

# Journals of the Senate

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# UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



## JOURNAL OF THE SENATE.

JOURNAL OF THE SENATE.

Monday, July 18, 2011.

Met at two minutes 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.

Communication.

A communication from the Honorable James B. Eldridge in compliance with Massachusetts General Laws Chapter 268A (received in the Office of the Clerk of the Senate on Friday, July 14, 2011, at thirteen minutes before eleven o'clock A.M.),-- was placed on file.

Reports of Committees.

By Ms. Creem, for the committee on the Judiciary, on petition, a Bill relative to the parole board (Senate, No. 728);

By the same Senator, for the same committee, on petition, a Bill providing access to forensic and scientific analysis (Senate, No. 753);

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to the regionalization of public safety services (Senate, No. 1196); and

By the same Senator, for the same committee, on petition, a Bill relative to the oversight of inspections (Senate, No. 1252);

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

~~By Mr. Timilty, for the committee on Public Safety and Homeland Security, on Senate, No. 1188 and House, No. 3169, a Bill to include call/volunteer firefighters on the Massachusetts Fire Training Council (Senate, No. 1188);~~

By the same Senator, for the same committee, on petition, a Bill relative to meetings of the Board of Building Regulations and Standards (Senate, No. 1241); and

By the same Senator, for the same committee, on petition, a Bill relative to the meeting of the Board of Elevator Regulations (Senate, No. 1242);

~~Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.~~

## PAPERS FROM THE HOUSE

A report from the Commission to review statutes relative to implementation of the school bullying law (under the provisions of Section 18 of Chapter 92 of the Acts of 2010) submitting proposed recommendations to improve bullying prevention efforts in the Commonwealth (accompanied by bill, House, No. 3584),-- was referred, in concurrence, to the committee on Education.

A Bill relative to updating local governance in the town of Clinton (House, No. 2330,-- on petition) [Local approval received],-- was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

## Resolutions.

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

Resolutions (filed by Messrs. Brewer and Rosenberg) "recognizing Leonard Parent for his dedication to the veterans of Central Franklin County and to the town of Erving"; and

Resolutions (filed by Ms. Flanagan) "honoring the Leominster Pop Warner League on its fiftieth anniversary."

## Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The Senate Bill exempting Joseph Walklett from the maximum age requirement for appointment as a firefighter in the city of Malden (Senate, No. 1924),-- 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 House Bill authorizing the conveyance of a certain parcel of land by the county of Nantucket, (House, No. 568, amended) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. Wolf presented an amendment striking out section 4; and inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to authorize the conveyance of a certain parcel of land by the county of Nantucket, therefore it is hereby

declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The House Bill relative to the Nantucket Planning and Economic Development Commission (House, No. 570),-- was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

#### 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 (Mr. Donnelly) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for James Dupont, an employee of the Department of Revenue (see Senate, No. 1910, amended); and

Relative to a sewer betterment abatement in the town of Shirley (see House, No. 3319).

##### Order Adopted.

*On motion of Mr. Knapik,--*

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

##### Moment of Silence.

At the request of the Chair (Mr. Donnelly), the members, guests and employees stood in a moment of silence and reflection to the memory of Roland Dupont of Bourne.

##### Adjournment in Memory of Roland Dupont

The Senator from Plymouth and Barnstable, Ms. Murray, requested that when the Senate adjourns today, it adjourn in memory of Bourne resident Roland Dupont, who passed away on Monday, July 4, 2011.

A longtime member of the Barnstable County Assembly of Delegates, Mr. Dupont also served on the Bourne Democratic Town Committee and as a member of the town's Board of Selectmen from 1993-1999. Mr. Dupont left his legacy in Bourne, remembered for being the driving force behind seeing the Bourne Middle School and the Integrated Solid Waste Management Facility projects begin and come to completion.

Mr. Dupont was most passionate about one of his last projects as a Selectman, the Three Mile Look in Buzzards Bay, and when he wasn't with his family and friends could often be found there tending to the flowers.

Mr. Dupont is survived by his wife, Charlotte Stiefel, his mother, Eleanor, and four siblings.

Our hearts and prayers are with the family of Roland Dupont.

Accordingly, as a mark of respect to the memory of Roland Dupont, at a quarter past eleven o'clock A.M., on motion of Mr. Knapik, the Senate adjourned to meet again on Wednesday next at eleven o'clock A.M.

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# UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



## JOURNAL OF THE SENATE.

*Thursday, August 25, 2011.*

Met at two minutes past eleven o'clock A.M. (Mr. Tolman 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. Tolman), members, guests and employees then recited the pledge of allegiance to the flag.

### *Report.*

A report of the Massachusetts Life Sciences Center (under the provisions of Section 5(e)(2) of Chapter 23I of the General Laws) submitting a copy of the 2009 tax incentive program (copies having been forwarded as required to the committees on Ways and Means, the joint committee on Economic Development and Emerging Technologies and the joint committee on Revenue), -- **was placed on file.**

### *Petition.*

Mr. Tarr, presented a petition (subject to Joint Rule 12) of Frederick E. Berry, John F. Keenan, Anthony W. Petrucci, Sal N. DiDomenico and other members of the General Court for legislation requiring employees at residential facilities licensed by the department of mental health to be equipped with panic buttons;  
**Referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

## PAPERS FROM THE HOUSE.

### *Bills*

Exemption relative to the geographic limits of fire district No. 2 in the town of South Hadley (House, No. 3485, amended,-- on petition) [Local approval received]; and  
 Authorizing the town of West Tisbury to place a certain question on the ballot relative to the issuance of licenses for the sale of wines and malt beverages in restaurants, inns and hotels and the issuance of 1 day licenses for the sale of wines and malt beverages at events (House, No. 3465,-- on House, No. 3454) [Local approval received on House, No. 3687]

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

#### *Resolutions.*

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

Resolutions (filed by Ms. Candaras) "recognizing the city of Springfield's observance of Changing Diabetes Day"; and

Resolutions (filed by Mr. Pacheco) "congratulating Belva Wanat on the occasion of her one hundredth birthday."

#### *Reports 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 Bruce E. Tarr, Bradley H. Jones, Jr., Robert L. Hedlund, Michael R. Knapik and other members of the General Court for legislation to promote motor vehicle safety; **The rules were suspended, on motion of Mr. Hedlund, 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.**

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 for legislation to designate "Me and Paul Revere" as the revolutionary song of the Commonwealth; **The rules were suspended, on motion of Mr. Hedlund, 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.**

#### **PAPERS FROM THE HOUSE.**

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

A petition (accompanied by bill, House, No. 3690) of Eugene L. Flaherty and Carlo Basile for legislation to exempt certain water dependent structures from certain harbor lines in Chelsea Creek; **Under suspension of Joint Rules 9 and 12, to the committee on Environment, Natural Resources and Agriculture.**

A petition (accompanied by bill, House, No. 3691) of Michael J. Moran for legislation to establish a sick leave bank for Annmarie Kineavy, an employee of the Massachusetts Department of Transportation; **Under suspension of Joint Rule 12, to the committee on Public Service.**

A petition (accompanied by bill, House, No. 3692) of Martha M. Walz and others for legislation to establish a State House Arts Commission to maintain custody and care of all works of art and historical artifacts at the State House;

**Under suspension of Joint Rule 12, to the committee on Tourism, Arts and Cultural Development:***Matter Taken Out of the Orders of the Day.*

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The House Bill exempting employees of the school department in the town of Acushnet and town of Acushnet clerical and janitorial employees from the civil service law (House, No. 1618),-- was read a second time, ordered to a third reading, read a time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act exempting certain employees of the school department in the town of Acushnet and certain town of Acushnet clerical and janitorial employees from the civil service law."

*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 include call/volunteer firefighters on the Massachusetts Fire Training Council (Senate, No. 1188)~~

~~There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill 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 adding members of the Massachusetts Call and Volunteer Fire Fighter's Association to the Massachusetts Fire Training Council."~~

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Bethany M. Tsioropoulos, an employee of the Massachusetts Rehabilitation Commission (Senate, No. 1922),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No 2002).

There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill (Senate, No. 2002) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Caron Parker (Senate, No. 1974),-- ought to pass, with an amendment substituting a new draft entitled "An Act establishing a sick leave bank for Caron Parker, an employee of the Department of Revenue." (Senate, No 2003).

There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill (Senate, No. 2003) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Arcelia Williams-Sullivan an employee of the Massachusetts rehabilitation commission, (House, No. 3588),-- ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Hedlund, 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. Brewer, for the committee on Ways and Means, that the House Bill relocating certain harbor lines in the Fairhaven and New Bedford Harbors (House, No. 3402),-- ought to pass, with an amendment by striking out, in line 119, the words "division of waterways within the department of environmental management" and inserting in place thereof the following words:- "office of waterways within the department of conservation and recreation".

There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence for concurrence in the amendment.

**PAPER FROM THE HOUSE**  
*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Lisa A. Sullivan, an employee of the Trial Court (see House, No. 3249), 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. Tolman) and sent to the House for enactment.

*Order Adopted.*

On motion of Ms. Hedlund,--

*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 and Senator Stephen Davenport.*

The Senator from Second Suffolk, Ms. Chang-Diaz requests that when the senate adjourns today, it adjourn in memory of former State Representative and Senator Stephen Davenport who passed away on August 17, 2011.

A lifelong Jamaica Plain resident, Stephen Davenport was a U.S. Naval aviator during WWII, served as a state representative and a state senator and he was a Boston mayoral candidate in 1967. Steve was born in Roslindale and began at an early age swinging for the fences as he was a first baseman on the Roslindale Royals under 16 baseball team that won the city of Boston championship played at Fenway Park. He really coveted his navy wings of gold which he earned in Pensacola, and he then embarked on a distinguished career as a navy jet fighter pilot during the WWII & Korean War era flying the F6F Hellcat, F8F Bearcat and F4U Corsair in WWII and the F9F Panther Jet during the Korean War. Captain Davenport had over 147 aircraft carrier landings on over 5 different carriers and was one of the first aviators in U.S. navy history to land on the first angled deck carrier the USS Antietam. As if his jet fighter experience wasn't enough he volunteered for helicopter training and flew as a navy helicopter pilot as well.

After his active duty service, as a graduate of BU and BU Law School with a masters in taxation, he had a distinguished career as a lawyer with the city of Boston corporation counsel under Mayor John B.



Hynes and then as a state rep. And senator serving Mission Hill, Jamaica Plain, Roslindale and West Roxbury. In the early 60's he joined the former speaker of the house and Attorney General Bob Quinn, George Keneally Jr., Joe Moakley and other Boston legislators in sponsoring legislation that established the University of Massachusetts Boston in 1964 and prior to that supported his dear friend senate president Maurice Donahue with legislation that would establish UMass Medical School and Center. Bob Quinn, former house speaker stated "Steve was a dear colleague and friend who relished greatly in extending a helping hand to make things better for those in critical need of affordable educational opportunities right here in our own native home of Boston.

Accordingly, as a mark of respect to the memory of former State Representative and Senator Stephen Davenport, at twenty-two minutes past eleven o'clock A.M., on motion of Mr. Hedlund, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.

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# UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



## JOURNAL OF THE SENATE.

*Tuesday, October 4, 2011.*

Met at two minutes past one o'clock P.M.

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

### PAPERS FROM THE HOUSE.

A Bill relative to the issuance of public health warnings (House, No. 1474, changed,-- on petition),-- was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

#### *Engrossed Bills.*

The following engrossed bills (the first three 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:

Increasing the membership of the Massachusetts Fire Training Council (see Senate, No. 1188);

Establishing a sick leave bank for Donna Jean Kelly, an employee of the Trial Court (see Senate, No. 2013);

Establishing a sick leave bank for Stephen Thomas, an employee of the Department of Correction (see Senate, No. 2014);

Establishing a sick leave bank for Brunilda Rivera, an employee of the Department of Environmental Protection (see House, No. 3328, amended); and

Establishing a sick leave bank for Michael Jordan, an employee of the Trial Court (see House, No. 3446).

An engrossed Bill validating the actions taken at certain elections held in the town of Abington (see House Bill, printed in House, No. 3664) (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, two-thirds of the members present having voted in the affirmative, and signed by the President and laid before the Governor for his approbation.

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

Petition (accompanied by bill, House, No. 3734) of Sarah K. Peake and Daniel A. Wolf (by vote of the town of Chatham) that said town be exempt from certain regulations of the Executive Office of Environmental Affairs relative to the purchase of conservation land located in the town of Harwich [Local approval received];

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

Petition (accompanied by bill, House, No. 3733) of William C. Galvin and Brian A. Joyce for legislation to establish a sick leave bank for Debra Callejas, an employee of the Department of Industrial Accidents;

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

*Matter Taken Out of the Notice Section of the Calendar.*

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:

The Senate Bill relative to the contributions of certain employees in the town of Plymouth (Senate, No. 1346),-- **was read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

*Orders of the Day.*

*Bills*

Relative to district councilors elected at the 2011 election in the town of Amesbury (House, No. 3620);

Relative to the charter of the town of Amesbury (House, No. 3621);

Authorizing the town of Amesbury to place a certain question relative to the fluoridation of the public water supply on the town's election ballot (House, No. 3622); and

Authorizing the town of Needham to convey a certain parcel of land and grant an easement to support natural gas transmission (House, No. 3667);

**Were severally read a second time and ordered to a third reading.**

The House Bill relative to the town of Burlington representative town meeting form of government (House, No. 3501),-- **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill authorizing the town of Millbury to grant an additional liquor license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2020) (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 creating a water supply system in the town of Rochester (House, No. 576),-- **was read a second time and ordered to a third reading.**

The House Bill establishing expanded gaming in the Commonwealth (House, No. 3711),-- **was considered, the main question being on ordering it to a third reading.**

**The pending motion, previously moved by Ms. Candaras, to lay the matter on the table was considered; and it was negated.**

The pending Ways and Means amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2015,-- **was then considered.**

Messrs. Tarr, Knapik and Ross moved that the bill be amended in line 2728 of section 18, by inserting at the end of section 2DDDD of chapter 29 the following:- "provided further, of said amount credited to said fund, fifty per cent shall be transferred to the race house development fund established in section 60 of chapter 23K and shall be allocated by the commission in the manner delineated in said section. The gaming commission created in chapter 23K shall make an annual report to the secretary for administration and finance and the clerks of the house of representatives and the senate detailing the economic benefit derived from investing in the race horse development fund, to include but not be limited to, the following:- the number of jobs and small businesses created and maintained within the racehorse agricultural network including breeding farms, boarding farms, feed producing farms, hay and straw producing farms, equine centers, horse ownership, horse training, veterinarians, dentists, farriers, and similar businesses and jobs created and maintained in the post-racing horse industries including show horses, equestrian jumping, polo, child therapy centers and riding academies; the number of green jobs associated with the racing and post-racing employment in the commonwealth; agricultural development programs relating to the racing and post-racing industries, farm acreage, annual value of equine feed and bedding crops, the amount of open space acreage protected, and the amount of real estate, payroll, and sale taxes paid annually by said businesses and their employees".

**After remarks, and pending question on adoption if the amendment, pending question on adoption of the Ways and Means new text, and pending the main question on ordering the bill to a third reading, Ms. Spilka 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.**

The Senate Resolutions [offered by Senator Tolman] memorializing the Congress of the United States to support legislation that reforms the Toxic Substances Control Act of 1976,-- **was considered, the main question being on adoption.**

**The pending motion, previously moved by Mr. Tarr, to lay the matter on the table was considered; and it was negated.**

**After remarks and pending the question on adoption of the resolutions, on motion of Mr. Knapik, the further consideration thereof was postponed until the next session.**

*Order Adopted.*

On motion of Mr. Brewer,--

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

*Moment of Silence.*

At the request of the President, the members, guests and employees stood in a moment of silence and reflection to the memory of Army Specialist Steven Gutowski of Plymouth.

*Adjournment in Memory of Army Specialist Steven Gutowski.*

The Senator from Plymouth and Barnstable, Ms. Murray, requested that when the Senate adjourns today, it adjourn in memory of Army Specialist Steven Gutowski of Plymouth.

U.S. Army Specialist Steven Gutowski, 24 of Plymouth, died on Wednesday, September 28, 2011 while on deployment to the Ghanzi province of Afghanistan in support of Operation Enduring Freedom when an improvised explosive device detonated near his military vehicle. Specialist Gutowski was assigned to the 5th Engineer Battalion, 4th Maneuver Enhancement Brigade, Fort Leonard Wood, Missouri.

Steven grew up in West Plymouth and graduated from Plymouth North High School in 2005. During high school he was involved in the school's DECA program, and was seen by teachers as a leader, stepping up to complete tasks or offering a helping hand.

After high school, Steven decided to join the army to better prepare him for a future career in business. As part of his duties as a combat engineer, Steven would travel ahead of supply convoys, using mechanical minesweepers to clear the way for fellow soldiers. Friends say his work as a combat engineer underscored his selfless nature and willingness to help anyone when he could.

Army Specialist Gutowski is survived by his parents, two sisters and countless family and friends.

Our thoughts and prayers are with Steven's family, and all the mothers, fathers and spouses in the Commonwealth who have had to bear such a grief over the duration of this war.

Accordingly, as a mark of respect to the memory of Army Specialist Steven Gutowski, at twelve minutes past one o'clock P.M., on motion of Mr. Knapik, the Senate adjourned to meet again on Thursday next at one o'clock P.M.