

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, February 6, 2012.

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

Distinguished Guests.

There being no objection, the Chair (Mr. McGee) handed the gavel to Mr. Richard T. Moore for the purpose of an introduction. Mr. Richard T. Moore then introduced, in the rear of the Chamber, the Division III State Champion Sutton Boys Varsity Soccer Team. They finished the season with a record of 20-1-2, and captured the Division III title with a 3-1 victory over Georgetown High School on November 18th. The team was led by coach Mike Elster, and captains Sean Leary, Robert Mailea, and Todd McDevitt. They were accompanied by Representative Fattman. The Senate applauded their accomplishments and withdrew from the Chamber.

Report.

A report of the Dukes County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003) submitting its plan for expenditure from the County Registers Technological Fund (copies will be forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight).(received February 3, 2012),-- **was placed on file.**

Petition.

By Mr. Richard T. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore for legislation to designate the birthplace of Michael Bartlett in the town of Oxford;

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

Reports of Committees.

By Mr. Brownsberger, for the committee on Public Service, on petition, a Bill relative to retirement buy back in to the Massachusetts teachers' retirement system (Senate, No. 1282);

By the same Senator, for the same committee, on petition, a Bill further regulating employee benefits (Senate, No. 1376);

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Sharyn LeCesse, an employee of the Registry of Motor Vehicles (Senate, No. 2123);

By Mr. Donnelly, for the committee on State Administration and Regulatory Oversight, on petition, a Bill relative to manufactured buildings (Senate, No. 1566) (Representative Brady of Brockton dissenting);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1609), a Bill authorizing governmental bodies to enter into contracts for the inspection, maintenance, repair or modification of water storage facilities (Senate, No. 2126); and

By Mr. McGee, for the committee on Transportation, on Senate, Nos. 1732, 1764 and 1810, a Bill to prohibit the use of mobile

telephones while operating a motor vehicle (Senate, No. 2127);
Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Brownsberger, for the committee on Public Service, on petition, a Bill relative to superintendency union benefits (Senate, No. 2092);

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

By Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill to authorize the town of Erving to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2093) [Local approval received]; and

By Mr. Brownsberger, for the committee on Public Service, on petition, a Bill authorizing the town of Plymouth to establish an other post-employment benefits fund (Senate, No. 2030) [Local approval received];

Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Committee Discharged

Mr. Berry, for the committee on Ethics and Rules, reported, asking to be discharged from further consideration of the Senate Bill further regulating municipal animal control (Senate, No. 1033),-- **and recommending that the same be referred to the Senate committee on Ways and Means.**

Under Senate Rule 36, the report was considered forthwith and accepted.

PAPER FROM THE HOUSE.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to establishing a voting precinct in the town of Hingham (House, No. 3907),-- **referred, in concurrence, to the committee on Election Laws.**

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 as follows:

The Senate Bill authorizing the board of selectmen of the town of Middleborough to impose reasonable fees for the employment of outside consultants in connection with the review of earth removal applications (Senate, No. 1949),-- **was read a second time and ordered to a third reading.**

Petition.

On motion of Mr. Richard T. Moore, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Montigny (accompanied by bill) of Mark C. Montigny and Antonio F. D. Cabral for legislation to establish a sick leave bank for Carl Senna, an employee of the Department of Correction,— **and the same was referred to the committee on Public Service.**

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill to establish the Massachusetts Uniform Trust Code (Senate, No. 2034),— **ought to pass, with an amendment substituting a new draft entitled “An Act further regulating the probate code and establishing a trust code” (Senate, No. 2128);**

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

Subsequently, Mr. Berry, for the said committee on Ethics and Rules, reported that the matter be placed in the Orders of the Day for Thursday, February 9th.

PAPER FROM THE HOUSE

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill establishing a sick leave bank for Michael Monterio, an employee of the Department of Correction (see Senate, No. 1962), 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 3 to 0.**

The bill was signed by the Acting President (Mr. McGee) and sent to the House for enactment.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. McGee) and laid before the Governor for his approbation.

The Senate Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 2112),-- **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 text of House document numbered 3906.**

The rules were suspended, on motion of Mr. Rodrigues, and the House amendment was adopted, in concurrence (as corrected BTR).

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Wednesday 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 eighteen minutes before twelve o'clock noon, the Senate adjourned to meet again on Wednesday next at eleven o'clock A.M.