

**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.

*Monday, September 14, 2009.*

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

The Senator from Plymouth and Norfolk, Mr. Hedlund, then led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

#### *Petitions.*

Petitions were presented and referred, as follows:

By Mr. Petrucci, a petition (accompanied by bill, Senate, No. 2150) of Marc R. Pacheco (by vote of the town) for legislation to authorize a ballot question relative to alcoholic beverage licenses in the town of Winthrop [Local approval received];

**Under Senate Rule 20, to the committee on Election Laws.**

By Ms. Flanagan, a petition (subject to Joint Rule 12) of Jennifer L. Flanagan and Robert L. Rice, Jr. for legislation to establish a sick leave bank for Richard Donati, an employee of the Department of Correction;

By Mr. Montigny, a petition (subject to Joint Rule 12) of Mark C. Montigny for legislation to designate a portion of Route 18 as Kennedy Boulevard;

By Mr. Pacheco, a petition (subject to Joint Rule 12) of Marc R. Pacheco and Susan Williams Gifford for legislation to establish a sick leave bank for Cassandra Silvia, and employee of the Department of Developmental Services;

**Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Committee Discharged.*

Mr. Morrissey, for the committee on Telecommunications, Utilities and Energy, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1521) of Michael W. Morrissey for legislation relative to the Massachusetts Water Resources Authority,— **and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure.**

**Under Senate Rule 36, the report was considered forthwith and accepted.**

**Sent to the House for concurrence.**

### PAPERS FROM THE HOUSE.

#### *Bills*

Establishing a sick leave bank for Antonio Bell, an employee of the Executive Office of Health and Human Services (House, No. 4203,— on petition);

Establishing a sick leave bank for Susan Harper, an employee of the Department of Developmental Services (House, No. 4211,— on petition); and

Establishing a sick leave bank for Joanna Cross, an employee of the Department of Transitional Assistance (House, No. 4212,—

on petition);

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

A Bill validating the town of Sherborn's annual town election held on May 12, 2009 (printed in House, No. 4222,— being a message from His Excellency the Governor),— **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

*Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:— Resolutions (filed by Ms. Chandler and Mr. Michael O. Moore) “commending the Honorable Martha P. Grace upon the occasion of her retirement as Chief Justice of the Juvenile Court Department of the Massachusetts Trial Court”; and Resolutions (filed by Mr. O’Leary) “congratulating Jean Sears on the occasion of her retirement.”

*Matters Taken Out of the Orders of the Day.*

There being no objection, the following matters were taken out of the Orders of the Day, and considered as follows: The House Bill authorizing the town of Natick to sell or lease certain property (House, No. 3705),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing an odd-numbered board of library trustees not to exceed 9 members in the town of Boxford (House, No. 3707),— **was read a third time and passed to be engrossed, in 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 relative to the Wareham Fire District.

**Senate Rule 36 was suspended, on motion of Mr. Timilty, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Municipalities and Regional Government.**

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 Jennifer L. Flanagan and Elizabeth A. Malia for legislation to establish a voluntary rehabilitation program for pharmacist and pharmacy interns.

**Senate Rule 36 was suspended, on motion of Mr. Timilty, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Health. Severally sent to the House for concurrence.**

**PAPERS FROM THE HOUSE.**

*Emergency Preambles Adopted.*

An engrossed Bill establishing a sick leave bank for Michael Belloli, an employee of the Department of Correction (see Senate, No. 2100, 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 3 to 0.**

**The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Margaret Ann Sheehan, an employee of the Trial Court (see Senate, No. 2106), 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 3 to 0.**

**The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Ellen Starck, an employee of the Parole Board (see Senate, No. 2125), 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 3 to 0.**

**The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Maria Natal, an employee of the Department of Revenue (see House, No. 601), 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 3 to 0.**

**The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Sara Dubik-Unruh, an employee of the Department of Transitional Assistance (see House, No. 1142, 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 3 to 0.**

**The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Betty Green, an employee of the Department of Revenue (see House, No. 4177), 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 3 to 0.**

**The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.**

*Order Adopted.*

On motion of Mr. Timilty,—

*Ordered*, That when the Senate adjourns today, it adjourn to meet again on Thursday next at a half past one o'clock P.M., in a full formal session.

*Moment of Silence.*

At the request of the Chair (Mr. Rosenberg), the members, guest and employees stood in a moment of silence and reflection to the memory of Sergeant Jordan Michael Shay of Amesbury.

*Adjournment in Memory of Sergeant Jordan Michael Shay.*

The Senator from Essex, Mr. Baddour, requested that when the Senate adjourns today, it adjourn in memory of Sergeant Jordan Michael Shay of Amesbury.

Sergeant Jordan Michael Shay, 22, of Amesbury, died Wednesday, September 2, 2009 from injuries sustained while on patrol in Iraq.

Son of Holly (Foster) Shay and the late Michael Shay, Jordan graduated from Amesbury High School in 2005. He then enlisted in the U.S. Army in 2006. Jordan was a specialist who rose to the rank of sergeant. Sergeant Shay served in the 5th Battalion, 20th Infantry Regiment, 2nd Infantry Division based in Fort Lewis, Washington and was serving his second tour of duty while stationed in Baqubah, Iraq.

Sergeant Shay was a gifted writer who blogged about his experiences in Iraq. Jordan enjoyed hiking especially at Mt. Ranier in Washington, scuba diving and golfing. He was also an avid Red Sox fan. Jordan was a loving, gentle spirit who adored his girlfriend, Kelsey, family and friends. He was also devoted to his platoon brothers of 5-20 in Ft. Lewis, Washington. Accordingly, as a mark of respect to the memory of Sergeant Jordan Michael Shay, at twenty-eight minutes past eleven o'clock A.M., on motion of Mr. Hedlund, the Senate adjourned to meet again on Thursday next at half past one o'clock P.M.