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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, September 10, 2009.

Met at ten minutes before three o'clock P.M.

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

The following prayer was offered by the Reverend Dr. David Calhoun of the John Wesley United Methodist Church in Falmouth:

Oh, just and merciful God: We turn to you in humble prayer on behalf of the men and women who make our laws and for those whose responsibility it is to enforce them.

Favor good health and sound judgment upon our President, Barack Obama, and his cabinet, for the members of Congress, and for the justices of the Supreme Court: that they may wield the balanced powers vested in them with integrity and resourcefulness. In these troubled times, let petty party politics, mutual recrimination, and self-justification yield to courtesy, forbearance and a paramount concern for the public weal. Let our laws protect the weak, curb the strong and keep our nation and the great state of Massachusetts as a beacon of liberty and a haven of hope.

Today we offer a prayer those who govern closer to where we live – We offer prayers for Governor Duval Patrick and our State Senators and Representatives, whom we have elected to our governing bodies. May they be committed to the welfare and security of all their constituents and particularly open to the concerns of those most in need of protection and help. Keep them informed of the issues in our midst, and may they fill their responsibilities not in self-willed competition with one another. May their creative handling of the problems we have before us in our state stimulate those who represent us to a higher level of creativity and ideals. So that the needs of our communities may always be guided by what the neediest among us require.

We thank you for our legacy of enterprise, fairness and hopefulness, passed down among us through the generations from our very beginnings. We praise you for a system of government in which dissent is not merely tolerated but expected and encouraged. We thank for a system of justice which in spite of many flaws, manages to make room for mercy. And we glorify your name for the men and women in our midst who prod us, needle us, and plague us to remember the gap between our rhetoric and our practice and to work at closing the gap.

Hear our prayers, O God, but stir us also to appropriate action. May this be your will and our path.

Amen!

On motion of Mr. O'Leary, the above prayer was ordered printed in the Journal of the Senate.

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Richard T. Moore for the purpose of an introduction. Mr. Moore then introduced Mehmet Gun, a research assistant for the Turkish Grand National Assembly. Mr. Gun will be doing an NCSL

fellowship this fall in Senator Richard T. Moore's office. The Senate welcomed him with applause and he withdrew from the Chamber.

Reports of a Committee.

By Mr. Joyce, for the committee on State Administration and Regulatory Oversight, on petition (accompanied by bill, Senate, No. 747), a Bill relative to Martha's Vineyard Hospital (Senate, No. 2146); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2086), a Bill authorizing the Department of Highways and the town of Kingston to exchange certain parcels of land (Senate, No. 2147) [Local approval received on Senate, No. 2086];

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

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4223) William N. Brownsberger and Steven A. Tolman (by vote of the town) that the town of Belmont be authorized to establish a post-employment benefits trust fund for former employees of said town,— **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

A Bill establishing a sick leave bank for Deborah Armstrong, an employee of the Trail Court (House, No. 4209,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A report of the committee on House Steering, Policy and Scheduling, asking to be discharged from further consideration of the House Bill relative to gasoline dealers (House, No. 4187),— and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—
Resolutions (filed by Ms. Menard and Mr. Tolman) "congratulating the New England Council of the American Islamic Congress on its celebration of Massachusetts' Salute to Ramadan."

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 Senate Bill relative to the Sandwich Visitors Service Board (Senate, No. 2074) ,— **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.

The Senate Bill relative to the town of Sandwich and the lease of property at the Sandwich High School (Senate, No. 2075),— **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 relative to the lease of property at Sandwich High School".**
Sent to the House for concurrence.

The House Bill authorizing the town of Natick to sell or lease certain property (House, No. 3705),— **was read a second time and ordered to a third reading.**

The House Bill relative to the retiree healthcare liability trust fund of the town of Brookline (House, No. 3714),— **was read a second time.**

Pending the question on ordering the bill to a third reading, Ms. Creem presented an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2148.

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.

The Senate Bill authorizing the town of Charlton to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 114),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Brewer presented an amendment in line 1, by striking out the word "section" and inserting in place thereof the following words: "sections 12 and".

The amendment was adopted.

The bill (Senate, No. 114, amended) was then passed to be engrossed.

Sent to the House for concurrence.

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Maria Natal, an employee of the Department of Revenue (House, No. 601),— **ought to pass.**

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

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Sara Dubik-Unruh, an employee of the Department of Transitional Assistance (House, No. 1142, amended),— **ought to pass.**

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

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Betty Green, an employee of the Department of Revenue (House, No. 4177),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Ms. Chandler, 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.

Engrossed Bills.

The following engrossed bills (all of which originated in the House), 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:

Authorizing the town of Natick to establish a separate fund for the acquisition and construction of parking (see House, No. 3706);
Authorizing the town of Brookline to lease certain town-owned property (see House, No. 3711);
Authorizing the town of Brookline to lease certain town-owned property (see House, No. 3713); and
Relative to the office of chief of the fire department of the town of Brookline (see House, No. 3826).

An engrossed Bill validating a certain election in the town of Orange (see House Bill, printed in House, No. 4058) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, two-thirds of the members present having voted in the affirmative, was passed to be enacted and signed by the President and laid before the Governor for his approbation.

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

A petition (accompanied by bill, House, No. 4232) of Cleon H. Turner and others relative to establishing licensing requirements and protections for certain cottage communities;

Under suspension of Joint Rule 12, to the committee on Consumer Protection and Professional Licensure.

A petition (accompanied by bill, House, No. 4233) of James J. O'Day and Harriette L. Chandler establishing a sick leave bank for Mary Markley, an employee of the Trial Court;

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

A petition (accompanied by bill, House, No. 4234) of Susan Williams Gifford for legislation to increase the amount of earnings that a retired public employee may be paid for certain additional public service;

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

A petition (accompanied by bill, House, No. 4235) of Garrett J. Bradley for legislation to provide "welcome home bill" bonuses for every overseas deployment of military personnel who are residents of the Commonwealth;

Under suspension of Joint Rule 12, to the committee on Veterans and Federal Affairs.

Order Adopted.

On motion of Ms. Candaras,—

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.

Adjournment in Memory of Richard "Dick" Egan.

The Senator from Middlesex and Norfolk, Ms. Spilka, requested that when the Senate adjourns today, it adjourn in memory of Richard "Dick" Egan of Hopkinton.

Dick Egan died on August 28, 2009, at age 73, after being diagnosed with Stage IV Lung Cancer. He contributed greatly to Hopkinton, the Metro West and the entire Commonwealth. Dick Egan was the founder of EMC Corporation and was instrumental to the creation of the 495 Metro West Partnership, which seeks to cultivate sustainable economic growth in the Metro West region. More recently, in 2001, he was appointed by President Bush to serve as the United States Ambassador to Ireland. He is survived by his wife and five children.

Accordingly, as a mark of respect to the memory of Richard "Dick" Egan, at a quarter past three o'clock P.M., on motion of Mr. Brewer, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.