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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, June 12, 2012.

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

Reports of a Committee.

By Mr. McGee, for the committee on Transportation, on Senate, Nos. 1780 and 2171 and House, No. 907, a Bill for legislation relative to vehicle idling (Senate, No. 2171); and;

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1798), a Bill to enhance the license plate system of the Commonwealth (Senate, No. 2299);

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

By Mr. Welch, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the town of Groveland to provide for the construction and maintenance of a solar generating facility on land held for water supply and protection purposes (Senate, No. 2257) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill authorizing the town of Ashburnham to dispose of certain equipment (Senate, No. 2271) [Local approval received];

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

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at twenty-one minutes before two o'clock noon, 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 considered forthwith and adopted, as follows:-

Resolutions (filed by Mr. Ross) "congratulating Warren Champagne on his retirement as Chief of the Fire Department in the town of Millis."

Reports of Committees.

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

The Senate Bill relative to the effective enforcement of municipal ordinances and bylaws (Senate, No. 1018) (the committee on Ethics and Rules recommending that the bill be amended by substituting a new draft with the same title, Senate, No. 2300).

There being no objection, the rules were suspended, on motion on Mr. Downing, and the bill was read a second time and was amended, as recommended by the committee on Ethics and Rules.

The bill (Senate, No. 2300) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

The House Bill relative to dementia patients in longterm care facilities (House, No. 3947, amended) (the committee on Ethics and Rules recommending that the bill be amended in section 3, by striking out, in line 25, the word “January” and inserting in place thereof the following word:- “April”).

There being no objection, the rules were suspended, on motion on Ms. Jehlen, and the bill was read a second time and was amended, as recommended by the committee on Ethics and Rules.

The bill, as amended was then ordered to a third reading 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 fourteen minutes before two o’clock P.M., on motion of Ms. Jehlen, as follows, to wit (*yeas 38 – nays 0*) [**Yeas and Nays No. 227**]:

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. Petruccelli, 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 nine minutes before two o’clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment, its title having been changed by the committee in Bills in the Third Reading to read as follows: “An Act providing for dementia-specific training for certain employees of long-term care facilities”.
Sent to the House for concurrence in the amendment.**

PAPER FROM THE HOUSE.

The Senate Bill relative to renewable energy in generation on closed landfills (Senate, No. 2074),-- **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 3912.**

The rules were suspended, on motion of Mr. Eldridge, and the House amendment was considered forthwith.

Mr. Downing moved that the Senate concur with the House amendment with a further amendment striking out section 1 and inserting in place thereof the following 3 sections:-

SECTION 1. Subsection (f) of section 1A of chapter 164 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 194 and 195, the words “before January 1, 2009, and 50 megawatts of such a facility after January 1, 2010”.

SECTION 1A. Said section 1A of said chapter 164, as so appearing, is hereby further amended by adding the following subsection:-

(g) Neither this section nor sections 1B to 1H, inclusive, shall preclude an electric company or a distribution company from owning and operating generation facilities that produce solar energy; provided, however, that such generation facilities are constructed by the company prior to June 30, 2014. Electric companies and distribution companies shall be prohibited from selling, leasing, renting or otherwise transferring all or a portion of a solar generation facility without prior approval by the department.

SECTION 1B. Section 9H of chapter 723 of the acts of 1983 is hereby amended by striking out, in lines 1 and 6, the words “quality engineering” and inserting in place thereof, in each instance, the following word:- protection.

After remarks, the further amendment was adopted.

The Senate then concurred in the House amendment, as amended.

Sent to the House for concurrence in the further amendment.

A petition (accompanied by bill, House, No. 4166) of Linda Dorcena Forry for legislation to establish a sick leave bank for Chereel Stafilopatis, an employee of the Executive Office of Health and Human Services,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

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 House Bill authorizing the city of Springfield to convey certain park land and to grant a license agreement over certain park land to Unifirst Corporation (House, No. 3874, changed),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Ms. Candaras moved that the bill be amended by striking out all after the enacting clause and inserting in place there of the text of Senate document numbered 2301.

The amendment was adopted.

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment
Sent to the House for concurrence in the amendment.**

Orders of the Day.

The Senate Bill establishing a consumer compensation fund (Senate, No. 2043),-- **was read a second time and, after remarks, was ordered to a third reading.**

The Senate Bill relative to anti freeze and engine coolant (Senate, No. 88),-- **was read a second time and ordered to a third reading.**

There being no objection, the rules were suspended, on motion of Mr. Brewer, and, after remarks, the bill 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 eight minutes past two o'clock P.M., on motion of Mr. Brewer, as follows, to wit (*yeas 38 – nays 0*) [**Yeas and Nays No. 228**]:

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 Bill further regulating tanning facilities (Senate, No. 2211),-- **was read a second time and ordered to a third reading. The rules were suspended, on motion of Mr. Timilty, and, after remarks, the bill was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House Bill protecting volunteer firefighters and emergency medical technicians from dismissal (House, No. 537),-- **was read a second time and ordered to a third reading.**

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill 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 thirteen minutes past two o'clock P.M., on motion of Mr. Donnelly, as follows, to wit (*yeas 37 – nays 0*) [**Yeas and Nays No. 229**]:

YEAS

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. Petruccelli, 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. — 37.
Joyce, Brian A.
NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. — 1.

The yeas and nays having been completed at sixteen minutes past two o'clock P.M., the bill was passed to be engrossed, in concurrence, its title having been changed by the committee in Bills in the Third Reading to read as follows: "An Act providing for the protection of volunteer emergency medical technicians".

The House Bill relative to Down Syndrome (House, No. 3825),-- was read a second time and ordered to a third reading. The rules were suspended, on motion of Ms. Clark, and the bill was read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee in Bills in the Third Reading to read as follows: "An Act requiring certain information relative to Down Syndrome be provided to certain parents and families."

Order Adopted.

On motion of Mr. Brewer,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday 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 Sean Patrick Cooney.

Adjournment in Memory of Sean Patrick Cooney

The Senators from Worcester, Ms. Chandler, Mr. Michael Moore, and Mr. Brewer, moved that when the Senate adjourns today, it adjourn in the memory of Sean Patrick Cooney.

Sean Cooney, of Worcester, passed away on Friday, June 1, 2012 at the age of 27 in Indianapolis. Mr. Cooney was a Rutland Police Officer and a Trial Court Officer at the Westborough District Court.

Born in 1985 and raised in Worcester, Cooney attended St. Peter-Marian High School and graduated from the Worcester Public Schools.

Sean was a trial court officer at the Westborough District Court for the past six years. He also worked as an emergency police and fire dispatcher for the town of Rutland for the past three years. He had a passion for public service and law enforcement and realized one of his dreams when he was appointed in February as a police officer for the town of Rutland.

Sean's interests included many outdoor activities, such as fishing with his friends and spending time at the Cape.

He leaves his parents, Paul B. "Gus" Cooney and Tracy (Burns) Cooney of Worcester, two brothers, Paul B. Cooney, Jr. and his wife Melissa of Chicago and Ryan J. Cooney of Worcester; a niece Grace Elizabeth of Chicago; and many aunts, uncles, cousins

and extended family who loved him dearly.

Accordingly, as a mark of respect to the memory of Sean Patrick Cooney, at nineteen minutes past two o'clock P.M., on motion of Mr. Michael O. Moore, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.