

**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.

*Monday, December 10, 2012.*

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

#### *Distinguished Guests.*

There being no objection, the Chair (Mr. Petrucci) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, seated in the Senate Gallery, the Ipswich High School Government Study Class. The class was on a field trip to the State House learning about the different aspects of state government. The class was accompanied by Representative Hill of Ipswich.

#### *Report.*

A report of the Norfolk County Registry of Deeds (under the provisions Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received December 7, 2012),-- **was placed on file.**

### PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 4535) of George N. Peterson, Jr., Richard T. Moore and Michael O. Moore (by vote of the town) for legislation to establish a building maintenance fund in the town of Northbridge,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

A Bill establishing a sick leave bank for Scott Giroux, an employee of the Department of Mental Health (House, No. 4504,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill designating a certain bridge in the town of Framingham as the Gregory B. Vilidnitsky Memorial Bridge (House, No. 3572,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill exempting certain positions in the town of Milton from the civil service law (printed as Senate, No. 2368,-- 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 Ms. Chandler) "congratulating Marilyn Glasier on her retirement from the Massachusetts Department of Children And Families";

Resolutions (filed by Ms. Chandler) "congratulating Donna Jerszyk-Hollis on her retirement from the Massachusetts Department

of Children And Families”;  
and

Resolutions (filed by Ms. Chandler) “congratulating the West Boylston/Tahanto High School Lions Football Team on winning the 2012 Massachusetts Division 5 Super Bowl.”

*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 House Bill authorizing property tax exemptions for rental properties in the town of Truro restricted as affordable housing (House, No. 3489),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to civil service positions in the city of Agawam (House, No. 4189),-- **was read a second time.**  
Pending the question on ordering the bill to a third reading, Mr. Welch presented an amendment striking out all after the enacting clause and inserting in place thereof the following text:-  
“SECTION 1. In the city known as the town of Agawam custodial and maintenance positions shall be exempt from chapter 31 of the General Laws; provided, however, that custodial and maintenance positions considered labor positions shall continue to be governed by said chapter 31.  
SECTION 2. This act shall not impair the civil service status of an incumbent employee holding a position on the effective date of this act.”

**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, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act relative to civil service positions in the city known as the town of Agawam”.**  
**Sent to the House for concurrence in the amendment.**

The House Bill relative to wastewater treatment in the city of Fall River (House, No. 4430),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

**PAPER FROM THE HOUSE.**

A petition (accompanied by bill, House, No. 4538) of John W. Scibak and Ellen Story for legislation to establish a sick leave bank for Laura Flowers, an employee of the Department of Children and Families,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

*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 Senate Bill authorizing the town of Webster to convert an existing license for the sale of wine and malt beverages to a license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2307),-- **was read a second time**  
**Pending the question on ordering the bill to a third reading, Mr. Richard T. Moore presented an amendment substituting a new draft entitled “An Act authorizing the town of Webster to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises” (Senate, No. 2468).**  
**The amendment was adopted.**  
**The bill (Senate, No. 2468) was then ordered to a third reading, read a third time and passed to be engrossed.**  
**Sent to the House for concurrence.**

**PAPERS FROM THE HOUSE**

*Emergency Preambles Adopted*

An engrossed Bill establishing a sick leave bank for Dazlee Alvarado, an employee of the Massachusetts Department of Public Health (see House, No. 4474, 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 4 to 0.**  
**The bill was signed by the Acting President (Mr. Petrucci) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Wayne Murray, an employee of the Highway Division of the Massachusetts Department of Transportation (see House, No. 4481, 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 4 to 0.**  
**The bill was signed by the Acting President (Mr. Petrucci) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Barbara A. Dichiaro, an employee of the Registry of Motor Vehicles (see House, No. 4488, 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 4 to 0.**

**The bill was signed by the Acting President (Mr. Petrucci) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Judith Roca, an employee of the Massachusetts Department of Children and Families (see House, No. 4512, 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 4 to 0.**

**The bill was signed by the Acting President (Mr. Petrucci) and sent to the House for enactment.**

*Engrossed Bills.*

The following engrossed bills (all of which originated in the House), 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. Petrucci) and laid before the Governor for his approbation, to wit:

Establishing the town of Acton Energy Efficiency Fund (see House, No. 4106);

Establishing a sick leave bank for Dazlee Alvarado, an employee of the Massachusetts Department of Public Health (see House, No. 4474, amended);

Establishing a sick leave bank for Wayne Murray, an employee of the Highway Division of the Massachusetts Department of Transportation (see House, No. 4481, amended);

Establishing a sick leave bank for Barbara A. Dichiaro, an employee of the Registry of Motor Vehicles (see House, No. 4488, amended); and

Establishing a sick leave bank for Judith Roca, an employee of the Massachusetts Department of Children and Families (see House, No. 4512, amended).

*Order Adopted.*

On motion of Mr. Timilty,--

*Ordered*, That when the Senate adjourns today, it adjourn to meet again on Thursday 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 Alexandra "Ally" Smith*

The Senator from Bristol and Norfolk, Mr. Timilty, requested that when the Senate adjourns today, it do so in memory of Alexandra "Ally" Smith.

Ms. Ally Smith passed away Monday, November 19, 2012 at the age of 24.

Ally Smith graduated from Walpole High School in 2006. She was a member of the girls' varsity swim team for all four years and was a frequent rider and teacher at the High Rock Stables in Walpole. After graduating from High School, Ally studied biology at the University of Massachusetts Boston and cared for animals at the Tufts Veterinary Hospital in Walpole, where she worked towards becoming a veterinarian.

Ally was the cherished sister of former Massachusetts Senate employee Vanessa Smith, daughter of Earl and Cynthia Smith, and loving granddaughter of Irene and the late Thomas B. Tracey of Plainville and Earl and Barbara Smith of Walpole.

Ally Smith was a compassionate, dedicated, and beloved member of the Walpole community and will long be remembered for her loving and graceful nature.

Accordingly, as a mark of respect in memory of Alexandra "Ally" Smith, at twenty-nine minutes past eleven o'clock A.M., on motion of Mr. Timilty, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.