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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, October 4, 2011.

Met at two minutes past one o'clock P.M.

The President members, guests and employees then recited the pledge of allegiance to the flag.

PAPERS FROM THE HOUSE.

A Bill relative to the issuance of public health warnings (House, No. 1474, changed,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Engrossed Bills.

The following engrossed bills (the first three 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 President and laid before the Governor for his approbation, to wit:

Increasing the membership of the Massachusetts Fire Training Council (see Senate, No. 1188);

Establishing a sick leave bank for Donna Jean Kelly, an employee of the Trial Court (see Senate, No. 2013);

Establishing a sick leave bank for Stephen Thomas, an employee of the Department of Correction (see Senate, No. 2014);

Establishing a sick leave bank for Brunilda Rivera, an employee of the Department of Environmental Protection (see House, No. 3328, amended); and

Establishing a sick leave bank for Michael Jordan, an employee of the Trial Court (see House, No. 3446).

An engrossed Bill validating the actions taken at certain elections held in the town of Abington (see House Bill, printed in House, No. 3664) (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 President and laid before the Governor for his approbation.

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

Petition (accompanied by bill, House, No. 3734) of Sarah K. Peake and Daniel A. Wolf (by vote of the town of Chatham) that said town be exempt from certain regulations of the Executive Office of Environmental Affairs relative to the purchase of conservation land located in the town of Harwich [Local approval received];

Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 3733) of William C. Galvin and Brian A. Joyce for legislation to establish a sick leave bank for Debra Callejas, an employee of the Department of Industrial Accidents;
Under suspension of Joint Rule 12, to the committee on Public Service.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:
The Senate Bill relative to the contributions of certain employees in the town of Plymouth (Senate, No. 1346),-- **was read a third time and passed to be engrossed.**
Sent to the House for concurrence.

Orders of the Day.

Bills

Relative to district councilors elected at the 2011 election in the town of Amesbury (House, No. 3620);

Relative to the charter of the town of Amesbury (House, No. 3621);

Authorizing the town of Amesbury to place a certain question relative to the fluoridation of the public water supply on the town's election ballot (House, No. 3622); and

Authorizing the town of Needham to convey a certain parcel of land and grant an easement to support natural gas transmission (House, No. 3667);

Were severally read a second time and ordered to a third reading.

The House Bill relative to the town of Burlington representative town meeting form of government (House, No. 3501),-- **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill authorizing the town of Millbury to grant an additional liquor license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2020) (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.

The House Bill creating a water supply system in the town of Rochester (House, No. 576),-- **was read a second time and ordered to a third reading.**

The House Bill establishing expanded gaming in the Commonwealth (House, No. 3711),-- **was considered, the main question being on ordering it to a third reading.**

The pending motion, previously moved by Ms. Candaras, to lay the matter on the table was considered; and it was negatived.

The pending Ways and Means amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2015,-- **was then considered.**

Messrs. Tarr, Knapik and Ross moved that the bill be amended in line 2728 of section 18, by inserting at the end of section 2DDDD of chapter 29 the following:- "provided further, of said amount credited to said fund, fifty per cent shall be transferred to the race horse development fund established in section 60 of chapter 23K and shall be allocated by the commission in the manner delineated in said section. The gaming commission created in chapter 23K shall make an annual report to the secretary for administration and finance and the clerks of the house of representatives and the senate detailing the economic benefit derived from investing in the race horse development fund, to include but not be limited to, the following:- the number of jobs and small businesses created and maintained within the racehorse agricultural network including breeding farms, boarding farms, feed producing farms, hay and straw producing farms, equine centers, horse ownership, horse training, veterinarians, dentists, farriers, and similar businesses and jobs created and maintained in the post-racing horse industries including show horses, equestrian jumping, polo, child therapy centers and riding academies; the number of green jobs associated with the racing and post-racing employment in the commonwealth; agricultural development programs relating to the racing and post-racing industries, farm acreage, annual value of equine feed and bedding crops, the amount of open space acreage protected, and the amount of real estate, payroll, and sale taxes paid annually by said businesses and their employees".

After remarks, and pending question on adoption if the amendment, pending question on adoption of the Ways and Means new text, and pending the main question on ordering the bill to a third reading, Ms. Spilka moved that the matter be laid on the table; and, under the provisions of Senate Rule 24, the further consideration thereof was laid over until the next session.

The Senate Resolutions [offered by Senator Tolman] memorializing the Congress of the United States to support legislation that reforms the Toxic Substances Control Act of 1976,-- **was considered, the main question being on adoption.**

The pending motion, previously moved by Mr. Tarr, to lay the matter on the table was considered; and it was negatived.

After remarks and pending the question on adoption of the resolutions, on motion of Mr. Knapik, the further consideration thereof was postponed until the next session.

Order Adopted.

On motion of Mr. Brewer,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at one o'clock P.M., in a full formal session with a calendar.

Moment of Silence.

At the request of the President, the members, guests and employees stood in a moment of silence and reflection to the memory of Army Specialist Steven Gutowski of Plymouth.

Adjournment in Memory of Army Specialist Steven Gutowski.

The Senator from Plymouth and Barnstable, Ms. Murray, requested that when the Senate adjourns today, it adjourn in memory of Army Specialist Steven Gutowski of Plymouth.

U.S. Army Specialist Steven Gutowski, 24 of Plymouth, died on Wednesday, September 28, 2011 while on deployment to the Ghanzi province of Afghanistan in support of Operation Enduring Freedom when an improvised explosive device detonated near his military vehicle. Specialist Gutowski was assigned to the 5th Engineer Battalion, 4th Maneuver Enhancement Brigade, Fort Leonard Wood, Missouri.

Steven grew up in West Plymouth and graduated from Plymouth North High School in 2005. During high school he was involved in the school's DECA program, and was seen by teachers as a leader, stepping up to complete tasks or offering a helping hand.

After high school, Steven decided to join the army to better prepare him for a future career in business. As part of his duties as a combat engineer, Steven would travel ahead of supply convoys, using mechanical minesweepers to clear the way for fellow soldiers. Friends say his work as a combat engineer underscored his selfless nature and willingness to help anyone when he could.

Army Specialist Gutowski is survived by his parents, two sisters and countless family and friends.

Our thoughts and prayers are with Steven's family, and all the mothers, fathers and spouses in the Commonwealth who have had to bear such a grief over the duration of this war.

Accordingly, as a mark of respect to the memory of Army Specialist Steven Gutowski, at twelve minutes past one o'clock P.M., on motion of Mr. Knapik, the Senate adjourned to meet again on Thursday next at one o'clock P.M.