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.

Wednesday, July 25, 2012.

Met according to adjournment at eleven o'clock A.M. (Mr. Rosenberg in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Members of the LABBB Collaborative Programs led the Chair (Mr. Rosenberg), members, guests and staff then led the recitation of the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the Chair (Mr. Rosenberg) handed the gavel to Mr. Donnelly for the purpose of an introduction. Mr. Donnelly then introduced, in the rear of the Chamber, the 2012 graduates from the LABBB Collaborative Programs. The LABBB Collaborative helps students with special needs reach their full potential through high quality programs that integrate academic, social, recreational and vocational services and enable participation in the least restrictive environment. The Senate welcomed them with applause and he withdrew from the Chamber.

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the exchange of land in the town of Rockland (House, No. 4327),-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Petitions were severally referred, in concurrence, as follows, to wit:
Petition (accompanied by bill, House, No. 4308) of David M. Torrisi and Bruce E. Tarr (by vote of the town) for legislation to authorize the town of North Andover to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises; and
Petition (accompanied by bill, House, No. 4309) of Daniel B. Winslow (by vote of the town) for legislation to authorize the town of Norfolk to grant an additional alcoholic beverage license for the sale of all alcoholic beverages not to be drunk on the premises;
Severally to the committee on Consumer Protection and Professional Licensure.
Petition (accompanied by bill, House, No. 4310) of Thomas J. Calter and Therese Murray (by vote of the town) for legislation relative to regulating the grant of sewer systems connections by the Board of Sewer Commissioners of the town of Kingston;
Petition (accompanied by bill, House, No. 4311) of Christopher G. Fallon, Katherine M. Clark, Paul Brodeur and another member of the General Court (with the approval of the mayor and city council) for legislation relative to reorganizing certain administrative functions in the city of Malden;
Petition (accompanied by bill, House, No. 4312) of Christopher G. Fallon, Katherine M. Clark, Paul Brodeur and another member of the General Court (with the approval of the mayor and city council) for legislation relative to amending the administrative organization of financial officers in the city of Malden;
Petition (accompanied by bill, House, No. 4313) of Paul K. Frost, Richard T. Moore, Ryan C. Fattman and other members of the General Court (by vote of the town) for legislation relative to amending the charter of the town of Oxford;
Petition (accompanied by bill, House, No. 4314) of David M. Torrisi and Bruce E. Tarr (by vote of the town) for legislation to

amend the charter of the town of North Andover; and
Petition (accompanied by bill, House, No. 4315) of Donald H. Wong, Kathi-Anne Reinstein and Thomas M. McGee (by vote of the town) for legislation to authorize the Board of Selectmen in the town of Saugus to hire an auditing firm to conduct annual audits;
Severally to the committee on Municipalities and Regional Government.
Petition (accompanied by bill, House, No. 4316) of David M. Torrisi and Bruce E. Tarr (by vote of the town) for legislation to exempt certain positions in the town of North Andover from the civil service law;
To the committee on Public Service.

A Bill authorizing the town of Northborough to convey certain parklands to abutters (House, No. 4075,-- on petition) [Local approval received],-- **was 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 considered forthwith and adopted, as follows:-
Resolutions (filed by Ms. Flanagan, Messrs. Hart and Richard T. Moore, Ms. Fargo, Messrs. Tarr, Welch and Eldridge, Ms. Jehlen and Messrs. Brewer and Rosenberg) "congratulating the State Legislative Leaders Foundation on the occasion of its fortieth anniversary."

Engrossed Bill Returned by Governor with Objections.

The engrossed Bill authorizing the exchange of certain parcels of land in the town of Marshfield (see Senate, No. 2137, amended) (which, on Thursday, July 19, 2012, had been laid before the Governor for his approbation), was returned to the Senate Clerk's Office on Tuesday, July 24, 2012 at a quarter before six o'clock P.M., with a message with his objections thereto.
The message (Senate, No. 2374) was read.
Pending the question "Shall this bill pass, notwithstanding the objections of His Excellency the Governor?", the engrossed bill was referred to the committee on Bills in the Third Reading, on motion of Mr. Tarr.

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 Bruce E. Tarr, James J. Dwyer, F. Jay Barrows, Michael O. Moore and other members of the General Court for legislation to protect minors from the harmful effects of marihuana.
Senate Rule 36 was suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.
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 immediate consideration for the next session on Thursday, July 26, 2012:
The House Bill relative to annual immunization against influenza for children (House, No. 3948).

Recess.

There being no objection at ten minutes past eleven o'clock A.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at sixteen minutes before four o'clock P.M., the Senate reassembled, Mr. Rosenberg in the Chair.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (all of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation, to wit:
Relative to the transfer or certain insurance policies among certain insurance company affiliates (see House, No. 3791);
Relative to the management of town buildings, properties and facilities in the town of Foxborough (see House, No. 4052); and
Establishing a sick leave bank for Lawrence Marino, an employee of the Registry of Motor Vehicles (see House, No. 4158, amended).

Reports of Committees.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a board of registration in naturopathy (Senate, No. 1158),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2377).**
Referred, under Senate Rule 26, to the committee on Ethics and Rules.
Subsequently, Mr. Berry, for the said committee on Ethics and Rules, report that the bill be placed in the Orders of the

Day for immediate consideration on Thursday July 26, 2012.
Placed in the Orders of the Day for the next session, with the amendment pending.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to trenches on private property (Senate, No. 1185),-- **ought to pass, with an amendment substituting a new draft entitled "An Act relative to trench safety" (Senate, No. 2378) [also based on Senate, No. 1253].**
Referred, under Senate Rule 26, to the committee on Ethics and Rules.
Subsequently, Mr. Berry, for the said committee on Ethics and Rules, report that the bill be placed in the Orders of the Day for immediate consideration on Thursday July 26, 2012.
Placed in the Orders of the Day for the next session, with the amendment pending.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to the licensure of behavioral analysts (Senate, No. 2217),-- **ought to pass, with an amendment substituting a new draft entitled "An Act providing for the licensing of applied behavior analysts" (Senate, No. 2379).**
Referred, under Senate Rule 26, to the committee on Ethics and Rules.
Subsequently, Mr. Berry, for the said committee on Ethics and Rules, report that the bill be placed in the Orders of the Day for immediate consideration on Thursday July 26, 2012.
Placed in the Orders of the Day for the next session, with the amendment pending.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill relative to third grade reading proficiency (House, No. 4243),-- ought to pass, with an amendment striking out, in lines 28 to 30, inclusive, the words "(1) comprehensive curricula on language and literacy development for children in early education and care programs and grades pre-kindergarten to third grade, inclusive, that (i) is anchored in rich content to be studied through thematic units" and inserting in place thereof the following words:- "(1) strategies for evaluating the effectiveness of curricula on language and literacy development for children in early education and care programs and grades pre-kindergarten to third grade, inclusive, that (i) is anchored in rich content"; by striking out, in lines 49 and 50, the words "the recommendations contained in "Turning the Page: Refocusing Massachusetts for Reading Success" by Nonie Lesaux" and inserting in place thereof the following words:- "research-based recommendations contained in reports written by experts in early language and literacy development"; and by striking out, in line 65, the words "December 31" and inserting in place thereof the following words:- "June 30".
Referred, under Senate Rule 26, to the committee on Ethics and Rules.
Subsequently, Mr. Berry, for the said committee on Ethics and Rules, report that the bill be placed in the Orders of the Day for immediate consideration on Thursday July 26, 2012.
Placed in the Orders of the Day for the next session, with the amendment pending.

PAPER FROM THE HOUSE

The Senate Bill providing for annual caterer's licenses for the service of alcoholic beverages at private functions (Senate, No. 2063),-- **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 contained in House documents numbered 4245.**
The rules were suspended, on motion of Mr. Tarr, and the House amendment was considered forthwith and adopted, in concurrence.

Ms. Candaras requested reconsideration of the vote by which, at a previous session, it had passed to be engrossed, in concurrence, the House Bill relative to the regulation of cyber cafes (House, No. 3765); and the motion prevailed.
Pending the recurring question on passing the bill to be engrossed, in concurrence, Mr. Welch presented an amendment striking out, in line 44, the word "or;"; and by inserting after the words "chapter 271", in line 44, the following words:- "; or (5) by any retailer whose primary business is the sale of groceries, whereby the sweepstakes is directly related to the sale of groceries and the potential prize provided through the sweepstakes may not be redeemed for cash and may only be used as a discount to reduce the price of items purchased from the retailer."
The amendment was adopted.
The bill was then again passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.

Order.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session with a calendar.

On motion of the same Senator, at a quarter past four o'clock P.M., the Senate adjourned to meet again tomorrow at one o'clock P.M.