

Westlaw Delivery Summary Report for EA,Z

Your Search:	BITTERING
Date/Time of Request:	Saturday, October 2, 2010 18:06 Central
Client Identifier:	Z EA
Database:	MA-LH
Citation Text:	MA S. Jour., 07/07/2010
Lines:	296
Documents:	1
Images:	0

The material accompanying this summary is subject to copyright. Usage is governed by contract with Thomson Reuters, West and their affiliates.

Massachusetts Senate Journal, 07/07/2010

Massachusetts Senate Journal, July 7, 2010

Wednesday, July 7, 2010
Massachusetts Senate
2010 Regular Session

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.

JOURNAL OF THE SENATE.

Wednesday, July 7, 2010.

Met according to adjournment at one o'clock P.M. (Mr. Rosenberg in the Chair).

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Morrissey for the purpose of an introduction. Mr. Morrissey then introduced, in the rear of the Chamber, Department and Recreation Park Ranger Stephen Mackay. Mr. Mackay was recognized for saving a 17 year old from drowning in Houghton's Pond in the Blue Hills Reservation. The Senate applauded his heroic efforts and he withdrew from the Chamber.

There being no objection, the President handed the gavel to Mr. O'Leary for the purpose of an introduction. Mr. O'Leary then introduced, in the rear of the Chamber, a group of students that work with the Cape Cod Museum's of Art School to Careers Art Internship Program. Each year, ARTWORKS, an innovative regional public/private partnership, partners junior and senior high school students with successful working artists. Students work alongside the artists for eight weeks learning about the various aspects of being a professional artist and have an exhibit in May at the Cape Cod Museum of Art. The Senate welcomed them with applause and the group withdrew from the Chamber.

Petition.

Mr. Hedlund presented a petition (subject to Joint Rule 12) of Robert L. Hedlund and Stephanie A. Rivera-Jones for legislation relative to anti-freeze **bittering** agents.

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

Reports of Committees.

By Mr. Richard T. Moore, for the committee on Health Care Financing, on Senate, Nos. 876 and 890 and House, Nos. 2069, 2086 and 3912, a Bill to promote the nursing profession and promote safe patient care (Senate, No. 876);

Read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. McGee, for the committee on Public Service, on petition, a Bill exempting the position of deputy chief of police in the city of Somerville from the provisions of civil service law (Senate, No. 2263) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill relative to the position of deputy chief of police in the town of Rockland (Senate, No. 2475) [Local approval received]:

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

Committees 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 Education to make an investigation and study of certain current Senate documents relative to education issues (Senate, No. 2531);

Of the Senate Order relative to authorizing the joint committee on Financial Services to make an investigation and study of a certain current Senate document relative to financial services (Senate, No. 2532);

Of the Senate Order relative to authorizing the joint committee on Revenue to make an investigation and study of certain current Senate documents relative to the raising of revenue for the Commonwealth by means of taxation, certain matters relating to the local property tax and such similar matters as have been referred to said committee (Senate, No. 2533); and

Of the Senate Order relative to authorizing the joint committee on Transportation to make an investigation and study of certain current Senate documents relative to transportation (Senate, No. 2534);

And recommending that the same severally be referred to the Senate committee on Ethics and Rules.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

PAPERS FROM THE HOUSE

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

Petition (accompanied by bill, House, No. 4847) of Steven J. D'Amico and James E. Timilty (by vote of the town) that the town of Rehoboth be authorized to issue a license for the sale of alcoholic beverages not to be drunk on the premises to The Wine Shack, LLC, d/b/a The Grapevine; and

Petition (accompanied by bill, House, No. 4848) of Kate Hogan and Jennifer L. Flanagan (by vote of the town) that the town of Bolton be authorized to grant a license for the sale of alcoholic beverages to be drunk on the premises to Nashoba Valley Winery;

Severally to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4850) of Jennifer L. Flanagan and James B. Eldridge (by vote of the town) relative to the granting of an easement in the town of Harvard for the construction of housing for elderly persons;

Petition (accompanied by bill, House, No. 4851) of Daniel E. Bosley and Benjamin B. Downing (with the approval of the mayor and city council) that the city of North Adams be authorized to use certain reserve funds for the reduction of debt in the current fiscal year; and

Petition (accompanied by bill, House, No. 4852) of Louis L. Kafka and William C. Galvin (by vote of the town) for legislation to authorize the town of Stoughton to transfer certain excess funds from the public health enterprise fund to the stabilization fund of said town;

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4853) of Louis L. Kafka, James E. Timilty and Brian A. Joyce (by vote of the town) that the town of Sharon be authorized to exempt the position of deputy chief of police from the civil service law; and

Petition (accompanied by House, No. 4854) of Allen J. McCarthy and Thomas P. Kennedy (by vote of the town) for legislation to authorize the town of Whitman to appoint retired police officers for the purpose of performing special details;

Severally to the committee on Public Service.

Bills

Designating a portion of the Captain William K. Webb Memorial State Park as Marys' Point (House, No. 791,-- on petition);

Requiring the posting of security for the seizure and impoundment of animals (House, No. 1969, changed,-- on petition);

Relative to the qualifications, service and salary of county managers (House, No. 1993,-- on petition); and

Improving emergency access to mental health services (House, No. 4681,-- on petition);

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

A Bill establishing a shellfish mitigation receipts reserved for the appropriation fund in the town of Dennis (House, No. 4245,-- on petition) [[Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Recess.

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at twenty-two minutes before 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. Ross) “congratulating Adam Douglas Bennett upon his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Mr. Ross) “congratulating Colin John Murphy upon his elevation to the rank of Eagle Scout.”

PAPERS FROM THE HOUSE

Emergency Preambles.

An engrossed Bill authorizing the granting of easements and the conveyance of certain land in the town of Andover (see Senate, No. 2154), 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 8 to 0.**

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill relative to the regulation of explosives (see Senate, No. 2468), 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 4 to 0.**

The bill was signed by the President and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (the first two 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 President and laid before the Governor for his approbation, to wit:

Relative to a betterment assessment in the town of Sturbridge (see Senate, No. 2043);

Exempting the position of fire chief in the city of Gloucester from the civil service law (see Senate, No. 2102); and

Authorizing the Bristol County Commissioners to borrow money for the repair of sewer extension facilities at the Bristol County Agricultural High School (see House, No. 4763, amended).

Engrossed Resolve.

An engrossed Resolve reviving and continuing the special commission relative to the establishment of a cranberry heritage area (see Senate, No. 1876) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed and signed by the President and laid before the Governor for his approbation.

Report of a Committee.

Mr. Panagiotakos, for the committee on Ways and Means, reported, asking to be discharged from further consideration of the Senate Bill relative to establishing family and employment security through temporary disability insurance and family temporary disability insurance (Senate, No. 474), and **recommending that the bill be re-committed to the committee on Labor and Workforce Development.**

The rules were suspended, on motion of Mr. McGee, and the report of the committee was accepted.

The bill was then recommitted to the committee on Labor and Workforce Development.

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill relative to the agreement among the states to elect the President by national popular vote (House, No. 4156),-- **was considered, the question being on passing the bill to be engrossed, in concurrence.**

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved that the bill be amended by adding the following section:--

“SECTION XX. [Section 76 of chapter 54 of the General Laws](#), as appearing in the 2008 Official Edition is hereby amended by striking out, in line 2, the words 'if requested, his residence', and by inserting in place thereof the following words:- 'an identification document, as issued by any federal or state government agency or political subdivision, which shall in all cases include full name and current address except in the case of a Social Security card, which shall be considered sufficient identification.'”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at two minutes before two o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 7 - nays 29*) [**Yeas and Nays No. 329**]:

INSERT ROLL CALL “329”

The yeas and nays having been completed at three minutes past two o'clock P.M., the amendment was *rejected*.

Mr. Tisei moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following text: -

“SECTION 1. The first paragraph of [section 8 of chapter 53 of the General Laws](#), as appearing in the 2008 Official Edition, is hereby amended by inserting after the fourth sentence the following sentence:- 'One presidential elector shall be chosen from each congressional district, and 2 presidential electors shall be chosen at large.'

SECTION 2. [Section 148 of chapter 54 of the General Laws](#), as so appearing, is hereby amended adding the following 2 sentences: Each at-large presidential elector shall cast his ballot for the presidential and vice-presidential candidates whose electors received the highest number of votes in the state. Each congressional district presidential elector shall cast his ballot for the presidential and vice-presidential candidates whose electors received the highest number of votes in his congressional district.”

After remarks, pending the question on adoption of the amendment and pending the main question on

passing the bill to be engrossed, Mr. Tisei moved that the matter be laid on the table; and, under the provisions of Senate Rule 24, the further consideration thereof was laid over until the next session.

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 House Bill relative to the provision of notice of the availability of the Annual Finance Committee Report (House, No. 1901) (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.**

The Senate Bill exempting the position of chief of police of the town of Great Barrington from the civil service law (Senate, No. 2332) (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 authorizing the town of Westwood to grant 3 licenses for the sale of wines and malt beverages to food stores (House, No. 4089) (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, with the amendment previously adopted by the Senate.**

Sent to the House for concurrence in the amendment.

The House Bill authorizing the town of Sheffield to continue the employment of Police Chief James M. McGarry (House, No. 4487) (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 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 House Bill designating a certain bridge in the town of Westminster as the Ryan Patrick Jones Bridge (House, No. 4437).

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

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 Bill relative to level IV treatment interventions (Senate, No. 45) (having been reported ought NOT to pass, under Joint Rule 10, from the committee of Health Care Financing, the time within which said committee had to report having expired).

There being no objection, the rules were suspended, on motion of Mr. Joyce, and the matter was considered forthwith.

On further motion of the same Senator, the bill was substituted for the report of the committee and referred to the committee on Ways and Means.

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 Bill creating a special commission on behavior modification (Senate, No. 46, changed) (having been reported ought NOT to pass, under Joint Rule 10, from the committee of Health Care Financing, the time within which said committee had to report having expired).

There being no objection, the rules were suspended, on motion of Mr. Joyce, and the matter was considered forthwith.

On further motion of the same Senator, the bill, as changed, was substituted for the report of the committee and referred to the committee on Ways and Means.

PAPER FROM THE HOUSE

Engrossed Bill--Land Taking for Conservation Etc.

An engrossed Bill authorizing the granting of easements and the conveyance of certain land in the town of Andover (see Senate, No. 2154) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eighteen minutes before three o'clock P.M., as follows, to wit (*yeas 36 - nays 0*) [**Yeas and Nays No. 330**]:

INSERT ROLL CALL [330]

The yeas and nays having been completed at thirteen minutes before three o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Pacheco,

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Ms. Menard, at twelve minutes before three o'clock P.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.

MA S. Jour., 07/07/2010

END OF DOCUMENT