

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.

Wednesday, September 23, 2009.

Met at six minutes past eleven o'clock A.M. (Mr. Rosenberg in the Chair).

Recess.

There being no objection at seven minutes past eleven o'clock A.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at thirteen minutes past three o'clock P.M., the Senate reassembled, the President in the Chair.

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

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Messrs. McGee and Berry) “honoring John L. Foley on the dedication of the John L. Foley Tennis Center at the North Shore Tennis and Squash Club”; and
Resolutions (filed by Mr. Richard T. Moore) “commending TSKK, Inc. of Webster on the occasion of its one hundredth anniversary.”

PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill amending the charter of the town of Sandwich (see Senate, No. 782) (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 President and laid before the Governor for his approbation.

Communication.

The following communication was read by the Clerk and placed on file:

THE COMMONWEALTH OF MASSACHUSETTS
Office of the Clerk of the House
State House, Boston, 02133

September 23, 2009.

The Honorable Therese Murray,
President of the Senate
State House
Boston, Massachusetts 02133

Dear Madam President:

I have the duty to inform you that the House had refused to adopt an emergency preamble to the engrossed Bill relative to filling a temporary vacancy in the United States Senate (House, No. 4246, amended); and that, under the provisions of Joint Rule 22, the bill was returned to the Engrossing Division “for re-engrossment without the said preamble and without any provision that the bill shall take effect earlier than ninety days after it has become law”.

Respectfully,
Steven T. James,
Clerk of the House.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Authorizing the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (Senate, No. 141);

Relative to converting one seasonal license for the sale of all alcoholic beverages not to be consumed on the premises to one annual license (Senate, No. 147);

Authorizing the Devens Enterprise Commission to grant a license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2049); and

Authorizing the city of Salem to issue additional licenses for the sale of alcoholic beverages (Senate, No. 2093);

Were severally read a second time and ordered to a third reading.

The Senate Bill updating animal control laws of Massachusetts (Senate, No. 406),— **was considered.**

Pending the question on the adoption of the recommended Ethics and Rules new text (Senate, No. 2151) to the pending recommended Ways and Means new draft (Senate, No. 2120), and pending the main question on ordering the bill to a third reading, on motion of Ms. Jehlen, the further consideration thereof was postponed until the next session.

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 House Bill relative to the charter of the town of Lunenburg (House, No. 635),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the city of Salem to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 1128) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill validating the election calendar in the city of Salem (House, No. 4112) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4258) of Stephen Kulik and others for legislation to establish a health care outreach and education unit within the Executive Office of Health and Human Services,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Health.**

Engrossed Bill.

An engrossed Bill relative to filling a temporary vacancy in the United States Senate (see House, No. 4246, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage. The question on passing it to be enacted was determined by a call of the yeas and nays, at twelve minutes past four o'clock P.M., on motion of Mr. Kennedy, as follows, to wit (*yeas 24 — nays 16*) [**Yeas and Nays No. 138**]:

YEAS.	
Berry, Frederick E.	Kennedy, Thomas P.
Buoniconti, Stephen J.	McGee, Thomas M.
Candaras, Gale D.	Menard, Joan M.
Chandler, Harriette L.	Montigny, Mark C.

Chang-Diaz, Sonia	Murray, Therese
Creem, Cynthia Stone	O’Leary, Robert A.
Donnelly, Kenneth J.	Pacheco, Marc R.
Downing, Benjamin B.	Petrucelli, Anthony
Eldridge, James B.	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Galluccio, Anthony D.	Tolman, Steven A.
Jehlen, Patricia D.	Walsh, Marian — 24.
NAYS.	
Baddour, Steven A.	Moore, Michael O.
Brewer, Stephen M..	Moore, Richard T.
Brown, Scott P.	Morrissey, Michael W.
Flanagan, Jennifer L.	Panagiotakos, Steven C.
Hart, John A., Jr.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tucker, Susan C. — 16.

The yeas and nays having been completed at sixteen minutes past four o’clock P.M., the bill was passed to be enacted, and it was signed by the President and laid before the Governor for his approbation.

Order Adopted.

On motion of Ms. Menard,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow 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 President, the members, guests and employees stood in a moment of silence and reflection to the memory of deceased legislators.

Adjournment in Memory of Deceased Legislators.

The Senator from Essex, Mr. Berry, requested that when the Senate adjourns today, it adjourn in memory of deceased legislators.

Today as we mark the annual remembrance of our friends and colleagues, we remember these men and women for their contributions to the Commonwealth; for their dedication to public service; and above all their friendship and support.

Accordingly, as a mark of respect to the memory of deceased legislators, at seventeen minutes past four o’clock P.M., on motion of Mr. Hart, the Senate adjourned to meet again tomorrow at eleven o’clock A.M.