

**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, February 28, 2013.

Met at one minute past eleven o'clock A.M. (Mr. Donnelly in the Chair).

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

#### *Communication.*

A communication from the Honorable Therese Murray, announcing the appointment of Senator William N. Brownsberger to replace Senator Stanley C. Rosenberg on the Special Commission established (pursuant to Section 189 of Chapter 68 of the Acts of 2011) to make an investigation and study of the criminal justice system in the Commonwealth,-- was placed on file.

#### *Petitions.*

Petitions were severally presented and referred as follows:

By Mr. DiDomenico (by request), a petition (subject to Joint Rule 12) of Vincent Zarrilli for legislation to require a statement of reasons to accompany the denial or dismissal of any motion on activity entered in the Appeals or Supreme Judicial Court;

By the same Senator (by request), a petition (subject to Joint Rule 12) of Vincent Zarrilli for legislation to require the tabulation of results of those cases heard before the Supreme Judicial Court of Appeals.

By the same Senator (by request), a petition (subject to Joint Rule 12) of Vincent Zarrilli for legislation to authorize the Appeals Court to reinstate a certain unheard case of Vincent F. Zarrilli vs. Capital Bank and Trust Company et al.;

By the same Senator (by request), a petition (subject to Joint Rule 12) of Vincent Zarrilli for legislation relative to a modified judicial merit-retention system;

By Mr. Rush, a petition (subject to Joint Rule 12) of Michael F. Rush, Kevin G. Honan, and Edward F. Coppinger for legislation relative to the practice of athletic training;

By the same Senator, a petition (subject to Joint Rule 12) of Michael F. Rush relative to the Clerk of Courts;

By the same Senator, a petition (subject to Joint Rule 12) of Michael F. Rush to designate New England clam chowder as the official state dish of the Commonwealth; and

By Mr. Wolf (by request), a petition (subject to Joint Rule 12) of Ron Beaty for legislation to repeal the Massachusetts Rent Control Prohibition Act;

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

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-  
Resolutions (filed by Ms. Creem) "honoring Barney Frank for his constant advocacy and legislative efforts to increase and protect affordable housing";

Resolutions (filed by Ms. Donoghue) "congratulating the Lowell Women's Week Executive Committee on their celebration of the eighteenth annual Lowell Women's Week";

Resolutions (filed by Mr. Richard T. Moore) "congratulating Timothy Brian McLaughlin, Jr. on his appointment to the United

States Military Academy at West Point”; and Resolutions (filed by Mr. Pacheco) “congratulating Armand G. Provençal on his retirement as the Director of Veterans Services and Veteran’s Agent for the city of Taunton.”

*Communication.*

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE  
STATE HOUSE, BOSTON 02133- 1063

*February 25, 2012*

Mr. William F. Welch, Clerk  
Massachusetts State Senate  
State House – Room 335  
Boston, MA 02133

Dear Clerk:

I was unable to be present at the formal session on Tuesday, February 12, 2012, due to a prior family commitment.

Had I been in attendance I would have voted in the following ways on roll call votes for amendments to H57, An Act making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects:

In the negative on Roll Call No. 11, Senator Hedlund’s Amendment 2, relative to the DTA fraud unit; in the negative on Roll Call No. 12, Senator Tarr’s Amendment 8, on crime lab oversight; in the negative on Roll Call No. 13, Senator Tarr’s Amendment 12, on the DTA time limit; in the negative on Roll Call No. 14, Senator Hedlund’s Amendment 3, relative to in-state tuition fairness; and in the negative on Roll Call No. 15, Senator Hedlund’s Amendment 4, on legal residency definition.

Finally, I would have voted in the affirmative on Roll Call No. 16, to engross H 57.

Thank you for your time and attention to this matter.

*Sincerely,*  
KENNETH J. DONNELLY  
*4th Middlesex District*

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

*Order Adopted.*

On motion of Mr. Richard T. Moore,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o’clock A.M.

*Adjourn In Memory of Lieutenant Colonel Michael J. Greene*

The Senator from Bristol and Norfolk, Mr. Timilty, moved that when the Senate adjourns today, it adjourn in memory of Lieutenant Colonel Michael J. Greene of Mansfield.

Lieutenant Colonel Greene died on Sunday, February 10, 2013 at the age of 43.

LTC Greene was born in Erie, Pennsylvania and was son of Lieutenant Colonel Edward Greene and Kathleen Raftery Greene. He completed boarding school at The American School in Switzerland and went on to graduate from the George Washington University in 1992. He was awarded a commission in the United States Army through the ROTC program at Georgetown.

LTC Greene served as a full-time soldier in the Massachusetts National Guard and spent a year-long tour in Kabul, Afghanistan in 2010.

LTC Greene was a dedicated public servant and will long be remembered for his loyalty to his family and friends and service to his country.

Accordingly, as a mark of respect in memory of Lieutenant Colonel Michael J. Greene, at seven minutes past eleven o'clock A.M., on motion of Mr. Timilty, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.