

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, March 5, 2012.

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

Petition.

Mr. Richard T. Moore presented a petition (subject to Joint Rule 12) of Richard T. Moore, Benjamin B. Downing, Stephen L. DiNatale, Linda Dean Campbell and other members of the General Court for legislation to promote American manufacturing;
Under Senate Rule 20, referred to the committees on Rules of the two branches, acting concurrently.

Reports of a Committee.

By Mr. Welch, for the committee on Municipalities and Regional Government, on petition, a Bill establishing the Worcester County Commission on the Status of Women (Senate, No. 2099);

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

By Mr. Welch, for the committee on Municipalities and Regional Government, on petition, a Bill for legislation relative to the charter of the city of Northampton (Senate, No. 2106) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill amending the charter of the town of Bourne (Senate, No. 2114) [Local approval received];

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

PAPERS FROM THE HOUSE

The following petition, having been timely filed by 5 o'clock P.M. on January 21, 2011, was referred in concurrence as follows: Petition (accompanied by bill, House, No. 3831) of David M. Torrisi and James J. Lyons, Jr. (by vote of the town) relative to the recall of elective officers in the town of North Andover;

To the committee on Election Laws.

A petition (accompanied by bill, House, No. 3856) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) authorizing the town of Hingham to allow the lease and refurbishment of the Bathing Beach Bathhouse,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Resolutions

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

Resolutions (filed by Messrs. Hedlund, Joyce and Keenan) "congratulating William 'Bill' Hedlund on his retirement after 41 years of public service to the town of Braintree";

Resolutions (filed by Mr. Hedlund) “congratulating Taylor Ryan of the town of Hingham on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Keenan and Ms. Flanagan) “honoring Barbara Leadholm for her outstanding service and dedication as Commissioner of the Department of Mental Health”; and

Resolutions (filed by Mr. Pacheco) “congratulating Captain Michael Flanagan on his retirement as Captain of the Raynham Fire Department.”

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

March 2, 2012

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

Dear Mr. Clerk:

I was unable to be present at the formal session on Thursday, March 1st, 2012, due to a prior commitment.

Had I been in attendance I would have voted in the affirmative to adopt the Ways and Means amendment pursuant to Section 17 of S2112, an act making supplemental appropriations for fiscal year 2012. I would have voted in the affirmative to override Gov. Deval Patrick’s veto and funding reduction in item 8910-0105 in S 2112; I would have voted in the affirmative to override Gov. Deval Patrick’s veto and funding reduction in item 8910-8300 in S 2112; I would have voted in the affirmative to override Gov. Deval Patrick’s veto and funding reduction in item 8910-8200 in S 2112; I would have voted in the affirmative to override Gov. Deval Patrick’s veto and funding reduction in item 8910-8700 in S 2112; I would have voted in the affirmative to override Gov. Deval Patrick’s veto of section 36 in S 2112; I would have voted in the affirmative to override Gov. Deval Patrick’s veto of section 37 in S 2112.

Thank you for your time and attention to this matter.

Respectfully,
MICHAEL F. RUSH,
Suffolk and Norfolk District.

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

PAPERS FROM THE HOUSE

A Bill authorizing the city of Fitchburg to grant an additional license for the sales of wines and male beverages not to be drunk on the premises (House, No. 3738,-- on petition) [Local approval received],-- **was read.**

There being no objection, the rules were suspended, on motion of Mr. Ross and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the city of Fitchburg to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises”.

A Bill relative to voting precincts in the city of Chicopee (House, No. 3956,-- on petition) [Local approval received],-- **was read. There being no objection, the rules were suspended, on motion of Mr. Timilty, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

A Bill relative to a voting precinct in the town of Dracut (printed in House, No. 3958,-- being a message from His Excellency the Governor),-- **was read.**

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

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

Petition (accompanied by bill, House, No. 3975) of Carolyn C. Dykema and others supporting individuals with intellectual and

developmental disabilities;

Under suspension of Joint Rule 12, to the committee on Public Health.

Petition (accompanied by bill, House, No. 3976) of David Paul Linksy and Richard J. Ross establishing a sick leave bank for Janet Ruggieri, an employee of the Massachusetts Department of Revenue;

Under suspension of Joint Rule 12, to the committee on the Public Service.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Catherine Blais, an employee of the Trial Court (see House, No. 3894), 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 (Ms. Spilka) 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 (Ms. Spilka) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Michael Foti, an employee of the Department of Correction (see Senate, No. 2088); and

Relative to the Division of Transportation in the town of Brookline (see House, No. 3920).

Recess.

There being no objection, at eighteen minutes past eleven o'clock A.M., the Chair (Ms. Spilka) declared a recess subject to the call of the Chair; and, at seven minutes past twelve o'clock noon, the Senate reassembled, Ms. Spilka in the Chair.

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill further regulating business practices between motor vehicle dealers, manufacturers, and distributors (Senate, No. 1975),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2162).**

Order Adopted

Mr. Brewer offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, Senate Bill further regulating business practices between motor vehicle dealers, manufacturers, and distributors (Senate, No. 1975), with the pending Ways and Means new draft (Senate, No., 2162) shall be placed in the Orders of the Day for a second reading on Thursday, March 8, 2012.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 10:00 A.M., on Thursday, March 8, 2012. All such amendments shall be second-reading amendments to the Ways and Means new draft (Senate, No. 2162) but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended

Under the rules, referred to the committee on Ethics and Rules.

Subsequently, Mr. Berry, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Ross, and the order was considered forthwith and adopted.

The bill (Senate, No. 1975) was then placed in the Orders of the Day for a second reading on Thursday, March 8, 2012, with the amendment pending.

PAPERS FROM THE HOUSE

Engrossed Bills.

An engrossed Bill relative to a voting precinct in the town of Dracut (see House Bill, printed in House, No. 3958) (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 (Ms. Spilka) and laid before the Governor for his approbation.

The following engrossed bills (both of which originated in the House), 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 (Ms. Spilka) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Catherine Blais, an employee of the Trial Court (see House, No. 3894); and

Relative to voting precincts in the city of Chicopee (see House, No. 3956).

Order Adopted.

On motion of Mr. Ross,--

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.

On motion of the same Senator, at ten minutes past twelve o'clock noon, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.