

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, October 17, 2011.

Met at nine minutes past eleven o'clock A.M. (Mr. Hart in the Chair).

The Chair (Mr. Hart), members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the Chair (Mr. Hart) handed the gavel to Mr. Ross for the purpose of an introduction. Mr. Ross then introduced, in the rear of the Chamber, a group of state police officers visiting from Italy for the Columbus Day celebrations. Among the group was Dott. Paolo Passamonti, who addressed the Senate from the Rostrum and presented emblems with the logo of the Italian State Police Department to members of the Senate. Mr. Tarr also welcomed the group to the Chamber and then introduced Giuseppe Pastorelli, the Italian Consul General to Boston. He addressed the Senate from the Rostrum, the Senate welcomed them with applause and they withdrew from the Chamber. They were also guests of Representative Ferrante.

Communication.

A communication from the Martin J. Benison, Comptroller, submitting an updated notification of the Fiscal Year 2011 transfer schedule (pursuant to Section 2E of Chapter 131 of the Acts of 2010) for the following account: 1595-5819 – Commonwealth Care Trust Fund (received in the Office of the Clerk of the Senate on Monday, October 17, 2011, at twenty-eight minutes before three o'clock P.M.),-- **was placed on file.**

Reports of Committees.

By Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 1851), a Bill relative to the Alcohol Beverages Control Commission (Senate, No. 2033); and
By Mr. Downing, for the committee on Telecommunications, Utilities and Energy, on Senate, No. 1958 and House, No. 1760, a Bill relative to solar energy generation (Senate, No. 2032);

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

Committee Discharged

Ms. Creem, for the committee on the Judiciary, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 868) of Karen E. Spilka, Sal N. DiDomenico, Stephen R. Canessa, Marc R. Pacheco, Carolyn C. Dykema and other members of the General Court for legislation to prevent unlawful and unnecessary foreclosures,-- and recommending that the same be referred to the committee on Financial Services.

**Under Senate Rule 36, the report was considered forthwith and accepted.
Sent to the House for concurrence.**

PAPERS FROM THE HOUSE

Bills

Authorizing the town of South Hadley to pay certain unpaid bills (House, No. 3653,-- on petition) [Local approval received];

Authorizing the town of Fairhaven to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3722,-- on petition) [Local approval received]; and

Authorizing the town of Fairhaven to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3724,-- on petition) [Local approval received];

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

Resolutions.

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

Resolutions (filed by Mr. Pacheco) "congratulating Jennie Mendoza on being named the recipient of the Boston Post Cane Award."

PAPER FROM THE HOUSE

The House Bill making appropriations for the fiscal years 2011 and 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3737, amended),-- **came from the House with the endorsement that the House had concurred in the Senate amendments with a further amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 3751.**

The rules were suspended, on motion of Mr. DiDomenico, and the further House amendment was adopted, in concurrence.

Communication.

The Clerk read the following communication:

OFFICE OF THE MINORITY LEADER
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON, MA 02133-1053

October 13, 2011

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

Dear Mr. Clerk:

I was unable to attend the entire Senate session on Thursday, October 13, 2011 due to a long standing personal commitment. Had I been present during the final vote on Senate Bill 2015, I would have voted no. I request that this correspondence be published in the Senate Journal.

Thank you for your time and attention to this matter.

My Very Best,
SENATOR ROBERT L. HEDLUND,
Plymouth and Norfolk District

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

Report of a Committee.

By 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 City of Leominster as the Jonathan Roberge Memorial Bridge (Senate, No. 1741).

There being no objection, the rules were suspended, on motion of Mr. DiDomenico, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act designating a certain bridge in the city of Leominster as the

**Jonathan Roberge Memorial Bridge.”
Sent to the House for concurrence.**

PAPER FROM THE HOUSE

A petition (accompanied by bill, House, No. 3752) of Kay Kahn for legislation to establish a sick leave bank for Jay Brinkerhoff, an employee of the Supreme Judicial Court,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.**

Petition.

On motion of Mr. DiDomenico, Senate Rule 20 and Joint Rule 12 were suspended on the Senate petition, presented by Mr. Downing (by request), (accompanied by bill) of Patricia Baker for legislation relative to the certification of assessors,-- **and the same was referred to the committee on Municipalities and Regional Government.
Sent to the House for concurrence.**

Recess.

There being no objection, at eighteen minutes before twelve o'clock noon, the Chair (Mr. Hart) declared a recess, subject to the call of the Chair; and, at seven minutes before two o'clock P.M., the Senate reassembled, Mr. DiDomenico in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal years 2011 and 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 3737, published as 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 3 to 0.
The bill was signed by the Acting President (Mr. DiDomenico) and sent to the House for enactment.**

Recess.

There being no objection, at one minute past two o'clock P.M., the Chair (Mr. DiDomenico) declared a recess, subject to the call of the Chair; and, at six minutes past three o'clock P.M., the Senate reassembled, Mr. DiDomenico in the Chair.

PAPERS FROM THE HOUSE

The engrossed Bill making appropriations for the fiscal years 2011 and 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 3737, amended),-- **came from the House with an amendment striking out section 98.
The rules were suspended, on motion of Mr. Ross, and the House amendment was considered forthwith and adopted, in concurrence.**

Engrossed Bill.

An engrossed Bill relative to the town charter for the town of Ashburnham (see Senate, No. 2005) (which originated in the Senate), **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 (Mr. DiDomenico) and laid before the Governor for his approbation.**

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for the fiscal years 2011 and 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 3737, published as 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 3 to 0.
The bill was signed by the Acting President, (Mr. DiDomenico) 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. DiDomenico) and laid before the Governor for his approbation.**

Order Adopted.

On motion of Mr. Ross,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock P.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of the same Senator, at fourteen minutes past four o'clock P.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.