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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, August 27, 2012.

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

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Gloria Chisholm, an employee of the Massachusetts Department of Transportation (House, No. 4184,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Exempting the position of Deputy Police Chief of the town of Westwood (House, No. 4233,-- on petition) [Local approval received]; and

Relative to administrative reorganization of the city of Malden (House, No. 4311,-- on petition) [Local approval received];
Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

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 relative to the appointment and status of the fire chief and the board of fire commissioners in the city of Fall River (House, No. 4030),-- **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. Rodrigues moved that the bill be amended by striking out section 5 and inserting in place thereof the following 2 sections:-

“SECTION 5. Chapter 189 of the acts of 2008 is hereby repealed.

SECTION 6. This act shall take effect upon its passage.”.

The amendment was adopted.

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.

The House Bill exempting the town of Southbridge from attorney general approval of by-laws (House, No. 4039),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Richard T. Moore moved that the bill be amended in section 2, by inserting after the word “Laws”, in line 9, the following words:- “or any other general or special law or town by-law to the contrary;” by striking out, in line 12, the word “council” and inserting in place thereof the following word:- “counsel”; and by striking out section 3 and inserting in place thereof the following 2 sections:-

“SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.

SECTION 4. This act shall take effect upon its passage.”.

The amendment was adopted.

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.**

The House Bill relative to non-councilors on committees in the town of Southbridge (House, No. 4040),-- **was read a third time.** Pending the question on passing the bill to be engrossed, Mr. Richard T. Moore moved that the bill be amended in section 2, by inserting after the word "Laws", in line 10, the following words:- "or any other general or special law or town by-law to the contrary, "; by striking out, in line 13, the word "council" and inserting in place thereof the following word:- "counsel"; and by striking out section 3 and inserting in place thereof the following 2 sections:-
"SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.
SECTION 4. This act shall take effect upon its passage."

The amendment was adopted.

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.**

The House Bill relative to the removal of the vice-chairperson of the council of the town of Southbridge (House, No. 4041) (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. Richard T. Moore moved that the bill be amended in section 2, by inserting after the word "Laws", in line 9, the following words:- "or any other general or special law or town by-law to the contrary, "; by striking out, in line 12, the word "council" and inserting in place thereof the following word:- "counsel"; and by striking out section 3 and inserting in place thereof the following 2 sections:-
"SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.
SECTION 4. This act shall take effect upon its passage."

The amendment was adopted.

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.**

The House Bill relative to the prohibition on multiple appointments to quasi-judicial boards in the town of Southbridge (House, No. 4042),-- **was read a third time.** Pending the question on passing the bill to be engrossed, Mr. Richard T. Moore moved that the bill be amended in section 2, by inserting after the word "Laws", in line 6, the following words:- "or any other general or special law or town by-law to the contrary, "; by striking out, in line 9, the word "council" and inserting in place thereof the following word:- "counsel"; and by striking out section 3 and inserting in place thereof the following 2 sections:-
"SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.
SECTION 4. This act shall take effect upon its passage."

The amendment was adopted.

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.**

The House relative to the addition of members to the board of health in the town of Southbridge (House, No. 4043),-- **was read a third time.** Pending the question on passing the bill to be engrossed, Mr. Richard T. Moore moved that the bill be amended in section 2, by inserting after the word "Laws", in line 5, the following words:- "or any other general or special law or town by-law to the contrary, "; by striking out, in line 8, the word "council" and inserting in place thereof the following word:- "counsel"; and by striking out section 3 and inserting in place thereof the following 2 sections:-
"SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.
SECTION 4. This act shall take effect upon its passage."

The amendment was adopted.

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.**

The House Bill relative to the appointment of the liquor licensing board in the town of Southbridge (House, No. 4044),-- **was read a third time.** Pending the question on passing the bill to be engrossed, Mr. Richard T. Moore moved that the bill be amended in section 2, by inserting after the word "Laws", in line 6, the following words:- "or any other general or special law or town by-law to the contrary, "; by striking out, in line 9, the word "council" and inserting in place thereof the following word:- "counsel"; and by striking out section 3 and inserting in place thereof the following 2 sections:-
"SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.
SECTION 4. This act shall take effect upon its passage."

The amendment was adopted.

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.**

The House Bill relative to the rescission of appointments to quasi-judicial bodies in the town of Southbridge (House, No. 4045),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Richard T. Moore moved that the bill be amended in section 2, by inserting after the word "Laws", in line 4, the following words:- "or any other general or special law or town by-law to the contrary,"; by striking out, in line 7, the word "council" and inserting in place thereof the following word:- "counsel"; and by striking out section 3 and inserting in place thereof the following 2 sections:-

"SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.
SECTION 4. This act shall take effect upon its passage."

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The House Bill relative to the removal of the manager of the town of Southbridge (House, No. 4046),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Richard T. Moore moved that the bill be amended in section 2, by inserting after the word "Laws", in line 7, the following words:- "or any other general or special law or town by-law to the contrary,"; by striking out, in line 10, the word "council" and inserting in place thereof the following word:- "counsel"; and by striking out section 3 and inserting in place thereof the following 2 sections:-

"SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.
SECTION 4. This act shall take effect upon its passage."

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The House Bill relative to the prohibition of commercial manufacturing of sale of alcohol by the members of the liquor licensing board of the town of Southbridge (House, No. 4047),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Richard T. Moore moved that the bill be amended in section 2, by inserting after the word "Laws", in line 9, the following words:- "or any other general or special law or town by-law to the contrary,"; by striking out, in line 12, the word "council" and inserting in place thereof the following word:- "counsel"; and by striking out section 3 and inserting in place thereof the following 2 sections:-

"SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.
SECTION 4. This act shall take effect upon its passage."

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The House Relative to the recall of elective officers in the town of Southbridge (House, No. 4048),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Richard T. Moore in section 2, by inserting after the word "Laws", in line 5, the following words:- "or any other general or special law or town by-law to the contrary,"; by striking out, in line 8, the word "council" and inserting in place thereof the following word:- "counsel"; and by striking out section 3 and inserting in place thereof the following 2 sections:-

"SECTION 3. The regular or special town election in section 2 may be held concurrent with the November 2012 state election.
SECTION 4. This act shall take effect upon its passage."

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Reports of a Committee.

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 House Bill designating a certain section of state highway Route 53 in the city of Weymouth as the Stephen T. O'Donnell Memorial Highway (House, No. 3421).

There being no objection, the rules were suspended, on motion of Mr. Richard T. Moore, 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 designating a certain section of state highway Route 53 in the city known as the town of Weymouth as the Stephen T. O'Donnell Memorial Highway."

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 House Bill designating Male Breast Cancer Awareness Week (House, No. 4019).

There being no objection, the rules were suspended, on motion of Mr. Richard T. Moore, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Timilty presented an 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 establish forthwith Male Breast Cancer Awareness Week, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendment was adopted.

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.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted

An engrossed Bill designating certain bridges under the control of the Massachusetts Department of Transportation in the town of Raynham and the city of Taunton (see Senate, No. 2337), 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. Petrucci) and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Laurie Bourassa, an employee of the Department of Developmental Services (see Senate, No. 2339), 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. Petrucci) and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (the first two 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 (Mr. Petrucci) and laid before the Governor for his approbation, to wit:

Designating certain bridges under the control of the Massachusetts Department of Transportation in the town of Raynham and the city of Taunton (see Senate, No. 2337);

Establishing a sick leave bank for Laurie Bourassa, an employee of the Department of Developmental Services (see Senate, No. 2339); and

Authorizing the town of Hopedale to allow direct deposit of receipts into certain funds (see House, No. 3937).

Order Adopted.

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

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 Mr. Ross, at twenty-two minutes past eleven o'clock A.M., the Senate adjourned to meet again on Thursday next at eleven, o'clock A.M.