

**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 20, 2010.*

Met according to adjournment at eleven o'clock A.M. (Mr. Donnelly 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. Donnelly), members, guests and employees then recited the pledge of allegiance to the flag.

#### *Distinguished Guests.*

There being no objection, the Chair (Mr. Donnelly) introduced, in the rear of the chamber, Brian Rehrig. He was accompanied by his parents Marjorie and Carl Rehrig, who were visiting from Bath, Pennsylvania. The Senate welcomed them with applause and they withdrew from the Chamber.

#### *Petition.*

Mr. Brewer presented a petition (accompanied by bill, Senate No. 2625) of Stephen M. Brewer and Todd M. Smola (by vote of the town) for legislation to establish a special fund in the town of Brimfield;

**Referred, under Senate Rule 20, to the committee on Municipalities and Regional Government.  
Sent to the House for concurrence.**

#### *Report of a Committee.*

By Mr. McGee, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Barbara Sereda, an employee of the Department of Transitional Assistance (Senate, No. 2624);

**Read and, under Senate Rule 27, referred to the committee on Ways and Means.**

### PAPERS FROM THE HOUSE

Notice was received from the Speaker of the House of Representatives announcing the following appointment:

That Representative Naughton of Clinton had been appointed as his designee to the special commission established (under Section 13 of Chapter 132 of the Acts of 2009) to study the feasibility and costs of establishing a functional magnetic resonance imaging and neuropsychological cognitive testing program for all military forces of the commonwealth prior to and upon return from deployment; and

That Representative Cantwell of Marshfield had been appointed to the special commission established (under Chapter 4 of the Resolves to 2010) for the purpose of making an investigation and study relative to establishing a coordinated, generic marketing program for seafood caught in the Commonwealth and determining whether such program will enhance and stabilize the economic environment for the commercial fishing industry and fishing communities

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:- Resolutions (filed by Mr. Baddour) "recognizing Anne Collins for her exemplary service and outstanding contributions to the Commonwealth";

Resolutions (filed by Messrs. Baddour, Brewer and Berry, Ms. Chandler, Mr. Hedlund, Ms. Jehlen, Messrs. Joyce, Kennedy, Knapik, Richard T. Moore, Pacheco and Ross, Ms. Spilka, Mr. Tolman and Ms. Tucker) "congratulating the Boy Scouts of America on the occasion of the one hundredth anniversary of its incorporation"; and

Resolutions (filed by Ms. Menard) "commemorating the celebration of Ramadan by Muslims throughout the Commonwealth."

#### *Report of a Committee.*

Mr. Berry, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill to eliminate racial and ethnic health disparities in the Commonwealth (Senate, No. 810) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft with the same title, Senate, No. 2593).

**There being no objection, the rules were suspended, on motion of Mr. Ross, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.**

**The bill (Senate, No. 2593) was then ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

#### **PAPER FROM THE HOUSE**

The House Bill relative to establishing a sick leave bank for Meridyth L. Reith, an employee of the Department of Environment Protection (House, No. 4575, amended),-- **came from the House with the endorsement that the House had concurred in the Senate amendment** "Notwithstanding any general or special law or rule or regulation to the contrary, the department of environmental protection shall establish a sick leave bank for Meridyth L. Reith, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Meridyth L. Reith. Whenever Meridyth L. Reith terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department.", with a further amendment striking out the text (inserted by amendment by the Senate) and inserting in place thereof the following:

"Notwithstanding any general or special law or rule or regulation to the contrary, the department of environmental protection shall establish a sick leave bank for Meridyth L. Reith, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Meridyth L. Reith. Whenever Meridyth L. Reith terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department.".

**Senate Rule 36 was suspended, on motion of Mr. Brewer, and the Senate NON- concurred in the further House amendment.**

**The papers were returned to the House for its action.**

#### *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. Ross.**

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

#### **PAPER FROM THE HOUSE**

An engrossed Bill relative to the certification of Hull Public Library (see House, No. 4954) (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. Donnelly) and laid before the Governor for his approbation.**

#### *Recess.*

There being no objection, at nineteen minutes past eleven o'clock A.M., the Chair (Mr. Donnelly) declared a recess subject to the call of the Chair; and, at twenty minutes past twelve o'clock noon, the Senate reassembled, Mr. Donnelly in the Chair.

#### **PAPER FROM THE HOUSE**

*Emergency Preamble Adopted.*

An engrossed Bill directing the state secretary to place a certain nonbinding question on the biennial state election ballot in the city of New Bedford (see House, No. 4970), 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. Donnelly) and sent to the House for enactment.**

*Order Adopted.*

On motion of Mr. Ross,--

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Thursday 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 Senator, at twenty-one minutes past twelve o'clock noon, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.