

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, October 21, 2010.

Met at three 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 Essex and Middlesex, Mr. Tarr, then led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Communication.

A communication from the Executive Office for Administration and Finance, Human Resources Division (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting notice of revocation of certain public safety promotional lists (received Wednesday, October 13, 2010),— was placed on file.

Report.

A report of the Massachusetts Capital Resource Company (under the provisions of Section 12 of Chapter 816 of the Acts of 1977) relative to the current status of the Massachusetts Capital Resource Company (received Tuesday, September 7, 2010),— was placed on file.

Petition.

Mr. McGee presented a petition (accompanied by bill, Senate No. 2637) of Thomas M. McGee, Richard R. Tisei and Katherine Clark (with approval of the mayor and city council) for legislation relative to the Mount Hood Memorial Park and golf course enterprise fund in the city of Melrose [Local approval received];

**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. Eldridge, for the committee on Municipalities and Regional Government, on the recommitted petition, a Bill relative to rabies vaccinations for dogs and cats (Senate, No. 784);

Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

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 the Judiciary to make an investigation and study of certain current Senate documents relative to the Judiciary (Senate, No. 2636),-- **and recommending that the same be**

**referred to the Senate committee on Ethics and Rules.
Under Senate Rule 36, the report was considered forthwith and accepted.**

PAPERS FROM THE HOUSE

Notice was received from the Speaker of the House of Representatives announcing the following appointment:
That Mr. Richard Gavegnano of Peabody has been appointed to the special commission established (under Section 180 of Chapter 240 of the Acts of 2010) to study the feasibility of establishing a bank owned by the Commonwealth or by a public authority constituted by the Commonwealth.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-
Resolutions (filed by Messrs. Timilty and Joyce, Ms. Tucker, Ms. Creem, Mr. Tarr, Ms. Jehlen and Messrs. Brewer, Michael O. Moore and Tolman) "honoring the Massachusetts Board of Registration in Nursing on the occasion of its Centennial Anniversary."

PAPER FROM THE HOUSE

The Senate Bill 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. 2623),-- **came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the following:**

"SECTION 1. Chapter 381 of the acts of 2006 is hereby amended by striking out section 1 and inserting in place thereof the following section:

Section 1. Notwithstanding sections 15 and 17 of chapter 138 of the General Laws, the licensing authority of the town of Wenham may grant 1 license for the sale at retail of wines and malt beverages not to be drunk on the premises under section 15 of said chapter 138. The retail premises on which the beverages are to be sold shall not exceed 200 square feet and the beverages shall only be sold on Mondays through Saturdays from 11:00 A.M. to 6:00 P.M. The license shall be subject to said chapter 138. The licensing authority shall not approve the transfer of the license to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

SECTION 2. This act shall take effect upon its passage."; and by striking out the title and inserting in place thereof the following title: "An Act authorizing the town of Wenham to grant a license for the sale of wines and malt beverages not to be drunk on the premises."

The rules were suspended, on motion of Mr. Tarr, and the House amendment was considered forthwith and adopted, in concurrence.

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 House Bill relative to the other post employment benefits trust fund of the town of Belmont (House, No. 4223),-- **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. Tolman presented an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2638.

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.

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

The Chair (Mr. Rosenberg) 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.

Report of Committees.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that the Senate petition of Michael W. Morrissey (with the approval of the mayor and city council) for legislation to authorize the city of Quincy to abate fiscal year 2010 real property taxes,-- **has complied with the provisions of Joint Rule 7B, and has received local approval from the city. The rules were suspended, on motion of Mr. Timilty, and the report was considered forthwith. Joint Rule 12 was**

suspended; and the petition (accompanied by bill, Senate, No. 2369) was referred to the committee on Revenue. Sent to the House for concurrence.

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

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Barbara Sereda, an employee of the Department of Transitional Assistance (see Senate, No. 2624), 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. Rosenberg) and sent to the House for enactment.**

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), 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. Rosenberg) and laid before the Governor for his approbation, to wit:

Authorizing the town of Wenham to grant a license for the sale of wines and malt beverages not to be drunk on the premises (see Senate, No. 2623, amended); and

Relative to an intermunicipal agreement between the towns of Provincetown and Truro (see House, No. 4873).

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 Senator, at ten minutes before twelve o'clock noon, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.