

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, November 14, 2011

Met at two minutes past eleven o'clock A.M. (Ms. Spilka in the Chair).

The Chair (Ms. Spilka), members, guests and staff then recited the pledge of allegiance to the flag.

Communication.

A communication from the Martin J. Benison, Comptroller, submitting a temporary holding fund transfer (pursuant to Section 6A of Chapter 62F of the General Laws) (received in the Office of the Clerk of the Senate on Thursday, November 10, 2011 at twenty-five minutes before three o'clock P.M.),-- **was placed on file.**

Petition.

Mr. Richard T. Moore presented a petition (accompanied by bill, Senate, No. 2060) of Richard T. Moore, Kevin J. Kuros and Peter Durant (by vote of the town) for legislation relative to the water and sewer commission of the town of Dudley,-- **and the same was referred, under Senate Rule 20, to the committee on Municipalities and Regional Government. Sent to the House for concurrence.**

Reports of Committees.

By Ms. Jehlen, for the committee on Elder Affairs, on Senate, No. 1857 and House, No. 3310, a Bill promoting equal choice and related cost savings (Senate, No. 2057);
Referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Ms. Clark, for the committee on Public Service, on petition, a Bill continuing retirement group membership for law enforcement officials (Senate, No. 1300);
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

Committee Discharged

Mr. Welch, for the committee on the Municipalities and Regional Government, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1060) of Bruce E. Tarr for legislation to exempt the town of Wilmington from liability,-- **and recommending that the same be referred to the committee on Environment Natural Resources and Agriculture. Under Senate Rule 36, the report was considered forthwith and accepted Sent to the House for concurrence.**

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 validating certain votes passed by the town of Athol at the special town meeting held on

January 31, 2011 and validating the annual town election held on April 4, 2011 (House, No. 3796),-- **was referred, in concurrence, to the committee on Election Laws.**

A petition (accompanied by bill, House, No. 3800) of George N. Peterson, Jr., Matthew A. Beaton, Carolyn C. Dykema and James B. Eldridge (by vote of the town) for legislation to amend the charter of the town of Westborough,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

A communication from the Minority Leader of the House of Representatives, informing the Senate of the following changes in Joint Committee assignments:

That Representative Orrall of Lakeville has been appointed as the Ranking Member to the committee on Labor and Workforce Development and the committee on State Administration and Regulatory Oversight; and

That Representative Harrington of Groton will no longer serve on the Joint Committee on Labor and Workforce Development and Representative Lyons of Andover will no longer serve on the Joint Committee on State Administration and Regulatory Oversight, - was placed on file.

Resolutions.

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

Resolutions (filed by Messrs. Hart and Keenan) "congratulating Judith 'Miss Judith' Flynn Coyne on the thirtieth anniversary of Kids Connection Learning Center in the City of Quincy"; and

Resolutions (filed by Ms. Murray) "recognizing Ann Pizer on the occasion of her retirement from Plymouth Public Schools."

Recess.

There being no objection, at seven minutes past eleven o'clock A.M., the Chair (Ms. Spilka) declared a recess subject to the call of the Chair; and at twenty minutes past three o'clock P.M., the Senate reassembled, Ms. Spilka in the Chair.

Communication.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1007

November 10, 2011

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

Dear Mr. Clerk:

On Tuesday, November 1, 2011, I was not able to submit my vote during the session for the roll call (#109) on H3667. I would like to indicate a "yes" vote be recorded in the journals.

Please feel free to contact my office with any questions.

Sincerely,
JAMES T. WELCH
State Senator
Hampden District.

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

Reports of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Kevin R. Byrne, Sr., an employee of the Trial Court (House, No. 3586),-- **ought to pass.**

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.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill to restore collective bargaining rights for employees of the MBTA (Senate, No. 2056),-- **ought to pass.**

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

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill to establish an annual caterer's license for the service of alcoholic beverages at private functions (Senate, No. 2042),-- **ought to pass, with an amendment substituting a new draft entitled "An Act providing for an annual caterer's license for the service of alcoholic beverages at private functions" (Senate, No. 2063).**

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. 2063) was then ordered to a third reading.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill relative to the terms of collective bargaining agreements (House, No. 3789),-- **ought to pass, with an amendment inserting after the word "shall", in line 7, the following word:- "also";** by striking out, in line 12, the words "November 1, 2011" and inserting in place thereof the following words:- "the effective date of this act"; by striking out, in line 14, the words "other specific matters" and inserting in place thereof the following words:- "all other purposes"; 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 ensure that public employers and public employees have appropriate tools to negotiate collective bargaining agreements, 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, 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 tomorrow at one o'clock P.M., in a full formal session with a calendar.

On motion of the same Senator, at twenty-nine minutes past three o'clock P.M., the Senate adjourned to meet again tomorrow at one o'clock P.M.