

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, December 5, 2011.

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

Petitions.

Petitions were presented and referred as follows:

By Mr. Eldridge, a petition (subject to Joint Rule 12) of James B. Eldridge for legislation relative to establishing a municipal records preservation commission;

By Mr. Joyce, a petition (subject to Joint Rule 12) of Brian A. Joyce and Bruce J. Ayers for legislation to establish a sick leave bank for Emmy Diaz, an employee of the Massachusetts Rehabilitation Commission;

By Mr. Rodrigues, a petition (subject to Joint Rule 12) of Michael J. Rodrigues, David B. Sullivan, Keiko M. Orrall, Christopher Markey and others for legislation relative to the election of the Freetown/Lakeville regional school district committee members; and

By Mr. Rosenberg, a petition (subject to Joint Rule 12) of Stanley C. Rosenberg and Stephen Kulik For legislation relative to agreements for employees and retirees in the superintendency union;

Severally under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that the Senate Bill to prevent fiscal abuse in educational collaboratives (Senate, No. 2085),-- **ought to pass;**

Referred, under Senate Rule 27, to the committee on Ways and Means.

By Ms. Jehlen, for the committee on Elder Affairs, on Senate, Nos. 271, 276, and 287 and House, No. 1098, an Order relative to authorizing the joint committee on Elder Affairs to make an investigation and study of certain current Senate and House documents relative to elder affairs (Senate, No. 2089);

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Committee Discharged.

Mr. Keenan, for the committee on the Mental Health and Substance Abuse, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 976) of Hector Montalvo for legislation relative to abuse prevention,-- **and recommending that the same be referred to the committee on the Judiciary.**

**Under Senate Rule 36, the report was considered forthwith and accepted.
Sent to the House for concurrence.**

PAPER FROM THE HOUSE.

A Bill authorizing the town of Bolton to grant a license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3497,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Resolutions.

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

Resolutions (filed by Messrs. Brewer, Rosenberg and Tarr) “congratulating David P. Baier on the occasion of his retirement.”

Communication.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

William F. Welch
Clerk of the Senate
Room 335, State House
Boston, MA 02133

Dear Mr. Clerk:

On Thursday, September 15, 2011, I was unable to be present for the following votes relating to Senate Bill 2010: Roll Call #65; Roll Call #66; Roll Call #67; Roll Call #68; Roll Call #69; Roll Call #70; and Roll Call #71. Had I been present, I would have voted as follows:

Roll Call #65: Affirmative
Roll Call #66: Affirmative
Roll Call #67: Affirmative
Roll Call #68: Affirmative
Roll Call #69: Affirmative
Roll Call #70: Affirmative
Roll Call #71: Negative

I respectfully request that this letter be printed in the Senate Journal as part of the official record. Thank you for your assistance in this matter.

Saludos,
Sonia Chang-Díaz
Second Suffolk District

On motion of Mr. Knapik, the above communication was ordered printed in the Journal of the Senate.

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 as follows:

The Senate Bill relative to town elections in the town of Sturbridge (Senate, No. 1947),-- **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 exempting the position of inspector of buildings, also known as the building commissioner, of the town of Natick from the civil service law (House, No. 3507) (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.**

Reports of Committees.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Kevin W. Rose, an employee of the Bristol County Sheriff's office (Senate, No. 2082),-- **ought to pass, with an amendment substituting a new**

draft with the same title (Senate, No. 2090).

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time and was amended, on recommendation of the committee on Ways and Means.

The bill (Senate, No. 2090) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

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 Katherine M. Clark and Paul Brodeur for legislation relative to swimming pool licensing.

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 Consumer Protection and Professional Licensure.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3830) of Jeffrey Sanchez relative to the innovative infrastructure investment program;
Under suspension of Joint Rule 12, to the committee Economic Development and Emerging Technologies.

Petition (accompanied by bill, House, No. 3829) of Daniel B. Winslow and others for legislation to provide outage rebates to consumers;

Under suspension of Joint Rule 12, to the committee on Telecommunications, Utilities and Energy.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Lawrence Mainville, an employee of the Massachusetts Department of Transportation (see House, No. 3747), 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. DiDomenico) and sent to the House for enactment.

Engrossed Bills.

An engrossed Bill validating the acts and proceedings at a special town meeting and the annual town election in the town of Athol (see House Bill, printed in House, No. 3796) (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, two-thirds of the members present having voted in the affirmative, and signed by the Acting President (Mr. DiDomenico) and laid before the Governor for his approbation.

An engrossed Bill establishing a sick leave bank for Lawrence Mainville, an employee of the Massachusetts Department of Transportation (see House, No. 3747) (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. DiDomenico) and laid before the Governor for his approbation.

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.

On motion of the same Senator, at nineteen minutes past eleven o'clock A.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.