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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, April 5, 2012.

Met according to adjournment at one o'clock P.M. (Mr. Rosenberg in the Chair).

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. McGee for the purpose of an introduction. Mr. McGee then introduced, in the rear of the Chamber, the St. Mary's Lynn Boys Basketball Team. The team was recognized for winning the MIAA Division 4 State Championship, its first Division 4 title in over a decade and for completing the season with a 20-4 record. The team was accompanied by Head Coach Kevin Moran and Assistant Coaches Doug Lowe, Brian Mulvey and Corey Moore. The Senate applauded their accomplishments and they withdrew from the Chamber. They were also guests of Representative Fennell.

There being no objection, the President introduced, in the rear of the Chamber, the fifth grade class from the Alfred J. Gomes Elementary School in New Bedford. The class was visiting the State House and learning about the different aspects of state government. They were welcomed with applause and withdrew from the Chamber. They were accompanied by 3 educators. The class was guests of Senator Montigny.

There being no objection, during the consideration of the Orders of the Day, the President handed the gavel to Ms. Spilka for the purpose of an introduction. Ms. Spilka then introduced, in the rear of the Chamber, members of the Medway-Ashland Girls Varsity Hockey Team. The team was recognized for advancing to the preliminary round of the Division 1 State Girls Hockey Tournament. The Senate applauded their accomplishments and they withdrew from the Chamber. They were accompanied by Head Coach Kurt Carter.

Reports of Committees.

By Mr. Finegold, for the committee on Election Laws, on petition, a Bill requiring the use of paper ballots (Senate, No. 307);

By Ms. Creem, for the committee on the Judiciary, on petition, a Bill to protect the citizens of the Commonwealth from drunk drivers (Senate, No. 678);

By the same Senator, for the same committee, on petition, a Bill relative to special juveniles (Senate, No. 687);

By the same Senator, for the same committee, on petition, a Bill regulating notaries public to protect consumers (Senate, No. 690);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 754), a Bill allowing access to a decedent's electronic mail accounts (Senate, No. 2205);

By Mr. Wolf, for the committee on Labor and Workforce Development, on petition, a Bill to promote the Commonwealth's economic recovery with a strong minimum wage (Senate, No. 951);

By the same Senator, for the same committee, on petition, a Bill relative to collective bargaining agreements (Senate, No. 954);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 921), a Bill establishing a middle-skills council and the creation of regional skills academies in the Commonwealth (Senate, No. 2206) and

By Ms. Clark, for the committee on Revenue, on petition (accompanied by bill, Senate, No. 1507), a Bill for local tax transparency (Senate, No. 2207);

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

By Ms. Creem, for the committee on the Judiciary, on petition, a Bill clarifying the scope of the work of the task force on separate and secure waiting areas (Senate, No. 638);

By the same Senator, for the same committee, on petition, a Bill relative to fraudulent instruments filed in the Land Court (Senate, No. 692);

By the same Senator, for the same committee, on petition, a Bill relative to voluntary withdrawal of land from registration (Senate, No. 694);

By the same Senator, for the same committee, on petition, a Bill relative to testimony in criminal proceedings (Senate, No. 695);

By the same Senator, for the same committee, on petition, a Bill relative to Forest Hills Cemetery (Senate, No. 861);

By Mr. Wolf, for the committee on Labor and Workforce Development, on petition, a Bill restoring fairness in the unemployment insurance law for workers in temporary jobs (Senate, No. 933); and

By the same Senator, for the same committee, on petition, a Bill relative to apprenticeship training (Senate, No. 943);

Severally 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 Bill establishing a special commission to identify, preserve and commemorate historic roadways in Massachusetts (Senate, No. 1727),-- **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.

PAPER FROM THE HOUSE.

A Bill relative to authorizing the town of Aquinnah to refund tax payments and accrued interest from improperly assessed taxation in prior fiscal years 2005 and 2006 (House, No. 3708,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Notice was received from the House announcing the following appointment by the Minority Leader of the House of Representatives

Appointing Mr. Howitt of Seekonk as his designee (replacing Mr. deMacedo of Plymouth) to the Creative Economy Council established (under Section 1 of Chapter 354 of the Acts of 2008) to develop a statewide strategy for the enhancement, encouragement, and growth of the creative economy in the Commonwealth and to promote through public and private means responsive public policies and innovative private sector practices; and

Appointing Terri Ann Medeiros of East Falmouth as his designee on the special commission established (under Section 5 of Chapter 43 of the Acts of 2012) to make an investigation and study of the role of education collaboratives.

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Rosenberg, declared a recess subject to the call if the Chair; and, at seven minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

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

Resolutions.

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

Resolutions (filed by Ms. Chandler, Messrs. Brewer and Eldridge, Ms. Flanagan and Messrs. Michael O. Moore and Richard T. Moore) "congratulating the Worcester County Bar Association on the one hundred and twenty-fifth anniversary of its founding";

Resolutions (filed by Ms. Murray, Messrs. Brewer and Brownsberger, Ms. Candaras, Ms. Chandler, Ms. Clark, Ms. Creem, Ms. Donoghue, Messrs. Downing and Eldridge, Ms. Fargo, Mr. Finegold, Ms. Flanagan, Messrs. Hart, Joyce, Knapik, McGee, Michael O. Moore, Richard T. Moore, Pacheco, Petrucci, Rosenberg, Ross and Rush, Ms. Spilka and Messrs. Timilty and Wolf) "commemorating the Sesquicentennial of the Civil War"; and

Resolutions (filed by Mr. Rosenberg) "congratulating Sara Lennox on the occasion of her retirement from the University of Massachusetts Amherst."

Reports of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Pearlene Odom, an employee of the Department of Transportation (House, No. 3910),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Hart, 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 House Bill establishing a sick leave bank for Janet Ruggeri, an employee of the Massachusetts Department of Revenue (House, No. 3976),-- **ought to pass.**

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

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 forthwith: The Senate Bill authorizing the town of Plymouth to make improvements on unacceptable roads (Senate, No. 1049) (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.**

PAPERS FROM THE HOUSE

A Bill amending the charter of the town of Chelmsford relative to the recall of elected officers (House, No. 3728,-- on petition) [Local approval received],-- **was read.**

There being no objection, the rules were suspended, on motion of Ms. Fargo, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act relative to the recall of elected officers in the town of Chelmsford."

A Bill relative to the charter of the town of Westborough (House, No. 3800,-- on petition) [Local approval received],-- **was read.**

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

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

Petition (accompanied by bill, House, No. 4028) of Linda Dean Campbell and Steven A. Baddour for legislation establishing a sick leave bank for Karen Langley, an employee of the Executive Office of Health and Human Services; and

Petition (accompanied by bill, House, No. 4029) of Carlos Henriquez and John A. Hart, Jr., for legislation to establish a sick leave bank for Dacia Thompson, an employee of the Department of Children and Families;

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

Orders of the Day

The Orders of the Day were considered as follows:

The Senate Bill to maintain public water systems (Senate, No. 85),-- **was read a second time and was amended, on motion of Mr. Brewer, by striking out, in lines 8 to 11, inclusive, the words "nor shall such provisions apply to utility contractors, approved and working for the public water system, for work related to the installation, repair, testing and maintenance of hydrants and appurtenant pipes and valves within the jurisdiction of the public water system"**

The bill (Senate, No. 85, amended) was then ordered to a third reading.

There being no objection, the rules were suspended, on motion of Mr. Brewer, and was 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 six minutes past two o'clock P.M., on motion of Mr. Brewer, as follows, to wit (*yeas 38 – nays 0*) [**Yeas and Nays No. 163**]:

YEAS

Berry, Frederick E. 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. Pacheco, Marc R.

Donnelly, Kenneth J. Petrucci, Anthony

Donoghue, Eileen M. Rodrigues, Michael J.

Downing, Benjamin B. Rosenberg, Stanley C.

Eldridge, James B. Ross, Richard J.
Fargo, Susan C. Rush, Michael F.
Finegold, Barry R. Spilka, Karen E.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 38.
NAYS — 0.
ABSENT OR NOT VOTING — 0.

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

The Senate Committee Bill relative to the right to repair (Senate, No. 2204),-- was read a second time.
Pending the question on ordering the bill to a third reading, Mr. Keenan moved that the bill be amended in section 2 subsection (c), by inserting, in line 71, after the word "system" the following words:- "upon such terms and at a cost no greater than the fair market value for such access and shall not discriminate against such owners or independent repair facilities as compared with the terms and costs charged to dealers or authorized repair facilities."
After remarks, and pending the question on adoption of the amendment and pending the main question on ordering the bill to a third reading, Ms. Fargo 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 Bill relative to competitively priced electricity in the Commonwealth (Senate, No. 2190),-- was considered, the main question being on ordering the bill to a third reading.
The pending amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2200) was considered.
Mr. Pacheco moved that the bill be amended in section 4, by striking out the third sentence of proposed subsection (d) of section 19 of chapter 25 of the General Laws and inserting in place thereof the following sentence:- "Customers electing to participate shall be eligible for financial support of up to a 100 per cent of the cost for qualified energy efficiency measures as determined by the program administrator using energy efficiency advisory council criteria.";
In said section 4, by striking out, in line 36, the words "the department under section 21" and inserting in place thereof the following words:- "the department and the applicable program administrator recognized by the department using energy efficiency advisory council criteria under section 21";
In said section 4, by inserting after the words "improvements that", in line 37, the following words:- "are necessary to"; and
In said section 4, by inserting after the words "review by the", in line 43, the following words:- "applicable program administrator recognized by the".
The amendment was adopted.
Messrs. Pacheco, Brownsberger, Finegold and Tarr moved that the bill be amended in section 6 by striking out, in line 48, the words "compliance with federal or state building or energy codes applicable to participants" and inserting in place thereof the following words:- "customer incentives meant to encourage greater building energy efficiency where such prescribed efficiency level is equal to that required by the baseline state building energy code, provided that measures that exceed said code may be fully funded".

The amendment was adopted.
Mr. Tarr moved that the bill be amended in section 17, by striking lines 195 through 201, inclusive, and inserting in place thereof the following:- "(10) Notwithstanding section 94 or any other general or special law to the contrary, whenever the department makes a determination upon an application for an increase in rates paid by ratepayers under 220 CMR 5.00 et seq., including a rate increase as a result of a reconciliation or when such increases occur in conjunction with a rate increase resulting from an earlier rate order deferral, that results individually or collectively in an increase of 10 per cent or greater in one year above the distribution rates paid at the time of the application, reconciliation, deferral or a combination of such increases, either for all ratepayers or for an individual ratepayer class, the department shall allow for not more than a 7 ½ per cent increase in the rates for the first calendar year in which the rates are to go into effect, and no more than a 7 ½ per cent increase in any subsequent year in order to achieve the department approved revenue."

The amendment was adopted.
Messrs. Joyce and Finegold moved that the bill be amended by inserting after section 16 the following 4 sections:-
"SECTION 16A. Section 1 of chapter 164 of the General Laws, as so appearing, is hereby amended by striking out the definition of 'Distribution company' and inserting in place thereof the following definition:-
'Distribution company', a company engaging in the distribution of electricity or owning, operating or controlling distribution facilities; provided, however, that a distribution company shall not include any entity which owns or operates plant or equipment used to produce electricity, steam and chilled water, or an affiliate engaged solely in the provision of such electricity, steam and chilled water, where the electricity produced by such entity or its affiliate is primarily for the benefit of hospitals and non-profit educational institutions, and where such plant or equipment was in operation before January 1, 1986; and provided further that a distribution company shall not include an on-site combined heat and power facility.
SECTION 16B. Said section 1 of said chapter 164, as so appearing, is hereby further amended by striking out the definition of

‘Electric company’ and inserting in place thereof the following definition:-

‘Electric company’, a corporation organized under the laws of the commonwealth for the purpose of making by means of water power, steam power or otherwise and for selling, transmitting, distributing, transmitting and selling, or distributing and selling, electricity within the commonwealth, or authorized by special act so to do, even though subsequently authorized to make or sell gas; provided, however, that electric company shall not include an alternative energy producer; provided, further, that a distribution company shall not include an entity which owns or operates a plant or equipment used to produce electricity, steam and chilled water, or an affiliate engaged solely in the provision of such electricity, steam and chilled water, where the electricity produced by such entity or its affiliate is primarily for the benefit of hospitals and nonprofit educational institutions, and where such plant or equipment was in operation before January 1, 1986; and provided, further, that electric company shall not include a corporation only transmitting and selling, or only transmitting, electricity unless such corporation is affiliated with an electric company organized under the laws of the commonwealth for the purpose of distributing and selling, or distributing only, electricity within the commonwealth; and provided, further, that an electric company shall not include an on-site combined heat and power facility.

SECTION 16C. Said section 1 of said chapter 164, as so appearing, is hereby further amended by inserting after the definition of ‘Non-renewable energy supply and resource development’ the following definition:-

‘On-site combined heat and power facility’, a combined heat and power facility using equipment and services to produce and deliver electric and thermal energy to end use customers located on the property on which the facility is located or on property contiguous to the property on which the facility is located; provided, however, that the property of the end use customer shall be considered contiguous to the property on which the on-site combined heat and power facility is located if (i) said properties are geographically adjacent to one another, (ii) said properties are only separated by an easement, a public thoroughfare or a transportation or utility-owned right-of-way or (iii) regardless of any intervening properties, public thoroughfares, or transportation or utility-owned rights-of-way, the end use customer is purchasing thermal energy produced by the on-site combined heat and power facility, and said thermal energy is being utilized in an established application of thermal energy, including but not limited to, industrial or commercial heating or cooling.

SECTION 16D. Said section 1 of said chapter 164, as so appearing, is hereby further amended by striking out the definition of ‘Supplier’ and inserting in place thereof the following definition:-

‘Supplier’ a supplier of generation service to retail customers, including power marketers, brokers and marketing affiliates of distribution companies, except that neither an electric company nor an on-site combined heat and power facility shall be considered a supplier.”; and by inserting after section 27 the following section:-

“SECTION 27B. Section 142 of said chapter 164, as so appearing, is hereby amended by adding the following 2 paragraphs:-

The owner of an on-site combined heat and power facility may distribute and sell electricity at retail to end use customers located on the property on which the facility is located or on property contiguous to the property on which said facility is located.. The department shall promulgate regulations to ensure that the delivery of electricity from an on-site combined heat and power facility to end use customers shall meet the same standards of reliability and safety as those that apply to the design, operation and maintenance of distribution facilities by a distribution company, including standards for metering and interconnection. The distribution company providing distribution service to the end use customers served by an on-site combined heat and power facility shall provide non-discriminatory electric delivery services at the standard prevailing tariff rates applicable to such individual end use customers. In the event of a forced outage of delivered supply, the distribution company experiencing such outage shall be responsible for curing the outage. The distribution companies shall provide back-up service to any end use customer desiring such service.

A distribution company shall not exercise its franchise rights in a way that would affect the distribution and sale of electricity by on-site combined heat and power facilities to end use customers; provided, however, that the department may grant a waiver of this prohibition upon a finding that the waiver is in the public interest and that failure to grant the waiver will result in irreparable harm to the distribution company. Any party aggrieved by a decision of the department under this section may seek judicial review under chapter 30A.”

After remarks, the amendment was adopted.

Mr. Tarr moved that the bill be amended by striking out sections 1, 2, 11, 12, 30 and 40, and by inserting in place of section 30 the following new section:-

“SECTION 30. The department of energy resources and the attorney general shall jointly study the feasibility, anticipated results, statutory and regulatory barriers and potential benefits of authorizing the commonwealth to procure long-term contracts with Class I renewable energy facilities, as defined in section 11F of chapter 25A, together with long-term contracts for transmission scheduling rights to deliver power generated by such facilities to load zones in Massachusetts. The study shall be based on the best available technical, regulatory and economic analysis. The study shall include a review of central procurement practices in other jurisdictions, including other states or regions, and shall concentrate on such practices in states with restructured electricity markets. The study shall review any studies already performed, and shall take into consideration any studies currently being conducted, by state or regional groups with regards to regional procurement, and how the implementation of this section would affect regional efforts in the ISO-New England service area. The study shall identify potential problems and recommend possible solutions to be implemented before the commonwealth is authorized to procure such long-term contracts. The department and attorney general shall publish a report of their findings and recommendations on their respective websites, and shall deliver copies of the report to the clerks of the house of representatives and the senate and to the joint committee on telecommunications, utilities and energy, no later than December 15, 2012.”

The amendment was adopted.

Mr. Downing moved that the bill be amended by striking out section 20 and inserting in place thereof the following section:-
“SECTION 20. Said chapter 164, as appearing in the 2010 Official Edition, is hereby amended by striking out section 96 and inserting in place thereof the following section:-

Section 96. (a) For purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

‘Control’, the possession of the power, through direct or indirect ownership of a majority of the outstanding voting securities of a gas or electric company or of a holding company thereof, to direct or cause the direction of the management and policies of a gas or electric company or a holding company thereof or the ability to effect a change in the composition of its board of directors or otherwise; provided, however, that control shall not be considered to arise solely from a revocable proxy or consent given to a person in response to a public proxy or consent solicitation made under the applicable rules and regulations of the Securities Exchange Act of 1934 unless a participant in said solicitation has announced an intention to effect a merger or consolidation with, reorganization or other business combination or extraordinary transaction involving such gas or electric company or the holding company.

‘Foreign electric company’, an electric company with a domicile, principal place of business, headquarters or place of incorporation outside of the commonwealth, but which may have costs in common with a gas or electric company subject to this chapter that may be allocated by a holding company after an acquisition of control.

‘Foreign gas company’, a gas company with a domicile, principal place of business, headquarters or place of incorporation outside of the commonwealth, but which may have costs in common with a gas or electric company subject to this chapter that may be allocated by a holding company after an acquisition of control.

‘Holding company’, any corporation, association, partnership, trust or similar organization, or person which, regardless of the locus of the domicile, principal place of business, headquarters or place of incorporation of such entity, either alone or in conjunction and under an arrangement or understanding with 1 or more other corporations, associations, partnerships, trusts or similar organizations, or persons, directly or indirectly, controls, or seeks to acquire control over, and may cause costs to be allocated to a gas or electric company.

‘Third party acquirer’, any corporation, association, partnership, trust or similar organization or person that is not under common control with a holding company or companies that are being acquired.

(b) Notwithstanding this chapter or any other general or special law to the contrary, companies, except steam distribution companies, subject to this chapter, or holding companies may consolidate or merge with one another or may sell and convey all or substantially all of their properties to another of such companies or to a wholesale generation company. Such companies, holding companies or wholesale generation companies may purchase such properties if: (i) the purchase, sale, consolidation or merger, and the terms thereof, have been approved, at meetings called for the purpose of approving such sale, consolidation or merger, in the case of any contracting company organized under the laws of the commonwealth, by a vote of the holders of at least two-thirds of each class of such company’s stock outstanding and entitled to vote on the question, and, in the case of any contracting company organized in a state other than the commonwealth, by a vote of the holders of at least that percentage of such company’s outstanding stock required for approval of the question under the laws of such state; and (ii) that the department, after notice and a public hearing, has determined that such purchase and sale, consolidation or merger, and the terms thereof, are consistent with the public interest. In determining whether a purchase and sale, consolidation or merger is consistent with the public interest, the department shall, at a minimum, consider: potential rate changes, if any; the long term strategies that will assure a reliable, cost effective energy delivery system; any anticipated interruptions in service; or other factors which may negatively impact customer service. The purchase or sale of properties by, or the consolidation or merger of, wholesale generation companies shall not require departmental approval except as otherwise provided in this subsection.

(c) Notwithstanding this chapter or any other general or special law to the contrary, gas, electric or holding company, subject to this chapter, shall not enter into any transaction or otherwise take any action which would result in a change of its control over any gas, electric or holding company, or foreign gas or electric company unless: (i) the terms thereof, have been approved, at meetings called therefor, in the case of any contracting company organized under the laws of the commonwealth, by a vote of the holders of at least two-thirds of each class of such company’s stock outstanding and entitled to vote on the question, and, in the case of any contracting company organized in a state other than the commonwealth, by a vote of the holders of at least that percentage of such company’s outstanding stock required for approval of the question under the laws of such state; and (ii) the department, after notice and a public hearing, has determined that such transaction or action, and the terms thereof, are consistent with the public interest; provided, however, that in making such a determination the department shall, at a minimum, consider: potential rate changes, if any; the long term strategies that will assure a reliable, cost effective energy delivery system; any anticipated interruptions in service; or other factors which may negatively impact customer service.

(d) Corporate reorganizations involving holding companies that will not result in the acquisition, directly or indirectly, of control of an electric or gas company subject to this chapter, or of a holding company thereof, by a third party acquirer shall not be subject to this section”.

After remarks, the amendment was adopted.

Mr. Richard T. Moore moved that the bill be amended by inserting at the end thereof the following new section:-

“SECTION X. The secretary of the executive office of energy and environmental affairs shall conduct an investigation and study into the process for reactivation of pre-existing hydroelectric power sites, including a review of all necessary permitting and approvals to determine whether and how said process can be expedited and streamlined. Said investigation shall include a determination of those permits necessary from federal, state and local agencies for the reactivation of a pre-existing site, and recommendations to streamline said process so as to allow for timely and cost-effective redevelopment. In the course of the

investigation, the secretary shall convene, to the extent possible, those state and federal agencies responsible for permitting, and any entities that may have obtained, or pursued, permits for the reactivation of pre-existing hydroelectric power sites. The secretary shall report his findings to the clerks of the senate and house of representatives, the chairs of the joint committee on environment, natural resources and agriculture, the chairs of the joint committee on telecommunication, utilities and energy by January 1, 2014.”

After remarks, the amendment was adopted.

Mr. Richard T. Moore moved that the bill be amended by inserting at the end thereof the following new sections:-

“SECTION X. Section 34B of chapter 164 of the general laws, as so appearing, is hereby amended by inserting at the end thereof the following:-

‘Any company that does not complete the removal of existing poles within the timeframe provided shall be fined not more than five hundred dollars per day per pole during which the company fails to comply. The department shall promulgate regulations regarding the disposition of all revenue generated in conjunction with any levied fines.’

SECTION X. Section 21 of chapter 166 of the general laws, as so appearing, is hereby amended by inserting at the end thereof the following:-

‘Any company that incommodes the public use of public ways, or endangers or interrupts navigation pursuant to this section, shall be fined not more than one thousand dollars per day per pole during which the company disrupts public ways. The department shall promulgate regulations regarding the disposition of all revenue generated in conjunction with any levied fines.’”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-six minutes before three o’clock P.M., on motion of Mr. Hedlund, as follows, to wit (yeas 13 – nays 25) [Yeas and Nays No. 164]:

YEAS

Donnelly, Kenneth J. Knapik, Michael R.

Donoghue, Eileen M. Moore, Michael O.

Eldridge, James B. Moore, Richard T.

Hedlund, Robert L. Ross, Richard J.

Jehlen, Patricia D. Tarr, Bruce E.

Keenan, John F. Timilty, James E. — 13.

Kennedy, Thomas P.

NAYS

Berry, Frederick E. Hart, John A., Jr.

Brewer, Stephen M. Joyce, Brian A.

Brownsberger, William N. McGee, Thomas M.

Candaras, Gale D. Montigny, Mark C.

Chandler, Harriette L. Pacheco, Marc R.

Chang-Diaz, Sonia Petrucci, Anthony

Clark, Katherine M. Rodrigues, Michael J.

Creem, Cynthia Stone Rosenberg, Stanley C.

DiDomenico, Sal N. Rush, Michael F.

Downing, Benjamin B. Spilka, Karen E.

Fargo, Susan C. Welch, James T.

Finegold, Barry R. Wolf, Daniel A. — 25.

Flanagan, Jennifer L.

ABSENT OR NOT VOTING — 0.

The yeas and nays having been completed at twenty-two minutes before three o’clock P.M., the amendment was rejected.

Ms. Candaras and Mr. Tarr moved that the bill 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. 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 question on adoption of the amendment was determined by a call of the yeas and nays, at eighteen minutes before three o'clock P.M., on motion of Ms. Candaras, as follows, to wit (yeas 38 – nays 0) [Yeas and Nays No. 165]:

YEAS

Berry, Frederick E. 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. Pacheco, Marc R.

Donnelly, Kenneth J. Petrucci, Anthony

Donoghue, Eileen M. Rodrigues, Michael J.

Downing, Benjamin B. Rosenberg, Stanley C.

Eldridge, James B. Ross, Richard J.

Fargo, Susan C. Rush, Michael F.

Finegold, Barry R. Spilka, Karen E.

Flanagan, Jennifer L. Tarr, Bruce E.

Hart, John A., Jr. Timilty, James E.

Hedlund, Robert L. Welch, James T.

Jehlen, Patricia D. Wolf, Daniel A. — 38.

NAYS — 0.

ABSENT OR NOT VOTING — 0.

The yeas and nays having been completed at a quarter before three o'clock P.M., the amendment was adopted.

Messrs. Knapik and Tarr moved that the bill be amended by inserting, after section 43 the following new section:-

"SECTION XX. Notwithstanding any general or special law, rule or regulation to the contrary, beginning July 1, 2012, all electric bills sent to retail and commercial customers by an electric or distribution company or competitive supplier shall include a separate line-item to reflect the rate charged for renewable energy generation, transmission, and distribution services contained in the total retail price. The department is hereby authorized and directed to determine whether any additional information shall be required to be disclosed on the bills and to promulgate rules and regulations to implement the provisions of this subsection. Rules and regulations relative to the appeals process for billing disputes or damage claims made by customers shall be published and distributed to customers as part of an education and outreach program."

After remarks, the amendment was adopted.

Mr. Tarr moved that the bill be amended in Section 29 by striking the term "January 1, 2013", in lines 363, 378 and 381, respectively, and replace it with the following term:- January 1, 2015.

The amendment was rejected.

Mr. Tarr moved that the bill be amended in Section 17 by inserting after the word "rate", in line 201, the following words:-; provided, however, that an increase of more than 7 ½ per cent may be allowed upon a showing of strict necessity and a finding by the department that the increase occurred despite best faith efforts to avoid such a result.

The amendment was adopted.

Mr. Tarr moved that the bill be amended by inserting, after section 1, the following new section:-

"SECTION 1A. Chapter 21A of the General Laws, as so appearing, is hereby amended by inserting after section 23, the following new section:-

Section 24. (a) There shall be within the office an energy policy and electricity cost reduction commission, which shall be an independent public entity not subject to the supervision and control of the office or any other executive office, department, commission, board, bureau, agency or political subdivision of the commonwealth. The commission shall promote public transparency regarding the effectiveness and economic cost of energy and electricity policies and programs implemented in the commonwealth. The commission shall be charged with researching and reviewing the economic and electricity cost implications

of current and proposed energy and electricity policies in the commonwealth, as well as the impact these policies have on electricity reliability. The commission shall report to the legislature, as prescribed in this section, with comprehensive recommendations for reforms the commonwealth can implement to: (i) encourage business development and job creation, (ii) reduce the costs associated with energy programs funded, in whole or in part, by the commonwealth, particularly programs established pursuant to chapter 169 of the acts of 2008, (iii) reduce the cost of electricity for commercial, industrial, and residential customers, and (iv) increase electricity reliability.

(b) (1) The commission shall consist of 19 persons, as follows: the secretary of energy and environmental affairs and the secretary of housing and economic development, both of whom shall serve as the co-chairs; the attorney general; the inspector general; the commissioner of the department of energy resources or his designee; the chair of the department of public utilities or her designee; 1 person appointed by ISO-New England; 1 person appointed by associated industries of Massachusetts; 1 person appointed by the Massachusetts chapter of the national federation of independent business; 1 person appointed by the Massachusetts clean energy center; 4 persons who are experts in energy efficiency, 1 of whom shall be appointed by the speaker of the house, 1 of whom shall be appointed by the minority leader of the house, 1 of whom shall be appointed by the president of the senate, and 1 of whom shall be appointed by the minority leader of the senate; 5 persons appointed by the Governor, 1 of whom shall be a representative from organized labor, 1 of whom shall be a representative of a Massachusetts green business with 10 or fewer employees, 1 of whom shall be a representative of a Massachusetts green business with 10 or more employees, 1 of whom shall be a representative of an institution of higher education and who is also an expert in the structure of the regional wholesale electricity market, and 1 of whom shall be a representative of an institution of higher education and who is also an expert in energy efficiency.

(2) Members of the commission shall serve terms of 2 years and until their successors are appointed.

(3) Vacancies in the membership of the commission shall be filled by the original appointing authority for the balance of the unexpired term.

(4) The chairs of the commission may designate on an annual basis 1 or more commission members as vice-chairs of the commission. The commission shall select any other officers it deems necessary.

(5) The members of the commission shall receive no compensation for their services, but shall be reimbursed for any usual and customary expenses incurred in the performance of their duties.

(6) The powers of the commission shall include, but not be limited to: (i) using voluntary and uncompensated services of private individuals, agencies and organizations as may from time to time be offered or needed; (ii) recommending policies and making recommendations to agencies and officers of the state and local subdivisions of government to effectuate the changes outlined in section (a); (iii) enacting by-laws for the commission's own governance; and (iv) holding regular public meetings, fact-finding hearings, and other public forums as the commission deems necessary.

(7) The commission may request from all state agencies such information and assistance as the commission may require.

(c) (1) The commission shall issue an annual report which shall include, at minimum an analysis of the economic cost, electricity cost, and implication for electricity reliability of: (i) implementing administrative, regulatory, and legislative rulemaking as it pertains to electricity and the structure of the wholesale electricity market and (ii) meeting legislative and administrative goals and requirements related to greenhouse gas reductions, energy efficiency, and renewable energy generation, particularly goals established pursuant to Chapter 169 of the Acts of 2008.

(2) In so doing, the commission shall at minimum research, evaluate, consider and report on: (i) the accuracy of metrics used to assess the success of ratepayer and taxpayer funded, in whole or in part, programs established pursuant to Chapter 169 of the Acts of 2008, (ii) the accuracy of metrics used to assess the cost effectiveness of ratepayer and taxpayer funded, in whole or in part, programs established pursuant to Chapter 169 of the Acts of 2008 (iii) the cost impact of the mandatory renewable energy charge and the energy efficiency charge, established pursuant to Section 19 and 20 of Chapter 25 of the General Laws, on commercial, industrial, and residential electric service customers, (iv) the effectiveness and necessity of incentives awarded to electric distribution and gas distribution companies pursuant to Chapter 169 of the Acts of 2008, (v) the economic impact of residential, commercial and industrial construction requirements for green communities, established pursuant to section 10 of chapter 25A, on municipalities that qualify as a green community, (vi) the electricity cost implications and associated economic impact of scheduled and projected investments in smart meter technology and transmission infrastructure, (vii) the electricity cost implications and associated economic impact of scheduled increases in demand resources, aggregate net metering capacity, and renewable energy capacity, specifically scheduled and projected installations of wind and solar capacity, (viii) the structure of the regional wholesale electricity market and its impact on retail electricity costs, and (ix) the overall impact of the Commonwealth's energy and electricity policies on economic growth in the Commonwealth, specifically net job creation and business development, establishment, and retention.

(d) (1) The commission shall consult with electric distribution companies, natural gas distribution companies, green businesses residing in the Commonwealth, and other interested parties, providing at least one opportunity for public comment, as well as the public review of the commission's annual draft report prior to filing the report with the legislature.

(2) The commission shall convene its first meeting within 45 days of the passage of this Act and shall file its first report, along with any recommendations for legislative or regulatory reforms deemed necessary to effectuate the changes outlined in subsection (a), with the clerk of the house and the clerk of the senate, and with the house and senate chairs of the joint committee on telecommunications, utilities and energy, within 180 days of the commission's first meeting. All subsequent annual reports shall be filed by the commission no later than December 31 of each year.

(e) Joint committees of the general court and the house and senate committees on ways and means when reporting favorably on bills referred to them that will amend or modify the commonwealth's energy and electricity policies, shall include a review and

evaluation conducted by the commission pursuant to this section.

(f) (1) Upon request of a joint standing committee of the general court having jurisdiction or the committee on ways and means of either branch, the commission on energy policy and electricity cost reduction shall conduct a review and evaluation of proposed amendments or modifications to the commonwealth's energy and electricity policies, in consultation with relevant state agencies, and shall report back to the joint standing committee or committee on ways and means within 90 days of the request.

(2) The commission's review and report on proposed changes shall include a detailed evaluation and explanation of the potential environmental and economic impacts of said changes on residents and businesses in the commonwealth, as well as the impact of said changes on electricity reliability. In so doing, the report shall address, at minimum the impact of proposed changes on: (i) business development and retention in the commonwealth, (ii) net job creation, (iii) the costs associated with energy programs funded, in whole or in part, by the commonwealth, particularly programs established pursuant to chapter 169 of the acts of 2008, (iv) the cost of electricity for commercial, industrial, and residential customers, and (v) electricity reliability.

(3) No change in energy or electricity policy shall be implemented until such a review has been undertaken and a report filed with the legislature pursuant to this section.

(4) The party or organization on whose behalf the bill was filed shall provide the commission on energy policy and electricity cost containment with any economic cost, electricity cost, electricity reliability, or environmental impact data that they have. All interested parties supporting or opposing the bill shall provide the commission on energy policy and electricity cost containment with any information relevant to the commission's review.

Section 2. Notwithstanding any general or special law to the contrary the division of energy resources shall, not less than once every five years, complete a review of all renewable energy portfolio standards and issue a report detailing how those standards are impacting economic growth in the Commonwealth, specifically net job creation and business development, establishment, and retention. Said report shall be filed with the clerk of the house and clerk of the senate, and with the house and senate chairs of the joint committee on telecommunications, utilities and energy."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-four minutes before four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 5 – nays 33) [Yeas and Nays No. 166]:

YEAS

Hedlund, Robert L. Tarr, Bruce E.

Knapik, Michael R. Timilty, James E.— 5.

Ross, Richard J.

NAYS

Berry, Frederick E. Jehlen, Patricia D.

Brewer, Stephen M. Joyce, Brian A.

Brownsberger, William N. Keenan, John F.

Candaras, Gale D. Kennedy, Thomas P.

Chandler, Harriette L. Moore, Michael O.

Chang-Diaz, Sonia Moore, Richard T.

Clark, Katherine M. McGee, Thomas M.

Creem, Cynthia Stone Montigny, Mark C.

DiDomenico, Sal N. Pacheco, Marc R.

Donnelly, Kenneth J. Petruccelli, Anthony

Donoghue, Eileen M. Rodrigues, Michael J.

Downing, Benjamin B. Rosenberg, Stanley C.

Eldridge, James B. Rush, Michael F.

Fargo, Susan C. Spilka, Karen E.

Finegold, Barry R. Welch, James T.

Flanagan, Jennifer L. Wolf, Daniel A. — 33

Hart, John A., Jr.

ABSENT OR NOT VOTING — 0.

The yeas and nays having been completed at twenty-four minutes before four o'clock P.M., the amendment was rejected.

Mr. Tarr moved that the bill be amended by inserting in the first paragraph in Section 29, at the end thereof, the following sentence:- "A distribution company shall be allowed to include hydroelectric power, regardless of whether that power is eligible under the renewable energy portfolio standard contained in section 11F of chapter 25A of the General Laws; provided, however that said hydroelectric power not otherwise applicable to section 11F of chapter 25A, shall not be used for the purpose of meeting annual RPS requirements under said section 11F of chapter 25A."; by striking, in lines 400 through 402, inclusive, the following "(2) be qualified by the department of energy resources as eligible to participate in the RPS program, under said section 11F of said chapter 25A, and to sell RECs under the program" and inserting in place thereof the following:- "(2) notwithstanding hydroelectric power, be qualified by the department of energy resources as eligible to participate in the RPS program, under said section 11F of said chapter 25A, and to sell RECs under the program".

The amendment was rejected.

Mr. Tarr moved that the bill be amended by inserting, after section 10, the following new sections:-

"SECTION 10A. Subsection (c) of section 11F of said chapter 25A, as so appearing, is hereby amended by striking, in line 63, the number '25' and inserting in the place thereof the following number:- 30

SECTION 10B. Subsection (c) of section 11F of said chapter 25A, as so appearing, is hereby amended by striking, in line 65, the number '25' and inserting the place thereof the following number:- 30

SECTION 10C. Subsection (d) of section 11F of said chapter 25A, as so appearing, is hereby amended by striking, in line 93, the number '5' and inserting the place thereof the following number:- 30"

After remarks, the amendment was adopted.

Ms. Creem moved that the bill be amended by adding the following section:-

"SECTION XX. The executive office of energy and environmental affairs, in consultation with the Massachusetts department of transportation and the executive office of housing and economic development, shall conduct a study on state and municipally funded outdoor lighting, including highway and street lights. The executive office and the department shall conduct at least 1 public hearing in support of the study, and shall solicit and evaluate input from lighting engineers, lighting manufacturers, town planners, environmental protection advocates, the Massachusetts Medical Society, the director of the Arnold arboretum, and other interested organizations and individuals. Results of the study shall include recommendations on ways to reduce non-renewable electricity usage for outdoor lighting, support the business community and expand job creation, enhance night sky visibility, protect public health and safety, and promote electricity pricing accountability. The executive office shall submit a copy of the study by December 1, 2012, to the clerks of the house of representatives and the senate, who shall immediately forward a copy of the study to the joint committee on telecommunications, utilities and energy."

After remarks, the amendment was adopted.

Mr. Tarr moved that the bill be amended in section 29, by inserting at the end thereof the following:- "This section shall not take effect until such time that division of energy resources has completed a study to assess whether the long-term contracting requirements reasonably support the renewable energy goals of the commonwealth as required under section 83 of chapter 169 of the acts of 2008 and said study has been submitted to the clerks of the house of representatives and the senate and to the chairs of the joint committee on telecommunications, utilities and energy. Said study shall include, but not be limited to, input from stakeholders in the energy sector."

After remarks, the amendment was adopted.

Mr. Finegold moved that the bill be amended in section 29, in lines 422, 423 and 424, by striking out "; provided, that long-term contracts for distributed generation technology shall not be awarded to any technology eligible for solar renewable energy credits at the time of solicitation" and inserting in place thereof the following:- "provided, however, that long-term contracts reserved for newly developed, small, emerging or diverse renewable energy distributed generation facilities shall not be awarded to any technology which had more than 30 megawatts of capacity installed in the commonwealth before April 1, 2012."

The amendment was adopted.

Mr. Downing moved that the bill be amended by striking out, in section 29, the fourth paragraph and inserting in place thereof the following paragraph:-

"Distribution companies shall not be obligated to enter into long-term contracts under this section that would, in the aggregate, exceed 4 per cent of the total energy demand from all distribution customers in the service territory of the distribution company. Ten per cent of the aggregate level of long term contracts shall be reserved for newly developed, small, emerging or diverse renewable energy distributed generation facilities, as determined by the department of energy resources, that are located within each distribution company's service territory. Distributed generation projects shall have a nameplate capacity no larger than 6 megawatts, but shall not qualify as a class I, II or III net metering facility, as defined in section 138 of said chapter 164; provided, however, that long-term contracts reserved for newly developed, small, emerging or diverse renewable energy distributed generation facilities shall not be awarded to any technology which had more than 30 megawatts of capacity installed in the commonwealth before April 1, 2012. As long as the electric distribution company has entered into long-term contracts in compliance with this section, it shall not be required by regulation or order to enter into contracts with terms of more than 3 years in meeting its applicable annual RPS requirements under said section 11F of said chapter 25A, unless the department of public utilities finds that such contracts are in the best interest of customers; provided, however, that the electric distribution company may execute such contracts voluntarily, subject to the department of public utilities' approval."

The amendment was adopted.

Mr. Finegold moved that the bill be amended by adding the following section:-

"SECTION X. The executive office of energy and environmental affairs, in consultation with the department of energy resources, shall study whether useful thermal energy shall be added to the list of alternative energy generating sources that may be used to meet the commonwealth's energy portfolio standard for all retail electricity suppliers selling electricity to end-use customers in the commonwealth pursuant to section 11F½ of chapter 25A of the General Laws. For the purposes of this study, "useful thermal energy", shall be energy in the form of direct heat, steam, hot water, or other thermal form that is used in production and beneficial measures for heating, cooling, humidity control, process use, or other valid thermal end use energy requirements and for which fuel or electricity would otherwise be consumed. The executive office of energy and environmental affairs shall report its findings to the joint committee on telecommunications, utilities and energy not later than June 3, 2013."

The amendment was adopted.

There being no objection, during consideration of the Orders of the Day, the following matter was considered, as follows, to wit:

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill validating the actions taken at a certain town meeting in the town of Abington (see House Bill, printed in House, No. 3843) (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.

Orders of the Day

The Orders of the Day were further considered as follows:

The Senate Bill relative to competitively priced electricity in the Commonwealth (Senate, No. 2190),-- was considered, the main question being on ordering the bill to a third reading.

The pending amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2200) was again considered.

Mr. Brewer moved that the bill be amended in section 7, by inserting after the words "line 118", in line 51, the following words:-
" , in each instance";

By striking out sections 14 and 15 and inserting in place thereof the following sections:-

"SECTION 14. Said section 2B of said chapter 59, as so appearing, is hereby further amended by inserting after the word 'public', in line 37, the following words:- , to a use, lease or occupancy for renewable generation facilities, defined as eligible under subsection (c) of section 11F of chapter 25A, from which not less than 50 per cent of the energy output is assigned to either the municipality in which the facility is located or to the governmental entity that owns the land on which the facility is located,.

SECTION 15. Section 5 of said chapter 59, as so appearing, is hereby amended by striking out clause Forty-fifth and inserting in place thereof the following clause:-

Forty-fifth, Any solar or wind powered system that is capable of producing not more than 125 per cent of the annual energy needs of the property upon which it is located, including contiguous property under the same ownership and is behind the meter serving the energy needs of that property. All other solar and wind powered systems shall also be exempt provided that the owner has made to the city or town where the system is located a payment in lieu of taxes, equal to 5 per cent of the system's gross electricity sales, including receipt of net metering credits as defined in section 138 of chapter 164, in the preceding calendar year. For years 1 and 2, the payments shall be annualized based on gross estimated sales derived from a formula to be determined by the department of revenue, in consultation with the department of energy resources. An exemption under this clause shall be allowed only for a period of 20 years from the date of operation of such system. This clause shall not apply to projects developed under section 1A of chapter 164.";

In section 31, by inserting after the words "Clause (2)", in line 477, the following words:- "of subsection (a)"; and

By inserting after section 37 the following section:-

"SECTION 37A. Notwithstanding clause Forty-fifth of section 5 of chapter 59, any payment in lieu of taxes agreements currently under contract between a municipality and a developer of solar and wind projects that expires prior to 2032 may be negotiated up to the terms in place as of the effective date of this act."; and

By inserting after section 35 the following section:-

"SECTION 35F. The division of local services within the department of revenue shall study the impact and provide an estimate of the effect of the changes to chapter 59 of the General Laws contained in this act on municipal revenues. The division of local services shall submit a report detailing its findings to the clerks of the senate and the house of representatives, the chairs of the joint committee on telecommunications, utilities and energy, the chairs of the joint committee on revenue and the chairs of the joint committee on municipalities and regional government not later than 3 years and 90 days after the effective date of this act.".

The amendment was adopted.

The Ways and Means amendment was then adopted, as amended

The bill (Senate, No. 2200, amended) 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 twenty-five minutes past four o'clock P.M., on motion of Mr. Brewer, as follows, to wit (yeas 39 – nays 0) [Yeas and Nays No. 167]:

YEAS

Berry, Frederick E. Keenan, John F.

Brewer, Stephen M. Kennedy, Thomas P.

Brownsberger, William N. Knapik, Michael R.

Candaras, Gale D. McGee, Thomas M.

Chandler, Harriette L. Montigny, Mark C.

Chang-Diaz, Sonia Moore, Michael O.

Clark, Katherine M. Moore, Richard T.

Creem, Cynthia Stone Murray, Therese

DiDomenico, Sal N. Pacheco, Marc R.

Donnelly, Kenneth J. Petrucci, Anthony

Donoghue, Eileen M. Rodrigues, Michael J.

Downing, Benjamin B. Rosenberg, Stanley C.

Eldridge, James B. Ross, Richard J.

Fargo, Susan C. Rush, Michael F.

Finegold, Barry R. Spilka, Karen E.

Flanagan, Jennifer L. Tarr, Bruce E.

Hart, John A., Jr. Timilty, James E

Hedlund, Robert L. Welch, James T.

Jehlen, Patricia D. Wolf, Daniel A. — 39.

Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING — 0.

The yeas and nays having been completed at twenty-eight minutes past four o'clock P.M., the bill was passed to be engrossed [For text of bill, printed as amended, see Senate, No. 2214].

Sent to the House for concurrence.

Moment of Silence.

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of former Senator Charles E. Shannon.

Order Adopted.

On motion of Ms. Jehlen,--

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

Adjournment in Memory of Charlie Shannon

Ms. Jehlen requested that when the Senate adjourns today it do so in memory of Senator Charlie Shannon who died seven years ago today after a long battle with cancer.

Charlie Shannon represented the Second Middlesex District for over fourteen years.

Charlie Shannon first became involved in government when he was appointed to the Winchester Board of Assessors in 1987 and was later elected to the post in 1989. He served as its chairman from 1989-1990.

During this time, he was also a Town Meeting member.

Also, during his 20 years of service with the Lexington Police Department, he had received two commendations for bravery.

During his State House service, he served as the chairman of Ethics and Rules, as well as vice chairman of Bills in Third Reading. He had also served as the vice chairman for Municipalities and Regional Government, as well as State Administration and Regulatory Oversight.

Senator Shannon's commitment to public safety and young people is memorialized in the Shannon Grants which promote youth development and combat violence.

His commitments to the environment and to recreation are memorialized at the Shannon Beach on the Mystic Lakes.

His service and his friendship live on in the memories of colleagues and the people he served.

Accordingly, as a mark of respect to the memory of Charlie Shannon, at twenty-nine minutes past four o'clock P.M., on motion of Ms. Jehlen, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.