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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, February 16, 2012.

Met at fourteen minutes past eleven o'clock A.M.

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

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the Chair (Mr. Hart) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the rear of the Chamber, Gloucester Fire Chief Philip Dench. Chief Dench is being recognized for his nearly 33 years of dedicated service to the residents of Gloucester. Phil was first appointed to the Gloucester Fire Department on May 27, 1979. He became a certified Emergency Medical Technician shortly after joining the department, and was a member of the Fire Department Rescue Squad for several years. On August 30, 1988, Phil was appointed Temporary Captain before being named to the position permanently the following month. Seven years later – on February 22, 1995 – he was appointed Deputy Fire Chief and eventually rose to the rank of Fire Chief on April 1, 2009. The Senate applauded his accomplishments and he withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President introduced, on the Rostrum, the Right Honourable John Bercow, Speaker of the House of Commons. Speaker Bercow was accompanied by Consul General Phillip Budden who continues to identify new ways for Massachusetts, England and the United Kingdom to work together. Speaker Bercow addressed the Senate from the Rostrum, signed the guest book and withdrew from the Chamber under the escort of the Sergeant-at-Arms.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Ms. Spilka and Mr. Ross for the purpose of an introduction. Ms. Spilka then introduced, in the rear of the Chamber, the Natick Junior Redmen A-Team Cheerleaders. The team was recognized for winning 4th place at the American Youth Cheer National Championships in Florida. Mr. Ross then introduced Coach Leslie Loughlin, Coach Maureen O'Connell, Coach Alexa Flutie and Coach Sue Lucien. They were recognized for leading their team to winning 1st place at the Bay State Cheer Competition and 3rd place at the New England Regional Cheer Championships. The Senate applauded their accomplishments and they withdrew from the Chamber. They were accompanied by Representative Linksy and Representative Peisch.

Communications.

The following communications were severally received and placed on file
Communication from the Honorable Martin J. Benison, Comptroller, submitting a second quarter BFY2012 report on "Settlements and Judgments" for the six month period ending December 2011 (pursuant to §2E of Chapter 68 of the Acts of 2011) (received in the Office of the Clerk of the Senate on Monday, February 16, 2012, at eighteen minutes before three o'clock P.M.);

Communications from the Honorable Therese Murray, President of the Senate, announcing the re-appointment of Senator Stanley C. Rosenberg and the appointment of Senator Eileen Donoghue (to fill the vacancy of Senator Sonia Chang-Diaz) (pursuant to Section 1b of Chapter 354 of the Acts of 2008) to the Creative Economy Council; and

Communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing (pursuant to Section 35QQ of Chapter 10 of the General Laws) the appointment of Mr. Brian McCoubrey of Wakefield to the Financial Literacy Trust Fund Board of Trustees to serve in place of Senator Michael R. Knapik

Petitions

A petition (accompanied by bill, Senate, No. 2103) of Marc R. Pacheco and Patricia A. Haddad (by vote of the town) for legislation relative to the Dighton Water District (having been transmitted to the Secretary of the Commonwealth under the provisions of Section 5 of Chapter 3 of the General Laws, and returned by him with memoranda relative thereto),— was referred to the committee on Municipalities and Regional Government.

Sent to the House for concurrence.

A petition (subject to Joint Rule 9 and Joint Rule 12) of Gale D. Candaras for legislation relating to municipal wholesale electric companies (having been transmitted to the Secretary of the Commonwealth under the provisions of Section 5 of Chapter 3 of the General Laws, and returned by him with memoranda relative thereto),-- was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Wolf, for the committee on Labor and Workforce Development, on Senate, Nos. 912, 923, 925, 928, 939, 940, 949, 955, 963, 964, 965, 971 and 1998, an Order relative to authorizing the joint committee on Labor and Workforce Development to make an investigation and study of certain current Senate documents relative to labor and workforce issues (Senate, No. 2141); Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Ms. Jehlen, for the committee on Elder Affairs, on petition, a Bill establishing a special commission to promote prescription pharmaceutical affordability in the Commonwealth (Senate, No. 285);

Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.

By Ms. Jehlen, for the committee on Elder Affairs, on petition, a Bill relative to long term care insurance claims (Senate, No. 269);

By the same Senator, for the same committee, on petition, a Bill establishing an advisory committee on residential care facilities (Senate, No. 273); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 274), a Bill relative to residents of continuing care retirement communities (Senate, No. 2139);

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. McGee, for the committee on Transportation, on petition, a Bill relative to year of manufacture registration plates (Senate, No. 1719);

Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

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 Order relative to authorizing the joint committee on Transportation to make an investigation and study of a certain current Senate document relative to transportation matters (Senate, No. 2138),-- 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.

Resolutions.

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

Resolutions (filed by Mr. Brewer) “commending the citizens of the town of North Brookfield on the occasion of its bicentennial”; and

Resolutions (filed by Mr. Hart) “congratulating Genevieve ‘Jennie’ Zablocki on the occasion of her eightieth birthday”; and

Resolutions (filed by Ms. Jehlen, Messrs. Baddour, Brewer and Brownsberger, Ms. Chang-Díaz, Ms. Clark, Ms. Creem, Messrs. DiDomenico and Donnelly, Ms. Donoghue, Mr. Eldridge, Ms. Flanagan and Messrs. Joyce, McGee, Montigny, Michael O.

Moore, Richard T. Moore, Pacheco, Rodrigues, Rush, Timilty and Welch) “congratulating Robert J. Haynes on his retirement as President of the American Federation of Labor and Congress of Industrial Organizations.”

Reports of Committees.

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 Stephen M. Brewer for legislation relative to notice requirements for special town meetings during a state of emergency.

Senate Rule 36 was suspended, on motion of Mr. Hart, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government.

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 Stephen M. Brewer for legislation to provide the next of kin of an environmental police officer killed in the line of duty with a flag.

Senate Rule 36 was suspended, on motion of Mr. Hart, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

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 for legislation to designate the month of May as Blue Star Mothers month.

Senate Rule 36 was suspended, on motion of Mr. Hart, and the report was considered forthwith. Joint Rule 12 was suspended;

and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE

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

Petition (accompanied by bill, House, No. 3952) of James J. O'Day and others for legislation relative to state employees and military service;

Under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 3953) of Patricia Haddad, Michael J. Rodrigues and other members of the General Court (by vote of the town) relative to a certain parcel of land in the town of Freetown;

Under suspension of Joint Rule 12, to the committee on the State Administration and Regulatory Oversight

Petition (accompanied by bill, House, No. 3951) of David M. Nangle for legislation designating a certain bridge in the city of Lowell as the Gentz Brothers Memorial Bridge;

Under suspension of Joint Rule 12, to the committee on Transportation.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Sharyn Lecesce, an employee of the Registry of Motor Vehicles (see Senate, No. 2129), 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 10 to 0. The bill was signed by the President and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (both of which originated in the House), 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:

Authorizing the appointment of special police officers in the town of Watertown (see House, No. 3434); and

Relative to the retirement of Penelope Harvey (see House, No. 3828).

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 providing for recall elections in the town of Northfield (Senate, No. 1959),-- was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Rosenberg presented an amendment striking out, in line 9, the words “, and may, but need not,” and inserting in place thereof the following words:- “and shall”.

The amendment was adopted.

The bill (Senate, No. 1959, amended) was then passed to be engrossed.

Sent to the House for concurrence.

Orders of the Day.

The Orders of the Day were considered as follows:

The Senate Bill authorizing the town of Erving to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2093),-- was read a second time and ordered to a third reading.

The Senate Bill relative to real estate tax abatements (Senate, No. 2027),-- was read a second time and, after remarks, was ordered to a third reading.

The rules were suspended, on motion of Ms. Clark, and the bill was read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-three minutes past one o'clock P.M., on motion of Ms. Clark, as follows, to wit (yeas 37 – nays 0) [Yeas and Nays No. 148]:

YEAS

Baddour, Steven A. Joyce, Brian A.

Brewer, Stephen M. Keenan, John F.

Brownsberger, William N. Kennedy, Thomas P.

Candaras, Gale D. Knapik, Michael R.

Chandler, Harriette L. McGee, Thomas M.

Chang-Diaz, Sonia Montigny, Mark C.

Clark, Katherine M. Moore, Michael O.

Creem, Cynthia Stone Moore, Richard T.

DiDomenico, Sal N. Murray, Therese

Donoghue, Eileen M. Petrucci, Anthony

Donnelly, Kenneth J. Rodrigues, Michael J.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. Spilka, Karen E.
Finegold, Barry R. Tarr, Bruce E.
Flanagan, Jennifer L. Timilty, James E.
Hart, John A., Jr. Welch, James T.
Hedlund, Robert L. Wolf, Daniel A. — 37.
Jehlen, Patricia D.
NAYS — 0.
ABSENT OR NOT VOTING
Berry, Frederick E. Rosenberg, Stanley C.— 3.
Pacheco, Marc R.

The yeas and nays having been completed at twenty-seven minutes past one o'clock P.M., the bill was passed to be engrossed.
Sent to the House for concurrence.

The Senate Bill relative to emergency response service of public utility companies (Senate, No. 2136),-- was read a second time.
Mr. Hart in the Chair, pending the question on adoption of the proposed Ways and Means new draft (Senate, No. 2140) and pending the main question on ordering the bill to a third reading, Mr. Donnelly moved that the proposed new draft be amended by inserting after section 10 the following section:-

“SECTION 10A. Said section 85B of said chapter 164, as so appearing, is hereby further amended by adding the following subsection:-

(h) Each investor-owned electric distribution, transmission or natural gas distribution company shall file with the emergency management director of each municipality within their service territory a copy of the emergency response plan and any updates. Failure to file the plan with each emergency management director shall result in a fine of \$500.”

After remarks, the amendment was adopted.

Messrs. Hedlund and Ross moved that the proposed new draft be amended by striking out section 7 in its entirety and inserting in place thereof the following new section:-

“SECTION 7. Subsection (a) of section 85B of said chapter 164, as appearing in the 2010 Official Edition, is hereby amended by striking out paragraph (2) and inserting in place thereof the following paragraph:-

(2) a communications system with customers during an emergency that includes continuous access to staff assistance and twice-daily updates, which must be available from staff assistants and displayed prominently on the home page of the utility's website, on estimated return of service; provided that such updates shall begin upon completion of a damage assessment or after the first 24 hours of a damage assessment, whichever occurs first;.”

Pending the question on adoption of the amendment, Mr. Ross moved that the pending amendment (Hedlund-Ross) be further amended by striking out section 7 and inserting in place thereof the following section:-

“SECTION 7. Subsection (a) of section 85B of said chapter 164, as appearing in the 2010 Official Edition, is hereby amended by striking out paragraph (2) and inserting in place thereof the following paragraph:-

(2) a communications system with customers during an emergency that includes continuous access to staff assistance and twice-daily updates on estimated return of service including via telephone, a website in which the twice-daily updates shall be displayed prominently for easy public access and 1 other form of appropriate media outreach; provided that such updates shall begin upon completion of a damage assessment or after the first 24 hours of a damage assessment, whichever occurs first.”.

After remarks, the further amendment (Ross) was adopted.

The pending amendment (Hedlund-Ross), as amended (Ross), was then adopted.

Ms. Flanagan moved that the proposed new draft be amended by striking out section 8 and inserting in place thereof the following section:-

“SECTION 8. Subsection (a) of said section 85B of said chapter 164, as so appearing, is hereby amended by striking out paragraph (4) and inserting in place thereof the following paragraph:- (4) (i) designation of staff to communicate with local officials, relevant regulatory agencies and designated community liaisons as required by subsection (f); and (ii) designation of staff to be posted at the Massachusetts emergency management agency's emergency operations center, as required by subsection (e);.”; and in section 10, by striking out, in line 100, the word “in” and inserting in place thereof the following word:-“for”.

After remarks, the amendment was adopted.

Mr. Downing moved that the proposed new draft be amended by striking out section 1.

After remarks, the amendment was adopted.

Messrs. Ross and Tarr moved that the proposed new draft be amended by striking out, in lines 64 and 65, the words “in the month or months during which the company incurred the penalty” and inserting in place thereof the following words:- “ under regulations promulgated by the department”.

After remarks, the amendment was adopted.

The President in the Chair, Messrs. Ross and Tarr moved to amend the proposed new draft by inserting, in section 10 after subsection (g) the following subsection:-

“(h) Each investor-owned electric distribution, transmission or natural gas distribution company, when implementing an

emergency response plan, shall designate at least one forestry crew and at least one line crew to each municipality without service. Crews shall remain stationed in each municipality until full service is restored to that municipality.”

Pending the question on adoption of the amendment, Mr. Keenan moved that the pending amendment (Ross-Tarr) be further amended by striking out the pending amendment in its entirety and inserting in place thereof the following:

“(h) Each investor-owned electric distribution, transmission or natural gas distribution company, when implementing an emergency response plan, shall designate to each municipality without service at least one forestry crew, at least one line crew, and at least one supervisor with authority to assign and direct said crews relative to work to be performed within said municipality. Crews shall remain stationed in each municipality until full service is restored to that municipality.”

After debate, the further amendment (Keenan) was rejected.

The pending amendment (Ross-Tarr) was then considered; and it was rejected.

Messrs. Ross and Tarr moved that the proposed new draft be amended in section 10, in proposed subsection (f) of section 85B of chapter 164 of the General Laws, by adding the following 3 sentences:-

“An investor-owned electric distribution, transmission or natural gas distribution company shall provide each community liaison with the necessary feeder map or maps outlining municipal substations and distribution networks and up-to-date customer outage reports at the time of designation as a community liaison. An investor-owned electric distribution, transmission or natural gas distribution company shall provide each community liaison with twice-daily customer outage report updates for the liaison’s respective city or town. The community liaison shall utilize the maps and outage reports to respond to inquiries from the general public, local officials and relevant regulatory agencies.”.

After remarks, the amendment was adopted.

Mr. Tarr moved that the proposed new draft be amended by inserting, after subsection (g) in section 10 the following new subsection:-

“(h) Each electric distribution, transmission or natural gas distribution company conducting business in the commonwealth, when implementing an emergency response plan, shall supply emergency generation sources to serve any customer during an emergency event whose service has been interrupted for longer than 12 hours.”.

Pending the question on adoption of the amendment, Mr. Knapik moved that the amendment be further amended by inserting at the end thereof the following:-

“SECTION XXX. There shall be a moratorium on the approval of any utility mergers by the department of public utilities until either three months following the passage of this act or the completion of all outstanding regulatory investigations, procedures and reviews involving storm response by the department.”

After debate, the question on adoption of the further amendment (Knapik) was determined by a call of the yeas and nays, at thirteen minutes past three o’clock P.M., on motion of Mr. Knapik, as follows, to wit (yeas 7 – nays 29) [Yeas and Nays No. 149]:

YEAS

Candaras, Gale D. Ross, Richard J.
Hedlund, Robert L. Tarr, Bruce E.
Knapik, Michael R. Timilty, James E. — 7.
Moore, Richard T.

NAYS

Baddour, Steven A. Hart, John A., Jr.
Brewer, Stephen M. Jehlen, Patricia D.
Brownsberger, William N. Joyce, Brian A.
Chandler, Harriette L. Keenan, John F.
Chang-Diaz, Sonia Kennedy, Thomas P.
Clark, Katherine M. McGee, Thomas M.
Creem, Cynthia Stone Montigny, Mark C.
DiDomenico, Sal N. Moore, Michael O.
Donoghue, Eileen M. Petrucci, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Downing, Benjamin B. Rush, Michael F.
Eldridge, James B. Spilka, Karen E.
Fargo, Susan C. Welch, James T.
Finegold, Barry R. Wolf, Daniel A. — 29.
Flanagan, Jennifer L.

ABSENT OR NOT VOTING

Berry, Frederick E. Rosenberg, Stanley C.— 3.
Pacheco, Marc R.

The yeas and nays having been completed at sixteen minutes past three o’clock P.M., the further amendment (Knapik) was rejected.

The pending amendment (Tarr) was then considered; and it was rejected.

Mr. Tarr moved that the proposed new draft be amended by striking out section 7 in its entirety and inserting in place thereof the

following new section:-

“SECTION 7. Subsection (a) of section 85B of said chapter 164, as appearing in the 2010 Official Edition, is hereby amended by striking out paragraph (1) and paragraph (2) and inserting in place thereof the following paragraphs:-

(1) the identification of management staff responsible for company operations during an emergency, the number of service workers who are available to respond to an emergency within 24 hours, and the locations where said workers are employed when not responding to an emergency;

(2) a communications system with customers during an emergency that includes continuous access to staff assistance and twice-daily updates on estimated return of service; provided that such updates shall begin upon completion of a damage assessment or after the first 24 hours of a damage assessment, whichever occurs first;.”

The amendment was adopted.

Ms. Candaras and Messrs. Donnelly and Richard T. Moore moved that the proposed new draft be amended by adding the following section:

“SECTION XX. Chapter 164 of the General Laws is hereby amended by inserting after section 1K the following section:-

Section 1L: As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:—

‘catastrophic conditions’, severe weather conditions resulting in interruption of service to ten percent or more of a utility’s customers, or a state of emergency declared by local, state, or federal government officials.

‘normal conditions’, conditions other than catastrophic conditions.

‘same-circuit repetitive interruption’, a grouping of more than 10 customers on a circuit who experience multiple interruptions under all conditions.

‘interruption’, the full or partial loss of service to 1 or more customers for longer than 5 minutes.

‘duration of the interruption’, the measure of time from the time the utility was notified or otherwise became aware of the loss of service.

Notwithstanding the provisions of Section 1K of Chapter 164, the department shall promulgate regulations to establish a credit of not less than \$25.00 to be awarded to each ratepayer, whereupon an investor-owned electric distribution, transmission or natural gas distribution company fails to restore service as follows:

(a) within 120 hours after an interruption due to catastrophic conditions;

(b) within 16 hours after an interruption that occurred during normal conditions; and

(c) where there are more than 7 service interruptions in a 12-month period due to same circuit repetitive interruption.

The credit shall be credited during a single billing month within three months of the department’s notification of violation or final adjudication after appeal pursuant to this section; provided, however, that companies may petition the department to distribute the credit over a period of more than a single billing month if the credit exceeds \$10,000,000. The department may establish a schedule of credits dependent on the class of ratepayer, length of interruption, or frequency of interruption. The entire cost of the credit shall be assessed to the investor-owned electric distribution, transmission or natural gas distribution company that provides such service to the affected customer. Notwithstanding any general or special law to the contrary, no investor-owned electric distribution, transmission or natural gas distribution company may seek recovery of any assessments made under this paragraph in any rate proceeding before the department of public utilities. The issuance of the credit shall be appealable to the department.

The department shall review the amount of the credit on an annual basis. Such credits and assessments established by this section shall be implemented notwithstanding the maximum penalty in Section 1J of Chapter 164 of the General Laws or any other General or Special law to the contrary.”

After remarks, the amendment was rejected.

Mr. Finegold moved that the proposed new draft be amended by inserting the following section:-

“SECTION 7A. Subsection (a) of section 85B of said chapter 164, as so appearing, is hereby amended by striking out paragraph (3) and inserting in place thereof the following paragraph:-

(3) contact with and procedures for prioritizing power restoration to customers who had documented their need for essential electricity for medical needs and customers who are otherwise vulnerable, including but not limited to elderly and physically challenged customers.”

After remarks, the amendment was adopted.

Subsequently, Mr. Brewer moved that the proposed new draft be amended by striking Section 7 in its entirety and inserting in place thereof the following section:-

“SECTION 7. Subsection (a) of section 85B of said chapter 164, as appearing in the 2010 Official Edition, is hereby amended by striking out paragraphs (1) and (2) and inserting in place thereof the following 2 paragraphs:-

(1) the identification of management staff responsible for company operations during an emergency, the number of service workers who are available to respond to an emergency within 24 hours, and the locations where said workers are employed when not responding to an emergency;

(2) a communications system with customers during an emergency that includes continuous access to staff assistance and twice-daily updates on estimated return of service including via telephone, a website in which the twice-daily updates shall be displayed prominently for easy public access and 1 other form of appropriate media outreach; provided that such updates shall begin upon completion of a damage assessment or after the first 24 hours of a damage assessment, whichever occurs first;.”

After remarks, the amendment was adopted.

The pending Ways and Means new draft (Senate, No. 2140, amended) was then considered; and it was adopted.

The bill was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at thirteen minutes before four o'clock P.M., on motion of Mr. Downing, as follows, to wit (yeas 36 – nays 0) [Yeas and Nays No. 151]:

YEAS

Baddour, Steven A. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Brownsberger, William N. Kennedy, Thomas P.
Candaras, Gale D. Knapik, Michael R.
Chandler, Harriette L. McGee, Thomas M.
Chang-Diaz, Sonia Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. Murray, Therese
Donoghue, Eileen M. Petrucci, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. Spilka, Karen E.
Finegold, Barry R. Tarr, Bruce E.
Flanagan, Jennifer L. Timilty, James E.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 36.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Pacheco, Marc R.
Hart, John A., Jr. Rosenberg, Stanley C.— 3.

The yeas and nays having been completed at eleven minutes before four o'clock P.M., the bill was passed to be engrossed. [For bill, printed as amended, see Senate, No. 2143].
Sent to the House for concurrence.

There being no objection, during consideration of the previous matter, the following matter was taken out of order and considered, as follows:

The Senate Bill relative to medical emergency response plans for schools (Senate, No. 2132),-- was read a third time.
Pending the question on passing the bill to be engrossed, Ms. Creem moved that the bill be amended in section 1, in proposed subsection (b) of proposed section 8A of chapter 69 of the General Laws, by striking out the first sentence and inserting in place thereof the following 2 sentences:- "The department of elementary and secondary education, in consultation with the department of public health, shall develop a cost-neutral model medical emergency response plan in order to promote best practices. This cost-neutral model medical emergency response plan shall be made available to school committees and commonwealth charter school boards."

The amendment was adopted.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-one minutes before four o'clock P.M., on motion of Mr. Richard T. Moore, as follows, to wit (yeas 35 – nays 0) [Yeas and Nays No. 150]:

YEAS

Baddour, Steven A. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Brownsberger, William N. Kennedy, Thomas P.
Candaras, Gale D. Knapik, Michael R.
Chandler, Harriette L. McGee, Thomas M.
Chang-Diaz, Sonia Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. Petrucci, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.
Donnelly, Kenneth J. Ross, Richard J.
Downing, Benjamin B. Rush, Michael F.
Eldridge, James B. Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Finegold, Barry R. Timilty, James E.
Flanagan, Jennifer L. Welch, James T.

Hedlund, Robert L. Wolf, Daniel A. — 35.
Jehlen, Patricia D.
NAYS — 0.
ABSENT OR NOT VOTING
Berry, Frederick E. Pacheco, Marc R.
Hart, John A., Jr. Rosenberg, Stanley C.— 4.

The yeas and nays having been completed at eighteen minutes before four o'clock P.M., the bill (Senate, No. 2132, amended) was passed to be engrossed.
Sent to the House for concurrence.

The Senate Bill relative to the Architectural Access Board (Senate, No. 1246),-- was considered; the main question being on ordering the bill to a third reading.
After remarks, the pending amendment, previously recommended by the committee on Ways and Means, striking out, in line 8, the following word:-- "public",-- was considered; and it was adopted.
Mr. Tarr moved that the bill be amended by striking section 3 in its entirety and replacing it with the following section:-
"SECTION 3. Section 13A of chapter 22 is hereby further amended by striking out, in lines 45-46, the words "if the number of parking spaces in any such area is fifteen or more" and replace them with the following words:- , provided, however, that the parking requirements are consistent with the Americans with Disabilities Act Standards for Accessible Design."
The amendment was adopted.
The bill, as amended, was then ordered to a third reading.
The rules were suspended, on motion of Mr. Timilty, and, after remarks, the bill (Senate, No. 1246, amended) was read a third time and passed to be engrossed.
Sent to the House for concurrence.

The Senate Bill to establish the Massachusetts Uniform Trust Code (Senate, No. 2034),-- was considered.
Pending the question on adoption of the pending amendment, previously recommended by the committee on Ways and Means, and pending the main question on ordering the bill to a third reading, on motion of Mr. Brewer, the further consideration of the matter was postponed until the next session.

PAPER FROM THE HOUSE

The Senate Bill relative to improving accountability and oversight of education collaboratives (Senate, No. 2105),-- came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 3889, amended in section 1, in line 168, by inserting after the word "qualifications." The following two sentences: "The board of the directors of an education collaborative shall appoint 1 or more registered nurses, subject to certification as a school nurse under said section 38G of said chapter 71, and shall provide such school nurse with all proper facilities for the performance of the school nurse's duties. The collaborative shall consider and meet the staffing level required to address the specific health care needs of the students enrolled in the education collaborative."; in lines 173, 174 and 175 by striking out the sentence contained in those lines; and in section 5, in line 275, by inserting after the word "obligations" the words " , regional school districts, transportation costs".
The rules were suspended, on motion of Ms. Chang-Diaz, and the House amendment was considered forthwith.
The same Senator moved that the Senate concur in the House amendment with a further amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2142.
After remarks, the question on concurring in the House amendment with the further amendment was determined by a call of the yeas and nays, at seven minutes past four o'clock P.M., on motion of Ms. Chang-Diaz, as follows, to wit (yeas 35 – nays 0) [Yeas and Nays No. 152]:

YEAS
Baddour, Steven A. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Brownsberger, William N. Kennedy, Thomas P.
Candaras, Gale D. Knapik, Michael R.
Chandler, Harriette L. McGee, Thomas M.
Chang-Diaz, Sonia Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. Petrucci, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.
Donnelly, Kenneth J. Ross, Richard J.
Downing, Benjamin B. Rush, Michael F.

Eldridge, James B. Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Finegold, Barry R. Timilty, James E.
Flanagan, Jennifer L. Welch, James T.
Hedlund, Robert L. Wolf, Daniel A. — 35.
Jehlen, Patricia D.
NAYS — 0.
ABSENT OR NOT VOTING
Berry, Frederick E. Pacheco, Marc R.
Hart, John A., Jr. Rosenberg, Stanley C.— 4.

The yeas and nays having been completed at twelve minutes past four o'clock P.M., the Senate concurred in the House amendment with the further amendment.
Sent to the House for concurrence in the further amendment.

Order Adopted.

On motion of Mr. Baddour,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of 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 the crew of Elizabeth Moore.

Adjournment in Memory of Elizabeth “Betty” Moore

The Senator from Plymouth and Barnstable, Ms. Murray, moved that when the Senate adjourns today, it adjourn in memory of Elizabeth “Betty” Moore.

Mrs. Moore passed away Monday, February 6, 2012 at the age of 72 after a lengthy illness. Ms. Moore was a retired Assistant Clerk Magistrate of Suffolk Superior Civil Court.

Born and raised in Dorchester, she graduated from Saint Gregory’s High School. She worked in the Suffolk County Court system before raising her family in Milton. Mrs. Moore returned to the court system, where she rose through the ranks to become Assistant Clerk Magistrate for Suffolk County Superior Civil Court. She was known as an expert in civil procedure in the courts at a time when all the rules were changing. She worked long hours at times to be sure that the court’s emergency petitions were processed and adjudicated with the Clerk and with the Judge: she ran the place. Clerk Michael Donovan described how she was patient and carefully orchestrated the business of the Clerk’s office. She retired in 2001 after more than 40 years.

She grew up in Dorchester St. Gregory’s parish with Boston politics swirling around her. She babysat for the McCormack’s and campaigned for them as well as the Keenan’s, the Dorgan’s and Clerk Mike Donovan and for that matter any candidates that her children supported. She was well read and well suited to political debate which she continued throughout her life. Her son Bob said she was a, “jack of all trades and master of most.” She was a problem solver.

She was a beloved wife and best friend of Robert E. Moore; they were married for 53 years. She was a devoted mother of five, Alice E. Moore and her husband James M. Connors, Robert E. Moore Jr. and his wife Susan M., all of Westwood, Elizabeth A. Moore of Manchester, New Hampshire, Lawrence W. Moore and his wife Elizabeth A. Moore of Mansfield and Christine M. Boutilier and her husband James A. of Wrentham and loving grandmother of seven, Cathleen, Shannon, Colleen, Patrick, Laura, Emily and AJ.

Accordingly, as a mark of respect to the memory of Elizabeth “Betty” Moore, at sixteen minutes past four o'clock P.M., on motion of Mr. Baddour, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.