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Massachusetts Senate Journal, 02/08/2010

Massachusetts Senate Journal, February 8, 2010

Monday, February 8, 2010  
Massachusetts Senate  
2010 Regular Session

**UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.**

**JOURNAL OF THE SENATE.**

*Monday, February 8, 2010.*

Met at seven minutes past eleven o'clock P.M. (Ms. Spilka in the Chair) (having been appointed by the President, under the provisions of Senate 4, to perform the duties of the Chair).

The Chair (Ms. Spilka), members, guests and employees then recited the pledge of allegiance to the flag.

*Distinguished Guests.*

There being no objection, the Chair (Ms. Spilka) handed the gavel to Mr. Eldridge for the purpose of an introduction. Mr. Eldridge then introduced the fourth grade class from Holland Elementary School. The class was accompanied by teacher Tim Dodd.

*Petitions.*

Petitions were severally presented and referred, as follows:

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 2263) of Patricia D. Jehlen, Timothy J. Toomey and others (with the approval of the mayor and city council) for legislation to exempt the position of deputy chief of police in the city of Somerville from the provisions of the civil service law [Local approval received];

**Under Senate Rule 20, to the committee on Public Service.**

Sent to the House for concurrence.

By Ms. Spilka (by request), a petition (subject to Joint Rule 12) of Maria Walzer for legislation to require instruction on the Ukrainian Genocide in the public schools of the Commonwealth; and

By the same Senator (by request), a petition (subject to joint Rule 12) of Jim Pillsbury for legislation to regulate the cultivation of industrial hemp;

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

*Reports of a Committee.*

By Ms. Fargo, for the committee on Public Health, on Senate, No. 813 and House, No. 2054, a Bill restricting the sale of tobacco products at locations where health professionals are employed (Senate, No. 813);

By the same Senator, for the same committee, on petition, a Bill to provide information on the health benefits of breastfeeding (Senate, No. 815);

By the same Senator, for the same committee, on petition, a Bill relative to volunteer physicians (Senate, No. 846);

By the same Senator, for the same committee, on petition, a Bill relative to the Health Disparities Council (Senate, No. 858);

By the same Senator, for the same committee, on petition, a Bill relative to home health aides (Senate, No. 860);

By the same Senator, for the same committee, on Senate, No. 889 and House, No. 3476, a Bill establishing a board of registration in naturopathy (Senate, No. 889); and

By the same Senator, for the same committee, on petition, a Bill relative to volunteer dentistry (Senate, 891);

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

By Mr. Petrucci, for the committee on Environment, Natural Resources and Agriculture, on petition (accompanied by bill, Senate, No. 400), a Bill authorizing the issuance of licenses for the sale of wine at certain premises (Senate, No. 2261);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 443), a Bill relative to antique barometers ( Senate, No. 2262); and

By Mr. McGee, for the committee on Public Service, on petition, a Bill to establish a sick leave bank for John Riordan (Senate, No. 2227);

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

By Mr. Baddour, for the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1962) of Karen E. Spilka, Tom Sannicandro, David P. Linsky and Pam Richardson for legislation to grant authority to the secretary of the executive office of transportation and public works to charge and collect tolls at the borders of the Commonwealth;

**Referred, under Senate Rule 36, to the committee on Ethics and Rules.**

**PAPERS FROM THE HOUSE.**

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4467) of Jennifer Benson and Jennifer L. Flanagan (by vote of the town) relative to the sewer service area for the town of Lunenburg; and

Petition (accompanied by bill, House, No. 4468) of Louis L. Kafka, James E. Timilty and Brian A. Joyce (by vote of the town) that the town of Sharon be authorized to exchange certain land with the Massapoag Sports-

men's Club;

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

*Bills*

Establishing a sick leave bank for Elizabeth J. Lynch, an employee of the Department of Children and Families (House, No. 4464,-- on petition);

Relative to unemployment insurance rates (House, No. 4470,-- on House, No. 1846, in part); and

Relative to safe driving (House, No. 4475,-- on House, No. 4238, in part, and 4460, in part);

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

*Bills*

Requiring engine coolant and antifreeze to contain a **bittering** agent so as to render it unpalatable (House, No. 4285,-- on House, Nos. 398, 399 and 400); and

Relative to the boundaries of the Fore River designated port area (House, No. 4360, amended,-- on petition);

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

*Bills*

Relative to the responsibilities of the Nantucket Planning and Economic Development Commission (House, No. 1122,-- on petition) [Local approval received];

Relative to the appointment of special police officers in the town of Dracut (House, No. 1143,-- on petition) [Local approval received];

Establishing a Board of Health in the town of Nantucket (House, No. 1895,-- on petition) [Local approval received];

Authorizing the lease of certain agricultural land in the town of Westford (House, No. 4193,-- on petition) [Local approval received]; and

Amending the charter of the town of Millis to establish an appointed board of assessors (House, No. 4473,-- on House, No. 4216) [Local approval received on House, No. 4216];

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

Report of the committee on House Steering, Policy and Scheduling, asking to be discharged from further consideration of the House Bill authorizing the establishment of senior citizen safety zones (House, No. 543),-- **and recommending that the same be referred to the committee on Municipalities and Regional Government,-- was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

*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 Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2258),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill authorizing the town of Greenfield to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2259),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill further regulating the practice of optometry (Senate, No. 1756) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House Bill prohibiting certain dumping in the city of Brockton (House, No. 4190),-- **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 Senate Bill to improve juror service (Senate No. 1648).

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

Pending the question on ordering the bill to a third reading, Ms. Creem presented an amendment substituting a new draft entitled "An Act further regulating juror service certificates" (Senate, No. 2264).

The amendment was adopted.

The bill (Senate, No. 2264) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

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 to improve juror service responses (Senate No. 1649).

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

Pending the question on ordering the bill to a third reading, Ms. Creem presented an amendment substituting a new draft with the same title (Senate, No. 2265).

The amendment was adopted.

The bill (Senate, No. 2265) was then 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 Richard R. Tisei, James Dwyer and Bradley H. Jones, Jr. for legislation to establish a sick leave bank for Sean O'Brien, an employee of the Department of Transitional Assistance

**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 Public Service.**

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 Richard T. Moore, Steven A. Baddour, Harriette L. Chandler, Patricia D. Jehlen, Thomas P. Kennedy and other members of the General Court for legislation to eliminate waste and improve public oversight of state agencies.

**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 State Administration and Regulatory Oversight.**

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 Richard T. Moore, Steven A. Baddour, Harriette L. Chandler, Brian A. Joyce, Thomas P. Kennedy and other members of the General Court for legislation to establish the Commission on Government Accountability, Economy and Efficiency.

**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 State Administration and Regulatory Oversight.**

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 Richard T. Moore, Steven A. Baddour, Harriette L. Chandler, Brian A. Joyce, Thomas P. Kennedy and other members of the General Court for legislation to establish the Massachusetts Sunset Review Commission and to establish a procedure to identify and eliminate waste.

**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 State Administration and Regulatory Oversight.**

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 Richard T. Moore, Steven A. Baddour, Harriette L. Chandler, Brian A. Joyce, Thomas P. Kennedy and other members of the General Court for legislation to promote value and efficiency in the delivery of state services.

**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 State Administration and Regulatory Oversight.**

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 Richard T. Moore, Steven A. Baddour, Harriette L. Chandler, Patricia D. Jehlen, Brian A. Joyce and other members of the General Court for legislation to provide for efficient use of leased or rented state property.

**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 State Administration and Regulatory Oversight.**

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 Marc R. Pacheco for legislation to create a Repower Massachusetts Emergency Task Force.

**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 Telecommunications, Utilities and Energy.**

Severally 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. 4482) of Timothy J. Toomey, Jr., Anthony W. Petrucci and others relative to authorizing the Department of Conservation and Recreation to enter into an agreement with the city of Cambridge;

**Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.**

Petition (accompanied by bill, House, No. 4483) of Robert P. Spellane relative to the investment powers of the Massachusetts Credit Union Share Insurance Corporation;

**Under suspension of Joint Rule 12, to the committee on Financial Services.**

Petition (accompanied by bill, Senate, No. 4484) of Lewis G. Evangelidis, Jennifer L. Flanagan and others for legislation to further regulate the sentencing of persons found “guilty except insane” of murder in the courts of the Commonwealth;

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

Petition (accompanied by bill, Senate, No. 4485) of David L. Flynn and Marc R. Pacheco (by vote of the town) for legislation to establish a development revolving fund in the town of Raynham;

**Under suspension of Joint Rule 7B, to the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 4370) of Louis L. Kafka and William C. Galvin relative to designating a certain intersection in the town of Stoughton as the Police Chief William F. Gross and Ann M. Gross intersection;

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

**PAPERS FROM THE HOUSE.**

*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 (Ms. Spilka) and laid before the Governor for his approbation, to wit:

Authorizing the Board of Assessors of the city of Quincy to grant tax abatements to certain military personnel (see Senate, No. 1302);

Relative to the Wareham Fire District (see House, No. 1976, amended); and

Establishing a sick leave bank for Tree Borden, an employee of the Norfolk District Attorney's Office (see House, No. 4400).

*Recess.*

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

*Petition.*

On motion of Mr. Tarr, Senate Rule 20 and Joint Rule 12 were suspended on the petition (accompanied by bill) of Therese Murray and Karen E. Spilka for legislation to promote economic development throughout the Commonwealth,-- **and the same was referred to the committee on Economic Development and Emerging Technologies.**

**Sent to the House for concurrence.**

*Order Adopted.*

On motion of Mr. Tarr,--

*Ordered,* That when the Senate adjourns today, it adjourn to meet again Wednesday 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 G. Connolly*

The Senator from Suffolk, Mr. Hart, requested that when the Senate adjourns today, it adjourn in memory of his childhood friend James G. Connolly.



James G. Connolly, Chairman of the Board of Mass Mentoring, passed away on Thursday, January, 21, 2010. Having graduated from Boston Latin School and Harvard University and formerly held distinguished positions at Fleet Bank and Citizens Bank, Mr. Connolly attributed much of the success in his life to the mentors who had influenced him throughout. He worked tirelessly with the Massachusetts Legislature to ensure that tomorrow's youths are offered opportunities and influences for success. He is survived by his mother Catherine, wife Maureen, and sons James and Colin.

Accordingly, as a mark of respect to the memory of James G. Connolly, at ten minutes before two o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Wednesday next at eleven o'clock A.M.

MA S. Jour., 02/08/2010

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