

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.

Tuesday, July 31, 2012.

Met at twenty-five minutes past ten o'clock A.M.

The President, members, guests and staff then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Welch for the purpose of an introduction. Mr. Welch then introduced, in the rear of the Chamber, State Representative Scott Louser from North Dakota. Representative Louser is also the Vice President of the National Association of Realtors and is visiting Boston to attend a meeting. The Senate welcomed him with applause and he withdrew from the Chamber.

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, Katsuyoshi Mori. Mr. Mori is the President of the World Oyster Society and also President and Board Chairman of the Foundation of Oyster Research Institute in Japan. He was recognized for his research on the mechanisms of reproduction and bio-defense in shellfish. The Senate applauded his accomplishments and he withdrew from the Chamber.

There being no objection, the President handed the gavel to Mr. Ross for the purpose of an introduction. Mr. Ross then introduced, in the rear of the Chamber, Jen McNamara, the Senator's legislative director, who was leaving his office to pursue postgraduate courses at American University in Washington, D.C.

Petition.

Ms. Murray presented a petition (subject to Joint Rule 12) of Therese Murray and Thomas Calter for legislation to establish a sick leave bank for Ellen Grady, an employee of the department of public health;
Referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Committees Discharged

Mr. Berry, 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 the Judiciary to make an investigation and study of certain current Senate documents relative to transportation matters (Senate, No. 2388),-- **and recommending that the same be referred to the committee on Ethics and Rules.**
Under Senate Rule 36, the report was considered forthwith and accepted.

PAPERS FROM THE HOUSE

Bills

Relative to natural gas leaks (House, No. 4222,-- on Senate, No. 1672 and House, Nos. 3051, 3052 and 3053);

Relative to renovation and repair contracts (House, No. 4242, amended,-- on House, No. 1392); and
Establishing Commonwealth virtual schools (House, No. 4274,-- on House, Nos. 1050, 1090 and 1960);
Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Communication.

The Clerk read the following communication.

COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT
STATE HOUSE, BOSTON 02133-1053

July 31, 2012

William Welch
Senate Clerk
Room 335
State House
Boston, MA 02133

Dear Mr. Welch,

Yesterday, I was absent from the Senate Chamber for Roll Call No. 291. I was attending a meeting in my district. Had I been present I would have voted no.

Thank you for your assistance in this matter.

Regards,
Pat Jehlen

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

At twenty-six minutes past ten o'clock A.M., Mr. Tarr doubted the presence of a quorum. The President, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at twenty-eight minutes past ten o'clock A.M., a quorum was declared present.

PAPERS FROM THE HOUSE.

A Bill authorizing and directing the commissioner of Capital Asset Management and Maintenance to convey certain land in the town of South Hadley (House, No. 4341,-- on House, No. 4322),-- **was read.**

There being no objection, the rules were suspended, on motion of Ms. Chandler, 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 authorizing and directing the commissioner of Capital Asset Management and Maintenance to convey certain land to the Foxborough Housing Authority (House, No. 4272,-- on House, No. 3859),-- **was read.**

There being no objection, the rules were suspended, on motion of Mr. Brewer, 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 authorizing the town of Maynard to temporarily transfer a certain parcel of recreation land for a large scale photovoltaic system (House, No. 4335,-- on petition) [Local approval received],-- **was read.**

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

Pending the question on ordering the bill to a third reading, the same Senator moved that the bill be amended in section 1, by adding the following sentence:- "The transfer authorized in this section shall be subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws." ; and by striking out section 4 and inserting in place thereof the following 2 sections:-
"SECTION 4. As a condition of the transfer authorized in section 1, the town of Maynard shall transfer a parcel of land under the care, custody, management and control of the board of selectmen for general municipal purposes to the conservation commission to be used for permanent conservation purposes. If no suitable parcel can be transferred for conservation purposes, the town shall acquire a parcel of land or a conservation easement, as defined in section 31 of chapter 184 of the General Laws. Such land or easement shall be dedicated to conservation purposes and placed under the jurisdiction of the conservation commission. The parcel dedicated pursuant to this section shall be of equal or greater size and value for conservation purposes than the parcel described in section 1, as determined by the conservation commission.

SECTION 5. This act shall take effect upon its passage."

The amendment was adopted.

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.

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered, as follows:
The House Bill authorizing the town of Orange to convey a certain parcel of land (House, No. 4009, changed and amended),--
was read a third time and passes to be engrossed.

Recess.

There being no objection, at twenty-five minutes before eleven o'clock A.M., the President declared a recess subject to the call of the Chair; and, at twenty-six minutes past twelve o'clock noon, the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE

*Message from the Governor — Disapproval and Reduction
General Appropriations Bill.*

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2013 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements. (see House, No. 4200), which on Thursday, June 28, 2012, had been laid before the Governor for his approbation,— **came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor. The message (House, No. 4240) was read; and the Senate proceeded to reconsider items, which had been disapproved in accordance with the provisions of the Constitution.**

Item 2810-0100 (State Parks and Recreation) was considered as follows:

“2810-0100 For the operation of the division of state parks and recreation; provided, that funds appropriated in this item shall be used: (i) to operate all of the division’s parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the division, flood control activities of the division, reservations, campgrounds, beaches and pools; (ii) for the oversight of rinks; and (iii) to protect and manage the division’s lands and natural resources, including the forest and parks conservation services and the bureau of forestry development; provided further, that the same properties shall be open in fiscal year 2013 as were open in fiscal year 2012; provided further, that the crossing guards located at department of conservation and recreation intersections shall continue to perform the duties where state police previously performed such duties; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that the rinks under the control of the department shall remain open and staffed for the full rink season; provided further, that the department may issue grants to public and nonpublic entities from this item; provided further, that funds may be expended for the purposes of item 2800-9004 of section 2 of chapter 182 of the acts of 2008; provided further, that not less than \$100,000 shall be expended for the operation of the Gardner Heritage State Park in the city of Gardner; provided further, that not less than \$250,000 shall be expended for the development and maintenance of a pedestrian river walk in the city of Lowell along route 110; provided further, that not less than \$200,000 shall be expended for open space improvements in the city of Lowell; provided further, that not less than \$50,000 shall be expended for the maintenance and improvement of the Fellsmere Pond Reservoir in the city of Malden; provided further that not less than \$75,000 shall be expended for the Let’s Row Boston program administered by Community Rowing, Inc. of the city of Boston; and provided further, that not less than \$525,000 shall be expended for the hiring, training and salaries of new full-time district patrolmen and truckmen under the bureau of forest fire control
..... \$41,409,387.”

[The Governor reduced this item by \$550,000 and struck the following wording “; provided further, that not less than \$100,000 shall be expended for the operation of the Gardner Heritage State Park in the city of Gardner; provided further, that not less than \$250,000 shall be expended for the development and maintenance of a pedestrian river walk in the city of Lowell along route 110; provided further, that not less than \$200,000 shall be expended for open space improvements in the city of Lowell”.]

After remarks, the question on passing item 2810-0100, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-nine minutes past twelve o'clock noon, as follows, to wit (*yeas 36 — nays 0*) **[Yeas and Nays No. 292]:**

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.
Flanagan, Jennifer L. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Hedlund, Robert L. Timilty, James E
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. — 36.
NAYS — 0.
ABSENT OR NOT VOTING
Berry, Frederick E. Finegold, Barry R. — 2.

The yeas and nays having been completed at twenty-seven minutes before one o'clock P.M., item 2810-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7004-3036 (Housing Services Program) was considered as follows:

“7004-3036. For housing services and counseling; provided, that funds shall be expended as grants to 9 regional housing consumer education centers operated by the regional nonprofit housing authorities; provided further, that the grants shall be awarded through a competitive application process under criteria established by the department; provided further, that no funds shall be expended from this item in the AA object class for the compensation of state employees; and provided further, that not less than \$100,000 shall be expended to Springfield Neighborhood Housing Services, Inc., in Springfield....

..... \$1,495,996.”

[The Governor reduced this item by \$100,000 and struck the following wording “; and provided further, that not less than \$100,000 shall be expended to Springfield Neighborhood Housing Services, Inc., in Springfield”.]

After remarks, the question on passing item 7004-3036, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-five minutes before one o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) **[Yeas and Nays No. 293]:**

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.
Flanagan, Jennifer L. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Hedlund, Robert L. Timilty, James E
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. — 36.
NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Finegold, Barry R. — 2.

The yeas and nays having been completed at twenty-two minutes before one o'clock P.M., item 7004-3036, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7008-0900 (MA Office of Travel and Tourism) was considered as follows:

“7008-0900. For the operation and administration of the office of travel and tourism; provided, that the office shall be the official and lead agency to facilitate and attract major sports events and championships in the commonwealth; provided further, that funds appropriated in this item shall also be used for financial assistance to local tourist councils under section 14 of chapter 23A of the General Laws; provided further, that the office shall provide an annual report to the house and senate committees on ways and means not later than March 15, 2013; provided further, that the report shall provide information on regional tourist activities

funded through item 7008-1000; provided further, that no less than \$200,000 shall be expended as grants for the Bay State Games; provided further, that no less than \$250,000 shall be expended as matching grants to the Plymouth 400th Committee for the commemoration of the town of Plymouth's 400th anniversary; provided further that no less than \$25,000 shall be expended as grants for business assistance organizations in the city of Haverhill that were in item 7007-0900 in chapter 182 of the acts of 2008; provided further, that no less than \$250,000 shall be expended for a matching grant program to the Enrichment Center located in Mattapan; provided further that no less than \$50,000 shall be provided to the Grand Army of the Republic Historical Museum in Lynn; provided further, that no less than \$200,000 shall be expended for opening the 11 visitor information centers from Memorial Day to Columbus Day; provided further, that no less than \$75,000 shall be expended for the Waltham Tourism Council; provided further, that no less than \$30,000 shall be expended for a child safety grant in the town in Saugus; provided further, that no less than \$100,000 shall be expended for a senior safety grant in the town of Newburyport; provided further, that not less than \$50,000 shall be expended for the Town of Pembroke's 300th Anniversary; provided further, that not less than \$50,000 shall be expended for a child safety grant in the town of North Reading; provided further, that funds may be expended for the Zeiterion Performing Arts Center in New Bedford; provided further, that not less than \$20,000 shall be expended for the Cape Cod Canal centenary celebration; provided further, that that not less than \$10,000 shall be expended for the town of Abington's tricentennial celebration; and provided further, that the office shall be the official and lead agency to facilitate motion picture production and development within the commonwealth..... \$7,217,109.”.

[The Governor reduced this item by \$300,000 and struck the following wording “; provided further, that no less than \$250,000 shall be expended for a matching grant program to the Enrichment Center located in Mattapan” and “; provider further, that not less than \$50,000 shall be expended for a child safety grant in the town of North Reading”.]

The question on passing item 7004-3036, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-one minutes before one o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) **[Yeas and Nays No. 294]:**

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.
Flanagan, Jennifer L. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Hedlund, Robert L. Timilty, James E
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. — 36.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Finegold, Barry R. — 2.

The yeas and nays having been completed at nineteen minutes before one o'clock P.M., item 7004-3036, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Emergency Preamble Adopted.

An engrossed Bill relative to emergency service response of public utility companies (see Senate, No. 2143, printed as 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 16 to 0. The bill was signed by the President and sent to the House for enactment.**

Engrossed Bills.

The following engrossed bills (the first 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 President and laid before the Governor for his approbation, to wit:

Relative to competitively priced electricity in the Commonwealth (see Senate, No. 2395); and
Relative to payment for use of ambulance services (see House, No. 3917, amended).

Report of a Committee of Conference.

Mr. Richard T. Moore, for the committee of conference, to whom was referred the matters of difference between the two branches with reference to the House amendment (striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4155) to the Senate Bill improving the quality of health care and reducing costs through increased transparency, efficiency and innovation (Senate, No. 2270) reported the accompanying bill "An Act improving the quality of health care and reducing costs through increased transparency, efficiency and innovation" (Senate, No. 2400).
The rules were suspended, on motion of Mr. Richard T. Moore, and the report was considered forthwith.

Recess.

Pending the question on acceptance of the report, at five minutes past one o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority party caucus, the President declared a recess; and, at seventeen minutes past two o'clock P.M., the Senate reassembled, the President in the Chair.

At eighteen minutes past two o'clock P.M., Mr. Tarr doubted the presence of a quorum. The President, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.
Subsequently, at twenty-six minutes past two o'clock P.M., a quorum was declared present.

Report of a Committee of Conference.

The report of committee of conference, to whom was referred the matters of difference between the two branches with reference to the House amendment (striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4155) to the Senate Bill improving the quality of health care and reducing costs through increased transparency, efficiency and innovation (Senate, No. 2270) having reported the accompanying bill "An Act improving the quality of health care and reducing costs through increased transparency, efficiency and innovation" (Senate, No. 2400),-- **was again considered, the question being on acceptance of the report.**

After debate, the question on acceptance of the report was determined by a call of the yeas and nays, at twenty-seven minutes past two o'clock P.M., on motion of Mr. Richard T. Moore, as follows, to wit (*yeas 38 — nays 0*) **[Yeas and Nays No. 295]:**
YEAS

Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger, William N. 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. 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.
Flanagan, Jennifer L. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Hedlund, Robert L. Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. — 38.
NAYS — 0.
ABSENT OR NOT VOTING
Finegold, Barry R. — 1.

The yeas and nays having been completed at twenty-seven minutes before three o'clock P.M., the report was accepted. Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill establishing a reserve fund for credit unions (House, No. 2073,-- on petition),-- **was read. There being no objection, the rules were suspended, on motion of Mr. Petruccelli, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence (as corrected BTR).**

A Bill authorizing the Division of Capital Management and Maintenance to grant an easement over a parcel of land in the town of Needham in exchange for a parcel of land to be conveyed to the Commonwealth (House, No. 4339,-- on House, No. 2582) [Local approval received on House, No. 2582],-- **was read.**

There being no objection, the rules were suspended, on motion of Mr. Ross, 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
Emergency Preambles Adopted

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the Foxborough Housing Authority (see House, No. 4272), 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 8 to 0.**

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing and directing the commissioner of Capital Asset Management and Maintenance to convey certain land in the town of South Hadley (see House, No. 4341), 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 5 to 0.**

The bill was signed by the President and sent to the House for enactment.

Engrossed Bill.

An engrossed Bill relative to the emergency service response of public utility companies (see Senate, No. 2143, printed as amended) (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.

Engrossed Bills—Land Takings for Conservation Etc.

An engrossed Bill authorizing the town of Orange to convey a certain parcel of land (see House, No. 4009, changed and 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 before three o'clock P.M., as follows, to wit (*yeas 37 - nays 0*) **[Yeas and Nays No. 296]:**

YEAS

Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger, William N. 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 Pacheco, Marc R.
DiDomenico, Sal N. Petruccelli, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. 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

Finegold, Barry R. — 1.

The yeas and nays having been completed at nineteen minutes before three 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.

An engrossed Bill authorizing the town of Maynard to transfer a certain parcel of conservation land (see House, No. 4336) (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 eighteen minutes before three o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 297]:

YEAS

Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger, William N. 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 Pacheco, Marc R.
DiDomenico, Sal N. Petruccelli, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. 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

Finegold, Barry R. — 1.

The yeas and nays having been completed at a quarter before three 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.

A Bill authorizing the commissioner of Capital Asset Management and maintenance to convey a certain parcel of land to the town of Halifax (House, No. 4340,-- on House, No. 4320) [Local approval received on House, No. 4320],-- was read. There being no objection, the rules were suspended, on motion of Mr. Kennedy, 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 authorizing the Division of Capital Management and Maintenance to convey certain parcels of land in the town of Shrewsbury (House, No. 4342,-- on House, No. 4333) [Local approval received on House, No. 4333],-- was read. There being no objection, the rules were suspended on the motion, of Mr. Michael O. Moore, and the bill was read a second time. Pending the question on ordering the bill to a third reading, the same Senator moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 2405.

The amendment was adopted.

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.

Recess.

There being no objection, at four minutes before three o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-nine minutes before six o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE

Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to

the House Bill relative to infrastructure investment, enhanced competitiveness and economic growth in the Commonwealth (House, No. 4119) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2366; and inserting before the enacting clause an emergency preamble) reported, the accompanying bill (House, No. 4352),-- came from the House, and was read.

The rules were suspended, on motion of Ms. Candaras, and the report was considered forthwith.

At twenty-eight minutes before six o'clock P.M., Mr. Knapik doubted the presence of a quorum. The President, having determined that a quorum was not in attendance, and directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at twenty-six minutes before six o'clock, P.M. the President a quorum was declared present.

After remarks, the question on acceptance of the report of the committee of conference was determined by a call of the yeas and nays, at one minute before six o'clock P.M., on motion of Ms. Candaras, as follows, to wit (yeas 35-- nays 0) [Yeas and Nays No. 298]:

YEAS

Brewer, Stephen M. Keenan, John F.
Brownsberger, William N. 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. 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.
Flanagan, Jennifer L. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 35.

Joyce, Brian A.

NAYS — 0.

PAIRED.

YEAS. NAYS.

Timilty, James E. (present) Kennedy, Thomas P.

ABSENT OR NOT VOTING

Berry, Frederick E. Finegold, Barry R. — 2.

The yeas and nays having been completed at five minutes past six o'clock P.M., the report was accepted, in concurrence.

Suspension of Senate Rule 38A.

Mr. Hart moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

PAPERS FROM THE HOUSE.

The Senate Bill authorizing the Massachusetts Department of Transportation to acquire a parcel of land in the town of Hinsdale (Senate, No. 2385, amended),-- 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 4356.

The rules were suspended, on motion of Mr. Downing, the House amendment was considered forthwith and adopted, in concurrence.

A Bill relative to premature infant hospital discharge and quality improvement (House, No. 3826, amended,-- on Senate, No. 1083 and House, No. 2349),-- was read.

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

Pending the question on ordering the Bill to a third reading, the same Senator moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 2406.

The amendment was adopted.

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.

A Bill authorizing the change of use and the lease of certain land in the town of Lee for a solar powered generation facility (House, No. 4278,-- on petition) [Local approval received],-- was read.

There being no objection, the rules were suspended, on motion of Mr. Downing, 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

Emergency Preambles Adopted

An engrossed Bill authorizing the Division of Capital Management and Maintenance to grant an easement over a parcel of land in the town of Needham in exchange for a parcel of land to be conveyed to the Commonwealth (see House, No. 4339), 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 17 to 0.
The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of Halifax (see House, No. 4340), 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.

An engrossed Bill authorizing the conveyance, lease and change of use of certain park lands in the city of Worcester (see House, No. 4033), 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 Bills.

The following engrossed bills (both of which originated in the House), 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 President and laid before the Governor for his approbation, to wit:

Establishing a reserve fund for credit unions (see House, No. 2073); and

Authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the Foxborough Housing Authority (see House, No. 4272).

Engrossed Bills—Land Takings for Conservation Etc.

An engrossed Bill authorizing and directing the commissioner of capital asset management and maintenance to convey certain land in the town of South Hadley (see House, No. 4341) (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 thirteen minutes past six o'clock P.M., as follows, to wit (yeas 34 - nays 0) [Yeas and Nays No. 299]:

YEAS

Brewer, Stephen M. Keenan, John F.
Brownsberger, William N. 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 Pacheco, Marc R.
DiDomenico, Sal N. Petrucci, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. Spilka, Karen E.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. — 34.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Hedlund, Robert L.
Finegold, Barry R. Kennedy, Thomas P. — 4

The yeas and nays having been completed at seventeen minutes past six 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.

An engrossed Bill authorizing the town of Maynard to temporarily transfer a certain parcel of recreation land for a large scale photovoltaic system (see House, No. 4335, 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 eighteen minutes past six o'clock P.M., as follows, to wit (yeas 34 - nays 0) [Yeas and Nays No. 300]:

YEAS

Brewer, Stephen M. Keenan, John F.
Brownsberger, William N. 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 Pacheco, Marc R.
DiDomenico, Sal N. Petrucci, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. Spilka, Karen E.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. — 34.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Hedlund, Robert L.
Finegold, Barry R. Kennedy, Thomas P. — 4

The yeas and nays having been completed at twenty-one minutes past six 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.

Reports of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to defense against abusive waivers act (senate, No. 972),-- ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2407).

There being no objection, the rules were suspended, on motion of Ms. Chang-Díaz, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2407) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to simulcasting (senate, No. 2219),-- ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2408).

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

The bill (Senate, No. 2408) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Susan Tremblay, an employee of the Department of Correction (House, No. 4192),-- ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Timilty, 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 relative to student access to educational services and exclusion from school (House, No. 4332, amended-- on Senate, No. 238 and House, Nos. 177, 178 and 1949),-- was read.

There being no objection, the rules were suspended on the motion, of Ms. Chang-Diaz, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, the same Senator moved that the bill be amended by striking out sections 10 and 11 and inserting in place thereof the following 3 sections:-

“SECTION 10. The department of elementary and secondary education shall submit an annual report to the chairs of the joint committee on education on the cost of providing reimbursement for instructional costs associated with providing alternative educational services under section 21 of chapter 76 of the General Laws that would not otherwise be reimbursed under section 5A of chapter 71B of the General Laws.

SECTION 11. The department of elementary and secondary education shall issue a report on the costs of implementation of this act not later than November 30, 2013. The department of elementary and secondary education shall file the report with the clerks

of the senate and house of representatives, who shall forward the report to the chairs of the joint committee on education and the senate and house committees on ways and means.

SECTION 12. Sections 1 to 10, inclusive, shall take effect on July 1, 2014.”

The amendment was adopted.

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.

Recess.

There being no objection, at twenty-six minutes past six o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-seven minutes past eight o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

A Bill relative to collective bargaining agreements (House, No. 1402, amended,-- on petition),-- was read.

There being no objection, the rules were suspended, on motion of Mr. Brewer, 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 authorizing the exchange of certain parcels of land in the town of Marshfield (printed in House, No. 4365,-- being a message from His Excellency the Governor),-- 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 authorizing the town of Cohasset to transfer certain interests in land (House, No. 4230,-- on petition) [Local approval received],-- was read.

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

Pending the question on ordering the bill to a third reading, the same Senator moved that the bill be amended by inserting after section 5 the following section:-

“SECTION 5A. In consideration for and as a condition of the transfer of land authorized in sections 1 through 4, the town of Cohasset shall dedicate a parcel of land shown as “lot 2” on a plan entitled Plan of Land, North Main Street & Sohier Street in Cohasset, MA,” dated October 25, 2011 and prepared by Cavanaro Consulting and containing approximately 7.39 acres, for permanent recreation purposes.”

The amendment was adopted.

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.

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered, as follows:

The House Bill authorizing the town of Wellfleet to grant an easement on certain land in the town (House, No. 4171),-- was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Wolf moved that the bill be amended in section 2 by inserting after the word “town”, in line 22 the following words:- “and the proceeds thereof shall be deposited in a fund dedicated to the acquisition of conservation land in the town”.

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.

PAPERS FROM THE HOUSE

Engrossed Bill.

An engrossed Bill improving the quality of health care and reducing costs through increased transparency, efficiency and innovation (see Senate, No. 2400) (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.

Engrossed Bills—Land Takings for Conservation Etc.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of Halifax (see House, No. 4340) (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-nine minutes before nine o'clock P.M., as follows, to wit (yeas 34 - nays 0) [Yeas and Nays No. 301]:

YEAS

Brewer, Stephen M. Joyce, Brian A.

Brownsberger, William N. Keenan, John F.

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.
Flanagan, Jennifer L. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 34.
NAYS — 0.
PAIRED.
YEAS. NAYS.
Kennedy, Thomas P. Timilty, James E. (present)
ABSENT OR NOT VOTING
Berry, Frederick E. Finegold, Barry R. — 2.

The yeas and nays having been completed at twenty-four minutes before nine 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.

An engrossed Bill authorizing the Division of Capital Management and Maintenance to grant an easement over a parcel of land in the town of Needham in exchange for a parcel of land to be conveyed to the Commonwealth (see House, No. 4339) (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-three minutes before nine o'clock P.M., as follows, to wit (yeas 35 - nays 0) [Yeas and Nays No. 302]:

YEAS
Brewer, Stephen M. Keenan, John F.
Brownsberger, William N. 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 Pacheco, Marc R.
DiDomenico, Sal N. Petruccelli, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. 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. — 35.
Joyce, Brian A.
NAYS — 0.
ABSENT OR NOT VOTING
Berry, Frederick E. Kennedy, Thomas P.— 3.
Finegold, Barry R.

The yeas and nays having been completed at twenty minutes before nine 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.

An engrossed Bill authorizing the conveyance, lease and change of use of certain park lands in the city of Worcester (see House, No. 4033, 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 nineteen minutes before nine o'clock P.M., as follows, to wit (yeas 35 - nays 0) [Yeas and Nays No. 303]:

YEAS

Brewer, Stephen M. Keenan, John F.
Brownsberger, William N. 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 Pacheco, Marc R.
DiDomenico, Sal N. Petruccelli, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. 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. — 35.
Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Kennedy, Thomas P.— 3.
Finegold, Barry R.

The yeas and nays having been completed at seventeen minutes before nine 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.

An engrossed Bill relative to certain conservation restrictions in the town of Canton (see House, No. 4103, 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 sixteen minutes before nine o'clock P.M., as follows, to wit (yeas 35 - nays 0) [Yeas and Nays No. 304]:

YEAS

Brewer, Stephen M. Keenan, John F.
Brownsberger, William N. 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 Pacheco, Marc R.
DiDomenico, Sal N. Petruccelli, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. 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. — 35.
Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Kennedy, Thomas P.— 3.
Finegold, Barry R.

The yeas and nays having been completed at thirteen minutes before nine 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.

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill clarifying the definition of commercial motor vehicles (Senate, No. 1772),-- ought to pass.

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

PAPERS FROM THE HOUSE

The House Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4334),-- came from the House with the endorsement that the House had concurred in the Senate amendments with a further amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4367.

The rules were suspended on motion of Mr. Brewer and, after remarks, the further House amendment was adopted, in concurrence.

A Bill relative to comprehensive protection from childhood sexual abuse (House, No. 4329,-- on House, No. 469),-- was read. There being no objection, the rules were suspended on the motion, of Mr. Brownsberger, and the bill was read a second time. Pending the question on ordering the bill to a third reading, Mr. Brownsberger, Ms. Candaras, Ms. Chandler, Ms. Clark, Ms. Creem, Mr. DiDomenico, Ms. Donoghue and Messrs. Joyce, Montigny, Rosenberg, Tarr, Welch and Wolf moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text if Senate document numbered 2409. The amendment was adopted.

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.

A Bill authorizing the town of Fairhaven to grant an easement over certain parcel of land (House, No. 4172,-- on petition) [Local approval received],-- was read.

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

Pending the question on ordering the bill to a third reading, the same Senator moved that the bill be amended in section 1, by adding the following sentence:- "The grant of easement authorized in this section shall be subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B.; and by striking out section 2 and inserting in place thereof the following 2 sections:-

"SECTION 2. As a condition of the conveyance authorized in section 1, the town of Fairhaven shall transfer a parcel of land dedicated for general municipal purposes to the conservation commission for conservation purposes. If no suitable parcel can be transferred for conservation purposes, the town shall acquire a parcel of land or a conservation easement, as defined in section 31 of chapter 184 of the General Laws. Such land or easement shall be dedicated to conservation purposes and shall be placed under the jurisdiction of the conservation commission. The parcel dedicated pursuant to this section shall be of equal or greater size and value for conservation purposes to the parcel described in section 1, as determined by the conservation commission.

SECTION 3. This act shall take effect upon its passage."

The amendment was adopted.

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.

The House Bill protecting motor vehicle owners and small businesses in repairing motor vehicles (House, No. 4362,-- on Senate, No. 104 and House, Nos. 102 and 1016),-- was read.

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

Ms. Creem, for the committee on Bills in the Third Reading, reported, asking to be discharged from further consideration thereof. The report was accepted.

After remarks, the bill was passed to be engrossed, in concurrence.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill authorizing the Massachusetts Department of Transportation to acquire a parcel of land in the town of Hinsdale (see Senate, No. 2385, 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 12 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Susan Tremblay, an employee of the Department of Correction (see House, No. 4192, 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 11 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Shrewsbury (see House, No. 4342, 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 9 to 0.

The bill was signed by the President and sent to the House for enactment.

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the change of use and the lease of certain land in the town of Lee for a solar powered generation facility (see House, No. 4278) (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 a half past nine o'clock P.M., as follows, to wit (yeas 35 -- nays 0) [Yeas and Nays No. 305]:

YEAS

Brewer, Stephen M. Keenan, John F.
Brownsberger, William N. 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 Pacheco, Marc R.
DiDomenico, Sal N. Petrucci, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. 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. — 35.
Joyce, Brian A.
NAYS — 0.
ABSENT OR NOT VOTING
Berry, Frederick E. Kennedy, Thomas P.— 3.
Finegold, Barry R.

The yeas and nays having been completed at twenty-seven minutes before ten 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.

Engrossed Bills.

The following engrossed bills (both of which originated in the House), 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 President and laid before the Governor for his approbation, to wit:

Relative to collective bargaining agreements (see House, No. 1402, amended); and

Establishing a sick leave bank for Susan Tremblay, an employee of the Department of Correction (see House, No. 4192, amended).

Recess.

There being no objection, at seven minutes before ten o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-six minutes before eleven o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

A Bill providing hearing aids for children (House, No. 52, changed,-- on petition),-- was read.

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

Pending the question on ordering the Bill to a third reading, the same Senator moved that the bill be amended by striking out, in section 2, in line 18, the figure "47U" and inserting in place thereof the following figure:- "47X"; by striking out, in section 3, in line 43, the figure "8U" and inserting in place thereof the following figure:- "8Y"; by striking out, in section 4, in lines 65 and 66, the words "Section 4U of chapter 176B of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

(f)" and inserting in place thereof the following words:- "Chapter 176B of the General Laws, as so appearing, is hereby amended by inserting, after section 4DD, the following section:- "Section 4EE."; and by adding the following section:-

"SECTION 6. This act shall apply to all policies, contracts and certificates of health insurance subject to section 23 of chapter

32A of the General Laws, section 47U of chapter 175 of the General Laws, section 8U of chapter 176A of the General Laws, section 4EE of chapter 176B of the General Laws and section 4N of chapter 176G of the General Laws which are delivered, issued or renewed on or after January 1, 2013.”.

The amendment was adopted.

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.

A Bill relative to the treatment of cleft palate and cleft lip (House, No. 3928,-- on House, No. 2065, in part),-- was read.

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

Pending the question on ordering the bill to a third reading, Mr. Brewer moved that the bill be amended by adding the following section:-

“SECTION 8. This act shall apply to all policies, contracts and certificates of health insurance subject to chapters 32A, 118E, 175, 176A, 176B, 176G and 176I of the General Laws which are delivered, issued or renewed on or after January 1, 2013.”.

The amendment was adopted.

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.

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to voluntary towing reform (Senate, No. 1682),-- ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2411).

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

The bill (Senate, No. 2411) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property in the city of Lawrence to the Greater Lawrence Community Boating Program, Inc. (see Senate, No. 2338), 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 7 to 0.

The bill was signed by the President and sent to the House for enactment.

Engrossed Bill.

An engrossed Bill relative to student access to educational services and exclusion from school (see House, No. 4332, amended) (which originated in the House), 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.

Engrossed Bills—Land Takings for Conservation Etc.

An engrossed Bill authorizing the Massachusetts Department of Transportation to acquire a parcel of land in the town of Hinsdale (see Senate, No. 2385, amended) (which originated in the Senate), 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 sixteen minutes before eleven o'clock P.M., as follows, to wit (yeas 35 - nays 0) [Yeas and Nays No. 306]:

YEAS

Brewer, Stephen M. Keenan, John F.

Brownsberger, William N. 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 Pacheco, Marc R.

DiDomenico, Sal N. Petrucci, Anthony

Donnelly, Kenneth J. Rodrigues, Michael J.

Donoghue, Eileen M. Rosenberg, Stanley C.

Downing, Benjamin B. Ross, Richard J.

Eldridge, James B. Rush, Michael F.

Fargo, Susan C. 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. — 35.

Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Kennedy, Thomas P.— 3.

Finegold, Barry R.

The yeas and nays having been completed at twelve minutes before eleven 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.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Shrewsbury (see House, No. 4342, 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 eleven minutes before eleven o'clock P.M., as follows, to wit (yeas 35 - nays 0) [Yeas and Nays No. 307]:

YEAS

Brewer, Stephen M. Keenan, John F.

Brownsberger, William N. 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 Pacheco, Marc R.

DiDomenico, Sal N. Petruccelli, Anthony

Donnelly, Kenneth J. Rodrigues, Michael J.

Donoghue, Eileen M. Rosenberg, Stanley C.

Downing, Benjamin B. Ross, Richard J.

Eldridge, James B. Rush, Michael F.

Fargo, Susan C. 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. — 35.

Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Kennedy, Thomas P.— 3.

Finegold, Barry R.

The yeas and nays having been completed at nine minutes before eleven 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.

An engrossed Bill authorizing the exchange of certain parcels of land in the town of Marshfield (see House Bill, printed in House, No. 4365) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, and, this being a bill which had been submitted by the Governor, under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution; and also 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 eight minutes before eleven o'clock P.M., as follows, to wit (yeas 35 - nays 0) [Yeas and Nays No. 308]:

YEAS

Brewer, Stephen M. Keenan, John F.

Brownsberger, William N. 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 Pacheco, Marc R.

DiDomenico, Sal N. Petruccelli, Anthony

Donnelly, Kenneth J. Rodrigues, Michael J.

Donoghue, Eileen M. Rosenberg, Stanley C.

Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. 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. — 35.
Joyce, Brian A.
NAYS — 0.
ABSENT OR NOT VOTING
Berry, Frederick E. Kennedy, Thomas P.— 3.
Finegold, Barry R.

The yeas and nays having been completed at six minutes before eleven 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.

Engrossed Bill – State Loan.

An engrossed Bill relative to infrastructure investment, enhanced competitiveness and economic growth in the Commonwealth (see House No. 4352) (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 borrowing of money, in accordance with the provisions of Section 3 of Article LXII 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 five minutes before eleven o'clock P.M., as follows to wit (yeas 36 - nays 0) [Yeas and Nays No. 309]:

YEAS

Brewer, Stephen M. Keenan, John F.
Brownsberger, William N. 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 Pacheco, Marc R.
DiDomenico, Sal N. Petruccelli, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. 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. — 35.
Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Kennedy, Thomas P.— 3.
Finegold, Barry R.

The yeas and nays having been completed at three minutes before eleven 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.

Emergency Preamble Adopted.

An engrossed Bill relative to simulcasting (see Senate, No. 2408), 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 17 to 0.

The bill was signed by the President and sent to the House for enactment.

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property in the city of Lawrence to the Greater Lawrence Community Boating Program, Inc. (see Senate, No. 2338) (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 five minutes past eleven o'clock P.M., as follows, to wit (yeas 35 - nays 0) [Yeas and Nays No. 310]:

YEAS

Brewer, Stephen M. Keenan, John F.
Brownsberger, William N. 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 Pacheco, Marc R.
DiDomenico, Sal N. Petrucci, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. 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. — 35.

Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Kennedy, Thomas P.— 3.

Finegold, Barry R.

The yeas and nays having been completed at seven minutes past eleven 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.

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill relative to renovation and repair contracts (House, No. 4242),-- ought to pass.

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

PAPERS FROM THE HOUSE

The Senate Bill relative to license plates in the Commonwealth (Senate, No. 2387),-- 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 4369.

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

Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill relative to financing improvements to the Commonwealth's transportation system (House, No. 4193) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2376) reported the accompanying bill (House, No. 4371), -- came from the House, and was read.

The rules were suspended, on motion of Mr. Tarr, and the report was accepted, in concurrence.

Engrossed Bill.

An engrossed Bill relative to simulcasting (see Senate, No. 2408, amended) (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.

Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4334, published as 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 18 to 0.

The bill was signed by the President and sent to the House for enactment.

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the town of Wellfleet to grant an easement on certain land in the town (see House, No. 4171, 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-five minutes before twelve o'clock midnight, as follows, to wit (yeas 35 - nays 0) [Yeas and Nays No. 311]:

YEAS

Brewer, Stephen M. Keenan, John F.
Brownsberger, William N. 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 Pacheco, Marc R.
DiDomenico, Sal N. Petruccelli, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Rush, Michael F.
Fargo, Susan C. 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. — 35.
Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Kennedy, Thomas P.— 3.
Finegold, Barry R.

The yeas and nays having been completed at twenty-two minutes before twelve o'clock midnight, 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.

An engrossed Bill authorizing the town of Cohasset to transfer certain interests in land (see House, No. 4230, 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-one minutes before twelve o'clock midnight, as follows, to wit (yeas 34 - nays 0) [Yeas and Nays No. 312]:

YEAS

Brewer, Stephen M. Joyce, Brian A.
Brownsberger, William N. Keenan, John F.
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.
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. — 34.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Kennedy, Thomas P.
Finegold, Barry R. Spilka, Karen E.— 4.

The yeas and nays having been completed at nineteen minutes before twelve o'clock midnight, 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 on Wednesday, August 1, 2012.

Engrossed Bill.

An engrossed Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4334, published as amended) (which originated in the House), 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.

Report of a Committee of Conference.

Ms. Spilka, for the committee of conference, to whom was referred the matters of difference between the two branches with reference to the House amendment (striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4330) to the Senate Bill regarding families and children engaged in services (Senate, No. 1963) reported the accompanying bill "An Act regarding families and children engaged in services" (Senate, No. 2410).

The rules were suspended, on motion of Ms. Spilka, and the report was considered forthwith and adopted.

PAPERS FROM THE HOUSE

Message from the Governor — Disapproval and Reduction

General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2013 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements. (see House, No. 4200), which on Thursday, June 28, 2012, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4240) was read; and the Senate proceeded to reconsider an item, which had been reduced in accordance with the provisions of the Constitution.

Item 0339-1001 (Commissioner of Probation) was considered as follows:

"0339-1001. For the office of the commissioner of probation; provided, that associate probation officers shall only perform in-court functions and shall assume the in-court duties of the currently employed probation officers who shall be reassigned within the probation service, subject to collective bargaining agreements, to perform intensive, community-based supervision of probationers, including the intensive supervision and community restraint services in item 0339-1003; provided further, that funds from this item shall be expended for the costs associated with full implementation of chapter 303 of the acts of 2006 and chapter 418 of the acts of 2006 to ensure effective supervision of probationers who are monitored through global positioning system bracelets; provided further, that no funds shall be expended from this item to cover the costs of building leases; provided further, that notwithstanding any general or special law, rule or regulation to the contrary, probation officer personnel and probation clerical support staff assigned to the courts shall be provided with suitable office space in their current location in and around the various divisions and departments of the trial court, as the case may be, or in suitable office space as appropriate, with the advice and consent of the commissioner; and provided further, that the office shall enter into an interagency service agreement with the department of revenue to verify income data and to use the department's wage reporting and bank match system for the purpose of weekly tape-matching to determine an individual's eligibility for appointment of indigent counsel, as defined in chapter 211D of the General Laws..... \$123,420,055."

[The Governor reduced this item by \$10,000,000.]

The question on passing item 0339-1001, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at a quarter before twelve o'clock midnight, as follows, to wit (yeas 34 — nays 1) [Yeas and Nays No. 313]:

YEAS

Brewer, Stephen M. Keenan, John F.
Brownsberger, William N. Knapik, Michael R.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. Murray, Therese.
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Fargo, Susan C. Ross, Richard J.
Flanagan, Jennifer L. Rush, Michael F.
Hart, John A., Jr. Tarr, Bruce E.
Hedlund, Robert L. Timilty, James E
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. — 34.
NAYS — 0.

Chang-Diaz, Sonia

ABSENT OR NOT VOTING

Berry, Frederick E. Kennedy, Thomas P.

Finegold, Barry R. Spilka, Karen E.— 4.

The yeas and nays having been completed at twelve minutes before twelve o'clock midnight, item 0339-1001, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the town of Fairhaven to grant an easement over certain land (see House, No. 4172, 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 eleven minutes before twelve o'clock midnight, as follows, to wit (yeas 33 - nays 0) [Yeas and Nays No. 314]:

YEAS

Brewer, Stephen M. Keenan, John F.

Brownsberger, William N. 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 Pacheco, Marc R.

DiDomenico, Sal N. Petruccelli, Anthony

Donnelly, Kenneth J. Rodrigues, Michael J.

Donoghue, Eileen M. Rosenberg, Stanley C.

Downing, Benjamin B. Ross, Richard J.

Eldridge, James B. Rush, Michael F.

Fargo, Susan C. Tarr, Bruce E.

Hart, John A., Jr. Timilty, James E

Hedlund, Robert L. Welch, James T.

Jehlen, Patricia D. Wolf, Daniel A. — 33.

Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Kennedy, Thomas P.

Finegold, Barry R. Spilka, Karen E.— 5.

Flanagan, Jennifer L.

The yeas and nays having been completed at nine minutes before twelve o'clock midnight, 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.

Suspension of Senate Rule 38A½.

Mr. Brewer moved that Senate Rule 38A½ be suspended to allow the Senate to meet beyond the hour of midnight; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and, after remarks it was adopted.

Emergency Preamble Adopted.

An engrossed Bill financing improvements to the Commonwealth's transportation system (see House, No. 4371), 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 22 to 0.

The bill was signed by the President and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (both of which originated in the House), 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 President and laid before the Governor for his approbation on August 1, 2012:

Relative to renovation and repair contracts (see House, No. 4242, amended); and

Protecting motor vehicle owners and small businesses in repairing motor vehicles (see House, No. 4362, amended).

Message from the Governor — Disapproval and Reduction
General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2013 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements. (see House, No. 4200), which on Thursday, June 28, 2012, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4240) was read; and the Senate proceeded to reconsider an item, which had been disapproved in accordance with the provisions of the Constitution.

Item 7061-0011 (Foundation Reserve One Time Assistance) was considered as follows:

“7061-0011. For a reserve to meet extraordinary increases in the minimum required local contribution of a municipality under the requirements of section 3; provided, that a municipality seeking funds hereunder shall apply for a waiver from the department of revenue under section 168; provided further, that the commissioner shall issue a finding concerning such waiver applications within 30 days of the receipt thereof, after consulting with the commissioner of elementary and secondary education, regarding the merits of such application; provided further, that funds may be expended to assist school districts whose target aid percentage exceeds that district’s chapter 70 aid as a percentage of foundation by 5 percentage points or greater; provided further, that funds may be expended to assist districts with behavioral treatment residential student placements; provided further, that funds shall be expended to assist districts with foundation enrollment growth of greater than 250 pupils between fiscal year 2012 preliminary foundation enrollment calculations and updated fiscal year 2012 foundation enrollment calculations; and provided further, that no funds distributed from this item shall be considered prior year chapter 70 aid nor shall they be used in the calculation of the minimum required local contribution for fiscal year 2014..... \$3,500,000.”

[The Governor disapproved this item.]

The question on passing item 7061-0011, contained in section 2, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at five minutes past twelve o’clock midnight, as follows, to wit (yeas 36 — nays 0) [Yeas and Nays No. 315]:

YEAS

Brewer, Stephen M. Keenan, John F.
Brownsberger, William N. 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. Rush, Michael F.
Flanagan, Jennifer L. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Hedlund, Robert L. Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. — 36.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Kennedy, Thomas P.— 3.
Finegold, Barry R.

The yeas and nays having been completed at eight minutes past twelve o’clock midnight, item 7061-0011, contained in section 2, stands, in concurrence, notwithstanding the reduction of His -Excellency -the Governor, two-thirds of the members present and voting having approved the same.

Engrossed Bill — Land Taking for Conservation, Etc.— State Loan.

An engrossed Bill financing improvements to the Commonwealth’s transportation system (see House, No. 4371) (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 and other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution; and, this being a bill that provided for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII 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 nine minutes past twelve o’clock midnight, as follows, to wit (yeas 36 — nays 0) [Yeas and Nays No. 316]:

YEAS

Brewer, Stephen M. Keenan, John F.
Brownsberger, William N. 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. Rush, Michael F.
Flanagan, Jennifer L. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Hedlund, Robert L. Timilty, James E
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. — 36.
NAYS — 0.
ABSENT OR NOT VOTING
Berry, Frederick E. Kennedy, Thomas P.— 3.
Finegold, Barry R.

The yeas and nays having been completed at eleven minutes past twelve o'clock midnight, 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 on August 1, 2012.

Engrossed Bill.

An engrossed Bill regarding families and children engaged in services (see Senate, No. 2410) (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 on August 1, 2012.

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 calendar.

On motion of Mr. Hart, at twelve minutes past twelve o'clock midnight, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.