

**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, August 9, 2012.

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

#### *Distinguished Guests.*

There being no objection, the Chair (Mr. Hart) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, on the Rostrum, Bailee Militello. She was recognized for having raised over \$1,000 at a lemonade stand and donating the proceeds to the Cardone family who lost their home in the Ashland Place fire in the city of Gloucester on July 9. With the help of her mother, she also donated clothes and toys to the family who were staying at a shelter in Gloucester. The Senate applauded her accomplishments, presented her with a citation and she withdrew from the Chamber. She was accompanied by her parents and younger brother Jimmy.

There being no objection, the Chair (Mr. Hart) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, on the Rostrum, two members of the Indian American community, Kuma Gupta and Anil Saigal, who work with several other Indian Americans to promote Indian history, traditions and culture. They were visiting the State House in honor of the 65th anniversary of the Republic of India's independence from Great Britain. The Senate welcomed them with applause and they withdrew from the Chamber.

#### *Report of a Committee.*

By Mr. McGee, for the committee on Transportation, on petition (accompanied by bill, Senate, No. 1746), an Order relative to authorizing the joint committee on Transportation to make an investigation and study of certain current Senate documents relative to Transportation (Senate, No. 2414);

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

#### *Committee Discharged.*

Mr. McGee, for the committee on Transportation, reported, asking to be discharged from further consideration of the recommitted petition (accompanied by bill, Senate, No. 1762) of Mark C. Montigny for legislation to facilitate the completion of the New Bedford/Fall River commuter rail extension project,-- **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.**

**Sent to the House for concurrence in the discharge of the joint committee.**

#### *Resolutions.*

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

Resolutions (filed by Mr. Joyce) “honoring Paul Kenneth Fernandes for his years of dedicated service to the town of Randolph”;

Resolutions (filed by Mr. Pacheco) “congratulating Velma Pearl Bliss on the occasion of her one hundredth birthday”; and

Resolutions (filed by Mr. Pacheco) “congratulating Nicolas Matthew-Forte on his elevation to the rank of Eagle Scout.”

#### PAPER FROM THE HOUSE.

The Senate Bill relative to prescription drug diversion, abuse and addiction (Senate, No. 2125),-- **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 contained in House document numbered 4346, amended.**

**The rules were suspended, on motion of Mr. Keenan, and the House amendment was considered forthwith.**

The same Senator moved that the Senate concur with the House amendment with a further amendment inserting before the enacting clause the following emergency preamble:-

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to further regulate forthwith prescription drug diversion, abuse and addiction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

**The motion was accepted; and the amendment was adopted.**

**Sent to the House for concurrence in the further amendment.**

#### *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 authorizing the town of Rockport to grant a license for the sale of wines and malt beverages at a food store (Senate, No. 2239),-- **was read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

The Senate Bill dissolving the Redevelopment Authority in the town of Wilmington (Senate, No. 2289) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

#### *Reports of Committees.*

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Diane Johnson, an employee of the Department of Revenue (House, No. 4229),-- **ought to pass, with an amendment adding the following sentence:-** “Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department.”.

**There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.**

**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.**

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Louise Moson, an employee of the Massachusetts Department of Transportation (House, No. 4280),-- **ought to pass.**

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

The following report was laid before the Senate, the time within which the said committee was required to report having expired:---

Of the committee on Housing, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 584) of Harriette L. Chandler for legislation to update Chapter 40R.

**On motion of Mr. Brownsberger, the rules were suspended; and, on further motion of the same Senator, the petition was recommitted to the committee on Housing.**

#### PAPERS FROM THE HOUSE

##### *Emergency Preamble Adopted; Engrossed Bill Enacted.*

An engrossed Bill relative to prescription drug diversion, abuse and addiction (see Senate, No. 2125, 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. Hart) 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. Hart) and laid before the Governor for his approbation.**

*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 nineteen minutes past twelve o'clock noon, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.