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, July 14, 2011.

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 Ms. Creem for the purpose of an introduction. Ms. Creem then introduced, in the Senate Gallery, Mark Leccese, a constituent from Brookline. Mark is an Assistant Professor of Journalism at Emerson College and formerly worked as the State House Bureau Chief for the Community Newspaper Company. He was accompanied by 35 students and 3 faculty members from the Communication University of China that were on a tour of the State House and learning about the different aspects of state government. The Senate welcomed them with applause and they withdrew from the Chamber.

Communication.

A communication from the Honorable Steven A. Tolman in compliance with Massachusetts General Laws Chapter 268A (received in the Office of the Clerk of the Senate on Thursday, July 14, 2011, at a half past three o'clock P.M.),-- **was placed on file.**

Petitions.

Petitions were severally presented and referred, as follows:
By Mr. Hedlund, a petition (accompanied by bill, Senate No. 1965) of Robert L. Hedlund and Rhonda Nyman (by vote of the town) for legislation to revise the charter of the town of Norwell [Local approval received];
Under Senate Rule 20, to the committee on Municipalities and Regional Government.
Sent to the House for concurrence.

By Ms. Jehlen, a petition (subject to Joint Rule 12) of Patricia D. Jehlen, Patricia A. Haddad, Richard T. Moore and Thomas P. Conroy for legislation to extend hospice care to MassHealth basic and MassHealth essential programs;
Under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Report of a Committee.

By Ms. Clark, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Michael Monterio, an employee of the Department of Correction (Senate, No. 1962);
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

Committee Discharged.

Mr. Timilty, for the committee on the Public Safety and Homeland Security, reported, asking to be discharged from further consideration
Of the petition (accompanied by bill, Senate, No. 1227) of Michael F. Rush for legislation to enhance the threats statute,-- **and recommending that the same be referred to the committee on the Judiciary; and**
Of the petition (accompanied by bill, Senate, No. 1206) of Sal N. DiDomenico, Frederick E. Berry, Sean Garballey, Michael J. Rodrigues and other members of the General Court for legislation to promote the public health through workplace safety for social workers,-- **and recommending that the same be referred to the committee on Public Health.**
Under Senate Rule 36, the reports were severally considered forthwith and accepted.
Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 3583) of James Arciero (by vote of the town) for legislation to authorize the town of Westford to issue two additional licenses for the sale of all alcoholic beverages to be drunk on the premises,-- **was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure**

A Bill to provide the terms of certain bonds to finance the municipal road and bridge maintenance needs of the Commonwealth (printed in House, No. 3511,-- being a message from His Excellency the Governor),-- **was read and, under Senate Rule 27, referred to the committee on Senate Ways and Means.**

A Bill relative to authorizing the town of Norwood to grant an additional license for the sale of wines and malt beverages (House, No. 973,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Report of the committee on Education asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1055) of Andrea Rupert for legislation to allow students not immunized to be admitted to schools upon written request of a parent;-- **and recommending that the same be referred to the committee on Public Health,- was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Recess.

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 a half past one o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and employees 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 Messrs. Rodrigues, Baddour and Brewer, Ms. Clark, Messrs. Hedlund, Joyce, Kennedy, McGee and Michael O. Moore, Ms. Murray, and Messrs. Pacheco, Ross, Tarr, Timilty and Wolf) "congratulating Bernard 'Skip' McCourt on the occasion of his retirement"; and
Resolutions (filed by Mr. Ross) "congratulating Benjamin E. Walsh of the town of Millis on his elevation to the rank of Eagle Scout."

Communications.

The Clerk read the following communications:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

William F. Welch
Clerk of the Senate
Room 335, State House
Boston, MA 02133

Dear Mr. Clerk:

On Thursday, June 30, 2011, I was unable to be present for the following three votes relating to Senate Bill 1950: Roll Call #44; Roll Call #45; and Roll Call #46. Had I been present, I would have voted as follows:

Roll Call #44: Affirmative
Roll Call #45: Affirmative
Roll Call #46: Affirmative

I respectfully request that this letter be printed in the Senate Journal as part of the official record for June 30, 2011. Thank you for your assistance in this matter.

Saludos,
SONIA CHANG-DIAZ
Second Suffolk District.

On motion of Ms. Candaras, the above communication was ordered printed in the Journal of the Senate.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

July 13, 2011

Mr. William F. Welch
Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

On July 11, 2011 I was absent from the Chamber during formal session. I was traveling out of state and unable to return in time to participate in the proceedings. I understand four roll call votes were taken during Monday's session; had I been present I would have voted in the affirmative on the following matters:

- Roll call 50: Enactment of H. 3580, An Act relative to municipal health insurance;
- Roll call 51: Enactment of S. 1028, An Act authorizing the town of Andover to exchange certain parcels of land with the Andover Village Improvement Society;
- Roll call 52: Enactment of S. 1569, An Act providing for the abandonment of a certain Wakefield sewer easement; and
- Roll call 53: Enactment of S. 1930, An Act authorizing the transfer of certain parcels of land in the town of Ipswich.

I respectfully request that this communication be printed in the calendar. Thank you in advance for your assistance in this matter.

Sincerely,
BENJAMIN B. DOWNING, State Senator
Berkshire, Hampshire and Franklin District.

On motion of Mr. Petruccelli, the above communication was ordered printed in the Journal of the Senate.

Reports of Committees.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Thomas M. McGee for legislation to establish a sick leave bank for Michelle Chandler, an employee of the Executive Office of Health and Human Services.
The rules were suspended, on motion of Mr. Brewer, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Marc R. Pacheco and Patricia D. Haddad for legislation to establish a sick leave bank for Tamika N. Correia, an employee of the Executive Office of Labor and Workforce Development.
The rules were suspended, on motion of Mr. Brewer, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.
Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE

Petitions were severally referred, in concurrence, as follows, to wit:
Petition (accompanied by bill, House, No. 3585) of Robert Panico for legislation relative to bow hunting;
Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 3586) of Brian M. Ashe and Stephen M. Brewer for legislation to establish a sick leave bank for Kevin R. Byrne, Sr., an employee of the Trial Court; and
Petition (accompanied by bill, House, No. 3587) of Tacky Chan and others for legislation to regulate sex offender registration in the 21st century;
Severally, under suspension of Joint Rule 12, to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 3588) of Walter F. Timilty, Bruce J. Ayers and Mark James Cusack for legislation to establish a sick leave bank for Nancy Arcelia Williams-Sullivan, an employee of the Massachusetts Rehabilitation Commission; and
Petition of Aaron Michlewitz (accompanied by bill, House, No. 3589) for legislation to establish a sock leave bank for Phyllis A. Rugnetta, an employee of the Department of Health and Human Services;
Severally, under suspension of Joint Rule 12, to the committee on Public Service.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for James Dupont, an employee of the Department of Revenue (see Senate, No. 1910, amended), 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 20 to 0.**
The bill was signed by the President and sent to the House for enactment.

Engrossed Bill.

An engrossed Bill designating the Barre Falls Wildlife Management Area as the Stephen Drawbridge Wildlife Management Area (see Senate, No. 326) (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 President and laid before the Governor for his approbation.**

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 relative to a sewer betterment abatement in the town of Shirley (House, No. 3319),-- **was read a third time and passed to be engrossed, in concurrence.**

PAPER FROM THE HOUSE

The House Bill relative to the commercial exploitation of people (House, No. 3483),— **came from the House with the endorsement that the House had NON-concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 1951), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives O'Flaherty of Chelsea, Malia of Boston and Harrington of Groton had been appointed the committee on the part of the House.**
On motion of Mr. Welch, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Montigny, Flanagan and Tarr were appointed on the part of the Senate.
The bill was returned to the House endorsed accordingly.

Orders of the Day.

The Orders of the Day were considered as follows, to wit:

Bills
Amending the charter in the city of Malden (Senate, No. 1923).
Authorizing the city of Salem to issue additional licenses for the sale of alcoholic beverages (Senate, No. 1944); and
Approving the conveyance of property by the county of Nantucket (House, No. 568, amended);
Were severally read a second time and ordered to a third reading.

The Senate Bill regarding families and children engaged in services (printed as House, No. 3492),-- **was read a second time.**
After remarks, pending the question on adoption of the recommended Ways and Means new draft (Senate, No. 1963), and pending the main question on ordering the bill to a third reading, Messrs. Tarr, Hedlund, Knapik and Ross moved to amend the proposed new draft in section 6 by adding at the end thereof the following:-"1 member appointed by the minority leader of the

house, and 1 member appointed by the minority leader of the senate."
The amendment was adopted.

Messrs. Tarr, Hedlund, Knapik and Ross moved to amend the proposed new draft in section 6 by adding at the end thereof the following:- "and 1 member from a municipal police department".
The amendment was adopted.

Messrs. Tarr and Ross moved to amend the proposed new text by inserting after section 8, the following section:-
"SECTION 8A. The secretary of health and human services shall file a semi-annual report updating the general court on the progress made toward the implementation of the changes required during the 4-year transition from the existing children in need of services service model to the model of community-based services and family resource centers as provided in this act. The report shall include, but not be limited to, a detailed accounting of the executive office of health and human services' success in developing the network provided by this act, including the network's availability and capacity to service those individuals referred to it, the adequacy of those resources available, or projected to be available, to meet the goals set out in this act and the related personnel costs. The report shall be filed with the house and senate committees on ways and means, the joint committee on children, families and persons with disabilities and the clerks of the house and senate. The initial report shall be filed not later than 6 months after the effective date of this act and subsequent reports shall be filed every 6 months thereafter until the 4-year transition is complete."
The amendment was adopted.

Mr. Brewer moved to amend the proposed new draft, in Section 1, by striking out, in lines 69 to 77, inclusive, the words "providers of community services providing such services to the child and family as well as with any agency within the executive office of health and human services providing services to the child as needed to coordinate treatment and provide appropriate case management in accordance with applicable state and federal privacy laws. Information about the child and family, including interactions with service providers and protected health information, may be shared among members of the case team as needed to coordinate treatment and provide appropriate case management, to the extent permitted under applicable state and federal law, unless the child or family decline in writing to permit such information sharing in accordance with state and federal privacy laws" and inserting in place thereof the following words:- "the case team, other providers of community services providing such services to the child and family, and any agency within the executive office of health and human services providing services to the child as needed to coordinate treatment and provide appropriate case management, to the extent permitted under applicable federal law, unless the child or family decline in writing to permit such information sharing"; and
In said Section 1, by striking out, in line 86, the words "is to", and inserting in place thereof the following word:- "may";
In Section 3, by inserting after the figure "18", in line 118, the following word:- ", inclusive,";
In Section 5, by inserting after the word "child", in line 179, the following words:- "and family";
In said Section 5, by striking out, in line 247, the words "without primary custody";
In said Section 5, by striking out, in line 257, the words "other parent with legal custody" and inserting in place thereof the following words:- "a parent"; and
In said Section 5, by inserting after the figure "39O", in line 284, the following words:- ", if the court finds probable cause to believe that such child and family are in need of assistance and that proceeding to a fact finding hearing is in the best interest of the child ";
In said Section 5, by striking out, in line 292, the words "fact finding hearing" and inserting in place thereof the following words:- "any scheduled hearing or proceeding";
In said Section 5, by striking out, in line 310, the words "crisis intervention services" and inserting in place thereof the following word:- "assistance"; and
In said Section 5, by striking out, in lines 318 to 322, inclusive, the words
"(4) conduct conferences with the child, the child's family and the petitioner for the purpose of finding ways to resolve the situation which formed the basis of the request for assistance. Information obtained by the probation officer may be used in the present proceeding but shall otherwise be confidential and shall not be used in school disciplinary proceedings or other court proceedings." and inserting in place thereof the following words:-
"(4) confer with the juvenile court clinic relative to access to services or the need for further clinical care; and
(5) conduct conferences with the child, the child's family and the petitioner for the purpose of finding ways to resolve the situation which formed the basis of the request for assistance. Information obtained by the probation officer may be used in the present proceeding but shall otherwise be confidential and shall not be used in school disciplinary proceedings or other court proceedings;
In said Section 5, by striking out, in line 369, the words "operates as a group home to provide" and inserting in place thereof the following word:- "provides";
In said Section 5, in line 387, by inserting after the word "resolved" the following words:- ", the petitioner failed to meet the petitioner's burden of proof";
In said Section 5, by striking out, in line 399, the word "No" and inserting in place thereof the following words:- "Except as otherwise required by law, including laws related to the reporting of suspected abuse or neglect under section 51A, no";
In said Section 5, by inserting after the word "the", in line 416, the first time it appears, the following word:- "child,";
In said Section 5, by inserting after the words "limited to:", in line 424, the following words:- "referral to a family resource center, community-based services program or other entity designated by the secretary of health and human services to provide

community-based services in the juvenile court district where the child resides;";
In said Section 5, by striking out the word "supervision", in line 426, and inserting in place thereof the following word:- "involvement";
In said Section 5, by inserting after the word "recommend.", in line 437, the following sentence:- "Prior to the court placing the child in the custody of the department, the court shall make a written certification and determination that it is contrary to the best interests of the child to be in the child's home or current placement, and that the department of children and families has made reasonable efforts to prevent removal of the child from the child's home or that the existing circumstances indicate that an immediate risk of harm or neglect precludes the provision of preventative services as an alternative to removal.";
In said Section 5, by striking out, in lines 476 and 477, the words "operates as a group home to provide" and inserting in place thereof the following word:- "provides";
In said Section 5, in the proposed section 39X of chapter 119 of the General Laws, by adding the following subsection:-
"(c) A child, parent, legal guardian or custodian may appeal from any order or determination made under sections 39K to 39Y, inclusive. Pending the appeal, the court shall retain jurisdiction and may enter any order under this chapter to meet the needs of the child. Notwithstanding any general or special law to the contrary, the appeal shall be to the appeals court under section 118 of chapter 231 and shall proceed in accordance with the Massachusetts Rules of Appellate Procedure and the provisions thereof that govern child welfare cases.";
In said Section 5, by striking out, in line 490, the word "police" and inserting in place thereof the following words:- "law enforcement";
In said Section 5, by striking out, in line 522, the words "operates as a group home to provide" and inserting in place thereof the following word:- "provides"; a
In said Section 5, by inserting after the word "for" , in line 527, the following word:- "evaluation,";
In Section 6 by inserting after subsection (a) the following subsection:-
"(a½) The advisory board shall offer advice and assistance to the court and the executive office of health and human services as they implement the provisions of this act.";
In Section 7, by striking out the word "agency", in line 599, and inserting in place thereof the following words:- ", center or program";
In said Section 7, by striking out, in line 616, the words "or other entities" and inserting in place thereof the following words:- ", if available, and any other entity available to provide services to children or families";
In Section 8, by striking out, in line 619, the words "Engaged in Services advisory board" and inserting in place thereof the following words:- "Requiring Assistance Advisory Board"; and
In Section 12, by striking out, in line 652, the words "and 3 to 6, inclusive," and inserting in place thereof the following words:- ", 3 to 5, inclusive, and subsections (b) and (d) of section 6".
The amendment was adopted.
The pending Ways and Means amendment, as amended, was then adopted.
The bill (Senate, No. 1963, amended) was then ordered to a third reading and read a third a third time.
The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at five minutes past two o'clock P.M., on motion of Ms. Spilka, as follows, to wit *(yeas 39 – nays 0)* **[Yeas and Nays No. 54]:**

YEAS

Baddour, Steven A.	Keenan, John F.
Berry, Frederick E.	Kennedy, Thomas P.
Brewer, Stephen M.	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.	Petruccelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
Finegold, Barry R.	Tarr, Bruce E.
Flanagan, Jennifer L.	Timilty, James E
Hart, John A., Jr.	Tolman, Steven A.
Hedlund, Robert L.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. — **39.**
Joyce, Brian A.	

NAYS — 0.

ABSENT OR NOT VOTING

Rush, Michael F.**—1.**

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

Order Adopted.

On motion of Mr. Berry,--
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.

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 Sandra "Mama" Pressley of Boston and Richard "Dickie" MacLeod.

Adjournment in Memory of Sandra Pressley

The Senator from Suffolk, Ms. Chang-Diaz, requested that when the Senate adjourns today, it adjourn in memory of activist, author, musician, and community organizer Sandra Pressley or "Mama Pressley" of Boston.

Born in Cincinnati, Ohio, Mama Pressley began her organizing work as an active member of her church. She later settled in Chicago to raise daughter, Ayanna Pressley, while continuing her social justice work in area of tenants' rights. In Boston, Mama Pressley remained committed to civic engagement as a member of local organizations, including the Urban League of Massachusetts, Sixty Plus, and the Reggie Lewis Track and Athletic Center. Mama Pressley would go on to later serve Boston as Chief Counsel to her daughter Ayanna, Boston's first Black city councilwoman.

Of her many roles, Mama Pressley's most important one was loving mother and friend to all. Today, we honor her and extend our sympathies and prayers to the Pressley family.

Adjournment in Memory of Richard "Dickie" MacLeod

The Senator from Bristol and Norfolk, Mr. Timilty, requested that when the Senate adjourns today, it adjourn in memory of Richard "Dickie" MacLeod.
Mr. Richard "Dickie" MacLeod died at the age of 42 on Friday, July 8, 2011.

Dickie was born in Canton, Massachusetts on January 25, 1969, the son of the late Dick and Mary MacLeod. He graduated from Canton High School with the Class of 1987 and lived in Foxborough, Massachusetts for many years. Dickie is a former employee of the Massachusetts Senate, serving the Bristol and Norfolk District from 2005-2006.

Dickie is survived by his two sons, Jack and Sam; his two sisters, Mel (MacLeod) Galvin, and Suzanne (MacLeod) Stevens; and his brother, Dave MacLeod.
Dickie was a dedicated public servant and will be remembered for his commitment and loyalty to his family, friends and community.

Accordingly, as a mark of respect to the memory of Richard MacLeod, at fourteen minutes past two o'clock P.M., on motion of Mr. Berr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.