

NOTICE: While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, April 19, 2012.

Met at three minutes past eleven o'clock A.M. (Ms. Spilka in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

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

Distinguished Guests.

There being no objection, the Chair (Ms. Spilka) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the rear of the Chamber, a high school class from Grenaa Gymnasium (High School) in Denmark. The class is a social/political studies class, interested in learning about United States history and government. The class was accompanied by their teachers, Stine Sorensen and Karsten Vilholm.

Reports of Committees.

By Mr. Rodrigues, for the committee on Children, Families and Persons with Disabilities, on Senate, No. 48, an Order relative to authorizing the joint committee on Children, Families and Persons with Disabilities to make an investigation and study of a certain current Senate document relative to parental leave (Senate, No. 2224);

By Ms. Jehlen, for the committee on Elder Affairs, on Senate, No. 279 and House, No. 1967, an Order relative to authorizing the joint committee on Elder Affairs to make an investigation and study of certain current Senate and House documents relative to elder issues (Senate, No. 2225);

By Ms. Clark, for the committee on Revenue, on Senate, Nos. 1413, 1414 and 1417, an Order relative to authorizing the joint committee on Revenue to make an investigation and study of certain current Senate documents concerning matters relating to the raising of revenue for the Commonwealth by means of taxation, certain matters relating to the local property tax and such similar matters as have been referred to said committee (Senate, No. 2226);

By the same Senator, for the same committee, on Senate, No. 1897, an Order relative to authorizing the joint committee on Revenue to make an investigation and study of a certain current Senate document relative to revenue (Senate, No. 2227); and

By Ms. Donoghue, for the committee on Tourism, Arts and Cultural Development, on Senate, No. 1706, and Order relative to authorizing the joint committee on Tourism, Arts and Cultural Development to make an investigation and study of a certain current Senate document relative to tourism, arts and cultural development issues (Senate, No. 2228);

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

PAPERS FROM THE HOUSE

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4020) of Aaron Michlewitz (with the approval of the mayor and city council) for

legislation to amend the preparation of certain ballots in the city of Boston;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 3832) of Byron Rushing and others (with the approval of the mayor and city council) for legislation relative to the nominating process for candidates to the Boston Arts Commission; and

Petition (accompanied by bill, House, No. 4033) of John J. Mahoney, John J. Binienda and Harriett L. Chandler (with the approval of the mayor and city council) for legislation that the city of Worcester be authorized to transfer certain property and land in said town;

Severally to the committee on Municipalities and Regional Government.

Bills

Establishing a sick leave bank for Karen Langley, an employee of the Executive Office of Health and Human Services (House, No. 4028, amended,-- on petition); and

Establishing a sick leave bank for Dacia Thompson, an employee of the Department of Children and Families (House, No. 4029,-- on petition);

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

Bills

Providing for designated licenses for the sale of alcoholic beverages and wine and malt beverages at Logan International Airport granted by the licensing board for the city of Boston (House, No. 99,-- on petition) [Local approval received]; and

Authorizing the town of Natick to grant an additional license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 3868,-- on petition) [Local approval received];

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

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-
Resolutions (filed by Mr. Brownsberger) "commending the Private Charles J. Shutt Detachment, Marine Corps League 139, in the town of Watertown";

Resolutions (filed by Mr. Hedlund) "congratulating Rocco Ferrera on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Hedlund) "congratulating Matthew Santaniello on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Hedlund) "congratulating Connor Ross Troiano on his elevation to the rank of Eagle Scout";

Resolutions (filed by Messrs. Petruccelli and Tarr) "congratulating Walter G. Van Dorn on his retirement from the Board of Directors of the Pioneer Institute"; and

Resolutions (filed by Mr. Ross) "honoring Gina Grimaldi for 29 years of dedicated service to the town of Wrentham's Board of Health."

Reports of a Committee.

Mr. Berry, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill designating a certain portion of Route 197 in the town of Dudley as the Anthony B. DiDonato, Sr. Memorial Highway (Senate, No. 2169).

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

Sent to the House for concurrence.

Mr. Berry, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill designating a certain building in the city of Holyoke as the Raymond P. Murphy, Jr. Congregate House (House, No. 3575).

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

PAPERS FROM THE HOUSE

A Bill increasing the membership of the town forest committee of the town of Natick (House, No. 3869,-- on petition) [Local approval received],-- **was read.**

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

A Bill relative to the town of Swansea volunteer fire department (House, No. 3996, amended,-- on petition) [Local approval received],-- **was read.**

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

Orders.

The following House Orders (approved by the committees on Rules of the two branches, acting concurrently) were considered forthwith and adopted in concurrence, as follows:

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Community Development and Small Business shall be granted until Monday, April 30, 2012, within which to report on House document numbered 1867.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on the Judiciary shall be granted until Friday, April 27, 2012, within which to report on House documents numbered 3977, 3978 and 3987.

The following House extension order (having been approved by the committees on Rules of the two branches, acting concurrently) was considered, to wit:

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Consumer Protection and Professional Licensure shall be granted until Thursday, May 3, 2012, within which to report on House documents numbered 102, 116, 125, 1004, 1006, 1007, 1016, 1025, 1027, 1029, 1850, 1876, 1877, 1882, 1883, 1893, 2004, 2027, 2689, 3266, 3348, 3404, 3405, 3498, 3677, 3760, 3851 and 3903.

The Chair (Ms. Spilka) requested unanimous consent so that the order could be considered forthwith; but objection was made thereto by Mr. Tarr.

The order was placed in the Orders of the Day for the next session, the question being on adoption.

The following House extension order (having been approved by the committees on Rules of the two branches, acting concurrently) was considered, to wit:

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government shall be granted until Friday, May 18, 2012, within which to report on House documents numbered 562, 575, 577, 580, 1448, 1449, 1454, 3102, 3317 and 3745.

The Chair (Ms. Spilka) requested unanimous consent so that the order could be considered forthwith; but objection was made thereto by Mr. Tarr.

The order was placed in the Orders of the Day for the next session, the question being on adoption.

The following House extension order (having been approved by the committees on Rules of the two branches, acting concurrently) was considered, to wit:

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Telecommunications, Utilities and Energy shall be granted until Tuesday, May 1, 2012, within which to report on House documents numbered 876, 884, 886, 1755, 1764, 1769, 2609, 2619, 2622, 3057, 3059 and 3380.

The Chair (Ms. Spilka) requested unanimous consent so that the order could be considered forthwith; but objection was made thereto by Mr. Tarr.

The order was placed in the Orders of the Day for the next session, the question being on adoption.

A petition (accompanied by bill, House, No. 4051) of Susan Williams Gifford and others for legislation to include the installation of solar energy systems or the building of structures to facilitate the collection of solar energy under local zoning ordinances of by-laws,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.**

Engrossed Bill.

An engrossed Bill to increase routine screening for HIV (see Senate, No. 2158) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Ms. Spilka) and laid before the Governor for his approbation.

Moment of Silence.

At the request of the Chair (Ms. Spilka), the members, guests and staff stood in a moment of silence and reflection to the memory of Nathaniel "Nate" Snow Downing.

Order Adopted.

On motion of Mr. Tarr,--

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

Adjournment in Memory of Nathaniel "Nate" Snow Downing

The Senator from Berkshire, Hampshire and Franklin, Mr. Downing, moved that when the Senate adjourns today, it adjourn in memory of his brother, Nathaniel "Nate" Snow Downing.

Nathaniel "Nate" Snow Downing died suddenly on April 13, 2012.

Nate will be remembered as a bright and charismatic young man with a passion for politics and for life. He was a 2003 graduate of St. Joseph's Central High School in Pittsfield, where he excelled in academics while also participating in music, drama, and Model Congress. A 2007 magna cum laude graduate of Providence College, Nate studied Political Science and American Studies. He attended the 2004 Democratic Convention in Boston, interned at the Supreme Court in Washington, D.C., and worked on his brother Benjamin's successful bid for State Senate in 2006. After graduating from Providence College, Nate joined the Attorney General's office as an investigator where he worked until 2009.

Nate entered New England School of Law in 2009 to fulfill a lifelong dream of becoming a lawyer. He earned the honor of serving on the Law Review as an associate in his second year and an executive articles editor in his third year. While in school he also worked as a legal analyst for Blue Cross Blue Shield. Nate recently began volunteering for Joseph Kennedy III's congressional campaign, relishing an opportunity to spend a day driving the candidate.

Nathaniel Snow Downing was born September 15, 1985, in Pittsfield, son of Pamela Brackett Downing and the late Berkshire County District Attorney Gerard Downing. In addition to his mother of Pittsfield, he leaves two brothers, State Senator Benjamin Downing of Pittsfield and Nicholas Downing of Boston, and a sister, Margaret Downing of Washington, D.C.. He also leaves many beloved aunts, uncles, and cousins. His grandparents, John and Gertrude Downing of Pittsfield and Frank and Shirley Brackett of Weymouth, predeceased him.

Accordingly, as a mark of respect to the memory of Nathaniel "Nate" Snow Downing, at twenty-one minutes past eleven o'clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.