

**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, December 8, 2011.*

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

#### *Reports.*

The following reports were severally received and placed on file, to wit:

Report of the Office of the Comptroller, as required by Chapter 7A § 12 of the Massachusetts General Laws, submitting the Commonwealth's Statutory Basis Financial Report (SBFR) for the fiscal year ended June 30, 2011 (FY11) (received November 2, 2011);

Report of the Norfolk County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies will be forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received December 6, 2011); and

Report of the Dukes County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies will be forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight). (Received December 7, 2011).

#### *Petitions.*

Petitions were severally presented and referred as follows:

By Ms. Candaras, a petition (subject to Joint Rule 12) of Gale D. Candaras for legislation to establish an electric utility rate payer credit;

By Mr. Montigny, a petition (subject to Joint Rule 12) of Mark C. Montigny for legislation to establish a sick leave bank for Adrienne S. Fiore, an employee of the Department of Developmental Services; and

By Mr. Wolf, a petition (subject to Joint Rule 12) of Daniel A. Wolf, Cleon H. Turner and Sarah K. Peake for legislation allowing the town of Brewster to impose a room occupancy tax

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

*Committees Discharged.*

Mr. Berry, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Elder Affairs to make an investigation and study of certain current Senate documents relative to elder affairs (Senate, No. 2089),-- **and recommending that the same be referred to the Senate committee on Ethics and Rules.**

**Under Senate Rule 36, the report was considered forthwith and accepted.**

#### PAPER FROM THE HOUSE

A petition (accompanied by bill, House, No. 3762) of Christopher G. Fallon and others (with the approval of the mayor and city council) relative to creditable service for retirement of non-working members of the reserve police force in the city of Malden,-- **was referred, in concurrence, to the committee consumer Public Service.**

#### *Resolutions.*

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

Resolutions (filed by Mr. Donnelly) "honoring the distinguished military service of United States Army Sergeant John Giasullo Jr. of Billerica."

#### *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 authorizing the town of Peru to establish a fire station construction fund (Senate, No. 1878),-- **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

The House Bill authorizing the city of Medford to increase fees for special details performed by public employees in the city (House, No. 3530) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

#### PAPER FROM THE HOUSE.

A Bill authorizing the town of Westford to issue 2 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3583,-- on petition) [Local approval received],-- **was read. There being no objection, the rules were suspended, on motion of Mr. Timilty, and the bill 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. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael J. Rodrigues, David B. Sullivan, Keiko M. Orrall, Christopher Markey and others for legislation relative to the election of the Freetown Lakeville regional school district committee members. **The rules were suspended, on motion of Ms. Hedlund, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Election Laws.**

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 J. Ross for legislation relative to disability insurance benefits. **The rules were suspended, on motion of Ms. Hedlund, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Financial Services.**

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 Brian A. Joyce and Bruce J. Ayers for legislation to establish a sick leave bank for Emmy Diaz, an employee of the Massachusetts Rehabilitation Commission. **The rules were suspended, on motion of Ms. Hedlund, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.**

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 Stanley C. Rosenberg and Stephen Kulik for legislation relative to agreements for employees and retirees in the superintendency union. **The rules were suspended, on motion of Ms. Hedlund, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.**

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 Therese Murray, David Vieira, Susan Williams Gifford and Randy Hunt for legislation to authorize a lease of a certain parcel of land under the control of the Department of Fish and Game to the Bourne Water District for water distribution purposes.

**The rules were suspended, on motion of Ms. 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.**

**Severally sent to the House for concurrence.**

#### **PAPERS FROM THE HOUSE.**

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

Petition (accompanied by bill, House, No. 3840) of Kevin J. Murphy for legislation to require notice to abutters of building permits;

**Under suspension of Joint Rule 12, to the committee Housing.**

Petition (accompanied by bill, House, No. 3841) of Kevin J. Murphy and David M. Nangle relative to police officer access to probation records;

**Under suspension of Joint Rule 12, to the committee on the Judiciary.**

*Recess.*

There being no objection, at seven minutes past eleven o'clock A.M., the Chair (Mr. Donnelly) declared a recess, subject to the call of the Chair; and, at three minutes past one o'clock P.M., the Senate reassembled, Mr. Donnelly in the Chair.

#### **PAPERS FROM THE HOUSE**

A Bill relative to the recertification of the fiscal year 2012 tax rate in the town of Acushnet (printed in House, No. 3839,-- being a message from His Honor the Lieutenant-Governor, Acting 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, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the recertification of the fiscal year 2012 tax rate in the town of Acushnet".**

*Engrossed Bill.*

An engrossed Bill exempting the position of inspector of buildings, also known as the building commissioner, of the town of Natick from the civil service law (see House, No. 3507) (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. Donnelly) and laid before the Governor for his approbation.

*Recess.*

There being no objection, at eight minutes past one o'clock P.M., the Chair (Mr. Donnelly) declared a recess, subject to the call of the Chair; and, at eighteen minutes before two o'clock P.M., the Senate reassembled, Mr. Donnelly in the Chair.

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

*Engrossed Bill.*

An engrossed Bill authorizing the recertification of the fiscal year 2012 tax rate in the town of Acushnet (see House Bill, printed in House, No. 3839) (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, two-thirds of the members present having voted in the affirmative, and signed by the Acting President (Mr. Donnelly) 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.

On motion of the same Senator, at seventeen minutes before two o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.