

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 22, 2011.

Met at eight minutes past eleven o'clock A.M. (Mr. Hart in the Chair).

The Chair (Mr. Hart), members, guests and staff then recited the pledge of allegiance to the flag.

Reports of Committees.

Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that the Senate petition (subject to Joint Rules 9 and 12) 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,- **reported, that the same was transmitted, under the provisions of Section 5 of Chapter 3 of the General Laws, to the Secretary of State.**

By Ms. Fargo, for the committee on Public Health, on Senate, No. 1079 and House, No. 1529, a Bill relative to adult dental restoration (Senate, No. 1079);

By the same Senator, for the same committee, on petition, a Bill requiring automated external defibrillators in schools (Senate, No. 1123); and

By the same Senator, for the same committee, on petition, a Bill relative to volunteer physicians (Senate, No. 1147);
Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Wolf, for the committee on Labor and Workforce Development, on petition, a Bill to protect call/volunteer firefighters from dismissal (Senate, No. 914);

By the same Senator, for the same committee, on petition, a Bill to establish employment leave and safety remedies to victims of domestic violence, stalking and sexual assault (Senate, No. 918);

By the same Senator, for the same committee, on petition, a Bill providing benefits for permanent functional loss and disfigurement under the Worker's Compensation Act (Senate, No. 927);

By the same Senator, for the same committee, on petition, a Bill relative to posting employment opportunities (Senate, No. 959);

By the same Senator, for the same committee, on petition, a Bill relative to defense against abusive waivers act (Senate, No. 972);
and

By the same Senator, for the same committee, on petition, a Bill making members of limited liability companies liable for violations of the payment of wages statute (Senate, No. 973); and
Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Wolf, for the committee on Labor and Workforce Development, on petition, a Bill relative to private construction contracts (Senate, No. 936);

Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3851) of Denise Provost and others (with the approval of the mayor and city council) relative to the sale of alcoholic beverages in the city of Somerville;

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3848) of Michael A. Costello and Steven A. Baddour (with the approval of the mayor and city council) for legislation to exempt the positions of plumbing inspector and gas fitting inspector in the city of Newburyport from provisions of the civil service law;

To the committee on Public Service.

Petition (accompanied by bill, House, No. 3849) of Michael F. Kane and Michael R. Knapik (with the approval of the mayor and city council) for legislation to authorize the city of Holyoke to convey a certain parcel of land in the said city to Holyoke Community College;

To the committee on State Administration and Regulatory Oversight

Bills

Relative to students with disabilities in post-secondary education, employment and independent living (House, No. 3720,-- on House, No. 159); and

Establishing a sick leave bank for Pamela Shuttle, an employee of the Department of Public Health (House, No. 3823,-- on petition);

Were severally read, and under Senate Rule 27, referred to the committee on Ways and Means.

Bills

Relative to the regulation of salaries of employees of the town of Weston serving in the armed forces of the United States (House, No. 3463,-- on petition) [Local approval received];

Exempting the position of fire chief in the city of Haverhill from the civil service law (House, No. 3486,-- on petition) [Local approval received];

Authorizing a ballot question in the town of Arlington relative to the granting of licenses for the sale of wines and malt beverages to be drunk on the premises in theaters (House, No. 3647,-- on petition) [Local approval received];

Authorizing a ballot question in the town of Arlington relative to the granting of additional licenses for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3648,-- on petition) [Local approval received]; and

Relative to the selectman-town manager form of government in the town of Foxborough (House, No. 3649, -- on petition) [Local approval received];

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

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

Petition (accompanied by bill, House, No. 3858) of William M. Straus and others for legislation to prohibit commercial solicitation to mobile electronic devices;

Under suspension of Joint Rule 12, to the committee Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3859) of F. Jay Barrows and James E. Timilty for legislation to authorize the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Foxborough to said town for housing purposes; and

Petition (accompanied by bill, House, No. 3860) of Jennifer E. Benson and James B. Eldridge for legislation to authorize the Department of Fish and Game to exchange a certain parcel of land in the town of Shirley for another parcel land in said town;

Severally, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

A Bill defining a scenic byway in the towns of Arlington, Lexington, Lincoln and Concord (House, No. 3712,-- on House, No. 1779),-- **was read.**

There being no objection, the rules were suspended on the motion, of Mr. Hedlund, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, the Senator from Middlesex, Mr. Donnelly presented an amendment that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2097.

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, with the amendment.

Sent to the House for concurrence in the amendment.

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 Thomas P. Kennedy and Geraldine M. Creedon for legislation to establish a sick leave bank for Christine McDonnell an employee of the Department of Corrections.

The rules were suspended, on motion of Mr. 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.

Sent to the House for concurrence.

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 requiring authorization by a town meeting vote of certain contracts made by the town of Middleborough regarding the sale by the town of water or wastewater (Senate, No. 1948),-- **was read a second time, ordered to a third reading, third time and passed to be engrossed.**

Sent to the House for concurrence.

Report of a Committee.

Mr. Berry, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill relative to Gold Star Family vanity registration plates (Senate, No. 1759) (the committee on Ethics and Rules recommending that the bill be amended by substituting a new draft with the same title (Senate, No. 2096).

There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and was amended, as recommended by the committee on Ethics and Rules.

The bill (Senate, No. 2096) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

Resolutions.

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

Resolutions (filed by Mr. Ross) "congratulating Stephen A. Wood on the occasion of his retirement as Deputy Chief of the Town of Norfolk fire department."

Order Adopted.

On motion of Mr. Hedlund,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday 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 James E. Platt

The Senator from Essex and Middlesex, Mr. Tarr, moved that when the Senate adjourns today, it adjourn in memory of former Essex Police Chief James E. Platt.

Former Essex Police Chief James E. Platt died on December 11, 2011 at the age of 82 in the Veterans Administration Medical Center in Bedford following a long illness.

Born in New York City on June 21, 1929, Chief Platt was raised in Newburyport and attended the West Newbury public schools. He became a licensed pilot in 1947 and served during the Korean War as a tank mechanic for the U.S. Army.

Following an honorable discharge with the rank of Sergeant, Chief Platt returned to Newburyport and became the owner and operator of the Plum Island Airport. It was during this time period that he began serving as a member of the Newbury Police

Department, where he rose to the rank of Chief in 1965. After four years as Chief of Police in Newbury, he served another four years as Chief of the Ashburnham Police Department.

In 1974, Chief Platt joined the Essex Police Department, where he served for 17 years before retiring in 1991. After retirement, Chief Platt spent summers serving as the Essex Harbormaster and wintered in the Florida Keys.

Chief Platt was the husband of the late Anna J. (Newhall) Platt, and is survived by his wife of 42 years, Margaret F. (Curtin) Platt. He is also survived by two sons, John H. Swallow and his wife Lauren Noonan of Beverly, and Michael T. Swallow of Hampton, New Hampshire; six daughters, including Elizabeth J. Breau and her husband Robert of Newburyport, Jacquelyn Snow and her husband Wayne of Seabrook, Constance Carson and her husband Christopher of Hampton, New Hampshire, Frances Perry and her husband John of Newburyport, Susan Swallow of North Reading, and Kathleen A. Sandrell of East Longmeadow; as well as 13 grandchildren and six great-grandchildren.

Accordingly, as a mark of respect to the memory of James E. Platt, at a quarter past eleven o'clock A.M., on motion of Mr. Hedlund, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.