

**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, June 21, 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. DiDomenico for the purpose of an introduction. Mr. DiDomenico then introduced, in the rear of the Chamber, members of the Mass Badge organization. The organization is comprised of municipal police officers, Massachusetts state troopers, transit police and select members of the community. They are being recognized for organizing dozens of charity events to help raise funds for causes that have touched their members and the communities they serve. The group was welcomed with applause and withdrew from the Chamber.

There being no objection, the President introduced, in the rear of the Chamber, members of the UK's Public Accounts Committee. The group has come to Massachusetts to learn about innovative ways of dealing with government accountability, transparency, fraud and waste with the goal of furthering their efforts to increase accountability and transparency to the taxpayer. The group consisted of the Right Honourable Margaret Hodge and the following members of Parliament: Richard Bacon, Fiona Mactaggart, Meg Hillier, Stewart Jackson, Austin Mitchell and Nick Smith. They were welcomed with applause, Margaret Hodge signed the guest book and they withdrew from the Chamber. They were guests of Senator Montigny.

There being no objection, the President handed the gavel to Mr. Wolf for the purpose of an introduction. Mr. Wolf then introduced, in the rear of the Chamber, a group of students and their parents who have been participants in a schools-to-careers program working with the Cape Code Museum of Art. These students have spent the last few months working on how to be a successful artist and have been working on original pieces of artwork which are being displayed at the State House. The Senate welcomed with applause and withdrew from the Chamber.

#### *Petition.*

Mr. Hedlund (by request) presented a petition (subject to Joint Rule 12) of Sheryl Cifrino for legislation relative to safety in numbers in nursing education;

**Referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Reports of Committees.*

Ms. Spilka, for the committee on Ethics and Rules, reported, that the following matter be placed in the Orders of the Day for immediate consideration for the next session:

The Senate Bill allowing access to a decedent's electronic mail accounts (Senate, No. 2205) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2313).

**The bill was placed in the Orders of the Day for the next session for a second reading, with the amendment pending.**

By Mr. Downing, for the committee on Telecommunications, Utilities and Energy, on Senate, No. 1656, an Order relative to authorizing the joint committee on Telecommunications, Utilities and Energy to make an investigation and study of a certain

current Senate document relative to telecommunications, utilities and energy (Senate, No. 2318);  
**Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.**

By Mr. Brownsberger, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Heidi A. Lennon, an employee of the department of Children and Families (Senate, No. 2319);  
**Read and, under Senate Rule 27, referred to the committee on Ways and Means.**

*Committees Discharged*

Ms. Spilka, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Order relative to authorizing the joint committee on Environment, Natural Resources and Agriculture to make an investigation and study of a certain current Senate document relative to the Commonwealth's waterfront (Senate, No. 2311); and

Of the Senate Order relative to authorizing the joint committee on Telecommunications, Utilities and Energy to make an investigation and study of certain current Senate documents relative to telecommunications, utilities and energy (Senate, No. 2312);

**And recommending that the same severally be referred to the committee on Ethics and Rules.  
Under Senate Rule 36, the reports were considered forthwith and accepted.**

**PAPER FROM THE HOUSE**

A Bill relative to a personal care attendant orientation program (House, No. 4081,-- on Senate, No. 268 and House, No. 599),--  
**was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

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 eighteen 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) "congratulating John T. Gardiner on the occasion of his retirement as Executive Director of Worcester Comprehensive Education And Care"; and

Resolutions (filed by Ms. Spilka) "honoring the memory of Dennis M. Higgins on the dedication of the Dennis M. Higgins Square in the town of Natick".

**PAPER FROM THE HOUSE**

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Brian J. Waldron, an employee of the Trial Court (see Senate, No. 2272), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 15 to 0. The bill was signed by the President and sent to the House for enactment.**

*Reports of Committees.*

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Patricia Chasse (House, No. 4094),-- ought to pass with an amendment striking out, in line 1, the words "SECTION 1. "; by inserting after the word "law", in line 1, the following words:- "or rule or regulation"; by striking out, in lines 1 and 2, the words "executive office of health and human services" and inserting in place thereof the following words:- "department of children and families"; by striking out, in lines 3, 5, and 8, each time it appears, the word "office" and inserting in place thereof the following word:- "department"; by striking out the emergency preamble and inserting in place thereof the following emergency preamble:-  
"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of children and families, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and by striking out the title and inserting in place thereof the following title:- "An Act establishing a sick leave bank for Patricia Chasse, an employee of the Department of Children and Families.".

**There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time and amended, as recommended by the committee on Ways and Means.**

**The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.**

**Sent to the House for concurrence in the amendment.**

Ms. Spilka, 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 relative to superintendency union benefits (Senate, No. 2092).

**There being no objection, the rules were suspended, on motion of Mr. Rosenberg, and the bill was read a second time.**

Pending the question on passing the bill to be engrossed, Mr. Rosenberg moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following text:-

“Notwithstanding section 2 of chapter 32B of the General Laws, superintendency union 28, consisting of the towns of Erving, Leverett, New Salem, Shutesbury and Wendell may, in consultation with the joint school committee, as provided in section 63 of chapter 71 of the General Laws, enter into agreements to fund benefits for employees and retirees of the superintendency union in amounts proportionate to the benefits offered by each town to municipal employees and retirees. Those agreements shall be approved by each town through a majority vote of the board of selectmen or town council in each town.”

**The amendment was adopted.**

**The bill (Senate, No. 2092, amended) was then ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

*Order Adopted.*

Ms. Creem offered the following order:

*Ordered*, that notwithstanding the provisions of Joint Rule 10, the Committee on the Judiciary be granted until July 16, 2012, within which time to make its final report on current Senate documents numbered 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 679, 680, 681, 682, 683, 684, 685, 686, 689, 691, 693, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 729, 730, 731, 732, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 755, 756, 757, 758, 759, 760, 761, 762, 763, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 821, 822, 823, 824, 825, 826, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 862, 863, 864, 865, 866, 867, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 976, 1227, 1712, 1859, 1860, 1861, 1862, 1953, 2012, 2040, 2061, and 2160, relative to the Judiciary

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

**Subsequently, Ms. Spilka, for the said committees, reported, recommending that the order ought to be adopted.**

**The rules were suspended, on motion of Ms. Spilka, and after remarks, the order was considered forthwith and adopted.**

**Sent to the House for concurrence.**

#### **PAPERS FROM THE HOUSE.**

*Order -- Amended.*

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith, as follows:

*Ordered*, that notwithstanding the provisions of Joint Rule 10, the committee on Children, Families and Persons with Disabilities shall be granted until Tuesday, June 12, 2012, within which to report on a current House document numbered 3902

Pending the question on adoption of the order, Mr. Rodrigues presented an amendment striking out the words and figures “Tuesday, June 12, 2012” and inserting in place thereof the words and figures “Monday, July 16, 2012”.

The amendment was adopted.

The order, as amended, was then adopted.

Sent to the House for concurrence in the amendment.

Orders Adopted.

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

*Ordered*, that notwithstanding the provisions of Joint Rule 10, the committee on Election Laws shall be granted until Friday, June 29, 2012, within which to report on a current House document numbered 4049.

The rules were suspended, on motion of Mr. Finegold and the order was considered forthwith; and, after remarks, was adopted, in concurrence.

*Ordered*, that notwithstanding the provisions of Joint Rule 10, the committee on Election Laws shall be granted until Monday, July 9th, 2012, within which to report on a current Senate documents numbered 304 and a current House document numbered 1985.

The rules were suspended, on motion of Mr. Finegold and the order was considered forthwith; and, after remarks, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Economic Development and Emerging Technologies shall be granted until Monday, December 31, 2012, within which to report on a current House document numbered 25.

The rules were suspended, on motion of Ms. Candaras and the order was considered forthwith; and, after remarks, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Health care Financing shall be granted until Friday, June 29, 2012, within which to report on current Senate documents numbered 30, 32, 33, 44, 54, 57, 69, 70, 71, 269, 273, 281, 289, 292, 343, 382, 419, 480, 481, 482, 484, 488, 489, 491, 494, 495, 496, 497, 498, 499, 500, 501, 504, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 524, 526, 536, 537, 539, 545, 546, 547, 549, 550, 551, 553, 554, 556, 557, 558, 559, 733, 978, 979, 982, 988, 989, 990, 1079, 1094, 1101, 1107, 1118, 1121, 1123, 1164, 1235, 1893, 1999, 2006, 2057, 2156, 2164, 2167, 2177, 2181, 2182 and 2210 and current House documents numbered 45, 46, 47, 49, 51, 63, 64, 65, 74, 75, 76, 81, 182, 187, 273, 279, 295, 306, 332, 333, 334, 335, 336, 337, 338, 340, 342, 343, 344, 346, 550, 554, 598, 606, 623, 677, 680, 704, 975, 1100, 1101, 1206, 1211, 1223, 1224, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1238, 1239, 1241, 1418, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1428, 1431, 1433, 1435, 1467, 1479, 1484, 1488, 1489, 1492, 1494, 1496, 1500, 1513, 1514, 1519, 1521, 1523, 1530, 1543, 1856, 2039, 2057, 2079, 2087, 2088, 2089, 2090, 2091, 2092, 2094, 2095, 2096, 2097, 2099, 2101, 2306, 2316, 2333, 2343, 2362, 2373, 2375, 2452, 2682, 2683, 2727, 2765, 2777, 2778, 2779, 2780, 2782, 2783, 2876, 2880, 2900, 3104, 3105, 3106, 3134, 3296, 3480, 3543, 3627, 3641, 3696, 3904, 3984, 3995, 4034 and 4097.

The rules were suspended, on motion of Mr. Richard T. Moore, and the order was considered forthwith; and, after remarks, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Public Safety and Homeland Security shall be granted until Friday, June 29, 2012, within which to report on current House documents numbered 1554, 1566, 1567, 1568, 2391 and 3369.

The rules were suspended, on motion of Mr. Timilty and the order was considered forthwith; and, after remarks, was adopted, in concurrence.

A petition (accompanied by bill, House, No. 4192) of Dennis A. Rosa for legislation to establish a sick leave bank for Susan Tremblay, an employee of the Department of Correction,-- was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.

The House Bill preventing unlawful and unnecessary foreclosures (House, No. 4096),— came from the House with the endorsement that the House had NON-concurred in the further Senate amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 2298; and inserting before the enacting clause an emergency preamble, and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Costello of Newburyport, Basile of Boston and Peterson of Grafton had been appointed the committee on the part of the House.

On motion of Mr. Petruccelli, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Petruccelli, Hart and Knapik were appointed on the part of the Senate.

The bill was returned to the House endorsed accordingly.

The Senate Bill improving water safety for children in the Commonwealth (Senate, No. 2075),-- came from the House passed to be engrossed, in concurrence, with an amendment in section 3, in line 10, by striking out the words "A board of health" and inserting in place thereof the words "The department of public health", in said line 10, by striking out the word "recreational" and inserting in place thereof the words "municipal and recreational programs and", in line 16, by striking out the words "a recreational camp" and inserting in place thereof the words "municipal and recreational programs and camps", in line 17, by striking out the word "recreational" and inserting in place thereof the words "municipal or recreational program or", in line 20, by striking out the words "recreational camp" and inserting in place thereof the words "municipal and recreational programs or camps", and, in line 22, by striking out the word "recreational" and inserting in place thereof the words "municipal or recreational program or".

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

The same Senator moved that the Senate concur with the House amendment with a further amendment, by inserting before the enacting clause the following emergency preamble:-

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith improve water safety for children in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety."

The motion was accepted; and the amendment was adopted.

Sent to the House for concurrence in the further amendment

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the town of Topsfield to convey certain conservation land (see House, No. 3719, amended) (which

originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-two minutes past two o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 234]:

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 twenty-five minutes past two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Orders of the Day.

The Orders of the Day were considered as follows:

The Senate Bill authorizing the town of Ashburnham to dispose of certain equipment (Senate, No. 2271),-- was read a second time and ordered to a third reading.

The Senate 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),-- was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Tarr moved that the bill be amended by substituting a new draft with the same title (Senate, No. 2320).

The amendment was adopted.

The bill (Senate, No. 2320) was then ordered to a third reading.

The rules were suspended, on motion of Mr. Tarr and the bill was read a third time and passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill providing for the implementation of education evaluation systems in school districts (Senate, No. 2315),-- was ordered to a third reading, read a third time and, after remarks, was passed to be engrossed.

Sent to the House for concurrence.

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were considered as follows:-

Resolutions (filed by Mr. Eldridge, Ms. Chang-Diaz, MS. Clark, M. Creem, Messrs. DiDomenico and Donnelly, Ms. Donoghue, Mr. Downing, Ms. Jehlen, Messrs. Joyce, Keenan, McGee, Montigny, Rosenberg and Rush, Ms. Spilka and Mr. Wolf)

“memorializing the Congress of the United States to pass and send to the states for ratification a Constitutional amendment to restore the First Amendment and fair elections to the people”,-- **were considered.**

**Pending the question on adoption of the resolutions, on motion of Mr. Tarr, the further consideration thereof was postponed until Thursday, June 28.**

*Order Adopted.*

On motion of Mr. Brewer,--

*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.

On motion of Ms. Chandler, at thirteen minutes before three o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.