

**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 24, 2011.*

Met at three minute past eleven o'clock A.M. (Mr. Donnelly in the Chair).

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

#### *Petitions.*

Petitions were severally presented and referred as follows:

By Mr. Keenan, a petition (accompanied by bill, Senate, No. 2043) of John F. Keenan, Bruce J. Ayers, Tackey Chan and Ronald Mariano (with the approval of the mayor and city council) for legislation to establish a consumer compensation fund [Local approval received];

**Under Senate Rule 20, to the committee on Municipalities and Regional Government.  
Sent to the House for concurrence.**

By Mr. Baddour, a petition (subject to Joint Rule 12) of Steven A. Baddour for legislation relative to bidding of construction projects in the Commonwealth; and

By Ms. Murray, a petition (subject to Joint Rule 12) of Therese Murray and David Vieira, for legislation to authorize a lease of a certain parcel of land under the control of the Department of Fish and Game to the Bourne Water District for water distribution purposes;

**Severally under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Reports of Committees.*

By Ms. Clark, for the committee on the Public Service, on Senate, No. 1302 and House, No. 2945, a Bill relative to collective bargaining (Senate, No. 1302);

By the same Senator, for the same committee, on petition, a Bill relative to noncontributory retirement (Senate, No. 1339);

By the same Senator, for the same committee, on petition, a Bill relative to Cecilia Davlin (Senate, No. 1369) ; and

By the same Senator, for the same committee, on Senate, No. 1390 and House, No. 1403, a Bill relative to the sanctity of collective bargaining (Senate, No. 1390);

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

By Ms. Clark, for the committee on Public Service, on petition, a Bill, relative to health reimbursement accounts for the insured employees of the town of Arlington (Senate, No. 1954) [Local approval received];

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

#### *Committees Discharged*

Mr. Berry, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Resolve providing for an investigation and study by a special commission relative to school safety (Senate, No. 1232),-- **and recommending that the same be referred to the Senate committee on Ethics and Rules. Under Senate Rule 36, the report was considered forthwith and accepted.**

#### PAPERS FROM THE HOUSE

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to repealing an act authorizing the town of Milton to grant a license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (House, No. 3760),-- **referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.**

A Bill establishing a sick leave bank for Lawrence Mainville, an employee of the Massachusetts Department of Transportation (House, No. 3747,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill validating the acts and proceedings at a certain town caucus in the town of Westhampton (House, No. 3623,-- on petition) [Local approval received],-- **was 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 severally considered forthwith and adopted, as follows:- Resolutions (filed by Mr. Richard T. Moore, Ms. Chandler, Ms. Clark, Ms. Jehlen and Messrs. Knapik, Michael O. Moore, Rosenberg, Tarr and Wolf) "congratulating the Polish American Congress on its Fourth Annual Day of Recognition"; Resolutions (filed by Mr. Ross) "congratulating Edward James Cooley on his elevation to the rank of Eagle Scout"; Resolutions (filed by Mr. Ross) "congratulating Alexander Mark Osborne on his elevation to the rank of Eagle Scout"; and Resolutions (filed by Mr. Ross) "congratulating Ian Robert Riley on his elevation to the rank of Eagle Scout";

#### *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 relative to a parcel of land in Taunton (Senate, No. 1050),-- **was read a third time.**

**Pending the question on passing the bill to be engrossed, Mr. Pacheco presented an amendment in section 2, by inserting after the word "years", in line 10, the following words: "and any lease or extension thereof shall be subject to subsections (a), (b) and (g) of section 16 of chapter 30B of the General Laws".**

**The amendment was adopted.**

**The bill (Senate, No. 1050, amended) was then passed to be engrossed.**

**Sent to the House for concurrence.**

The House Bill authorizing the water commissioners to act as sewer commissioners in the town of Freetown (House, No. 1164) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill exempting certain positions in the town of Burlington from the civil service law (House, No. 3488),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill exempting the position of fire chief of the town of Natick from the civil service law (House, No. 3508) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Hanover to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3721),-- **was read a third time and passed to be engrossed, in concurrence.**

#### *Reports of Committees.*

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to the Alcohol Beverages Control Commission (Senate, No. 2033),-- **ought to pass, with an amendment striking out sections 4, 9 and 10; and by 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 allow forthwith for an increase in the number of licenses for the retail sale of alcoholic beverages that may be granted to any person, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."*

**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 (Senate, No. 2033, amended) was then ordered to a third reading.**

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Marc R. Pacheco and Patricia A. Haddad for legislation relative to affordable housing in Taunton.  
**The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Housing.**

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael J. Rodrigues, David B. Sullivan, Steven Howitt, Marc R. Pacheco and other members of the General Court for legislation relative to certain projects referred to the Massachusetts Historical Commission for consultation.  
**The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Tourism, Arts and Cultural Development. Severally sent to the House for concurrence.**

On motion of Mr. Tarr, Senate Rule 20 and Joint Rule 12 were suspended on the Senate petition, presented by Mr. Richard T. Moore, (accompanied by bill) of Richard T. Moore for legislation to establish a sick leave bank for LouAnn Laliberte, an employee of the Department of Transitional Assistance,-- **and the same was referred to the committee on Public Service. Sent to the House for concurrence.**

#### PAPER FROM THE HOUSE

A Bill validating the acts and proceedings of the preliminary mayoral election in the city of North Adams (House, No. 3741,-- on petition) [Local approval received],-- **was read.**

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

*Recess.*

There being no objection, at sixteen minutes past eleven o'clock A.M., the Chair (Mr. Donnelly) declared a recess, subject to the call of the Chair; and, at nine minutes before one o'clock P.M., the Senate reassembled, Mr. Petruccelli in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

#### PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Hopkinton (see House, No. 3341, 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. Petruccelli) 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. Petruccelli) and laid before the Governor for his approbation, to wit:

Authorizing the town of Millbury to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see Senate, No. 2020);

Authorizing the city of Salem to convert seasonal licenses to annual licenses for the sale of all alcoholic beverages and wines and malt beverages to be drunk on the premises (see Senate, No. 2031);

Relative to the eligibility of ward councilors-elect in the city of Gardner (see House Bill, printed as Senate, No. 1936);

Authorizing the town of South Hadley to pay certain unpaid bills (see House, No. 3653); and

Validating the acts and proceedings of the preliminary mayoral election in the city of North Adams (see House, No. 3741).

*Recess.*

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

#### PAPER FROM THE HOUSE

The House Bill relative to establishing expanded gaming in the Commonwealth (House, No. 3711, amended),— **came from the House with the endorsement that the House had NON-concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2035), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Wagner of Chicopee, Dempsey of Haverhill and Frost of Auburn had been appointed the committee on the part of the House. On motion of Mr. Tarr, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Rosenberg, Flanagan and Ross were appointed on the part of the Senate. The bill was returned to the House endorsed accordingly.**

*Reports 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 relative to the Max Ulin Skating Rink (Senate, No. 2039) (the committee on Ethics and Rules recommending that the bill be amended by substituting a new draft entitled “An Act authorizing the Division of Capital Asset Management and Maintenance to lease the Max Ulin Skating Rink in the town of Milton”, Senate, No. 2044).

**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 Ethics and Rules.**

**The bill (Senate, No. 2044) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

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 House Bill relative to vendor contracts (House, No. 3726) (the committee on Ethics and Rules recommending that the bill be amended by inserting after the word “vendor’s”, in line 13, the following word:- “direct”).

**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 Ethics and Rules.**

**The bill, as amended, was then ordered to a third reading.**

*Order Adopted.*

On motion of Mr. Tarr,--

*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.

On motion of the same Senator, at four minutes past three o’clock P.M., the Senate adjourned to meet again on Thursday next at one o’clock P.M.