

**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, October 25, 2010.*

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

#### PAPER FROM THE HOUSE

A Bill relative to establish a sick leave bank for Patrick Ceurvels, an employee of the Trial Court (House, No. 5046,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-

Resolutions (filed by Mr. Montigny) "honoring Chancellor Professor Emeritus Dr. Chang Ning Wu";

Resolutions (filed by Mr. Ross) "recognizing the town of Needham on the occasion of the three hundredth anniversary of its incorporation";

Resolutions (filed by Mr. Ross and Ms. Spilka) "commemorating the dedication of the Keith Michael Flumere Square in the town of Natick"; and

Resolutions (filed by Mr. Tolman) "recognizing Deborah M. Kaup for her dedicated and outstanding service as Director of the Watertown Food Pantry."

#### *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 Senate Bill relative to the position of appointed treasurer-collector in the town of Florida (Senate, No. 2551),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

The Senate Bill changing the boundary line between Charlemont and Hawley (Senate, No. 2628),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

The House Bill establishing a postemployment benefits trust fund in the town of Wayland (House, No. 5005),-- **was read a second time.**

**Pending the question on ordering the bill to a third reading, Mr. Ross presented an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2642.**

**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.**

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

A Bill relative to quarterly tax billing in the town of Belmont (House, No. 4901,-- on petition) [Local approval received],-- **was read.**

**There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

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

The Chair (Mr. Tolman) 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. Knapik.**

**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 Joint Rule 12 be suspended on the Senate petition of Richard R. Tisei, Katherine Clark and Mark V. Falzone for legislation to provide for the abandonment of a certain Wakefield easement.

**The rules were suspended, on motion of Mr. Knapik, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight.**

**Sent to the House for concurrence.**

#### **PAPERS FROM THE HOUSE**

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Meridyth L. Reith, an employee of the Department of Environmental Protection (see House, No. 4575, 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 2 to 0.**

**The bill was signed by the Acting President (Mr. Tolman) 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. Tolman) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Barbara Sereda, an employee of the Department of Transitional Assistance (see Senate, No. 2624); and

Establishing a sick leave bank for Meridyth L. Reith, an employee of the Department of Environmental Protection (see House, No. 4575, amended).

*Order Adopted.*

On motion of Mr. Knapik,--

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.

*Adjournment in Memory of Mitchell Cohen*

The Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer, and the Senator from Essex and Middlesex, Mr. Tarr, requested that when the Senate adjourns today, it adjourn in memory of Mitchell Cohen of Gloucester.

Mitchell Cohen passed away on Thursday, October 14, 2010, surrounded by his loving family and close friends after a brief illness at the age of 66.

A man of great passion, Mitch devoted his life to family and community. Mitch took pleasure and pride from his connection to

Gloucester. As a therapist in private practice for over 25 years, he helped countless families in and around Cape Ann. Mitch was a leader in the local Jewish community and had an unwavering commitment to his family.

He was the beloved son of Dr. Bernard Cohen and the late Sylvia Swartz Cohen. He is survived by his wife of 33 years, Kate Seidman; his children, Aaron and his wife Kate of Senator Brewer's office, Noah and Sasha; his sisters, Robin Cohen and Susan Cohen, and her husband Edwin Cowart. He was predeceased by his brother-in-law, Steve Viator. He is also survived by brothers-in-law, Gene, Danny, Billy and Peter Seidman; and sisters-in-law, Nancy Cole, Susan Crawford Seidman, Ana Rogers, and Qing Liao Seidman. He also leaves his stepmother, Gloria Cohen; and seven beloved nieces and nephews.

Accordingly, as a mark of respect to the memory of Mitchell Cohen, at twenty-seven minutes before twelve o'clock noon, on motion of Mr. Knapik, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.