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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, September 17, 2009.

Met at twenty-four minutes before two o'clock A.M. (Mr. Rosenberg in the Chair).

Communications.

The following communications were severally received and placed on file:

A communication from the Honorable Michael W. Morrissey in compliance with the provisions of Chapter 268A of the General Laws; and

A communication from the Honorable Scott P. Brown in compliance with the provisions of Chapter 268A of the General Laws

Petitions.

Petitions were presented and referred, as follows:

By Ms. Tucker, a petition (accompanied by bill, Senate, No. 2152) of Susan C. Tucker, Barry R. Finegold and Barbara A. L'Italien (by vote of the town) for legislation relative to the Punchard Free School in the town of Andover [Local approval received];

Under Senate Rule 20, to the committee on Education.

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2153) of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation relative to the North Carver Water District [Local approval received];

By Ms. Tucker, a petition (accompanied by bill, Senate, No. 2154) of Susan C. Tucker, Barry R. Finegold and Barbara A. L'Italien (by vote of the town) for legislation to authorize easements over certain land in the town of Andover [Local approval received];

Severally under Senate Rule 20, to the committee on Municipalities and Regional Government.

Severally sent to the House for concurrence

Committee Discharged.

Mr. McGee, for the committee on Labor and Workforce Development, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 697) of Thomas M. McGee for legislation relative to mediation,- and recommending that the same be referred to the committee on the Judiciary;

Of the petition (accompanied by bill, Senate, No. 692) of Brian A. Joyce for legislation relative to the payment of labor and materials,- and recommending that the same be referred to the committee on State Administration and Regulatory Oversight; and

Of the petition (accompanied by bill, Senate, No. 695) of Thomas M. McGee, Marc R. Pacheco, Angelo J. Puppolo, Jr. Martin J. Walsh, other members of the General Court and others for legislation relative to workers compensation for veterans,- and recommending that the same be referred to the committee on Veterans and Federal Affairs;

**Under Senate Rule 36, the reports were severally considered forthwith and accepted.
Severally sent to the House for concurrence**

Mr. McGee, for the committee on Labor and Workforce Development, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 701) of Mark C. Montigny for legislation to authorize the funding of capital expenditures for workforce development and adult basic education,- and recommending that the same be referred to the Senate committee on Bonding, Capital Expenditures and State Asset.

**Under Senate Rule 36, the report was considered forthwith and accepted.
Sent to the House for concurrence in the discharge of the joint committee.**

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4240) of Stephen Kulik and Stanley C. Rosenberg (by vote of the town) that the town of Montague be authorized to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises;

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4243) of Cleon H. Turner, Robert A. O'Leary and Demetrius J. Atsalis (by vote of the town) regulating elections in the town of Yarmouth;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 4245) of Cleon H. Turner and Robert A. O'Leary (by vote of the town) that the town of Dennis be authorized to establish a shellfish mitigation fund for said town;

To the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 4241) of Michael D. Brady, Christine E. Canavan and others (with the approval of the mayor and city council) authorizing the city of Brockton to prevent the siting of a power plant in said city;

Petition (accompanied by bill, House, No. 4242) of Denis E. Guyer and Benjamin B. Downing (by vote of the town) relative to the appointment of members of the redevelopment authority in the town of Dalton;

Petition (accompanied by bill, House, No. 4244) Cleon H. Turner and Robert A. O'Leary (by vote of the town) that the town of Dennis be authorized to borrow in anticipation of reimbursement from betterments to said town;

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4239) Peter J. Koutoujian, Ruth B. Balser and others (with the approval of the mayor and city council) relative to the retirement reclassification of the fire apparatus mechanic in the city of Newton;

To the committee on Public Service.

Bills

Relative to the interest rate to be charged upon apportioned betterment assessments for water and sewer projects in the town of Mattapoisett (House, No. 1910,-- on petition) [Local approval received];

Establishing the center pond restoration and protection district in the town of Becket (House, No. 3701,- on petition) [Local approval received];

Authorizing the town of Fairhaven to grant an additional license for the sale of wine and malt beverages to be drunk on the premises (House, No. 4237,- on House, No. 1908) [Local approval received on House, No. 1908];

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

Reports

Of the committee on Labor and Workforce Development, asking to be discharged from further consideration

Of the recommendation (accompanied by bill, House, No. 91) of the commission on Uniform State Laws as relates to revising the Uniform Arbitration Act for commercial disputes;

Of the recommendation (accompanied by bill, House, No. 94) of the commission on Uniform State Laws as relates to making uniform certain aspects of mediation;

And recommending that the same severally be referred to the committee on The Judiciary;

Of the petition (accompanied by bill, House, No. 2549) of James J. O'Day, Barbara A. L'Italien and others for legislation to protect social workers,-- recommending that the same be referred to the committee on Public Service;

Of the recommendation (accompanied by bill, House, No. 24) of the Executive Office of Labor and Workforce Development as relates to making technical amendments regarding the Division of Labor Relations within the Department of Labor;

Of the recommendation (accompanied by bill, House, No. 26) of the Executive Office of Labor and Workforce Development as relates to improving efficiencies, containing costs, streamlining process and enhancing processing service delivery within said office;

And recommending that the same severally be referred to the committee on State Administration and Regulatory Oversight;

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Recess.

There being no objection at twenty-three minutes before two o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at three minutes past 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. Brown) "congratulating Charlie Chamberlain on the dedication of the Charlie Chamberlain Parkway in the town of Dennis"; Resolutions (filed by Ms. Fargo) "congratulating the Minute Man National Historical Park on the occasion of the fiftieth anniversary of its founding"; and
Resolutions (filed by Ms. Menard) "congratulating Todd Negalha upon his elevation to the rank of Eagle Scout."

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

**COMMEMORATING SERGEANT FIRST CLASS JARED C. MONTI OF RAYNHAM
ON HIS POSTHUMOUS AWARD OF THE CONGRESSIONAL MEDAL OF HONOR.**

Whereas, Sergeant First Class Jared C. Monti was previously awarded a bronze star, a purple heart, 5 army commendation medals, 4 army achievement medals, 3 good conduct medals, 2 national defense service medals, 2 Korean defense service medals, 2 armed forces expeditionary medals, a Kosovo campaign medal, 2 non-commissioned officer professional development ribbons, an army service ribbon, 3 overseas service ribbons, the NATO medal, an Afghan Campaign Medal, a Global War of Terrorism Service Medal, a Combat Action Badge, a Parachutist Badge and an Air Assault Badge; and

Whereas, Sergeant Monti was killed in the mountains of Afghanistan on June 21, 2006, while rushing in to rescue his fallen comrades after their surveillance patrol was attacked and overrun by the Taliban; and

Whereas, Sergeant Monti is only the sixth soldier to receive the nation's highest military honor for extraordinary acts of heroism during combat in Iraq and Afghanistan; and

Whereas, Sergeant Monti is the first Massachusetts resident since the Vietnam War to receive the military's highest honor; and

Whereas, Sergeant Monti served 13 years in the military, enlisting in the National Guard as a high school junior under the delayed entry program on March 11, 1993 and then going to basic training at Fort Leonard Wood Montana where after graduation he switched to active duty and completed his initial military training at Fort Sill Oklahoma; and

Whereas, after graduating from advanced individual training he was awarded the military operations specialty 13F, fire support specialist; and

Whereas, after graduating from basic training and his advanced individual training he was stationed at Fort Riley Kansas where he was then assigned to the Korean Peninsula as part of the 1st Battalion, 506th Infantry Regiment in the demilitarized zone; and

Whereas, after leaving Korea he moved to Fort Bragg North Carolina before returning to Korea and eventually being stationed at Fort Drum New York; and

Whereas, Sergeant Monti's military education included completing the Combat Life Savers course in 1995, the Basic Airborne School in 1997, the Primary Leadership Development course in 1998, the Basic Non-Commissioned Officer course in 2001, the Air Assault course in 2002 and the Joint Fire Power/Control course in 2004; and

Whereas, in addition to serving in Korea, Sergeant Monti was deployed to Kosovo and a previous tour in Afghanistan in 2003 before being deployed to a second tour of Afghanistan with the 3rd Squadron, 71st Cavalry, 3rd Brigade Combat Team, 10th Mountain Division in 2006; and

Whereas, Sergeant Monti is survived by his father, Paul Monti of Raynham, his mother, Janet Monti of North Carolina, his brother Tim Monti of Taunton, his sister Niccole Monti of North Carolina and his niece Carys Monti; now therefore be it

Resolved, that the Massachusetts Senate hereby honors the service of Sergeant First Class Jared C. Monti for his bravery and heroic efforts in serving our country; and be it further

Resolved, that a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the family of Sergeant Jared C. Monti.

PAPER FROM THE HOUSE
Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill relative to preventing oil spills in Buzzards Bay (House, No. 4119) (*amended by the Senate* in section 1, in line 9, striking out the words “denies boarding to” and inserting in place thereof the words: “fails to request”; in section 2, in lines 25 to 29), inclusive, (as changed by the Senate committee on Bills in the Third Reading), inclusive, striking out all after the words “equipped with:” and inserting in place thereof the following:— “(i) twin radar displays equipped with ECDIS or ARPA capable of integrating AIS; (ii) a towing winch and associated wire and gear capable of towing, at minimum, a 470 foot fully loaded tank vessel; and (iii) firefighting equipment as determined adequate by the commissioner pursuant to subsection (c) of section 6.”; inserting after section 3, the following four sections:

“SECTION 3A. Section 8 of said chapter 21M is hereby amended by striking out the words ‘rescue tugs dispatched under section 9’, inserted by section 6 of chapter 268 of the acts of 2008, and inserting in place thereof the following words:- state-provided tugboat escorts dispatched under section 9.

SECTION 3B. Subsection (c) of said section 8 of said chapter 21M, as amended by section 7 of said chapter 268, is hereby further amended by striking out clause (1) and inserting in place thereof the following clause:-

(1) A uniform oil spill response and prevention fee in an amount not exceeding \$.05 for each barrel of petroleum product shall be imposed upon a person owning petroleum products at the time the petroleum products are received at a marine terminal within the commonwealth by means of a vessel from a point of origin outside the commonwealth; provided, however, that the fee shall be remitted to the department of revenue on the thirtieth day of each month based upon the number of barrels of petroleum products received during the preceding month; provided, further, that on or after July 1, 2015, if the commissioner calculates that the financial burden placed upon the commonwealth by the increase of covered vessels under the state escort tug program is sufficiently greater than the resources provided by the fee, the commissioner may increase the fee to not more than \$.07 for each barrel of petroleum product; and provided further, that the commissioner submit a report justifying an increase to a rate higher than \$.05 per barrel to the house and senate committees on ways and means and to the joint committee on environment, natural resources and agriculture at least 90 days before the effective date of the increase.

SECTION 3C. Clause (10) of subsection (d) of said section 8 of said chapter 21M, added by section 10 of said chapter 268 of the acts of 2008, is hereby amended by striking out the words ‘rescue tugs’ and inserting in place thereof the following words:- state-provided tugboat escorts.

SECTION 3D. Subclause (vii) of clause (1) of subsection (f) of said section 8 of said chapter 21M, added by section 12 of said chapter 268 of the acts of 2008, is hereby amended by striking out the words ‘rescue tugs’ and inserting in place thereof the following words:- state-provided tugboat escorts.”; and striking out section 4 and inserting in place thereof the following section:-

“SECTION 4. Said chapter 21M is hereby further amended by striking out section 9, inserted by section 13 of chapter 268, and inserting in place thereof the following section:-

Section 9. (a) An owner or operator of a tank vessel carrying 6,000 or more barrels of oil may provide 24-hour notice to the department, in a manner to be determined by the department, of the owner or operator’s intent to enter or operate such vessel in Buzzards Bay.

(b) If 24-hour notice is given, pursuant to subsection (a) and the tank vessel is unaccompanied by a tugboat escort, the commissioner shall dispatch a state pilot, if requested by the owner or operator, to the towing vessel.

(c) The commissioner shall dispatch a state-provided tugboat escort in Buzzards Bay to escort a tank vessel carrying 6,000 or more barrels of oil entering or operating in Buzzards Bay and otherwise unaccompanied by a tugboat escort.

(d) The state pilot or operator of the state-provided tugboat escort shall report to the commissioner all near and actual navigational incidents that could potentially lead to an oil spill including, but not limited to, the following: tank vessels traveling outside of the designated vessel route as appearing on the National Oceanic and Atmospheric Administration chart for Buzzards Bay; failure to use AIS; near or actual collisions, allisions or groundings; steering or engine failures; and towing gear failures. The commissioner shall record, make available to the public and keep on file these reports for not less than 10 years.

(e) Notwithstanding subsections (b) and (c), the commissioner shall not dispatch a state-provided tugboat escort and state pilot if the department determines that exigent circumstances exist. No such determination shall be construed to relieve or otherwise limit the liability of an owner or operator of a tank vessel for any release of oil that occurs while the tank vessel enters or operates in Buzzards Bay. The commissioner shall report annually on January 1, to the joint committee on the environment, natural resources and agriculture and in the Environmental Monitor, a publication of the executive office of energy and environmental affairs, the number of occasions that such exemptions were authorized.

(f) The commissioner shall adopt regulations for the implementation and enforcement of this section including, but not limited to, the dispatching of state pilots, manning requirements and the dispatching of state-provided tugboat escorts.

(g) The commissioner, after a competitive bidding process, may evaluate such bids and may enter into contracts with companies to dispatch and provide state-provided tugboat escorts, which meet or exceed the standards required under this section.”, reported a ‘Bill preventing oil spills in Buzzards Bay’ (House, No. 4247),-- came from the House, and was read.

The rules were suspended, on motion of Mr. Pacheco, and the report was considered forthwith.

After remarks, the question on acceptance of the report of the committee of conference was determined by a call of the yeas and

nays, at twenty minutes past two o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 36-nays 0) [**Yeas and Nays No. 133**]

Insert Roll Call "133"

The yeas and nays having been completed at twenty-eight minutes past two o'clock P.M., the report was accepted, in concurrence.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Authorizing the town of Templeton to grant additional license for the sale of all alcoholic beverages to be drunk off the premises (Senate, No. 2063); and

Establishing a town manager in the town of Hamilton (Senate, No. 2084);

Relative to the charter of the town of Lunenburg (House, No. 635);

Authorizing the city of Salem to grant a liquor license to Derby Deli, Inc. (House, No. 1128);

Authorizing certain persons to be appointed as firefighters and policemen in the town of Arlington, notwithstanding the maximum age requirement (House, No. 2433);

Authorizing the town of Fairhaven to assess certain betterments (House, No. 3473);

Relative to the town of Dedham in organizing town agencies (House, No. 4096)

Establishing the election calendar in the city of Salem (House, No. 4112)

Authorizing the conveyance of certain parcels of land in the town of Nantucket (House, No. 4182)

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

The House Bill relative to a new public safety facility lease in the town of Burlington (House, No. 4056, changed),- **was read a second time and ordered to a third reading. There being no objection, the rules were suspended on motion of Ms. Jehlen, and bill was read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to a license for the sale of alcoholic beverages in the city of New Bedford (House, No. 4183),- was read a second time. Pending the question on ordering the bill to a third reading, Mr. Montigny moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following text:-

"SECTION 1. Chapter 451 of the acts of 2006 is hereby repealed.

SECTION 2. Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special law or rule or regulation to the contrary, the licensing authority of the city of New Bedford is hereby authorized to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138 to Nucleo Sportinguista de New Bedford, Inc.. The license shall be subject to all of said chapter 138, except said section 17 unless specifically provided otherwise. The licensing authority shall not approve the transfer of the license to any other person, organization or corporation. Upon revocation, cancellation or termination of the license or the termination, abandonment or dissolution of the license holder, the license shall be void and shall not be reissued to any other entity.

SECTION 3. This act shall take effect upon its passage."

After remarks, the amendment was adopted.

The bill, as amended, was then ordered to a third reading.

There being no objection, the rules were suspended, on motion of the same Senator, and the bill was read a third time and passed to be engrossed, in concurrence, with the amendment, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act relative to a certain license for the sale of all alcoholic beverages to be drunk on the premises in the city of New Bedford".

Sent to the House for concurrence in the amendment.

Reports of a Committee.

Mr. Berry, for the committee on Ethics and Rules, to whom was referred The Senate Bill updating the animal control laws of Massachusetts (Senate, No. 406) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft entitled "An Act further regulating animal control" (Senate, No. 2120), reported, that the matter be placed in the Orders of the Day with a recommended amendment to the proposed Ways and Means new draft by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2151.

Ms. Jehlen moved to suspend the rules so that the matter could be considered forthwith; but objection was made thereto by Mr. Knapik.

The bill was placed in the Orders of the Day for the next session.

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 relative to reckless endangerment of persons with disabilities (Senate, No. 84).

There being no objection, the rules were suspended, on motion of Ms. Walsh, and the bill was read a second time, ordered to a third reading and 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 twenty-three minutes before three o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 36 - - nays 0) [Yeas and Nays No. 133]:

INSERT ROLL CALL "133"

The yeas and nays having been completed at eighteen minutes before three o'clock P.M., the bill (Senate, No. 84) was passed to be engrossed.

Sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill **authorizing the department of highways and town of Kingston to exchange certain parcels of land** (Senate, No. 2147),— **ought to pass with an amendment** in section 2, by striking out the first sentence and inserting in place thereof the following sentence:- "Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the department of highways following the acquisition of the land and easements described in section 3, shall convey to the town for municipal purposes the portion of land owned by the commonwealth and under control of the department shown as parcel 6 on the plan described in said section 3 located south of the layout of the ramp which is no longer required for highway purposes."; and in section 3, by striking out the first sentence and inserting in place thereof the following sentence:- "Notwithstanding any general or special law to the contrary, the board of selectmen of the town of Kingston, upon receipt of the notice required under section 1 and as requested by the division of capital asset management and maintenance in consultation with the department of highways, shall either convey by deed to the commonwealth, acting by and through the division on behalf of the department, or release the town's interest in, and the commonwealth acting by and through the division on behalf of the department shall acquire by deed, eminent domain or otherwise, the land required for the ramp to be laid out as a state highway in the following described parcels of land owned by the town: not more than 1.95 acres of the town's land described as parcels 1,2 and 3 on that plan of land entitled "Plan of Land Parcels in Kingston, Massachusetts to be Exchanged between the Town of Kingston and the Massachusetts Department of Highways," dated August 6, 2007."

There being no objection, the rules were suspended, on motion of Mr. Pacheco, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2147, amended) was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Sent to the House for concurrence in the amendment.

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 Jennifer L. Flanagan and Richard L. Rice, Jr. for legislation to establish a sick leave bank for Richard Donati, an employee of the Department of Correction.

The rules were suspended, on motion of Mr. Downing, and the report was considered forthwith; Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4249) of Christopher J. Donelan and James R. Miceli for legislation to establish a manufactured homes commission;

Under suspension of Joint Rule 12, to the committee on Housing.

Petition (accompanied by bill, House, No. 4250) of Thomas M. Stanley for legislation to establish a sick leave bank for Michael Jordan, an employee of the Trial Court;

Under suspension of Joint Rule 12, to the committee on The Judiciary.

Petition (accompanied by bill, House, No. 4251) of James E. Vallee (with the approval of the town council) that the town of Franklin be authorized to appropriate funds for the removal of overhead utilities and providing for the underground placement of such utilities.

Under suspension of Joint Rule 7B, to the committee on Municipalities and Regional Government

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:

Establishing a sick leave bank for Michael Belloli, an employee of the Department of Correction (see Senate, No. 2100, amended);
Establishing a sick leave bank for Margaret Ann Sheehan, an employee of the Trial Court (see Senate, No. 2106);
Establishing a sick leave bank for Ellen Starck, an employee of the Parole Board (see Senate, No. 2125);
Establishing a sick leave bank for Maria Natal, an employee of the Department of Revenue (see House, No. 601);
Establishing a sick leave bank for Sara Dubik-Unruh, an employee of the Department of Transitional Assistance (see House, No. 1142, amended);
Authorizing the town of Natick to sell or lease certain property (see House, No. 3705);
Authorizing an odd-numbered board of library trustees not to exceed 9 members in the town of Boxford (see House, No. 3707);
and
Establishing a sick leave bank for Betty Green, an employee of the Department of Revenue (see House, No. 4177).

Recess.

There being no objection at twelve minutes before three o'clock P.M., the President declared a recess subject to the call of the Chair; and, at one minute past six o'clock P.M., the Senate reassembled Mr. Downing in the Chair.

Suspension of Senate Rule 38A.

Ms. Chang-Díaz moved that Senate Rule 38A be suspended to allow the Senate to continue in session beyond the hour of eight o'clock P.M.; and, there being no objection, on further motion of the same Senator, the rule was suspended without a recorded ye and nay vote.

Suspension of Senate Rule 38A½ .

Ms. Chang-Díaz moved that Senate Rule 38A½ be suspended to allow the Senate to continue in session beyond the hour of midnight; and, there being no objection, on further motion of the same Senator, the rule was suspended without a recorded ye and nay vote.

Recess.

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

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill preventing oil spills in Buzzards Bay (see House, No. 4247) 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. Downing) and sent to the House for enactment.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Downing) and laid before the Governor for his approbation.

The House Bill relative to filling a temporary vacancy in the United States Senate (House, No. 4246, amended),- was read.

Ms. Chang-Díaz moved to suspend the rules to consider the matter forthwith; **but objection was made thereto by Mr. Tarr. Under the rules, the bill was placed in the Orders of the Day for the next session.**

Order Adopted.

Mr. Berry offered the following order, to wit:

Ordered, That, under the provisions of Senate Rule 31A and notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill relative to filling a temporary vacancy in the United States Senate (House, No. 4246, amended), shall be placed in the Orders of the Day for consideration of its second reading on Friday, September 18, 2009:

(1) All amendments to the bill shall be filed electronically in the office of the Clerk of the Senate by 10:00 A.M. on Friday, September 18, 2009. All such amendments shall be second reading amendments. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

(2) 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 Ms. Chang-Díaz, and the order was considered forthwith and adopted.

Order Adopted.

On motion of Ms. Chang-Díaz,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on tomorrow next twelve o'clock noon, in a full formal session.

Adjournment in Observance of POW-MIA Recognition Day

Senators Donnelly, Tolman, Joyce, Brewer, and McGee, requested that when the Senate adjourns today, it adjourn in memory of those who have not only served our Nation in times of war but for those brave individuals held as prisoners of war and for those who remain missing in action.

As tomorrow, September 18th, is POW-MIA Recognition Day, it is imperative that we never forget or fail to honor the memory of those who paid an indescribable price, as well as the sacrifices and the suffering of their families, for the freedoms we hold so dear.

Accordingly, as a mark of respect to the observance of POW-MIA Recognition Day, at thirteen minutes before ten o'clock P.M., on motion of Ms. Chang-Díaz, the Senate adjourned to meet again tomorrow at twelve o'clock noon.