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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, June 3, 2010.

Met at seven minutes past one o'clock P.M. (Mr. Baddour in the Chair).

Committee Discharged.

Mr. Berry, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Economic Development and Emerging Technologies to make an investigation and study of certain current Senate documents relative to economic development (Senate, No. 2467),-- **and recommending that the same be referred to the Senate committee on Ethics and Rules.**

Under Senate Rule 36, the report was considered forthwith and accepted.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4714) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the town of Hingham be authorized to implement a voluntary donation system and providing for the establishment of a veterans council assistance fund for said town,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

A Bill relative to the Yarmouth Marina (House, No. 4321,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

There being no objection, at eight minutes past one o'clock P.M., the Chair (Mr. Baddour) declared a recess subject to the call of the Chair; and, at twelve minutes past two o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Resolutions.

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

Resolutions (filed by Mr. Joyce) "honoring Beverly Marie Quinn for her dedication to the town of Milton";

Resolutions (filed by Mr. O'Leary and Ms. Murray) "congratulating Gloria Rudman on receiving the Ninth Annual Mercy Otis Warren Cape Cod Woman of the Year Award";

Resolutions (filed by Mr. Pacheco) "congratulating Jonathan Ryan Souza upon his elevation to the rank of Eagle Scout"; and

Resolutions (filed by Mr. Pacheco) "congratulating Zachary E. Wirth upon his elevation to the rank of Eagle Scout."

PAPER FROM THE HOUSE

The Senate Bill reforming the administrative procedures relative to criminal offender record information and pre- and post-trial supervised release (Senate, No. 2220, amended),— **came from the House passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4712; and striking out the title and inserting in place thereof the following title: "An Act reforming the administrative procedure relative to criminal offender record information".**

On motion of Ms. Jehlen, the Senate insisted on its amendment and asked for a committee of conference on the disagreeing votes of the two branches; and Senators Creem, Tolman and Tarr were appointed to the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill establishing a road maintenance revolving account in the town of Brewster (House, No. 4495),-- **was read a second time and ordered to a third reading.**

The Senate Bill relating to safety regulations for school athletic programs (Senate, No. 2267),-- **was read a third time.**

After remarks, and pending the question on passing the bill to be engrossed, Messrs. Baddour and Joyce offered an amendment substituting a new draft with the same title (Senate, No. 2469).

The amendment was adopted.

After further remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at twenty-eight minutes past two o'clock P.M., on motion of Mr. Baddour, as follows, to wit (*38 yeas – 0 nays*) **[Yeas and Nays No. 289]:**

INSERT ROLL CALL “289”

The yeas and nays having been completed at twenty-seven minutes before three o'clock P.M., the bill (Senate, No. 2469) was passed to be engrossed. Sent to the House for concurrence.

The Senate Bill strengthening the laws related to the regulation of explosives (Senate, No. 2468),-- **was read a third time and, after remarks, was passed to be engrossed. Sent to the House for concurrence.**

The House Bill authorizing the city of Methuen to repay the borrowing of certain monies for a period of up to 20 years (House, No. 4404),-- **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. Baddour offered an amendment by striking out the words, "a final court judgment" and inserting in place thereof the following words:- “the final court judgment in the matter of DiLeo v. City of Methuen,”.

After remarks, the amendment was adopted.

The bill, as amended, was then ordered to a third reading.

The House Bill relative to debt restructuring (House, No. 4617, amended),-- **was considered, the main question being on ordering it to a third reading.**

The pending amendment, previously moved by Mr. Montigny, in section 1 by inserting after subsection(c), the following new subsection:-

“(d) The net budgetary savings of the sale of said refunding bonds pursuant to this section shall be deposited in the Commonwealth Stabilization Fund established pursuant to chapter 29, section 2H of the General Laws.”-- **was withdrawn.**

The pending amendment, previously recommended by the committee on Ways and Means, that the pending Bonding, Capital Expenditures and State Assets pending new text (Senate, No. 2432) be amended in section 1, by striking out subsection (d),-- **was considered; and it was adopted.**

The pending amendment, previously recommended by the committee on Bonding, Capital Expenditures and State Assets, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2432, as amended,-- **was considered; and it was adopted.**

The bill, as amended, was then ordered to a third reading.

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

Pending the question on passing the bill to be engrossed, Mr. Montigny moved that the bill be

amended in section 1 by inserting after subsection (c), the following new subsection:-
“(d) The net budgetary savings of the sale of said refunding bonds pursuant to this section shall be deposited in the Commonwealth Stabilization Fund established pursuant to chapter 29, section 2H of the General Laws.”.

Ms. Menard in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-eight minutes before four o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*7 yeas – 31 nays*) [**Yeas and Nays No. 290**]:

INSERT ROLL CALL “290”

The yeas and nays having been completed at twenty-three minutes before four o'clock P.M., the amendment was rejected.

After further remarks, the bill was passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered forthwith:--

The Senate Bill relative to the financial condition of the city (Senate, No. 2442),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act relative to the financial condition of the city of North Adams”.**
Sent to the House for concurrence.

The House Bill authorizing the establishment of a Raynham Development Revolving Fund in the town of Raynham (House, No. 4485) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Reports of Committees.

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 House Bill relative to the proper conservation of Muskeget Island (printed in House, No. 4613).

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

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill authorizing the Department of Fish and Game to acquire land of the town of Athol and to acquire a conservation restriction on lands of the town of Athol in exchange for grants of easements to the town of Athol (Senate, No. 2451),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill

**was read a second time, and, after remarks, was ordered to a third reading, read a third time and passed to be engrossed.
Sent to the House for concurrence.**

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 Diane Van Der Meer for legislation relative to homeowners insurance coverage and toxic drywall.

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

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 for legislation relative to record keeping for condominiums.

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

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 4725) of Frank I. Smizik relative to preserving public trust rights in land affected by ocean erosion,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.**

Engrossed Bill.

An engrossed Bill relative to the transportation of swimming pools (see House, No. 4025) (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 (Ms. Menard) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tarr,

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday 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 Former State Representative Ralph Sirianni

The Senator from Suffolk and Middlesex, Mr. Petrucci, requested that when the Senate adjourns today, it adjourn in memory of former State Representative Ralph Sirianni of Winthrop.

Ralph Sirianni was born on December 24, 1923 in East Boston, Massachusetts. He served in the United States Army during World War II. In the description of his 2005 memoir, POW #3959 Memoir of a World War II Airman Shot Down Over Germany, it is stated that:

“In January 1943, not long after his nineteenth birthday, Ralph Sirianni was drafted for active duty by the U.S. Army. Ordered to the European Theatre of Operations in February 1944, Sgt. Sirianni served as the right waist gunner on a B-17. On his seventh mission over Germany, the plane--severely damaged by German fighters--crashed near Wildeshausen. With shrapnel in his legs and shoulder, Sirianni bailed out, and he spent the following 15 months in the infamous Stalag Luft I prisoner of war camp.”

After returning from the war, Mr. Sirianni served as a Winthrop Police Officer from 1949-1954 before being appointed the Director of Public Health for the town of Winthrop from 1954-1964. He later went on to serve as State Representative from the Town of Winthrop from 1964-1975.

Accordingly, as a mark of respect to the memory of former State Representative Ralph Sirianni, at six minutes past four o'clock P.M., on motion of Mr. Petruccelli, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.