

**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 23, 2012.

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

### PAPERS FROM THE HOUSE

#### *Bills*

Relative to the town of Marion Open Space Acquisition Commission (House, No. 4188,-- on petition) [Local approval received];  
Relative to the charter of the town of Westborough (House, No. 4211,-- on petition) [Local approval received]; and  
Relative to authorizing the board of selectmen of the town of Saugus to hire an auditing firm to conduct annual audits (House, No. 4315,-- on petition) [Local approval received];

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

#### *Reports of Committees.*

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

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 2352) of James E. Timilty and Steven S. Howitt (by vote of the town) for legislation to authorize the town of Seekonk to convert seasonal licenses to annual licenses for the sale of all alcoholic beverages to be drunk on the premises.

**On motion of Mr. Richard T. Moore, the rules were suspended; and, on further motion of the same Senator, the petition was recommitted to the committee on Consumer Protection and Professional Licensure.**

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 2353) of James E. Timilty and Steven S. Howitt (by vote of the town) for legislation to authorize the town of Seekonk to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises.

**On motion of Mr. Richard T. Moore, the rules were suspended; and, on further motion of the same Senator, the petition was recommitted to the committee on Consumer Protection and Professional Licensure.**

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for June Graham, an employee of the Department of Public Health (Senate, No. 2357),-- **ought to pass with an amendment, substituting a new draft with the same title (Senate, No. 2417).**

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

**The bill (Senate, No. 2417) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick bank for Timothy J. O'Brien, an employee of the Executive Office of Health and Human Services (House, No. 4378),-- **ought to pass.**  
**There being no objection, the rules were suspended, on motion of Mr. Rush, 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 establishing a sick leave bank for Timothy J. O'Brien, an employee of the Executive Office of Health and Human Services".**

Mr. Berry for the committee on Ethics and Rules reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill designating a certain bridge in the town of Billerica as the Helen Knight bridge (Senate, No. 2305).  
**There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill 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.**

*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 House Bill authorizing the town of Hopedale to allow direct deposit of receipts into certain funds (House, No. 3937),-- **was read a third time and passed to be engrossed.**

The Senate Bill relative to the charter of the city of Westfield (Senate, No. 2288) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Knapik moved that the bill be amended by inserting after the word "November", in line 44, the following words:- "in every odd-numbered year"; by striking out, in lines 196 and 197, the words "and the General Laws relative to city elections shall apply thereto, except as is otherwise specifically provided in this section"; in section 1, in proposed section 13 of the charter of the city of Westfield, by adding the following paragraph:- "All General Laws regarding city elections shall apply, except as is provided by this charter or by special act of the general court."; by striking out, in line 595, the figure "30" and inserting in place thereof the following figure:- "35"; and by inserting after the word "measure", in line 637, the first time it appears, the following words:- "including a fair and concise summary of each question, which shall be prepared by the city solicitor or counsel for the city".

**The amendment was adopted.**  
**The bill (Senate, No. 2288, amended) was then passed to be engrossed.**  
**Sent to the House for concurrence.**

**PAPERS FROM THE HOUSE.**

The House Bill reestablishing a charter for the city of Northampton (House, No. 4102, amended),-- **came from the House passed to be engrossed, in concurrence with an amendment striking out the title and inserting in place thereof the following title "An Act revising the charter for the city of Northampton."**

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

Mr. Rosenberg presented a request that the Senate concur with the House amendment with a further amendment in section 1, by inserting after article 6 the following article:-

**"ARTICLE 6A  
BOARD OF HEALTH**

There shall be established in the city of Northampton a board of health consisting of 5 members, each of whom shall serve a term of 3 years and be appointed by the mayor, subject to the approval of the city council. The members of the board of health shall be legal voters in the city and at least 1 of whom shall be a physician. The members of the board shall serve without compensation."

**The further amendment was adopted.**  
**The Senate then concurred in the House amendment, as amended.**  
**Sent to the House for concurrence in the further amendment.**

A petition (accompanied by bill, House, No. 4410) of Kevin Aguiar and Michael J. Rodrigues establishing a sick leave bank for Kathleen Rezendes, an employee of the Department of Transitional Assistance,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

*Emergency Preamble Adopted; Engrossed Bill Enacted.*

An engrossed establishing a sick leave bank for Timothy J. O'Brien, an employee of the Executive Office of Health and Human Services (see House, No. 4378), 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. Flanagan) 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 (Ms. Flanagan) and laid before the Governor for his approbation.**

*Engrossed Bill.*

An engrossed Bill relative to the regulation of plant nutrients (see House, No. 4306, amended) (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 (Ms. Flanagan) and laid before the Governor for his approbation.

*Moment of Silence.*

At the request of the Chair (Ms. Flanagan) the members, guests and employees stood in a moment of silence and reflection to the memory of Private First Class Michael Robert DeMarisco of North Adams.

*Order Adopted.*

On motion of Mr. Richard T. Moore,--

*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.

*Adjournment in Memory of Michael Robert DeMarisco.*

The Senator for Berkshire, Hampshire and Franklin, Mr. Downing, presents a request that when the Senate adjourns today, it do so in memory of Private First Class Michael Robert DeMarisco of North Adams.

PFC DeMarisco, a 20 year old graduate of Drury High School, was killed by a roadside bomb in Panjwa'l, Afghanistan on Thursday, August 16th. DeMarisco was known to friends and family as a kind, selfless young man with a steadfast belief in service to his nation.

PFC DeMarisco is survived by his parents, Michael and Lisa, older sisters Aubrey and Kailey, younger brother Adam, younger sister Leigha, and several aunts, uncles and cousins.

Accordingly, as a mark of respect to the memory of Michael Robert DeMarisco, at fourteen minutes before twelve o'clock P.M., on motion of Mr. Hedlund, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.