

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, September 16, 2010.

Met at five minutes past eleven o'clock A.M. (Mr. Hart 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. Hart), members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the Chair (Mr. Hart) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced a group of students visiting from St. Kevin's College in Melbourne Australia. The students were taking a tour of the State House and learning about the different aspects of state government. They were accompanied by Vince Toohey, the revolutions teacher and Dr. Michael Davies, the Deputy Head of the school. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, the Chair (Mr. Hart) again handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced John Morris from Gloucester. He was recognized for taking over his family ambulance business in Gloucester. The Senate applauded his accomplishments and he withdrew from the Chamber. He was also the guest of Representative Ferrante.

Committees Discharged

Mr. Berry, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Order relative to authorizing the joint committee on Public Safety and Homeland Security to make an investigation and study of certain current Senate documents relative to the sale of ammunition and firearms, corrections, criminal data

collection, fire safety and prevention, law enforcement and transportation safety (Senate, No. 2619); and

Of the Senate Order relative to authorizing the joint committee on Public Service to make an investigation and study of certain current Senate documents relative to public service (Senate, No. 2620);

And recommending that the same severally be referred to the Senate committee on Ethics and Rules.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

PAPER FROM THE HOUSE

Notice was received from the House announcing the following appointment by the Minority Leader of the House of Representatives:

That Carole Cowan, President of Middlesex Community College, is his designee to serve on the special commission established (under Chapter 131 of the Acts of 2010) to make an investigation and study relative to higher education in-state tuition retention.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-
Resolutions (filed by Mr. Brewer) “recognizing the celebration of the signing of a Proclamation of Reconciliation by the descendents of the original settlers of the Quaboag Plantation and the Pokanoket Tribe of the Wampanoag Nation”;
Resolutions (filed by Ms. Chang-Diaz) “recognizing the sixtieth anniversary of the 272nd Artillery Battalion’s mobilization for service in the Korean War”;
Resolutions (filed by Mr. Eldridge) “recognizing the Peace Alliance Educational Institute on its celebration of International Day of Peace”;
Resolutions (filed by Mr. Joyce) “congratulating the American Legion Edward J. Beatty Post 24 Auxiliary of the town of Canton on the occasion of its ninetieth anniversary”; and
Resolutions (filed by Mr. Richard T. Moore) “promoting falls prevention awareness.”

PAPER FROM THE HOUSE
Emergency Preamble Adopted.

An engrossed Bill relative to the certification of Hull Public Library (see House, No. 4954), 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 4 to 0.**
The bill was signed by the Acting President (Mr. Hart) and sent to the House for enactment.

Report of a Committee.

By Mr. McGee, for the committee on Public Service, on the recommitted petition, a Bill authorizing the city of North Adams to continue the employment of Public Safety Commissioner E. John Morocco (Senate, No. 2601).
The bill was read. There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time.
Pending the question on ordering the bill to a third reading, Mr. Downing presented an amendment in section 1, by inserting after the word “position”, in line 2, the following words:- “until September 17, 2012, notwithstanding that he has attained the maximum age for that position as”; and by striking out the last sentence and inserting in place thereof the following sentence:- “No further deductions shall be made from the regular compensation of E. John Morocco under chapter 32 of the General Laws for any service performed subsequent to September 17, 2010, and, upon his retirement, E. John Morocco shall receive a superannuation retirement allowance equal to that to which he would have been entitled had he retired on September 17, 2010.”
The amendment was adopted.
The bill (Senate, No. 2601, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

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 forthwith:

The House Bill authorizing the town of Danvers to grant an additional license for the sale of wines and malt beverages (House, No. 4816),-- **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. Berry presented an amendment by striking out, in line 4, the words “Edward Penta d/b/a McKinnon’s Butcher Shop” and inserting in place thereof the following words:- “McKinnon’s Butcher Shop – North, Inc.”.

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 House Bill authorizing the town of Danvers to grant an additional license for the sale of wines and malt beverages (House, No. 4817),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Berry presented an amendment in section 1, by striking out, in line 4, the words “Dean Souza d/b/a DiLuigi’s Butcher Shop” and inserting in place thereof the following words:- “DiLuigi’s Butcher Shop”.

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The House Bill directing the State Secretary to place a certain nonbinding question on the biennial state election ballot in the city of New Bedford (House, No. 4970),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Cheryl A. Cole, an employee of the Department of Health and Human Services (House, No. 4921),-- **ought to pass, with amendments striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2622; by striking out the emergency preamble and inserting in place thereof the following emergency preamble:**

“Whereas, the deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the office of Medicaid, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and by striking out the title and inserting in place thereof the following title: “An Act establishing a sick leave bank for Cheryl A. Cole, an employee of the office of Medicaid”.

There being no objection, the rules were suspended, on motion of Mr. Brewer, 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 passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

Motion To Take a Matter Out of the Orders of the Day.

The Chair (Mr. Hart) asked unanimous consent to take the engrossed Bill relative to comprehensive siting reform for land based wind projects (see House, No. 4955) out of the Orders of the Day for consideration,-- **but objection was made thereto by Mr. Tarr.**

The engrossed bill was returned to the Orders of the Day for the next session.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (both 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 Acting President (Mr. Hart) and laid before the Governor for his approbation, to wit:

Exempting all employees of the Department of Public Works in the town of Acushnet from the civil service law (see House, No. 4939); and

Establishing a sick leave bank for Edward A. Driscoll, an employee of the Trial Court (see House, No. 4947, amended).

Recess.

There being no objection, at twenty-three minutes past eleven o'clock A.M., the Chair (Mr. Hart) declared a recess subject to the call of the Chair; and, at seventeen minutes before one o'clock P.M., the Senate reassembled, Mr. Hart in the Chair.

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill authorizing the city of North Adams to continue the employment of Public Safety Commissioner E. John Morocco (see Senate, No. 2601, amended) (which originated in the Senate), 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. Hart) and laid before the Governor for his approbation.

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered forthwith:

The Senate Bill 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),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Tarr moved that the bill be amended by substituting a new draft entitled “An Act authorizing the town of Wenham to grant certain licenses for the sale of wines and malt beverages not to be drunk on the premises” (Senate, No. 2633).

The amendment was adopted.

The bill (Senate, No. 2633) was then passed to be engrossed.

Sent to the House for concurrence.

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.

On motion of the same Senate, at thirteen minutes before one o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.