 1 and 3,"

After debate, the amendment was *rejected*.

Ms. Chang-Díaz moved that the bill be amended in section 1, by striking out, in line 145, the words "precinct 7" and inserting in place thereof the words "precincts 7 and 8"; by striking out, in line 150, the words "6 and 8" and inserting in place thereof the words "and 6"; and by inserting at the end thereof the following paragraphs:-

"The boundaries of Ward 3, Precinct 8, in the City of Boston, shall be defined as follows: beginning from the intersection of Tremont Street and Winter Street, proceeding in a southeastly direction along Winter Street, continuing southeasterly along Summer Street, to Surface Artery Road, thence proceeding south along Surface Road, continuing along Albany Street to East Berkeley Street, proceeding then west along East Berkeley Street to Tremont Street, proceeding thence in northeast along Tremont Street to Arlington Street, proceeding northwest along Arlington Street to Stuart Street, proceeding then northeast along Stuart Street to Church Street, proceeding southeast along Church Street to Fayette Street, proceeding northeast along Fayette Street, proceeding southeast along Fayette Street, proceeding southeast along Jefferson Street, then proceeding northeast along Charles Street to Stuart Street, then proceeding east along Stuart Street to Tremont Street, and then proceeding north on Tremont Street to Winter Street.

The boundaries of Ward 5, Precinct 1, in the City of Boston, shall be defined as follows: beginning from East Berkeley Street at Tremont Street, proceeding thence northeast along Tremont Street to Arlington Street, then proceeding northwest along Arlington Street to Stuart Street, proceeding then northeast along Stuart Street to Church Street, proceeding southeast along Church Street to Fayette Street, proceeding northeast along Fayette Street to Jefferson Street, proceeding southeast along Jefferson Street, then proceeding northeast along Charles Street to Stuart Street, then proceeding east along Stuart Street to Tremont Street, and then proceeding north on Tremont Street to Boylston Street, then proceeding west on Boylston Street to Berkeley Street, then proceeding southeast along Berkeley Street to Columbus Avenue, then proceeding southwest along Columbus Avenue to Clarendon Street, then proceeding south along Clarendon to Tremont Street, then proceeding northeast along Tremont Street to East Berkeley Street.

The boundaries of Ward 3, Precinct 6, in the City of Boston, shall be defined as follows: beginning from Tremont Street at Park Street, proceed northeast along Park Street to Beacon Street, then proceed northeast along Beacon Street to Bowdoin Street, then proceeding north on Bowdoin street to Derne Street, then west on Derne Street and continuing west on Myrtle Street, to Irving Street, then north on Irving Street to Cambridge Street then east on Cambridge Street to Staniford Street, then north on Staniford Street to Causeway Street, to US Route 93, then along Route 93 in a southwest direction to Long Wharf, then along Long Wharf to the Atlantic Ocean, then south into the Fort Point Channel, then along the Mass Pike I-90 east to Albany Street, then north along Albany Street to Summer Street, then northwest along Summer Street and continuing along Winter Street, then northeast on Tremont Street to Park Street.”

The amendment was *rejected*.

Messrs. Welch and Knapik and Ms. Candaras moved that the bill be amended in section 1, by striking out, in lines 66 to 80, inclusive, the words, “Hampden - Consisting of the cities of Chicopee, ward 2, precinct A, ward 4, precincts A and B, ward 5, precinct B, and Springfield, ward 1, ward 2, ward 3, ward 4, ward 5, precincts A to C, inclusive, E and H, ward 6, precincts A and C, and E to G, inclusive, ward 8, precincts A to F, inclusive, and H, and the town of West Springfield in the county of Hampden.

First Hampden and Hampshire - Consisting of the cities of Chicopee, ward 1, precincts A and B, ward 5, precinct A, ward 6, precincts A and B, ward 7, precinct A, ward 8, precinct B, and ward 9, precincts A and B, and Springfield, ward 5, precincts D, F and G, ward 6, precincts B, D and H, ward 7, and ward 8, precinct G, and the towns of East Longmeadow, Hampden, Longmeadow, Ludlow and Wilbraham in the county of Hampden; and the towns of Belchertown and Granby in the county of Hampshire.

Second Hampden and Hampshire - Consisting of the cities of Chicopee, ward 2, precinct B, ward 3, precincts A and B, ward 7, precinct B, ward 8, precinct A, Holyoke, and Westfield and the towns of Agawam, Granville, Montgomery, Russell, Southwick, and Tolland, in the county of Hampden; and the towns of Easthampton and Southamptton in the county of Hampshire.” and inserting in place thereof the following words:-

“Hampden - Consisting of the cities of Chicopee, ward 2, precincts A and B, ward 3, precincts A and B, ward 4, precincts A and B, and Springfield, ward 1, ward 2 precincts A to F, inclusive, and H, ward 3, ward 4, precincts A to E, inclusive, G and H, ward 5, precincts A to C, inclusive, and E, ward 6, precincts A and C, and E to G, inclusive, ward 8, precincts B to H, inclusive, and the town of West Springfield in the county of Hampden.

First Hampden and Hampshire - Consisting of the cities of Chicopee, ward 1, precincts A and B, ward 5, precincts A and B, ward 6, precincts A and B, ward 8, precinct B and ward 9, precinct B and Springfield, ward 2, precinct G, ward 4, precinct F, ward 5, precincts D, F, G and H, ward 6, precincts B, D and H, ward 7 and ward 8, precinct A and the towns of East Longmeadow, Hampden, Longmeadow, Ludlow and Wilbraham in the county of Hampden; and the towns of Belchertown and Granby in the county of Hampshire.

Second Hampden and Hampshire - Consisting of the cities of Chicopee, ward 7, precincts A and B, ward 8, precinct A, ward 9, precinct A, Holyoke and Westfield and the towns of Agawam, Granville, Montgomery, Russell, Southwick and Tolland, in the county of Hampden; and the towns of Easthampton and Southamptton in the county of Hampshire.”.

After remarks, the amendment was **adopted**.

Mr. Rosenberg moved that the bill be amended in section 1, by striking out, in line 98, the words “Stoneham and Wakefield” and inserting in place thereof the following words:- “Stoneham, Wakefield and Winchester, precincts 1 to 3, inclusive, and 8,”; in section 1, by striking out, in line 107, the figure “1” and inserting in place thereof the following figure:- “5”; in section 1, by striking out, in line 113, the words “wards 1 and” and inserting in place thereof the following words:- “precincts 1, 1A, 2 and 2A”; in section 1, by striking out, in line 124, the words “wards 3 to 6, inclusive,” and inserting in place thereof the following words:- “precincts 3, 3A, 4, 4A, 5, 5A, 6 and 6A”; in section 1, by striking out, in line 147, the words “10, inclusive, and 11” and inserting in place thereof the following words:- “11, inclusive”; and in section 3, by inserting after the word “ballot”, in line 185, the following words:- “for the 2012 presidential primary”.

After remarks, the amendment was **adopted**.

The bill (Senate, No. 2045, amended) was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and the nays, at twenty-seven minutes past two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 36 – nays 0*) [**Yeas and Nays No. 107**]:

YEAS

Baddour, Steven A. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Candaras, Gale D. Knapik, Michael R.
Chandler, Harriette McGee, Thomas M.
L.
Chang-Diaz, Sonia Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.

DiDomenico, Sal N.	Moore, Richard T.
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Petruccelli, Anthony
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Fargo, Susan C.	Ross, Richard J.
Finegold, Barry R.	Spilka, Karen E.
Flanagan, Jennifer L.	Tarr, Bruce E.
Hart, John A., Jr.	Timilty, James E
Hedlund, Robert L.	Tolman, Steven A.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. — 36.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E.	Rush, Michael F.— 3 .
Creem, Cynthia	
Stone	

The yeas and nays having been completed at a half past two o'clock P.M., the bill was passed to be engrossed, in concurrence.

Sent to the House for concurrence.

The Senate Bill further regulating certain licenses for the sale of alcoholic beverages (Senate, No. 2033, amended),-- **was passed to be engrossed.**

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, Senate, No. 2053) of Michael J. Rodrigues, David B. Sullivan, Steven Howitt, Marc R. Pacheco and other members of the General Court for legislation relative to certain projects referred to the Massachusetts Historical Commission for consultation,-- **came from the House with endorsement that the House concurred in the suspension of Joint Rule 12; and had NON-concurred in the reference to the committee on Tourism, Arts and Cultural Development. The petition bore the further endorsement that the matter had been referred to the committee on State Administration and Regulatory Oversight.**

On motion of Mr. Rodrigues, the Senate receded from its reference to the committee on Tourism, Arts and Cultural Development and concurred in the reference to the committee on State Administration and Regulatory Oversight.

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Luis Rodriguez, an employee of the Department of Children and Families (see House, No. 3731) (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 President and laid before the Governor for his approbation.

Engrossed Bills—Land Takings for Conservation Etc.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to lease the Max Ulin Skating Rink in the town of Milton (see Senate, No. 2044) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-eight minutes before three o'clock P.M., as follows, to wit (*yeas 35 - nays 0*) [**Yeas and Nays No. 108**]:

YEAS

Baddour, Steven A. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Candaras, Gale D. Knapik, Michael R.
Chandler, Harriette L. McGee, Thomas M.
Chang-Diaz, Sonia Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
DiDomenico, Sal N. Moore, Richard T.
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Fargo, Susan C. Ross, Richard J.
Finegold, Barry R. Spilka, Karen E.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — **35**.
Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Rush, Michael F.—**3**.
Creem, Cynthia
Stone

The yeas and nays having been completed at twenty-one minutes before three o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Needham to convey a parcel of land and grant an easement to support natural gas transmission (see House, No. 3667) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty minutes before three o'clock P.M., as follows, to wit (*yeas 34 - nays 0*) [**Yeas and Nays No. 109**]:

YEAS

Baddour, Steven A. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
Chang-Diaz, Sonia McGee, Thomas M.
Clark, Katherine M. Montigny, Mark C.
DiDomenico, Sal N. Moore, Michael O.

Donnelly, Kenneth J.	Moore, Richard T.
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Petruccelli, Anthony
Eldridge, James B.	Rodrigues, Michael J.
Fargo, Susan C.	Rosenberg, Stanley C.
Finegold, Barry R.	Ross, Richard J.
Flanagan, Jennifer L.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E
Jehlen, Patricia D.	Wolf, Daniel A. — 34.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E.	Rush, Michael F.
Creem, Cynthia	Welch, James T. — 4.
Stone	

The yeas and nays having been completed at seventeen minutes before three o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

The House Bill relative to establishing Representative districts in the General Court (printed in House, No 3770, Appendix A, amended,-- being an interim report of the Special Joint Committee on Redistricting),-- **was read.**

There being no objection, the rules were suspended, on motion of Mr. Hart, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Recess.

There being no objection, at thirteen minutes past three o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-two minutes before seven o'clock P.M., the Senate reassembled, Mr. Keenan in the Chair.

PAPERS FROM THE HOUSE

An engrossed Bill establishing Executive Councillor and Senatorial districts (see Senate, No. 2045, amended), 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. Keenan) and sent to the House for enactment.**

An engrossed Bill relative to establishing Representative districts in the General Court (see House, No. 3770, Appendix A, amended), 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. Keenan) and sent to the House for enactment.**

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), 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. Keenan) and laid before the Governor for his approbation, to wit:

Establishing Executive Councillor and Senatorial districts (see Senate, No. 2045, amended); and

ative to establishing Representative districts in the General Court (see House, No. 3770, Appendix A, amended).

Order Adopted.

On motion of Mr. Tarr ,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow next at one o'clock P.M., in a full formal session without a calendar.

On motion of the same Senator, at thirteen minutes before seven o'clock P.M., the Senate adjourned to meet again tomorrow at one o'clock P.M.