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, September 17, 2007.

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

Petitions.

Petitions were presented and referred, as follows:
By Mr. Downing, a petition (subject to Joint Rule 12) of Benjamin B. Downing, Stephen R. Canessa, Robert A. Antonioni, Pamela P. Resor and other members of the General Court for legislation to improve school campus air quality;
By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey, Christopher G. Fallon, Timothy J. Toomey, Jr., Steven A. Tolman and other members of the General Court for legislation to exempt certain annuities from taxation; and
By Mr. Petruccelli, a petition (subject to Joint Rule 12) of Anthony W. Petruccelli for legislation relative to eligibility for membership for retirement systems and pensions;
Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor of submitting (under Article LXXXVII of the Amendments to the Constitution) Reorganization Plan Number 2 of 2007, relative to increasing the efficiency, effectiveness, and fairness of the Commonwealth's labor relations agencies (accompaned by bill, House, No. 4244),— **was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.**

A Bill establishing a sick leave bank for Robert Bozarjian, an employee of the Department of Education (House, No. 4235,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill relative to the Jacob Sears Memorial Library (House, No. 3787,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill placing certain members of the fire department of the town of Wrentham under the civil service law (House, No. 4078,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

A report of the committee on Public Health, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2178) of Peter J. Koutoujian and Richard J. Ross for legislation to authorize the use of flashing lights on motor vehicles leading funeral processions, and recommending that the same be referred to the committee on Transportation,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. McGee) "congratulating the Swampscott Police Department on the occasion of the one hundred and twenty-second anniversary of its establishment";
Resolutions (filed by Mr. O'Leary) "congratulations and thanks to the Dennis/Harwich Lions Club";
Resolutions (filed by Mr. Rosenberg and Ms. Candaras) "congratulating the town of Belchertown on the occasion of its one hundred and fiftieth annual fair and parade";
Resolutions (filed by Messrs. Tarr, Augustus, Berry, Ms. Creem, Ms. Fargo, Ms. Jehlen, Messrs. O'Leary, Panagiotakos, Ms. Spilka, Messrs. Timilty and Tisei, and Ms. Tucker) "recognizing Alopecia Areata Awareness Week";
Resolutions (filed by Ms. Walsh) "congratulating Andrew Burke on his attainment of the rank of Eagle Scout"; and
Resolutions (filed by Ms. Walsh) "congratulating Timothy Lesinski on his attainment of the rank of Eagle Scout."

Engrossed Bill Returned by the Governor With Recommendation of Amendment.

The engrossed Bill authorizing the town of Rehoboth to grant a license for the sale of all alcoholic beverages not to be drunk on the premises (see Senate, No. 2270) (which on Thursday, September 6, 2007, had been laid before the Governor for his approbation), was returned to the Senate Clerk by the Governor on Friday, September 14, 2007 at twenty-two minutes before two o'clock P.M., with a message recommending an amendment.
The message (Senate, No. 2339) was read and the Senate proceeded to reconsider the bill, in accordance with the provisions of Article LVI of the Amendments to the Constitution.
Pending action thereon, the bill was referred to the committee on Bills in the Third Reading, on motion of Mr. Hedlund.

Reports of Committees.

Mr. Augustus, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by His Excellency the Governor to the engrossed Bill authorizing the town of Rehoboth to grant a license for the sale of all alcoholic beverages not to be drunk an the premises (see Senate, No. 2270) [For message, see Senate, No. 2339],— reported that the amendment recommended by the Governor be considered in the following form:— in section 1, in the first sentence, by striking out the word "Mart" and inserting in place thereof the following word:— "Market"; and by striking out section 2 and inserting in place thereof the following section:—

"SECTION 2. Upon issuance of the license for the sale of all alcoholic beverages not to be drunk on the premises to Azevedo's Mini Market Ltd., pursuant to section 1, Azevedo's Mini Market Ltd. shall return to the town the license for the sale of wines and malt beverages that it presently holds.".
The Chair (Mr. Petruccelli) stated that under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.
On motion of Mr. Hedlund, the Senate then adopted the amendment in the form recommended by the committee on Bills in the Third Reading.
Sent to the House for its action.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill allowing for the continued use of state owned property for fishing, boating and tourism purposes on the Congamond Lakes in Southwick (Senate, No. 2248),— **ought to pass.**
There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and ordered to a third reading.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Colleen Hannon, an employee of the trial court (House, No. 4183),— ought to pass, with an amendment striking out, in the third sentence, the words "extended illness leave bank" and inserting in place thereof the following words:— "trial court paid leave bank".
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 in the amendment.

Petitions.

On motion of Mr. Hedlund, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Ms. Menard, (accompanied by bill) of Joan M. Menard and Robert Correia for legislation to establish a sick leave bank for Lori Silva, an employee of the Trial Court,— **and the same was referred to the committee on the Judiciary.**
Sent to the House for concurrence.

On motion of Mr. Hedlund, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Ms. Spilka, (accompanied by bill) of Karen E. Spilka and Paul J. Loscocco for legislation to establish a sick leave bank for Peter Hebert, an employee of the Department of Social Services,— **and the same was referred to the committee on Public Service.**
Sent to the House for concurrence.

Reports of Committees.

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Steven A. Tolman for legislation to further regulate the granting of temporary licenses for the sale of wine at certain auctions.
Senate Rule 36 was 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 Consumer Protection and Professional Licensure.

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stephen M. Brewer for legislation to punish the failure to report certain fires.
Senate Rule 36 was 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.
Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4247) of Susan Williams Gifford and others that purchasers of defective or malfunctioning motor homes be covered under the "lemon law", so-called,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Consumer Protection and Professional Licensure.**

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Mary Hardiman, an employee of the Department of Public Health (see House, No. 4210, amended), 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. Petruccelli) and sent to the House for enactment.

A Bill establishing a sick leave bank for Karen Byrnes, an employee of the Department of Conservation and Recreation (House, No. 4225,— on petition),— **was read.**
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.

Order Adopted.

On motion of Mr. Hedlund,—

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.

On motion of the same Senator, at nineteen minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Wednesday at eleven o'clock A.M.