

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, September 29, 2009.

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.

Reports of a Committee.

By Ms. Jehlen, for the committee on Elder Affairs, on Senate, No. 328 and House, Nos. 545 and 3417, a Bill increasing the personal care allowance for long term care residents (Senate, No. 328);

Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—
Resolutions (filed by Messrs. Morrissey and Hart) “congratulating J. J. Foley’s on the one hundredth anniversary of its founding.”

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 relative to converting one seasonal license for the sale of all alcoholic beverages not to be consumed on the premises to one annual license (Senate, No. 147),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Knapik moved that the bill be amended by substituting a new draft entitled “An Act authorizing the city of Westfield to convert a seasonal license for the sale of all alcoholic beverages not to be drunk on the premises to an annual license for the sale of all alcoholic beverages not to be drunk on the premises” (Senate, No. 2161).

The amendment was adopted.

The bill (Senate, No. 2161) was then passed to be engrossed.

Sent to the House for concurrence.

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 Marc R. Pacheco and Susan Williams Gifford for legislation to establish a sick leave bank for Cassandra Silvia, an employee of the Department of Developmental Services.

The rules were suspended, on motion of Mr. Petruccelli, 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.

PAPER FROM THE HOUSE.

The House Bill regarding accountability of public utility companies (House, No. 4126, amended),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2155, amended in section 1, by striking out, in line 12, the word “records” and inserting in place thereof the following word:— “documents”; in said section 1, by inserting after the word “emergency”, in line 12, the following words:— “; provided, however, that documents and information provided to the chairman during such state of emergency shall be subject to the exemption provided by subclause (n) of clause Twenty-sixth of section 7 of chapter 4, to the extent necessary to protect the public safety”; and, in section 5, in proposed section 85B, in subsection (a), in the last paragraph, by adding the following sentence:— “The department shall accord protected treatment under section 5D of chapter 25 to confidential, competitively-sensitive or other proprietary information contained in an emergency response plan and shall also confirm the application of subclause (n) of clause Twenty-sixth of section 7 of chapter 4 so as not to jeopardize public safety.”, and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Finegold of Andover, Rice of Gardner and Hargraves of Groton had been appointed the committee on the part of the House.

On motion of Mr. Tarr, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Morrissey, Flanagan and Tarr were appointed on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Recess.

There being no objection, at ten minutes past eleven o’clock A.M., the Chair (Mr. Tolman) declared a recess subject to the call of the Chair; and, at thirteen minutes past one o’clock P.M., the Senate reassembled, Mr. Tolman in the Chair.

PAPER FROM THE HOUSE.

A Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4266,— on House, No. 4155, in part),— **was read.**

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Berry presented an amendment adding the following section:— “SECTION 3. Section 2 shall take effect as of September 28, 2009.”

The amendment was adopted.

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.

Engrossed Bill.

An engrossed Bill establishing a town manager in the town of Hamilton (see Senate, No. 2084) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. Tolman) and laid before the Governor for his approbation.

Recess.

There being no objection, at a quarter past one o’clock P.M., the Chair (Mr. Tolman) declared a recess subject to the call of the Chair; and, at eleven minutes before three o’clock P.M., the Senate reassembled, Mr. Tolman in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4266, 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. Tolman) 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 (Mr. Tolman) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tarr,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday 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 four minutes before three o'clock P.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.