

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, November 10, 2009.

Met at one o'clock P.M. (Mr. Rosenberg in the Chair).

Petition.

Mr. O'Leary presented a petition (subject to Joint Rule 12) of Robert A. O'Leary for legislation relative to the automatic transfer of motor vehicles to beneficiaries,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Mr. O'Leary, for the committee on Education, on a message from His Excellency the Governor (accompanied by bill, House, No. 4164), a Bill relative to education reform (Senate, No. 2201);

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

PAPERS FROM THE HOUSE.

Bills

Establishing a sick leave bank for John Bevelaqua an employee of the Department of Energy Resources (House, No. 4263, amended,— on petition);

Establishing sick leave banks for Lori Polson and Eric Polson, employees of the Department of Correction (House, No. 4273,— on petition); and

Extending simulcasting (House, No. 4323, amended,— on House, No. 4062);

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

Bills

Designating Polish American Congress Day (House, No. 3035, changed,— on petition); and

Designating Route 20 in the town of Northborough as the John Davis Highway (House, No. 4030,— on petition);

Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

Recess.

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at ten minutes before four 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.

PAPER FROM THE HOUSE.

Committee of Conference Report.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill relative to public utility companies (House, No. 4126) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2115, amended in section 1, by striking out, in line 12, the word “records” and inserting in place thereof the following words:— “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.”), reported a “Bill relative to public utility companies” (House, No. 4329),— **came from the House, and was read.**

The rules were suspended, on motion of Mr. O’Leary, 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 five minutes past four o’clock P.M., on motion of Ms. Flanagan, as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 149**]:

YEAS.

Baddour, Steven A. Jehlen, Patricia D.
Brewer, Stephen M. Joyce, Brian A.
Brown, Scott P. Kennedy, Thomas P.
Buoniconti, Stephen J. Knapik, Michael R.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Menard, Joan M.
Chang-Diaz, Sonia Montigny, Mark C.
Creem, Cynthia Stone Moore, Michael O.
Donnelly, Kenneth J. Moore, Richard T.
Downing, Benjamin B. Morrissey, Michael W.
Flanagan, Jennifer L. O’Leary, Robert A.
Galluccio, Anthony D. Pacheco, Marc R.
Hart, John A., Jr. Panagiotakos, Steven C.
Hedlund, Robert L. Petruccelli, Anthony
Rosenberg, Stanley C. Tolman, Steven A.
Spilka, Karen E. Tucker, Susan C.
Tarr, Bruce E. Walsh, Marian — 35.
Tisei, Richard R.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. Fargo, Susan C.
Eldridge, James B. Timilty, James E.— 4.

The yeas and nays having been completed at ten minutes past four o’clock P.M., the report was accepted, in concurrence.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill to update public charities law (Senate, No. 2117),— ought to pass, with an amendment inserting before the enacting clause the following emergency preamble:—

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to update forthwith the public charities laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

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

The bill (Senate, No. 2117, amended) was then ordered to a third reading, and after remarks, the bill was read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty minutes past four o’clock P.M., on motion of Mr. Tolman, as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 150**]:

YEAS.

Baddour, Steven A. McGee, Thomas M.
Brewer, Stephen M. Menard, Joan M.

Brown, Scott P. Montigny, Mark C.
Buoniconti, Stephen J. Moore, Michael O.
Candaras, Gale D. Moore, Richard T.
Chandler, Harriette L. Morrissey, Michael W.
Chang-Diaz, Sonia O'Leary, Robert A.
Creem, Cynthia Stone Pacheco, Marc R.
Donnelly, Kenneth J. Panagiotakos, Steven C.
Downing, Benjamin B. Petruccelli, Anthony
Flanagan, Jennifer L. Rosenberg, Stanley C.
Galluccio, Anthony D. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Hedlund, Robert L. Tisei, Richard R.
Jehlen, Patricia D. Tolman, Steven A.
Joyce, Brian A. Tucker, Susan C.
Kennedy, Thomas P. Walsh, Marian — 35.
Knapik, Michael R.
NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. Fargo, Susan C.
Eldridge, James B. Timilty, James E.— 4.

**The yeas and nays having been completed at twenty-five minutes past four o'clock P.M., the bill was passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act further regulating public charities".
Sent to the House for concurrence**

PAPER FROM THE HOUSE.

The House Bill to ensure the rights of veterans and service members (House, No. 4310, amended),— **came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2194, printed as amended with a further amendment striking out all after the enacting clause inserted by amendment by the Senate and inserting in place thereof the text contained in House document numbered 4330: and striking out the title and inserting in place thereof the following title: "An Act providing benefits to veterans and service members".
Senate Rule 36 was suspended, on motion of Mr. Brewer, and the Senate concurred in the further House amendment.**

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

November 6, 2009.

Mr. William F. Welch
Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

During the formal session held on Thursday, November 5, 2009, I was absent from the chamber serving in my capacity as a President-Elect of the National Conference of State Legislatures.

Consequently, I was not recorded on several roll call votes. Had I been present, I would have voted in the following manner:

H 4136 — Relative to land in Norton — Yes
H 4182 — Relative to land in Nantucket — Yes
Suspension of the Rules — Yes
H 4130 — Relative to Veterans Services — Yes

I respectfully request that a copy of this letter be printed in the Journal of the Senate. Thank you in advance for your assistance.

Sincerely,
RICHARD T. MOORE,
State Senator,
Worcester and Norfolk District.

On motion of Mr. Buoniconti, the above communication was ordered printed in the Journal of the Senate.

PAPERS FROM THE HOUSE.

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 President and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Richard Donati, an employee of the Department of Correction (see Senate, No. 2157, amended);

Relative to the interest rate to be charged upon apportioned betterment assessments for water and sewer projects in the town of Mattapoisett (see House, No. 1910);

Relative to the Retiree Healthcare Liability Trust Fund of the town of Brookline (see House, No. 3714, amended); and

Designating a portion of Route 140 as the Korean War Veterans' Memorial Roadway (see House, No. 4215).

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Authorizing the town of Wenham to grant certain licenses for the sale of wine and malt beverages not to be drunk on the premises (Senate, No. 2082); and

Authorizing a land acquisition fund in the town of Middleborough (Senate, No. 2139);

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

The House Bill establishing a town administrator and a municipal finance department in the town of Douglas (House, No. 1894),— **was read a second time and ordered to a third reading.**

Subsequently, there being no objection, the rules were suspended, on motion of Mr. Richard T. Moore, and the bill was read a third time and passed to be engrossed, in concurrence.

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows:—

The House Bill authorizing the town of Fairhaven to assess certain betterments (House, No. 3473),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Fairhaven to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 4237) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill prohibiting the sale of lottery tickets on credit (Senate, No. 157),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Pacheco, and the bill 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.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill instituting saltwater fishing licenses (House, No. 4309),— **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2200; and by striking out the title and inserting in place thereof the following title: "An Act providing for saltwater fishing permits".**

There being no objection, the rules were suspended, on motion of Mr. Tolman, 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, after remarks, was passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

A Bill designating a certain bridge in the town of Danvers as the Danversport Bridge (House, No. 3335, changed,— on petition),— **was read.**

There being no objection, the rules were suspended, on motion of Mr. Baddour, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Engrossed Bill.

The engrossed Bill authorizing the town of Charlton to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 114, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— **was laid before the Senate.**

On motion of the Mr. Brewer, Senate Rule 49 was suspended.

The same Senator moved to amend the engrossed bill by striking out the first paragraph and inserting in place thereof the following paragraph:—

“Notwithstanding sections 12 and 17 of chapter 138 of the General Laws, the licensing authority of the town of Charlton may grant 4 additional licenses for the sale of all alcoholic beverages to be drunk on the premises to the following entities: Masonic Health System of Massachusetts, Inc., Overlook Masonic Health Center, Inc., Overlook Communities, Inc. and Overlook Catering, Inc. The licenses shall be subject to all of said chapter 138 except said section 17. Once issued, the licensing authority shall not approve the transfer of any of the license to any other location but a license may be re-issued by the licensing authority at the same location if an applicant for the license files with the licensing authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.”

The amendment was adopted.

Sent to the House for concurrence in the amendment.

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

Petition (accompanied by bill, House, No. 4331) of Harriett L. Stanley relative to affordable health care in the Commonwealth;

Under suspension of Joint Rule 12, to the committee on Health Care Financing.

Petition (accompanied by bill, House, No. 4332) of Jay D. Ferguson for legislation to require the Pilgrim Nuclear Power Station located in the town of Plymouth to provide for weekly testing of its safety and alarm system;

Under suspension of Joint Rule 12, to the committee on Public Safety and Homeland Security.

Petition (accompanied by bill, House, No. 4333) of Linda Dorcena Forry relative to establishing a sick leave bank for Christopher Sandiford, an employee of the Department of Transitional Assistance;

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

Petition (accompanied by bill, House, No. 4334) of George N. Peterson, Jr. and Michael O. Moore for legislation to designate a portion of state highway route 140 in the town of Upton as the George L. Wood Veterans of Foreign Wars Post #5594 and the Marshall-Leland American Legion Post #173 Roadway;

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

Matter Taken Out of the Notice Section of the Calendar.

Mr. Tolman in the Chair, there being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows:—

The House Bill establishing a department of public works in the town of Hadley (House, No. 1913),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

PAPER FROM THE HOUSE.

The engrossed House Bill relative to public utility companies (House, No. 4329),— **came from the House with the endorsement that the House had amended the engrossed bill by 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 provide for reliable utility service in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience”.

The rules were suspended, on motion of Ms. Flanagan, and the House amendment were considered forthwith and adopted, in concurrence.

Resolutions.

Mr. Brewer in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), the following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Kennedy) “recognizing the one hundredth anniversary of the creation of Brockton Fire Department’s Squad A.”

PAPERS FROM THE HOUSE.
Emergency Preambles Adopted.

An engrossed Bill providing benefits to veterans and service members (see House, No. 4310, 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 7 to 0.**
The bill was signed by the Acting President (Mr. Brewer) and sent to the House for enactment.

An engrossed Bill relative to public utility companies (see House, No. 4329, 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 8 to 0.**
The bill was signed by the Acting President (Mr. Brewer) and sent to the House for enactment.

Resolutions.

The following resolutions (having been filed with the Clerk filed by Messrs. Hedlund, Baddour, Brown and Buoniconti, Ms. Chandler, Ms. Creem, Messrs. Donnelly and Downing, Ms. Flanagan, Messrs. Hart, Joyce, Knapik, Montigny, Michael O. Moore, Richard T. Moore, Morrissey, Panagiotakos, Petrucci and Rosenberg, Ms. Spilka, Messrs. Tarr and Tisei) were considered forthwith, as follows:—

RESOLUTIONS IN OPPOSITION TO THE INVITATION OF
RAY LUC LEVASSEUR BY A GROUP OF FACULTY MEMBERS
OF THE UNIVERSITY OF MASSACHUSETTS AT AMHERST.

WHEREAS, A GROUP OF FACULTY MEMBERS FROM THE UNIVERSITY OF MASSACHUSETTS AT AMHERST HAS INVITED RAY LUC LEVASSEUR TO SPEAK ON THE CAMPUS ON THURSDAY, NOV. 12, 2009; AND

WHEREAS, RAY LUC LEVASSEUR IS THE FOUNDER AND FORMER LEADER OF THE UNITED FREEDOM FRONT, A RADICAL GROUP THAT ADVOCATED, PLOTTED AND EXECUTED VIOLENT ACTIONS AGAINST GOVERNMENT EMPLOYEES AND FACILITIES IN THE COMMONWEALTH AND IN OTHER STATES; AND
WHEREAS, MEMBERS OF THE UNITED FREEDOM FRONT COMMITTED ACTS OF DOMESTIC TERRORISM, INCLUDING THE BOMBINGS OF BANKS, COURTHOUSES, MILITARY INSTALLATIONS AND PRIVATE BUSINESSES; AND

WHEREAS, THE ACTS OF DOMESTIC TERRORISM CONDUCTED BY MEMBERS OF THE UNITED FREEDOM FRONT INCLUDED THE MURDER OF NEW JERSEY STATE TROOPER PHIL LAMONACO, THE SHOOTING OF 2 MASSACHUSETTS STATE TROOPERS AND THE BOMBING OF THE SUFFOLK COUNTY COURTHOUSE IN APRIL 1976 WHICH INJURED 22 PEOPLE; AND

WHEREAS, RAY LUC LEVASSEUR SERVED 18 YEARS IN FEDERAL PRISON FOR CRIMES HE COMMITTED AS THE LEADER OF THE UNITED FREEDOM FRONT AND HE HAS NEVER APOLOGIZED OR EXPRESSED REGRET FOR HIS ROLE IN THESE ACTS OF DOMESTIC TERRORISM; AND

WHEREAS, THE UNITED STATES SUPREME COURT WROTE IN ITS DECISION IN NEAR VS. MINNESOTA THAT “AN INDIVIDUAL’S RIGHT TO FREEDOM OF SPEECH DOES NOT EXTEND TO SPEECH THAT INCITES VIOLENCE OR ADVOCATES FOR THE OVERTHROW BY FORCE OF ORDERLY GOVERNMENT”; AND

WHEREAS, THE UNIVERSITY OF MASSACHUSETTS AT AMHERST IS A PUBLIC UNIVERSITY, WITH ITS OPERATIONS, MAINTENANCE AND ACTIVITIES HEAVILY SUBSIDIZED BY THE TAXPAYERS OF THE COMMONWEALTH; AND

WHEREAS, AT THE REQUEST OF HIS EXCELLENCY, GOVERNOR DEVAL PATRICK, AND DONNA LAMONACO, THE WIDOW OF NEW JERSEY STATE TROOPER PHIL LAMONACO, THE UNIVERSITY INITIALLY REVOKED THE SPEAKING INVITATION AND CANCELLED THE EVENT BUT ONE OR MORE MEMBERS OF THE FACULTY PERSISTED IN EXTENDING A SECOND INVITATION NOTWITHSTANDING THE ACTIONS OF THE UNIVERSITY; AND

WHEREAS, THE SPEECH WILL TAKE PLACE A WEEK AFTER AN ASSAULT ON FORT HOOD THAT RESULTED IN THE DEATHS OF 12 SERVICEMEN, AND ONE DAY AFTER WE REMEMBER THE SACRIFICES MADE BY OUR VETERANS TO PRESERVE OUR FREEDOMS AND KEEP US SAFE; NOW THEREFORE BE IT,

RESOLVED, THAT THE MASSACHUSETTS SENATE HEREBY OPPOSES AND CONDEMNS THE ACTIONS OF A GROUP OF FACULTY MEMBERS AT THE UNIVERSITY OF MASSACHUSETTS AT AMHERST IN INVITING RAY LUC LEVASSEUR TO ADDRESS THE PUBLIC AT THIS PUBLIC INSTITUTION OF HIGHER EDUCATION; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THESE RESOLUTIONS BE TRANSMITTED FORTHWITH BY THE CLERK OF THE

SENATE TO THE CHAIRMAN OF THE BOARD OF TRUSTEES AT THE UNIVERSITY OF MASSACHUSETTS AT AMHERST.

After debate, the question on the question on adoption of the resolutions was determined by a call of the yeas and nays, at nineteen minutes before six o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 33 — nays 1*) [**Yeas and Nays No. 151**]:

YEAS.

Baddour, Steven A. Menard, Joan M.
Brewer, Stephen M. Montigny, Mark C.
Brown, Scott P. Moore, Michael O.
Candaras, Gale D. Moore, Richard T.
Chandler, Harriette L. Morrissey, Michael W.
Creem, Cynthia Stone Murray, Therese
Donnelly, Kenneth J. O'Leary, Robert A.
Downing, Benjamin B. Pacheco, Marc R.
Flanagan, Jennifer L. Panagiotakos, Steven C.
Galluccio, Anthony D. Petruccelli, Anthony
Hart, John A., Jr. Rosenberg, Stanley C.
Hedlund, Robert L. Spilka, Karen E.
Jehlen, Patricia D. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Kennedy, Thomas P. Tucker, Susan C.
Knapik, Michael R. Walsh, Marian — 33.
McGee, Thomas M.

NAY.

Chang-Diaz, Sonia — 1.

ABSENT OR NOT VOTING.

Berry, Frederick E. Fargo, Susan C.
Buoniconti, Stephen J. Timilty, James E.
Eldridge, James B. Tolman, Steven A.— 6.

The yeas and nays having been completed at fourteen minutes before six o'clock P.M., the resolutions were adopted.

PAPERS FROM THE HOUSE.

Engrossed Bills.

An engrossed Bill relative to public utility companies (see House, No. 4329, amended) (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 and signed by the Acting President (Mr. Brewer) and laid before the Governor for his approbation.

The President in the Chair, an engrossed Bill providing benefits to veterans and service members (see House, No. 4310, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage. The question on passing it to be enacted was determined by a call of the yeas and nays, at ten minutes before six o'clock P.M., on motion of Mr. Hart, as follows, to wit (*yeas 34 — nays 0*) [**Yeas and Nays No. 152**]:

YEAS.

Baddour, Steven A. McGee, Thomas M.
Brewer, Stephen M. Menard, Joan M.
Brown, Scott P. Montigny, Mark C.
Candaras, Gale D. Moore, Michael O.
Chandler, Harriette L. Moore, Richard T.
Chang-Diaz, Sonia Morrissey, Michael W.
Creem, Cynthia Stone Murray, Therese
Donnelly, Kenneth J. O'Leary, Robert A.
Downing, Benjamin B. Pacheco, Marc R.
Flanagan, Jennifer L. Panagiotakos, Steven C.
Galluccio, Anthony D. Petruccelli, Anthony
Hart, John A., Jr. Rosenberg, Stanley C.
Hedlund, Robert L. Spilka, Karen E.
Jehlen, Patricia D. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Kennedy, Thomas P. Tucker, Susan C.

Knapik, Michael R. Walsh, Marian — 34.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. Fargo, Susan C.

Buoniconti, Stephen J. Timilty, James E.

Eldridge, James B. Tolman, Steven A.— 6.

The yeas and nays having been completed at five minutes before six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Brewer,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Friday 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 President, the members, guests and employees stood in a moment of silence and reflection to the memory of Marine Captain Kyle Van De Giesen.

Adjournment in Memory of United States Marine Captain Kyle Van De Giesen.

The Senator from Norfolk, Bristol and Middlesex, Mr. Brown, requested that when the Senate adjourns today, it adjourn in memory of United States Marine Captain Kyle Van De Giesen of North Attleborough.

Captain Van De Giesen was killed in a helicopter collision in Afghanistan on October 26. He was a 1998 graduate of North Attleborough High School, where he was the quarterback of the football team and a 2002 graduate of St. Anselm College. He was commissioned as a Second Lieutenant in the Marine Corp in 2002 and fulfilled his lifelong dream of becoming a military pilot in 2004. He had been deployed twice to Iraq and to Afghanistan this March. Captain Van De Giesen was known as a loving and devoted husband and father and a source of inspiration for his hometown of North Attleborough.

Accordingly, as a mark of respect to the memory of U.S. Marine Captain Kyle Van De Giesen, at three minutes before six o'clock P.M., on motion of Mr. Pacheco, the Senate adjourned to meet again on Friday next at eleven o'clock A.M.