

**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.

*Monday, March 23, 2009.*

Met at two minutes past at eleven o'clock A.M. (Mr. Petruccelli in the Chair).

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

#### *Communication.*

A communication from the Honorable Therese Murray, President of the Senate, announcing the appointment of Senator Gale D. Candaras as the Massachusetts Senate appointment to the Massachusetts Birth to School-Age Task Force,— **was placed on file.**

#### *Petitions.*

Petitions were presented and referred as follows:

By Mr. Michael O. Moore, a petition (accompanied by bill, Senate, No. 2020) of Michael O. Moore (with approval of the mayor and city council) for legislation concerning the adoption of funding schedules by the city of Worcester Retirement Board [Local approval received]; and

By Mr. Michael O. Moore, a petition (accompanied by bill, Senate, No. 2021) of Michael O. Moore and Harriette L. Chandler (with approval of the mayor and city council) for legislation to provide for the work force reduction of the city of Worcester through an early retirement incentive program for employees [Local approval received];

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

**Severally sent to the House for concurrence.**

#### *Report of a Committee.*

By Mr. Buoniconti, for the committee on Financial Services, on Senate, No. 461 and House, Nos. 888 and 1053, a Bill relative to an appeal process of insurance premium surcharges under managed competition (Senate, No. 2022);

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

#### *Message from the Governor.*

A message from His Excellency the Governor recommending legislation to mobilize economic recovery in Massachusetts (Senate, No. 2019) (received in the office of the Clerk of the Senate on Friday, March 20, 2009 at four o'clock P.M.),— **was referred to the committee on the Economic Development and Emerging Technologies.**

#### *Recess.*

There being no objection, at nine minutes past eleven o'clock A.M., the Chair (Mr. Petruccelli) declared a recess subject to the call of the Chair; and, at twenty-one minutes past three o'clock P.M., the Senate reassembled, Mr. Petruccelli in the Chair.

*Report of a Committee.*

By Mr. Baddour, for the committee on Transportation, on petition, a Bill modernizing the transportation systems of the Commonwealth (Senate, No. 10);

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

*Orders Adopted.*

Mr. Panagiotakos offered the following order, to wit:

*Ordered.* That notwithstanding Senate Rule 7, or any other rule to the contrary, the Senate Bill modernizing the transportation systems of the Commonwealth (Senate, No. 10), to be reported by the committee on Ways and Means on Tuesday, March 24, 2009, with a recommended amendment, shall be placed in the Orders of the Day for consideration of its second reading on Wednesday, March 25, 2009.

All amendments to the bill shall be filed electronically in the office of the Clerk of the Senate by 7 P.M. on Tuesday, March 24, 2009. All such amendments shall be second-reading amendments, but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

**After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.**

**Under the rules, referred to the committee on Ethics and Rules.**

**Subsequently, Mr. Berry, for the said committee, reported, recommending that the order ought to be adopted. The rules were suspended, on motion of Mr. Tisei, and the order was considered forthwith and adopted.**

On motion of Mr. Tisei,—

*Ordered.* That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., in a full formal session without a calendar.

*Adjournment in Memory of the Honorable Reginald Carl Lindsay.*

The Senator from Essex, Mr. Baddour, and the Senator from Middlesex and Norfolk, Ms. Creem, requested that when the Senate adjourns today, it adjourn in memory of the Honorable Reginald Carl Lindsay.

The Honorable Reginald Carl Lindsay, of Newton, a Judge of the United States District Court of Massachusetts, passed away on March 12, 2009. Judge Lindsay was appointed to the U. S. District Court by President Clinton in 1993 and served in that capacity until his death. He was born in Birmingham, Alabama on March 19, 1945. He attended Morehead College where he graduated in 1967 and was a 1970 graduate of Harvard Law School. He was in private practice in Boston from 1970 to 1975 and 1977 to 1993. From 1975 to 1977 Judge Lindsay was a state commissioner of public utilities. Judge Lindsay is survived by his wife Cheryl, his father Richard, his sisters Audry, Deborah, Linda and Shirley and brothers Franklin and Joseph.

Accordingly, as a mark of respect to the memory of the Honorable Reginald Carl Lindsay, at one minute past four o'clock P.M., on motion of Mr. Tisei, the Senate adjourned to meet again tomorrow in a full formal session at eleven o'clock A.M.