

**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.

*Thursday, August 27, 2009.*

Met at five minutes 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.

### PAPERS FROM THE HOUSE.

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the town of Sherborn's annual town election held on May 12, 2009 (House, No. 4222),— **was referred, in concurrence, to the committee on Election Laws.**

#### *Bills*

Authorizing the town of Brookline to lease certain town-owned property (House, No. 3711,— on petition) [Local approval received];

Authorizing the town of Brookline to lease certain town-owned property (House, No. 3713,— on petition) [Local approval received];

Relative to the retiree healthcare liability trust fund of the town of Brookline (House, No. 3714,— on petition) [Local approval received];

Relative to the office of chief of the fire department of the town of Brookline (House, No. 3826,— on petition) [Local approval received]; and

Relative to organizing town agencies in the town of Dedham (House, No. 4096,— on petition) [Local approval received];

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

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—  
Resolutions (filed by Mr. Baddour) “congratulating Altwheels on the occasion of its Fifth Annual Altwheels Fleet Day Festival”; and

Resolutions (filed by Mr. McGee) “honoring Alice T. O’Neil on occasion of her retirement.”

#### *Report of a Committee.*

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that the Senate petition of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation to authorize the town of Wareham to issue eight additional licenses for the sale of all-alcoholic beverages to be drunk on the premises (having been timely filed prior to 5:00 P.M., on Friday, January 16, 2009),— **has complied with the provisions of Joint Rule 7B and has received local approval from the town.**

**The rules were suspended, on motion of Mr. Tarr, and the petition (accompanied by bill, Senate No. 2133) was referred to**

**the committee on Consumer Protection and Professional Licensure.**  
**Sent to the House for concurrence.**

**PAPERS FROM THE HOUSE.**

A petition (accompanied by bill, House, No. 4226) of Pam Richardson for legislation relative to zoning of land or structures for educational uses on land owned or leased by nonprofit educational corporations;  
**Under suspension of Joint Rule 12, referred to the committee on Municipalities and Regional Government.**

*Reports of a Committee.*

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Margaret Ann Sheehan, an employee of the Trial Court (Senate, No. 2106),— **ought to pass.**

**There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act establishing a sick leave bank for Margaret Ann Sheehan, an employee of the Trial Court”.**

**Sent to the House for concurrence.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Ellen Starck, an employee of the Massachusetts Parole Board (Senate, No. 2125),— **ought to pass.**

**There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act establishing a sick leave bank for Ellen Starck, an employee of the Parole Board”.**

**Sent to the House for concurrence.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Judith Fitzsimmons, an employee of the Trial Court (House, No. 1886),— **ought to pass.**

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

**PAPERS FROM THE HOUSE.**  
*Emergency Preambles Adopted.*

An engrossed Bill establishing a sick leave bank for Dolores Tower, an employee of the Department of Developmental Services (see House, No. 1160), 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.**

An engrossed Bill establishing a sick leave bank for Crystal Pollack, an employee of the Department of Developmental Services (see House, No. 1161), 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.**

*Engrossed Bill.*

An engrossed Bill authorizing the town of Nahant to issue bond anticipation notes (see House, No. 1133) (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. Petruccelli) 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 Monday 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 Chair (Mr. Petruccelli), the members, guest and employees stood in a moment of silence and reflection to the memory of United States Senator Edward M. Kennedy.

*Adjournment in Memory of United States Senator Edward M. Kennedy.*

The Senator from Plymouth and Barnstable, Ms. Murray, the Senator from Middlesex and Essex, Mr. Tisei, and the Senator from Cape and Islands, Mr. O'Leary, requested that when the Senate adjourns today, it adjourn in memory of Senator Edward M. Kennedy.

Senator Edward M. Kennedy served the people of Massachusetts for nearly five decades. Throughout his career, Senator Kennedy was a champion for the Commonwealth and a voice for our nation's most vulnerable citizens.

The patriarch of the Kennedy family, he stood strong and tall through tragedy and triumph, never abandoning his passion for public service and his commitment to improving the lives of people in Massachusetts and across the nation.

Known for his roar, Senator Kennedy's passion for the Commonwealth and the nation drove him even as he faced the battle of his life.

His commitment to public service and to Massachusetts was second only to the love for his wife Victoria, children, stepchildren and his entire family.

The Lion's roar has fallen silent, but his accomplishments and legacy will affect this nation for generations to come.

Accordingly, as a mark of respect to the memory of Senator Edward M. Kennedy, at fourteen minutes past eleven o'clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.