

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 12, 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 staff then recited the pledge of allegiance to the flag.

Communication.

Communication from Undersecretary of Housing and Community Development, the Secretary of Administration and Finance and the Senate and House Chairs of the committees on Ways and Means submitting recommendations for the Commonwealth's Emergency Assistance and Short-term Housing Assistance programs,-- **was placed on file.**

PAPERS FROM THE HOUSE.

Notice was received from the House that the Speaker had announced (on December 6, 2011) the following changes and appointments to House majority party leadership positions and House and joint standing committee membership:

That Representative Murphy of Burlington had resigned from his position of Assistant Majority Leader of the House; and

That under the provisions of Rule 18, the Speaker announced that the House Majority Party Caucus had ratified the following changes and appointments:

Representative Mariano of Quincy, Majority Floor Leader; Representative Haddad of Somerset, Speaker pro-tempore, Representative Rushing of Boston, Assistant Majority Floor Leader; and Representative Reinstein of Revere, Second Assistant Majority Floor Leader;

House committee on Floor Divisions, — First Division Chairperson, Representative Bradley of Hingham; Second Division Chairperson, Representative Moran of Boston; Third Division Chairperson, Representative Donato of Medford; and Fourth Division Chairperson, Representative Story of Amherst;

House committee on Rules. — Representatives Binienda of Worcester, Atkins of Concord, Rushing of Boston, Petrolati of Ludlow, Mariano of Quincy, Story of Amherst, O'Flaherty of Chelsea, Nangle of Lowell, Reinstein of Revere, Bradley of Hingham, Haddad of Somerset, Fernandes of Milford, Humason of Westfield, Frost of Auburn and Diehl of Whitman;

House committee on Ways and Means.— Representatives Dempsey of Haverhill, Kulik of Worthington, Walz of Boston, Scaccia of Boston, Fox of Boston, Petrolati of Ludlow, Koczera of New Bedford, Canavan of Brockton, Toomey of Cambridge, Swan of Springfield, Garry of Dracut, Creedon of Brockton, Murphy of Lowell, Sullivan of Fall River, Balser of Newton, Fresolo of Worcester, Timilty of Milton, Stanley of Waltham, Pignatelli of Lenox, Spiliotis of Peabody, Sciortino of Medford, Puppolo of Springfield, Brady of Brockton, Dwyer of Woburn, Ferrante of Gloucester, Madden of Nantucket, deMacedo of Plymouth, Webster of Pembroke, Diehl of Whitman, D'Emilia of Bridgewater, O'Connell of Taunton and Wong of Saugus;

House committee on Bills in the Third Reading. — Representatives Pedone of Worcester, O'Day of West Boylston and Peterson of Grafton;

House committee on Bonding, Capital Expenditures and State Assets. — Representatives Cabral of New Bedford, Golden of Lowell, Fennell of Lynn, Garry of Dracut, Stanley of West Newbury, Sciortino of Medford, Brownsberger of Belmont, Ehrlich of Marblehead, Cantwell of Marshfield, Smola of Palmer and Levy of Marlborough;

House committee on Ethics. — Representatives Walsh of Boston, Nangle of Lowell, Speliotis of Danvers, Reinstein of Revere, Donato of Medford, Haddad of Somerset, Kocot of Northampton, Webster of Pembroke, Barrows of Mansfield, O'Connell of Taunton and Winslow of Norfolk;

House committee on Personnel and Administration. — Representatives Galvin of Canton, Puppolo of Springfield, Garry of Dracut, Ayers of Quincy, Murphy of Weymouth, Pignatelli of Lenox, Turner of Dennis, Provost of Somerville, Schmid of Westport, O'Connell of Taunton, Diehl of Whitman, D'Emilia of Bridgewater and Wong of Saugus;

House committee on Post Audit and Oversight. — Representatives Linsky of Natick, Swan of Springfield, Stanley of West Newbury, Ayers of Quincy, Torrisi of North Andover, Stanley of Waltham, Smith of Everett, Benson of Lunenburg, Hecht of Watertown, Harrington of Groton and Kuros of Uxbridge;

House committee on Steering, Policy and Scheduling. — Representatives Kafka of Stoughton, Smith of Everett, Fox of Boston, Golden of Lowell, Atsalis of Barnstable, Murphy of Weymouth, Brownsberger of Belmont, Fernandes of Milford, Dwyer of Woburn, Hill of Ipswich and Gifford of Wareham;

Joint committee on Children, Families and Persons with Disabilities. — Representatives Khan of Newton, Devers of Lawrence, Scaccia of Boston, O'Day of West Boylston, Hecht of Watertown, Lewis of Winchester, Collins of Boston, Walsh of Framingham, Farley-Bouvier of Pittsfield, Ross of Attleboro and Ferguson of Holden;

Joint committee on Community Development and Small Businesses. — Representatives Forry of Boston, Benson of Lunenburg, Fennell of Lynn, Calter of Kingston, Conroy of Wayland, McMurtry of Dedham, Ehrlich of Marblehead, Hogan of Stow, Lewis of Winchester, Lyons of Andover and D'Emilia of Bridgewater;

Joint committee on Consumer Protection and Professional Licensure. — Representatives Speliotis of Danvers, Fennell of Lynn, Creedon of Brockton, Stanley of Waltham, Spiliotis of Peabody, Puppolo of Springfield, Brodeur of Melrose, Chan of Quincy, Nyman of Hanover, Howitt of Seekonk and Humason of Westfield;

Joint committee on Economic Development and Emerging Technologies. — Representatives Wagner of Chicopee, Toomey of Cambridge, Koczera of New Bedford, Canavan of Brockton, Calter of Kingston, DiNatale of Fitchburg, Ferrante of Gloucester, Devers of Lawrence, Brodeur of Melrose, Collins of Boston, Lawn of Watertown, Frost of Auburn, and Kuros of Uxbridge;

Joint committee on Education. — Representatives Peisch of Wellesley, Sullivan of Fall River, Rogers of Norwood, Creedon of Brockton, Curran of Springfield, Benson of Lunenburg, Devers of Lawrence, Garlick of Needham, Henriquez of Boston, Ferguson of Holden and Vieira of Falmouth;

Joint committee on Elder Affairs. — Representatives Wolf of Cambridge, Hecht of Watertown, Miceli of Wilmington, Ayers of Quincy, Balser of Newton, Curran of Springfield, Collins of Boston, Lawn of Watertown, Farley-Bouvier of Pittsfield, Hunt of Sandwich and Ferguson of Holden;

Joint committee on Election Laws. — Representatives Michlewitz of Boston, Garballey of Arlington, Murphy of Burlington, Atkins of Concord, Smith of Everett, Ashe of Longmeadow, Rosa of Leominster, Andrews of Orange, Parisella of Beverly, Webster of Pembroke and Lombardo of Billerica;

Joint committee on Environment, Natural Resources and Agriculture. — Representatives Gobi of Spencer, Ferrante of Gloucester, Koczera of New Bedford, Dykema of Holliston, Madden of Nantucket, Cariddi of North Adams, Mark of Hancock, Markey of Dartmouth, Schmid of Westport, Gifford of Wareham and Beaton of Shrewsbury;

Joint committee on Financial Services. — Representatives Costello of Newburyport, Basile of Boston, Fallon of Malden, Murphy of Lowell, Ehrlich of Marblehead, Cantwell of Marshfield, Dwyer of Woburn, Coppinger of Boston, Holmes of Boston, Boldyga of Southwick and Lombardo of Billerica;

Joint committee on Financial Services. — Representatives Costello of Newburyport, Basile of Boston, Fallon of Malden, Murphy of Lowell, Ehrlich of Marblehead, Cantwell of Marshfield, Dwyer of Woburn, Coppinger of Boston, Holmes of Boston, Boldyga of Southwick and Lombardo of Billerica;

Health Care Financing. — Representatives Walsh of Lynn, Conroy of Wayland, Koczera of New Bedford, Toomey of Cambridge, Swan of Springfield, Murphy of Lowell, Nangle of Lowell, Dykema of Holliston, Cusack of Braintree, Finn of West Springfield, Garlick of Needham, Barrows of Mansfield and Gifford of Wareham;

Joint committee on Higher Education. — Representatives Sannicandro of Ashland, Calter of Kingston, Atkins of Concord, Pignatelli of Lenox, Provost of Somerville, Conroy of Wayland, DiNatale of Fitchburg, Arciero of Westford, Mark of Hancock, Bastien of Gardner, and Boldyga of Southwick;

Joint committee on Housing. — Representatives Honan of Boston, Fox of Boston, Canavan of Brockton, Fresolo of Worcester, Curran of Springfield, Basile of Boston, Coppinger of Boston, Holmes of Boston, Markey of Dartmouth, Lombardo of Billerica and Lyons of Andover;

Joint committee on the Judiciary. — Representatives O’Flaherty of Chelsea, Fernandes of Milford, Garry of Dracut, Murphy of Lowell, Curran of Springfield, Puppolo of Springfield, Henriquez of Boston, Markey of Dartmouth, Holmes of Boston, Winslow of Norfolk and Harrington of Groton;

Joint committee on Labor and Workforce Development. — Representatives Coakley-Rivera of Springfield, Ehrlich of Marblehead, Rogers of Norwood, Atsalis of Barnstable, Fresolo of Worcester, Torrisi of North Andover, Campbell of Methuen, Arciero of Westford, Andrews of Orange, Orrall of Lakeville and Fattman of Sutton;

Joint committee on Mental Health and Substance Abuse. — Representatives Malia of Boston, Scaccia of Boston, Sullivan of Fall River, Balser of Newton, O’Day of West Boylston, McMurtry of Dedham, Henriquez of Boston, Mark of Hancock, Lawn of Watertown, Hunt of Sandwich and Beaton of Shrewsbury;

Joint committee on Municipalities and Regional Government. — Representatives Kane of Holyoke, Spiliotis of Peabody, Turner of Dennis, Garballey of Arlington, Ashe of Longmeadow, Madden of Nantucket, Cariddi of North Adams, Cusack of Braintree, Parisella of Beverly, Kuros of Uxbridge and Fattman of Sutton;

Joint committee on Public Health, — Representatives Sánchez of Boston, Lewis of Winchester, Canavan of Brockton, Fallon of Malden, Balser of Newton, Sciortino of Medford, Dykema of Holliston, Garlick of Needham, Mahoney of Worcester, Adams of Andover and Ross of Attleboro;

Joint committee on Public Safety and Homeland Security. — Representatives Naughton of Clinton, Brady of Brockton, Ayers of Quincy, Torrisi of North Andover, Turner of Dennis, Campbell of Methuen, Ashe of Longmeadow, Dwyer of Woburn, Nyman of Hanover, Vieira of Falmouth and Boldyga of Southwick;

Joint committee on Public Service. — Representatives Scibak of South Hadley, Rosa of Leominster, Miceli of Wilmington, Petrolati of Ludlow, Creedon of Brockton, Brownsberger of Belmont, Aguiar of Fall River, Brodeur of Melrose, Nyman of Hanover, Fattman of Sutton and Smola of Palmer;

Joint committee on Revenue. — Representatives Kaufman of Lexington, Aguiar of Fall River, Stanley of West Newbury, Fallon of Malden, Arciero of Westford, Benson of Lunenburg, Cantwell of Marshfield, Andrews of Orange, Schmid of Westport, Levy of Marlborough and Adams of Andover;

Joint committee on State Administration and Regulatory Oversight. — Representatives Kocot of Northampton, Murphy of Weymouth, Nangle of Lowell, Aguiar of Fall River, Brady of Brockton, Ferrante of Gloucester, Hogan of Stow, Lewis of Winchester, Coppinger of Boston, Orrall of Lakeville and Levy of Marlborough;

Joint committee on Telecommunications, Utilities and Energy. — Representatives Keenan of Salem, Hogan of Stow, Rogers of Norwood, Golden of Lowell, Timilty of Milton, DiNatale of Fitchburg, Basile of Boston, Chan of Quincy, Mahoney of Worcester, Adams of Andover and Hunt of Sandwich;

Joint committee on Tourism, Arts and Cultural Development. — Representatives Peake of Provincetown, McMurtry of Dedham, Murphy of Burlington, Sullivan of Fall River, Pignatelli of Lenox, Turner of Dennis, Garballey of Arlington, Cariddi of North Adams, Walsh of Framingham, Howitt of Seekonk and Vieira of Falmouth;

Joint committee on Transportation. — Representatives Straus of Mattapoisett, Atsalis of Barnstable, Miceli of Wilmington, Sciortino of Medford, Provost of Somerville, Madden of Nantucket, Devers of Lawrence, Cusack of Braintree, Finn of West Springfield, Mahoney of Worcester, Walsh of Framingham, Durant of Spencer and Howitt of Seekonk; and

Joint committee on Veterans and Federal Affairs. — Representatives Vallee of Franklin, Campbell of Methuen, Murphy of Burlington, Timilty of Milton, Arciero of Westford, Dykema of Holliston, Rosa of Leominster, Finn of West Springfield, Parisella of Beverly, Ross of Attleboro and Bastien of Gardner.

Resolutions.

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

Resolutions (filed by Mr. Ross) “congratulating Fred Neilan on his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Messrs. Timilty and Ross) “recognizing 28th Massachusetts Irish Volunteers Day.”

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 Milton to grant a license for the sale of wines and malt beverages to be drunk on the premises of a certain restaurant (Senate, No. 2019),-- **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

The House Bill exempting the position of deputy police chief in the town of Canton from the civil service laws (House, No. 3506) (its title having been changed by the committee on Bill in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE

A Bill exempting original labor service appointments in the town of Arlington from the civil service law (House, No. 3654,-- on petition),-- **was read.**

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

A petition (accompanied by bill, House, No. 3844) of Mark J. Cusack, John F. Keenan and Brian A. Joyce for legislation to establish a sick leave bank for Paula Connelly, an employee of the Trial Court,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.**

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. DiDomenico) and laid before the Governor for his approbation, to wit:

Designating a certain bridge in the city of Leominster as the Jonathan Roberge Memorial Bridge (see Senate, No. 1741);

Authorizing the city of Medford to increase fees for special details performed by public employees in the city (see House, No. 3530); and

Authorizing the town of Westford to issue 2 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3583).

Order Adopted.

On motion of Mr. Ross,--

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 Jon Davies

The Senators from Worcester, Mr. Michael O. Moore and Ms. Chandler, the Senator from Worcester and Norfolk, Mr. Richard T. Moore, and the Senator from Fourth Middlesex, Mr. Donnelly moved that when the Senate adjourns today, it adjourn in memory of Worcester Firefighter Jon Davies.

Firefighter Davies, a valued member of Rescue 1, was killed in Worcester on December 8, 2011 responding to a three-alarm fire in a residential building.

Firefighter Davies was a distinguished 17-year veteran of the Worcester Fire Department, serving with honor on the Fire Department's Special Operations Tactical Response Team, as well as the scuba team.

Firefighter Davies leaves his mother, Ruth, and three sons, Jon Jr., 22; Michael L., 19, and Adam J., 14. Jon Jr. and Michael currently serve in the United States Armed Forces.

Accordingly, as a mark of respect to the memory of Jon Davies, nineteen minutes past eleven o'clock A.M., on motion of Mr. Ross, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.