

**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.

*Wednesday, July 20, 2011.*

Met at one minute 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 employees then recited the pledge of allegiance to the flag.

#### *Distinguished Guests.*

There being no objection, the Chair (Mr. Donnelly) introduced, in the rear of the Chamber, a group from the Arlington Recreation Department. They were taking a tour of the State House and learning about the different aspects of state government. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, the Chair (Mr. Donnelly) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the

Senate Gallery, the Chair of the Boxford Board of Selectmen, Peter Perkins and the Boxford Town Administrator, Alan Benson. The Senate welcomed them with applause and they withdrew from the Gallery. They were accompanied by Representative Brad Hill.

*Petition.*

Mr. Brewer presented a petition (accompanied by bill, Senate No. 1966) of Stephen M. Brewer and Richard Bastien (by vote of the town) for legislation to amend the charter of the town of Winchendon [Local approval received];

**Referred, under Senate Rule 20, to the committee on Municipalities and Regional Government.**

**Sent to the House for concurrence.**

*Reports of Committees.*

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Resolve to study the financial impact of the nexus between the insurance industry and law enforcement (Senate, No. 1257);

**Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.**

By Ms. Fargo, for the committee on Public Health, on petition, a Bill relative to surgical technology (Senate, No. 1069);

By the same Senator, for the same committee, on Senate, No. 1091 and House, No. 1517, a Bill to eliminate racial and ethnic health disparities in the Commonwealth (Senate, No. 1091);

By the same Senator, for the same committee, on petition, a Bill providing for pharmacist administration of adult immunizations (Senate, No. 1097);

By the same Senator, for the same committee, on petition, a Bill adopting the Revised Uniform Anatomical Gift Act (Senate, No. 1098);

By the same Senator, for the same committee, on Senate, Nos. 1109 and 1145 and House, No. 1476, a Bill relative to the registration of podiatrists (Senate, No. 1145); and

By the same Senator, for the same committee, on Senate, No. 1158 and House, No. 2367, a Bill establishing a board of registration in naturopathy (Senate, No. 1158);

**Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.**

By Mr. Rodrigues, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill to bring child support home (Senate, No. 34);

By the same Senator, for the same committee, on petition, a Bill relative to emergency aid to the elderly, disabled and children (Senate, No. 35); and

By the same Senator, for the same committee, on petition, a Bill establishing the Miracle League of Massachusetts (Senate, No. 73);

**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

**PAPERS FROM THE HOUSE**

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

Petition (accompanied by bill, House, No. 3590) of Louis L. Kafka, James E. Timilty and Brian A. Joyce (by vote of the town) that the town of Sharon be authorized to charge fees for transportation for students;

**To the committee on Education.**

Petition (accompanied by bill, House, No. 3591) of David M. Torrisi and others (by vote of the town) relative to voting on the approval of funding collective bargaining agreements in the town of North Andover; and

Petition (accompanied by bill, House, No. 3592) of David M. Torrisi and others (by vote of the town) relative to certain changes in the charter of the town of North Andover concerning warrants and payments;

**Severally, to the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 3593) of David M. Torrisi and others (by vote of the town) relative to the appointment of Sean C. Lewis, Sr., to the position of firefighter in the town of North Andover, notwithstanding the maximum age requirements for said position;

**To the committee on Public Service.**

#### *Bills*

Relative to the fair distribution of gratuities (House, No. 2294,-- on petition); and

Validating the Sherborn annual town election (printed in House, No. 3526,-- being a message for His Excellency the Governor);

**Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

#### *Report 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 Mark C. Montigny and Martha Coakley for legislation to regulate compensation of board members for public charities.

**The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.**

**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. 3615) of Harold P. Naughton, Jr. for legislation relative to the fees for records of hospital patients;

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

Petition (accompanied by bill, House, No. 3616) of Eugene L. O'Flaherty for legislation to establish a sick leave bank for Debra Callinan, an employee of the Soldiers' Home in Chelsea;

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

#### *Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Francisco Delgado, an employee of the Department of Correction (see Senate, No. 1898), 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 2 to 0.**

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

*Engrossed Bill.*

An engrossed Bill relative to the Nantucket Planning and Economic Development Commission (see House, No. 570) (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.

*Reports of a Committee.*

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to community housing and services (Senate, No. 605),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 1967).

**There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.**

**The bill (Senate, No. 1967) was then ordered to a third reading.**

By Mr. Brewer, for the committee on Ways and Means, that the House Bill providing the terms of certain bonds to finance the municipal road and bridge maintenance needs of the Commonwealth (printed in House, No. 3511),-- **ought to pass.**

**There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and ordered to a third reading.**

*Recess.*

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

**PAPERS FROM THE HOUSE**

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Toby Miller, an employee of the Department of Developmental Services (see House, No. 3473), 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 3 to 0.**

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

*Engrossed Bill.*

An engrossed Bill establishing a sick leave bank for Francisco Delgado, an employee of the Department of Correction (see Senate, No. 1898) (which originated in the Senate), 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.

*Report of a Committee.*

By Mr. Brewer, for the committee on Ways and Means, pursuant to Senate Rule 19, a Committee Bill extending simulcasting (Senate, No. 1970). **The committee bill was read. There being no objection, the rules were suspended, on motion of Mr. Petrucci, and the committee bill was read a second time and ordered to a third reading.**

*Order Adopted.*

On motion of Mr. Tarr,--

*Ordered,* That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session with a calendar.

*Adjournment in Memory of US Army Specialist Nicholas P. Bernier*

The Senator from Essex, Mr. Baddour, moves that when the Senate adjourns today, it adjourn in memory of U.S. Army Specialist Nicholas P. Bernier.

Specialist Bernier was killed in action June 25th in support of Operation Enduring Freedom. He was the son of Tina Clements of Haverhill.

Specialist Bernier was assigned to the 2nd Battalion, 30th Infantry Regiment, 4th Brigade Combat Team, 10th Mountain Division and served as a nurse and combat medic.

Having grown up in New Hampshire, Specialist Bernier graduated from Exeter High School in 2007. In 2008, he followed his parents' footsteps and joined the Army. He spent much of his time in the service in Texas treating injured soldiers and marines as they came home.

Specialist Nicholas Bernier died of injuries he suffered June 22nd when his unit was attacked in Kherwar, Afghanistan. Specialist Bernier was flown to Landstuhl Regional Medical Center in Germany where he eventually succumbed to his injuries.

Specialist Bernier's awards and decorations include the Bronze Star, the Purple Heart and the Army Achievement Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the NATO Medal, the Combat Medic Badge, and the Driver and Mechanic Badge. He leaves his father, Paul

W. Bernier, his mother and stepfather Tina and Jeffrey Clements, a sister and two brothers

Accordingly, as a mark of respect to the memory of U. S. Army Specialist Nicholas P. Bernier, at seven minutes past four o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again tomorrow at one o'clock P.M.