

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.

Wednesday, May 26, 2009.

Met according to adjournment at eleven o'clock A.M. (Mr. Petrucci in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Petition.

Petitions were presented and referred as follows:

By Mr. Berry, a petition (accompanied by bill, Senate, No. 2056) of Frederick E. Berry (with approval of the mayor and city council) for legislation to authorize the city of Salem to issue additional licenses for the sale of alcoholic beverages [Local approval received];

**Under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.
Sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows: A petition (accompanied by bill, House, No. 624) of Garrett J. Bradley and others for legislation to allow the non-profit corporation Home of the Brave, Inc., to construct and operate public home for veterans (having been transmitted by the House to the State Secretary, under the provisions of Section 7 of Chapter 3 of the General Laws; and returned by him with memorandum relative thereto);

To the committee on Housing.

A petition (accompanied by bill, House, No. 612) of Robert L. Rice and Jennifer L. Flanagan (with the approval of the mayor and city council) for legislation to convey certain land in the city of Gardner;

To the committee on Municipalities and Regional Government.

A petition (accompanied by bill, House, No. 4117) of Kay Kahn (with the approval of the mayor and city council) relative to authorizing the city of Newton to grant superannuation retirement allowance to Frank Albano; and

A petition (accompanied by bill, House, No. 4121) David M. Nangle for legislation to include the new England Police Benevolent Associations, Inc, I.U.P.A., Local 9000, AFL-CIO, in the Joint Labor-Management Committee (having been transmitted by the House to the State Secretary, under the provisions of Chapter 3 of the General Laws; and returned by him with memorandum relative thereto);

Severally to the committee on Public Service.

Bills

Establishing a sick leave bank for Tanya M. DuBois, an employee of the Trial Court. (House, No. 1683, on petition);
Authorizing the Department of Fish and Game to acquire conservation restrictions in and to lands owned by the city of Fitchburg. (House, No. 3848, on petition);
Establishing a sick leave bank for Michael F. Doiron. (House, No. 4071, on petition); and,
Preventing oil spills in Buzzards Bay. (House, No. 4119,-- on House, No. 4103, on petition).
Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Reports

Of the committee on Children, Families and Persons with Disabilities, asking to be discharged from further consideration
Of the petition (accompanied by bill, House, No. 168) of Karyn E. Polito and others relative to adoption specialists; **and recommending that the same be referred to the committee on Consumer Protections and Professional Licensure;**

Of the committee on Education, asking to be discharged from further consideration
Of the petition (accompanied by bill, House, No. 3661) of Walter F. Timilty relative to the use of bond funds for certain private school construction projects; and recommending that the same be referred to the House committee on Bonding, Capital Expenditures and State Assets;
Of the petition (accompanied by bill, House, No. 449) of Peter J. Koutoujian and others relative to establishing a state university system in the Commonwealth; **and recommending that the same be referred to the committee on Higher Education;**

Of the petition (accompanied by resolve, House, No. 456) of Peter J. Koutoujian for an investigation by a special commission (including members of the General Court) of the safety of high school and college level cheerleaders; and recommending that the same be referred to the committee on Public Health; and
Of the petition (accompanied by House, No. 513) of Kevin Hall for legislation to prohibit mental health or behavioral screening tests of children without the consent of parents or legal guardians; **and recommending that the same be referred to the committee on Public Health.**

Of the committee on Higher Education, asking to be discharged from further consideration
Of the petition (accompanied by bill, House, No. 6) accompanying the third recommendation of the Department of the State Auditor relative to financial requirements of business, correspondence and trade schools,- **and recommending that the same be referred to the committee on Education.**

Of the committee on Mental Health and Substance Abuse, asking to be discharged from further consideration
Of the petition (accompanied by Senate, No. 747) of Robert A. O'Leary for legislation relative to Martha's Vineyard Hospital; **and recommending that the same be referred to the House committee on Ways and Means.**
Were severally 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. Morrissey) "honoring the life of Mr. Francis "Frank" S. Mackiewicz."

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No 613) of Cheryl A. Coakley-Rivera for legislation to establish a sick leave bank for Angela N. Wilson, an employee of the Department of Youth Services;- **was referred in concurrence, to the committee in Public Service.**

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill to mobilize economic recovery in Massachusetts (Senate, No. 2047),-- ought to pass.

Order 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 relative to economic stimulus, shall be placed in the Orders of the Day for consideration of its second reading on Wednesday, May 27, 2009.

All amendments to the bill shall be filed electronically in the office of the Clerk of the Senate by 10:00 A.M. on Wednesday, May 27, 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. Brown, and the order was considered forthwith and adopted.

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

Petition.

On motion of Mr. Brown, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Rosenberg (accompanied by bill) of Stanley C. Rosenberg and Christopher J. Donelan for legislation establishing school regional transportation districts,— **and the same was referred to the committee on Education.**

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted

An engrossed Bill establishing a sick leave bank for Nancy Morrison, an employee of the Department of Correction (see Senate, No. 2048), 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. Petrucci) and sent to the House for enactment**

An engrossed Bill establishing a sick leave bank for Geraldine Egan, an employee of the Department of Public Health (see House, No. 4048, 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. Petrucci) and sent to the House for enactment.

Order Adopted.

On motion of Mr. Brown,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session.

On motion of the same Senator, at a quarter past eleven o'clock A.M., the Senate adjourned to meet again on the following day at one o'clock P.M.