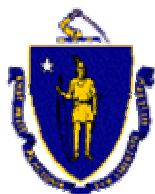


NOTICE: - While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **not** been proofread against the events of the session for this day. All information 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.

Tuesday, July 21, 2009.

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

A group from the Boys and Girls Club of Cape Cod then led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the Chair (Mr. Rosenberg) handed the gavel to Mr. Brown for the purpose of an introduction. Mr. Brown then introduced, in the rear of the Chamber, Ilene Gallelo and her son, Joe of Needham. Joe won the chance to be "Senator for the Day" at the Needham Business Association Auction. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, the President introduced, on the rostrum, Grace Harrington, the granddaughter of Senate President Kevin Harrington. Grace is currently interning in Representative John Keenan's office. The Senate welcomed her with applause and she withdrew from the Chamber.

Report of Committees.

By Ms. Candaras, for the committee on Children and Families, on petition, a Bill to protect children from emotional abuse (Senate, No. 33) ;

By the same Senator, for the same committee, on petition, a Bill establishing the interstate compact for juveniles (Senate, No. 53) ;

By the same Senator, for the same committee, on petition, a Bill to improve the interstate compact on the placement of children (Senate, No. 67);

By the same Senator, for the same committee, on petition, a Bill to provide habilitative services to the children of the Commonwealth (Senate, No. 70);

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

By Ms. Candaras, for the committee on Children and Families, on petition, a Bill relative to the reckless endangerment of persons with disabilities (Senate, No. 84); and

By Mr. Joyce, for the committee on State Administration and Regulatory Oversight, on petition, a Bill establishing disability history month (Senate, No. 1469);

Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.*PAPERS FROM THE HOUSE*

Messages from His Excellency the Governor were severally referred, in concurrence, as follows:

A message from His Excellency the Governor recommending legislation relative to charter schools in underperforming districts (House, No. 4163); and

A message from His Excellency the Governor recommending legislation relative to establishing readiness schools (House, No. 4164);

Severally to the committee on Education.

A message from His Excellency the Governor recommending legislation relative to establishing procedures for the use of certificates of analysis in criminal trials (House, No. 4162);

To the committee on the Judiciary.

A petition (accompanied by bill, House, No. 4165) Colleen M. Garry and Steven C. Panagiotakos (by vote of the town) for legislation to authorize the town of Tyngsborough to grant licenses for the sale of all alcoholic beverages to be drunk on the premises.-- **was referred, in concurrence, to committee on Consumer Protection and Professional Licensure.**

A Bill to establish a sick leave bank for Mary F. Keeler, an employee of the Trial Court (House, No. 1138,- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill validating a certain vote passed by the town of Foxborough (printed in House, No. 4161,- **being a message from His Excellency the Governor**),- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Bills

Establishing a town manager form of government in the town of Hanover (House, No. 1123,- on petition) [Local approval received]; and

Relative to a certain alcoholic beverage license in the town of Dracut (House, No. 3800,- on petition) [Local approval received];

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

A report of the committee on Labor, Workforce and Development, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3695) of Michael J. Rodrigues for legislation to limit losses of subcontractors in private, and recommending that the same be referred to the committee on State Administration and Regulatory Oversight,-- **was considered forthwith, under**

Senate Rule 36, and accepted, in concurrence.*Recess.*

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

PAPERS FROM THE HOUSE.

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

A petition (accompanied by bill, House, No. 4166) of Marie St. Fleur and others for legislation to provide for the establishment on in-district charter schools with pay-for-performance;
Under suspension of Joint Rule 12, to the committee on Education.

A petition (accompanied by bill, House, No. 4167) of Cheryl A. Coakley-Rivera and others relative to project review or permit requirement upon certain land by the Department of Fisheries, Wildlife and Environmental Law Enforcement;
Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.

Resolutions.

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

Resolutions (filed by Ms. Flanagan and Ms. Spilka) "honoring Martin Donald Hearst on the glorious occasion of his ninetieth birthday."

Communications.

The Clerk read the following communications:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

I

William Welch. *Clerk*
Massachusetts State Senate
The State House
Boston, MA 02133

Dear Mr. Clerk:

On Friday, July 17, 2009, I was unable to attend the Senate session. Had I been present, I would have

voted in the affirmative on the enactment of H. 4141 relative to the Commonwealth Transportation Fund (Roll Call #93).

I respectfully request that a copy of this correspondence be printed in the Senate Journal at your earliest convenience. Thank you in advance for your assistance in this matter.

Sincerely,
STEVEN A. BADDOUR,
State Senator
First Essex District.

On motion of Mr. Panagiotakos, the above communication was ordered printed in the Journal of the Senate.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

July 20, 2009

William Welch. *Clerk of the Senate*
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

I was unable to attend the Senate session on July 17, 2009 due to a prior family commitment and I missed one roll call relative to House bill 4141, establishing the Commonwealth Transportation Fund.

Had I been present, I would have voted in the negative on this matter.

I respectfully request that this communication be printed in the Journal of the Senate. Thank you for your consideration.

Sincerely,
MICHAEL R. KNAPIK,
2nd Hampden and Hampshire
District.

On motion of Mr. Brewer, the above communication was ordered printed in the Journal of the Senate.

PAPERS FROM THE HOUSE.
Engrossed Bills.

The following engrossed bills (both of which originated in the House), 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:

Establishing the Arlington Redevelopment Board as the Board of Survey (see House, No. 3471); and

Relative to the Falmouth Historic District Commission (see House, No. 4104).

An engrossed Bill relative to payroll deductions for charitable purposes by public employees (see House, No. 4146) (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 re-enacted and signed by the President and again laid before the Governor for his approbation.**

An engrossed Bill providing standards allowing camps to conduct criminal history record checks of climbing wall instructors (see House, No. 4140) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage. The question on passing it to be re-enacted was determined by a call of the yeas and nays, at three minutes before two o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 35 - nays 0) [**Yeas and Nays No. 94**]:

INSERT ROLL CALL [94]

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

Petition.

On motion of Ms. Menard, Senate Rule 20 and Joint Rule 12 were suspended on the petition (accompanied by bill) of Benjamin B. Downing, William Smitty Pignatelli, Stephen M. Brewer, Robert L. Hedlund and other members of the General Court for legislation to protect lakes and streams, -- **and the same was referred to the committee on Environment, Natural Resources and Agriculture. Sent to the House for concurrence.**

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill establishing a sick leave bank for Michelle Nocera, an employee of the Middlesex Sheriff's Office (House, No. 1150),-- **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill regulating the sport of mixed martial arts (Senate, No. 998, changed), -- was read a third time, the main question being on passing the bill to be engrossed.

After remarks, Mr. Pacheco moved that the bill be amended by striking out section 6 and inserting in place thereof the following section:-

“SECTION 6. Said chapter 147 is hereby further amended by striking out section 40A, as so appearing, and inserting in place thereof the following section:

Section 40A. Every licensee holding or conducting any boxing, kickboxing, mixed martial arts, or other unarmed combative sporting event or sparring match or exhibition shall, prior to the commencement of the feature bout of the event, pay to the state treasurer, in addition to the payment required under section 40, a sum equal to 1 per cent of the total gross receipts from the sale of tickets or from admission fees; provided, however, that if such match or exhibition is conducted as an incidental feature in an event or entertainment of a different character, such portion of the total receipts shall be paid to the commonwealth as the commission may determine or as may be fixed by rule adopted under section 46. The sums shall be credited by the treasurer to a fund to be known as the boxers' fund which shall be administered by the boxers' fund board for the use and benefit including funeral expenses of boxers or

former boxers in need of assistance, or for a contestant in a regulated event under the purview of the boxing commission who needs assistance as a result of an injury suffered while participating in the event.

The commission shall enforce the provisions of this section.”

After remarks, the amendment was adopted.

Mr. Pacheco further moved to amend the bill by striking out section 10.

After remarks, 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-four minutes past two o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 34 - - nays 1) [**Yeas and Nays No. 95**]:

INSERT ROLL CALL “95”

The yeas and nays having been completed at twenty-seven minutes past two o'clock P.M., the bill (Senate, No. 998, changed and amended) was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill preserving publically assisted affordable housing (Senate, No. 2097),-- **was read a third time, the question being on passing the bill to be engrossed.**

Mr. Hart, for the committee on Bills in the Third Reading, reported, recommending that the bill be amended by substituting a new draft as correctly drawn by the committee entitled “An Act to preserve publically-assisted affordable housing” (Senate, No. 2111).

The report was accepted.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-six minutes before three o'clock P.M., on motion of Ms. Tucker, as follows, to wit (yeas 35 – nays 0) [**Yeas and Nays No. 96**]:

INSERT ROLL CALL “96”

The yeas and nays having been completed at twenty-three minutes before three o'clock P.M., the bill (Senate, No. 2111) was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to electricity reliability on Cape Cod (Senate, No. 2109) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at five minutes before three o'clock P.M., on motion of Mr. O'Leary, as follows, to wit (yeas 35 – nays 0) [**Yeas and Nays No. 97**]:

INSERT ROLL CALL “97”

The yeas and nays having been completed at three o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

The engrossed Bill authorizing the transfer of certain funds within the Trial Court (see House, No. 4148),-- was considered, the main question being on rejecting the Governor's amendment.

The pending motion, previously moved by Mr. Tisei, that the matter be laid on the table was considered; and it was *negative*.

After remarks, and pending the question on rejecting the Governor's amendment, Mr. Tisei

moved that the engrossed bill be laid on the table. Under the provisions of Senate Rule 24, the matter was laid over until the next session.

Order Adopted.

On motion of Ms. Menard,—

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.

Adjournment in Honor of the Moon Landing.

The Senator from Suffolk, Ms. Chang-Diaz, requested that when the Senate adjourns today, it adjourn in honor of the 40th anniversary of the United States moon landing.

The Apollo landing, on July 20, 1969, was the fulfillment of a challenge presented to the nation by a young president from Massachusetts in 1961: to land a man on the moon by the end of the decade. Less than nine years later, the country met that goal with the landing of Neil Armstrong and Buzz Aldrin on the moon with the Apollo 11 mission.

Accordingly, as a mark of respect to the honor of the moon landing, at seven minutes past three o'clock P.M., on motion of Ms. Menard, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.