

NOTICE: While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, April 12, 2012.

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

Distinguished Guests.

There being no objection, the President handed the gavel to Ms. Spilka for the purpose of an introduction. Ms. Spilka then introduced, in the rear of the Chamber, members of Leadership Metrowest's 2012 Leadership Academy Class. This program was founded in 1986 and is the only organization in the region dedicated to increasing and strengthening a diverse pool of community and business leaders who embrace civic engagement and cross-sector collaboration. The Senate welcomed them with applause and they withdrew from the Chamber. They were accompanied by Executive Director Helen Lemoine.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Ms. Donoghue for the purpose of an introduction. Ms. Donoghue then introduced, in the rear of the Chamber, members of the Paul Sullivan Leadership Institute. The Fellows are an elite group of students who have dedicated a full year to intensive, off-site summits and special social and community events. The Institute allowed each student the opportunity to reach outside of their "comfort zones" to experienced, in-depth, the skills necessary to be a leader. Now, as they complete this year in the Institute, they demonstrate sound leadership principles, display appropriate leadership traits, and are committed to the responsibility of community service. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Hedlund for the purpose of an introduction. Mr. Hedlund then introduced, in the rear of the Chamber, the Past President of Finlandia, Andrew Heinilouma. He currently works as financial services professional at New York Life Insurance Company and was a graduate of Aalto University in Finland. The Senate welcomed him with applause and he withdrew from the Chamber.

Report.

A report from the Honorable Martin J. Benison, Comptroller, submitting a revised transfer schedule for the item 1595-5819 Commonwealth Care trust Fund (pursuant to Chapter 68 of the Acts of 2011) (received in the Office of the Clerk of the Senate on Wednesday, April 11, 2012, at seven minutes past three o'clock P.M.),-- **was placed on file.**

Reports of a Committee

By Mr. Joyce, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill requiring a comparable site for individuals using the Fernald pool (Senate, No. 1638),-- ought to pass; and
By the same Senator, for the same committee, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance, in consultation with the board of trustees of Essex Independent Agricultural and Technical Institute, to sell and convey land in the town of Newbury (Senate, No. 1932),-- ought to pass;
Severally referred, under Senate Rule 27, to the committee on Ways and Means.

By Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, on Senate, No. 108 and House, Nos. 1002 and 1901, a Bill relative to the licensure of behavior analysts (Senate, No. 2217); and
By Mr. Rush, for the committee on Veterans and Federal Affairs, on petition, a Bill relative to fuel and shelter benefits for veterans (Senate, No. 1818);

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

By Mr. Welch for the committee on Municipalities and Regional Government, on petition, a Bill modifying the Pittsfield Economic Development Authority (Senate, No. 2178) [Local approval received];

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

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3974) of Sean Curran and others (with the approval of the mayor and city council) for legislation to authorize the city of Springfield to postpone taking the 2011-2012 MCAS for students of said city;

To the committee on Education.

Petition (accompanied by bill, House, No. 3832) of David M. Torrissi, Steven A. Baddour and James J. Lyons, Jr. (by vote of the town) for legislation relative to vacancies in the office of selectmen in the town of North Andover;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 3919) Sarah K. Peake and Daniel A. Wolf (by vote of the town) for legislation that the town of Truro be authorized to amend a conservation restriction in said town;

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3835) of David M. Torrissi, Steven A. Baddour and James J. Lyons, Jr. (by vote of the town) for legislation to authorize the appointment of Amy McCarthy as a police officer in the town of North Andover, notwithstanding the maximum age requirements; and

Petition (accompanied by bill, House, No. 3990) of Brian S. Dempsey and Steven A. Baddour (with the approval of the mayor and city council) for legislation to authorize the appointment of William M. Cowl, Jr. as a firefighter in the city of Haverhill notwithstanding the maximum age requirement;

Severally to the committee on Public Service.

Petition (accompanied by bill, House, No. 3991) of Geoff Diehl (by vote of the town) for legislation relative to tax titles in the town of East Bridgewater;

To the committee on Revenue.

Petition (accompanied by bill, House, No. 4009) of Denise Andrews and Stephen M. Brewer (by vote of the town) for legislation to authorize the town of Orange to convey a certain parcel of land in said town;

To the committee on State Administration and Regulatory Oversight.

Bills

Establishing a sick leave bank for Stephen Przybycien, an employee of the Executive Office of Health and Human Services (House, No. 3472,-- on petition)

Establishing a sick leave bank for James Crosby, an employee of the Department of Veterans' Services (House, No. 3862,-- on petition);

Establishing a sick leave bank for Robert T. Martin, an employee of the Department of Revenue (House, No. 3866,-- on petition);

Establishing a sick leave bank for Richard Hughes, an employee of the Massachusetts Water Resources Authority (House, No. 3891,-- on petition);

Authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town of Hopkinton (House, No. 3909,-- on House, No. 3032); and

Establishing a sick leave bank for Stephen Gladding, an employee of the Massachusetts Department of Transportation (House, No. 3935,-- on petition);

Establishing a sick leave bank for Cheryl A. Cole, an employee of the Office of Medicaid (House, No. 3967,-- on petition); and

Establishing a sick leave bank for Michael W. Regan, an employee of the Massachusetts Department of Transportation (House, No. 4005,-- on petition);

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

Bills

Protecting volunteer firefighters and emergency medical technicians from dismissal (House No. 537,-- on petition);

Relative to information in certain health insurance practices to certain persons (House, No. 1181,-- on petition);

Relative to limited purpose trust companies (House, No. 2040, amended,-- on petition);

Designating a certain building in the city of Holyoke as the Raymond P. Murphy, Jr. Congregate House (House, No. 3575,-- on petition);

Relative to the Mattapoissett River Valley water district (House, No. 3758,-- on petition);

Relative to affiliate transfers (House, No. 3791,-- on petition);

Designating a certain pedestrian bridge in the city of Revere as the Christina Markey and John Markey Memorial Pedestrian Bridge and the new maintenance facility for the Department of Conservation and Recreation located in the city of Revere as the

Captain Arthur "Icy" Reinstein Memorial Maintenance Facility (House, No. 3955,-- on petition); and
Relative to the New Bedford Police Association (House, No. 4006,-- on House, No. 1590);
Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

A Bill authorizing the town of Hanover to establish a parks and recreation revolving fund (House, No. 3502,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Rosenberg) declared recess subject to the call of the Chair; and, at eleven minutes past two o'clock P.M., the Senate reassembled, the President in the Chair.

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

Resolutions.

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

Resolutions (filed by Mr. Michael O. Moore) "congratulating Michael Kuhn on the occasion of his retirement from the Department of Children and Families."

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

April 12, 2012

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

Dear Mr. Clerk:

On Thursday March 22, 2012 I was absent from the Chamber during formal session due a personal matter. In my absence two roll call votes were taken.

Thursday March 22, 2012 Had I been present, I would have voted on the following matters.

Senate 2184 Amendment # 3 Domestic Violence and Pets – Yea
Senate 2184 Amendment # 7 Licensing Reporting Requirement – Nay

I would appreciate if this could be printed in the Senate journal. Thank you.

Sincerely,
JOHN A. HART, JR.
STATE SENATOR
First Suffolk District

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

Orders Adopted.

Mr. Kennedy offered the following order:

Ordered, that, notwithstanding the provision of Joint Rule 10 the Joint Committee on Consumer Protection and Professional Licensure be granted until May 3, 2012 within which to make its final report on current Senate documents numbered 103, 104, 105, 127, 1943 and 2049 relative to consumer protection and professional licensure.

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

Subsequently, Mr. Berry, for the said committees, reported, recommending that the order ought to be adopted.

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

Sent to the House for concurrence.

Mr. Welch offered the following order:

Ordered, that, notwithstanding the provisions of Joint Rule 10 the Joint Committee on Municipalities and Regional Government be granted until May 18, 2012 within which to make its final report on current Senate documents numbers 1004, 1005, 1927, 2009 and 2043 relative to municipalities and local government issues.

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

Subsequently, Mr. Berry, for the said committees, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Welch, and the order was considered forthwith and adopted.

Sent to the House for concurrence.

Mr. Downing offered the following order:

Ordered, that, notwithstanding the provisions of Joint Rule 10, the Joint Committee on Telecommunications, Utilities and Energy be granted until May 1, 2012 within which to make its final report on current Senate documents numbered 1649 and 1654 relative to double poles.

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

Subsequently, Mr. Berry, for the said committees, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Downing, and the order was considered forthwith and adopted.

Sent to the House for concurrence.

Report of Committees.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Bruce E. Tarr, Bradley H. Jones, Jr., Frederick E. Berry, Theodore C. Speliotis and others for legislation relative to the Essex regional retirement system.

Senate Rule 36 was suspended, on motion of Ms. Candaras, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill authorizing the town of Scituate to continue the employment of the chief of police, Brian E. Stewart (House, No. 3834,-- on petition) [Local approval received],-- **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 conveying a certain parcel of land in the city of Holyoke to Holyoke Community College (House, No. 3849,-- on petition) [Local approval received],--**was read.**

There being no objection, the rules were suspended on the motion, of Mr. Knapik, 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 section 6 and inserting in place thereof the following section:-

“Section 6. This act shall take effect as of October 7, 2002.”.

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, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the city of Holyoke to convey a certain parcel of land to the Holyoke Community College Foundation”.

Sent to the House for concurrence in the amendment.

The Senate Bill relative to protecting lakes and ponds from aquatic nuisances (Senate, No. 1904),-- **came from the House passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of House, No. 3908.**

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

The same Senator moved that the Senate concur with the House amendment with a further amendment, inserting after the words “boat transporter”, in line 49 and in line 50, the second time such words appear, the following words, in each instance:- “, truck-trailer boat transporter”; and by striking out, in line 50, the words “or boat transporter” and inserting in place thereof the following words:- “boat transporter or truck-trailer boat transporter”; and by inserting after the word “truck-trailer”, in line 52, the following word:- “boat”.

The further amendment was adopted.

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

Sent to the House for concurrence in the further amendment.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 4034) Bradley H. Jones, Jr., Bruce E. Tarr and others relative to health care services;

Under suspension of Joint Rule 12, to the committee on Health Care Financing.

Petition (accompanied by bill, House, No. 4035) of Bradley H. Jones, Jr., Bruce E. Tarr and others relative to access to certain

institutions of higher education and vocational schools;

Under suspension of Joint Rule 12, to the committee on Higher Education.

Petition (accompanied by bill, House, No. 4036) of Bradley H. Jones, Jr., Bruce E. Tarr and others relative to job growth;

Under suspension of Joint Rule 12, to the committee on Revenue.

Petition (accompanied by bill, House, No. 4037) of Bradley H. Jones, Jr., Bruce E. Tarr and others relative to providing regulatory reform to promote job growth;

Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

Petition (accompanied by bill, House, No. 4038) of Bradley H. Jones, Jr., Bruce E. Tarr and others relative to cost-effective energy policies and electricity cost reduction;

Under suspension of Joint Rule 12, to the committee on Telecommunications, Utilities and Energy.

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

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on the Judiciary shall be granted until Friday, April 27, 2012, within which to report on House documents numbered 9, 11, 23, 24, 27, 28, 29, 30, 31, 40, 41, 42, 382, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 503, 504, 505, 506, 507, 508, 509, 510, 512, 513, 514, 515, 516, 518, 519, 520, 521, 522, 524, 525, 526, 527, 528, 1274, 1275, 1276, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1388, 1389, 1390, 1835, 1836, 1837, 1838, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2257, 2258, 2259, 2260, 2262, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2684, 2793, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 3137, 3138, 3139, 3140, 3141, 3142, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3229, 3230, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3330, 3340, 3358, 3359, 3360, 3361, 3362, 3385, 3441, 3471, 3516, 3518, 3545, 3559, 3569, 3587, 3631, 3636, 3681, 3682, 3729, 3739, 3743 3744, 3765, 3766, 3768, 3840, 3884, 3905, 3913 and 3934.

Engrossed Bills.

The following engrossed bills (the first two 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:

Designating world voice week (see Senate, No. 2107);

Relative to medical emergency response plans for schools (see Senate, No. 2132, amended);

Establishing a sick leave bank for Pearlene Odom, an employee of the Massachusetts Department of Transportation (see House, No. 3910);

Establishing a sick leave bank for Janet Ruggieri, an employee of the Department of Revenue (see House, No. 3976, amended); and

Relative to the appointment of department heads in the town of Brookline (see House, No. 4015).

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Authorizing the City of Quincy to establish neighborhood speed reduction zones (Senate, No. 1926);

Authorizing the transfer of land in Marshfield (Senate, No. 2137); and

Expanding the provisions of chapter 40U for the enforcement of dog law violations in the City of Boston (Senate, No. 2144);

Were severally read a second time and ordered to a third reading.

The Senate Bill revising the interstate compact on the placement of children (Senate, No. 63).— **was read a second time and ordered to a third reading.**

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

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-six minutes before three o'clock P.M., on motion of Ms. Spilka, as follows, to wit (*yeas 37 – nays 0*) [**Yeas and Nays No. 168**]:
YEAS

Berry, Frederick E. Joyce, Brian A.

Brewer, Stephen M. Keenan, John F.

Brownsberger, William N. Kennedy, Thomas P.

Candaras, Gale D. Knapik, Michael R.

Chandler, Harriette L. 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.

Finegold, Barry R. Tarr, Bruce E.

Flanagan, Jennifer L. Timilty, James E.

Hart, John A., Jr. Welch, James T.

Hedlund, Robert L. Wolf, Daniel A. — 37.

Jehlen, Patricia D.

NAYS — 0.

ABSENT OR NOT VOTING

McGee, Thomas M. — 1.

The yeas and nays having been completed at twenty-two minutes before three o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to workers' compensation insurance (Senate, No. 915),-- **was read a second time.**

Pending the question on adoption of the pending Ways and Means amendment, and pending the main question on ordering the bill to a third reading, on motion of Mr. Tarr, the further consideration thereof was postponed until Thursday, April 26th.

The Senate Bill relative to publicly opened contracts (Senate, No. 2145),-- **was read a second time and was amended, as previously recommended by the committee on Ways and Means, substituting a new draft entitled "An Act relative to the definition of fraud in public construction bid laws" (Senate, No. 2212).**

The bill (Senate, No. 2212) was then ordered to a third reading.

There being no objection, the rules were suspended, on motion of Mr. Michael O. Moore, and the bill was read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at eighteen minutes before three o'clock P.M., on motion of Mr. Michael O. Moore, as follows, to wit (*yeas 37 – nays 0*) [**Yeas and Nays No. 169**]:
YEAS

Berry, Frederick E. Joyce, Brian A.

Brewer, Stephen M. Keenan, John F.

Brownsberger, William N. Kennedy, Thomas P.

Candaras, Gale D. Knapik, Michael R.

Chandler, Harriette L. 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.
Finegold, Barry R. Tarr, Bruce E.
Flanagan, Jennifer L. Timilty, James E.
Hart, John A., Jr. Welch, James T.
Hedlund, Robert L. Wolf, Daniel A. — 37.
Jehlen, Patricia D.
NAYS — 0.
ABSENT OR NOT VOTING
McGee, Thomas M. — 1.

The yeas and nays having been completed at a quarter before three o'clock P.M., the bill was passed to be engrossed. Sent to the House for concurrence.

The Senate Bill relative to motor vehicle glass repair shop registration (Senate, No. 2189),-- **was read a second time.**
Pending the question on adoption of the pending Ways and Means amendment and pending the main question on ordering the bill to a third reading, on motion of Mr. Hedlund, the further consideration thereof was postponed until Thursday, April 26th.

The House Bill financing improvements to the Commonwealth's Transportation System (House, No. 4000, amended),-- **was read a second time.**

The pending amendment, previously recommended by the committee on Bonding, Capital Expenditures and State Assets striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2213,- was considered.

At twenty-three minutes before three o'clock P.M., Mr. Tarr doubted the presence of a quorum; and, a count of the Senate determined that a quorum was not present.

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

Ms. Creem moved that the bill be amended by inserting, in line 19, after the word "obligations;," the following language:- "and, provided further that the Department of Transportation shall conduct a cost and feasibility study on direct vehicular access from interstate highway 95 to the Riverside MBTA station in Newton".

The amendment was *rejected*.

Ms. Creem moved that the bill be amended by inserting, in line 91, after the word "Commonwealth; ", the following:- "provided further, that funding shall be authorized for the design and construction of the Massachusetts Bay Transportation Authority Framingham/Worcester Speed Improvement project; and, provided further, that funding shall be authorized for replacement of the interlocking at CP 3 and CP 4, and design and construction of double track from CP3 to CP4 for the Framingham/Worcester Line project".

The amendment was *rejected*.

Mr. Montigny moved that the bill be amended by striking section 2D in its entirety and inserting in place thereof the following new section:-

"SECTION 2D

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
Rail and Transit Division

6622-1280 For the purpose of implementing rail improvements under chapter 161C of the General Laws; provided, that funds may also be used for transportation planning, design, permitting, acquisition of interests in land and engineering for heavy rail, light rail, bus and other transit projects, including the industrial rail access program; provided, however, the department shall adopt regulations within 180 days of the effective date of this act implementing the industrial rail access program, which shall increase access to rail freight service and preserve or stimulate economic development through the generation of new or expanded rail service; provided further, that the secretary of transportation shall evaluate and select eligible projects, in consultation with the secretary of housing and economic development, where the public benefit will be gained through improved use of the rail transportation network or that will facilitate economic growth through access to the rail assets within the commonwealth; provided further, that the program shall be available to any political subdivision, railroad or shipper operating within the commonwealth; provided further, that the amounts specified in this item or for a particular project may be adjusted in order to facilitate other needs of the department or other projects; and provided further, notwithstanding the provisions of any general or special law to the contrary, any funds authorized or funds previously authorized, including but not limited to, the amounts appropriated in item 6005-9906 of section 2 of chapter 125 of the acts of 2000 and in item 6001-0804 of section 2C of chapter 303 of the acts of 2008, shall be directed for the design, permitting and construction of the South Coast rail line for the

area south of the site known as Cotley Junction..... \$300,000,000”.
The amendment was *rejected*.

Messrs. Petruccelli and DiDomenico moved that the bill be amended by inserting at the end of the bill the following new section:-

“SECTION XX. Notwithstanding any general law or regulation to the contrary, the department of transportation shall commission a study to determine the impact on the public safety of transporting ethanol by train through the communities of Boston, Revere, Everett, Cambridge and Chelsea. Public safety issues to be studied shall include, but not be limited to, the proximity to residences, elderly housing complexes, schools, hospitals, health care facilities and other population and demographic characteristics, and emergency response capabilities. Said report shall be completed within six months of enactment and copies shall be provided to the senate committee on ways and means, the executive office of public safety and security, and the department of environmental protection. The department of environmental protection shall not issue a license under chapter 91 of the general laws for the transportation of ethanol through the communities of Boston, Revere, Everett, Cambridge and Chelsea until it has received said report.”

After remarks, the amendment was **adopted**.

Mr. Ross moved that the bill be amended by inserting at the end thereof the following section:-

“SECTION XX. There shall be established within the Massachusetts Department of Transportation a taskforce to review and evaluate the feasibility of amending the state specifications for road construction and bituminous concrete or pavement materials in order to increase the durability of paved public ways in the Commonwealth while decreasing any adverse environmental impacts from such specifications.

The taskforce shall be comprised of: the Secretary of the Department of Transportation, who shall serve as chair; the Director of the Pavement Research Institute at the University of Massachusetts/Dartmouth, or his designee; one person to be appointed by the President of the Senate and one person to be appointed by the Speaker of the House of Representatives, each of whom shall have expertise in materials science; one person to be appointed by the Minority Leader of the Senate and one person to be appointed by the Minority Leader of the House of Representatives, each of whom shall be citizen who regularly drive on public ways of the Commonwealth; and, the House and Senate chairs of the Joint Committee on Transportation.

The taskforce shall convene at least four public hearings and accept written public comment before making its report, which shall be filed with the Joint Committee on Transportation, and the Clerks of the Senate and House of Representatives no later than March 1, 2013.”

After debate, the amendment was *rejected*.

Ms. Jehlen and Mr. DiDomenico moved that the bill be amended in section 2, in item 6121-1215, by inserting at the end thereof the following wording “provided further that The Department of Transportation may expend not more than \$10,000,000 on the installation of sound barriers on 1-93 adjacent to the Nunnery Grounds neighborhood so called located between Cross St. and Mt Vernon St. in the City of Somerville”;; and by striking out the figure “25,000,000” and inserting in place thereof the following figure “35,000,000.”

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting at the end thereof the following new section:-

“SECTION __. Section 5 of chapter 90 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding at the end thereof the following new subsections:

(i) Notwithstanding any general or specific law to the contrary, the registrar shall not increase any individual fee by more than 2.5 percent in a calendar year.

(j) The registrar shall offer a discount for any person registering 5 or more units in a calendar year. For the purposes of this section, a unit shall include: any vehicle subject to a commercial normal, commercial reserved, commercial, vanity, snow removal, hearse, limited use, auto home normal, auto home reserved, auto home vanity, bus normal, bus reserved, bus vanity, livery normal, livery limited use, livery reserved, livery vanity, semi trailer normal, semi trailer reserved, trailer normal, trailer reserved, taxi normal, taxi limited used, taxi reserved, or van pool normal registration. This discount shall be in an amount of no less than 10 percent of each registration fee they would otherwise incur.

(k) The registrar shall issue a report to the legislature within 90 days of the effective date of this act. This report shall offer recommendations to reduce the cost of operating a commercial vehicle or unit in Massachusetts in order to promote competition with neighboring states. This report shall be submitted to the clerk of the house of representatives and the clerk of the senate, the chairs of the joint committee on transportation, and the chairs of house and senate ways and means committees.”

Pending the question on adoption of the amendment, Mr. Richard T. Moore moved that the pending amendment (Tarr) be amended by inserting at the end thereof, the following:-

“SECTION __. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the definition of ‘Bus or Motorbus,’ the following definition:

‘Commercial Motor Vehicle,’ shall mean any motor vehicle which is not a private passenger motor vehicle, antique motor car, motorcycle, auto home, house trailer, taxicab, ambulance, hearse, livery vehicle, or school pupil transport vehicle. A commercial motor vehicle shall include the following vehicles:

(a) The vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds; or

(b) The vehicle is designed to transport more than 15 passengers, including the driver; or

- (c) The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding in accordance with the Hazardous Materials Regulations of the United States Department of Transportation. Any commercial motor vehicle that singularly has a gross vehicle weight rating of 10,001 pounds or less and is designed to meet emissions standards, shall be submitted for an emissions inspection in addition to all applicable safety inspection requirements; or
- (d) A single, full or semi-trailer, used in commerce, with a manufacturer's gross vehicle weight rating over 3,000 lbs; or
- (e) Any vehicle which has a vehicle weight, or curb weight, of more than six thousand pounds, as per the manufacturer's description of said vehicle, unless such vehicle is a sport utility vehicle or passenger van, or a pickup truck or cargo van meeting the definition of private passenger vehicle; or
- (f) Any vehicle which has five or more wheels on the ground.

Notwithstanding the aforementioned vehicles, a dual rear wheel pick-up truck registered by an individual other than a business, and not used for commercial purposes, shall not be classified as a commercial vehicle for purposes of registration."

After debate, Ms. Chang-Díaz arose to a point of order which, being stated, was that the amendment was beyond the scope of the bill before the Senate.

The President ruled that the point of order was well taken; and the amendment was laid aside.

Mr. Tarr moved to reconsider the vote by which the Senate had adopted the amendment (#10 Petrucci-DiDomenico); and, after debate, this motion was negated.

Subsequently, Mr. Tarr doubted the ruling of the Chair on the further amendment offered by Senator Richard T. Moore; and this motion was seconded by Mr. Richard T. Moore.

After debate, the question "Shall the ruling of the Chair stand?" was determined by a call of the yeas and nays, at a half past three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 32 — nays 4*) [**Yeas and Nays No. 170**]:

YEAS

Berry, Frederick E. Hart, John A., Jr.
Brewer, Stephen M. Jehlen, Patricia D.
Brownsberger, William N. Joyce, Brian A.
Candaras, Gale D. Keenan, John F.
Chandler, Harriette L. Kennedy, Thomas P.
Chang-Díaz, Sonia Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
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. Rush, Michael F.
Eldridge, James B. Spilka, Karen E.
Fargo, Susan C. Timilty, James E.
Finegold, Barry R. Welch, James T.
Flanagan, Jennifer L. Wolf, Daniel A. — 32.

NAYS

Hedlund, Robert L. Ross, Richard J.
Knapik, Michael R. Tarr, Bruce E. — 4.

PAIRED.

YEAS. NAYS

McGee, Thomas M. Moore, Richard T. (present) — 2.

ABSENT OR NOT VOTING — 0.

The yeas and nays having been completed at twenty-six minutes before four o'clock P.M., the ruling of the Chair stood and the amendment was laid aside.

Recess.

At twenty-five minutes before four o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at ten minutes past four o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill financing improvements to the Commonwealth's Transportation System (House, No. 4000, amended),-- **was considered, the main question being on ordering the bill to a third reading.**

The amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2213,- **was again considered.**

The President stated that amendments 16, 21 and 31 were beyond the scope of the bill; and were severally laid aside.

At eleven minutes past four o'clock P.M., Mr. Tarr doubted the presence of a quorum; and, a count of the Senate determined that a quorum was not present.

Subsequently, at twelve minutes past four o'clock P.M., the President declared that a quorum was present.

Mr. Tarr withdrew amendment 21.

Mr. Tarr then doubted the ruling of the Chair on amendments 16 and 31; and this motion was seconded by Mr. Knapik.

After debate, the question "Shall the ruling of the Chair stand?" was determined by a call of the yeas and nays, at twenty minutes past four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 33 — nays 4*) [**Yeas and Nays No. 171**]:

YEAS

Berry, Frederick E. Jehlen, Patricia D.
Brewer, Stephen M. Joyce, Brian A.
Brownsberger, William N. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
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. Rush, Michael F.
Eldridge, James B. Spilka, Karen E.
Fargo, Susan C. Timilty, James E.
Finegold, Barry R. Welch, James T.
Flanagan, Jennifer L. Wolf, Daniel A. — 33.

Hart, John A., Jr.

NAYS

Hedlund, Robert L. Ross, Richard J.
Knapik, Michael R. Tarr, Bruce E. — 4.

ABSENT OR NOT VOTING

McGee, Thomas M. — 1.

The yeas and nays having been completed at twenty-four minutes past four o'clock P.M., the ruling of the Chair stood and amendments 16 and 31 were laid aside.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting at the end thereof the following new section:-

"SECTION ____ . The MBTA shall file a report with the legislature detailing present, planned, and foreseeable activities to increase its self-sufficiency and decrease its dependence on state subsidization and fare increases. Said report shall include, but not be limited to, methods for increased fare collections; the cultivation and implementation of opportunities for sponsorships of facilities, programs, venues and properties; an analysis of employee compensation, including but not limited to, overtime payments, health care benefits, pensions and other benefits; the privatization of some or all of the operations of the MBTA; and any and all other actions being considered or pursued to improve the sustainability of services provided by the MBTA within its current and projected fiscal constraints. This report shall be filed with the clerk of the senate and the clerk of the house of representatives, the joint committee on transportation, and the senate and house ways and means committees no later than 180 days following the effective date of this act."

After remarks, the amendment was **adopted**.

Mr. Rosenberg and Ms. Candaras moved that the bill be amended in section 1, by striking out "2" and inserting in place thereof "1A"; by inserting after section 1 the following new section:-

"SECTION 1A. 6001-0606. For the purpose of retiring revenue anticipation notes and any interest associated thereof for the purpose of currently financing the regional transit authorities established pursuant to Chapter 161 and 161B with capital bond funds. Each authority shall submit to the executive office of transportation and the executive office for administration and finance a certified statement identifying the total amount of notes and interest issued by the regional transit authority which are attributable to contract assistance and any notes and interest that may be outstanding which are attributable to contract assistance. Amounts allocated to the authorities from this item shall be expended in accordance with policies, rules and regulations established by the Department of Transportation.....\$85,000,000";

By inserting after section 2D the following new section:-

"SECTION 2E. To meet the expenditures necessary in carrying out section 1A the state treasurer shall, upon the request of the governor, issue and sell bonds of the commonwealth, in an amount to be specified by the governor from time to time, but not exceeding in the aggregate the sum of \$85,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Regional Transportation Authority Current Financing, and shall be issued for such maximum term of years, not exceeding 5 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution. All interest and payments on account of principal on such obligations shall be payable from the Highway

Fund. Notwithstanding any previous act or special law, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.”; and

By inserting at the end thereof the following new section:-

“SECTION _____. The Secretary of the Department of Transportation in consultation with the Secretary of Administration and Finance is hereby authorized and directed to establish a financing plan to end the current system of retroactive reimbursement of the Regional Transit Authorities established pursuant to Chapter 161 and 161B of the General Laws. Said financing plan may include and the secretary is authorized to use capital bond funds in whole or in part to finance the transition of regional transit authorities to a current funding system, so called. The Secretary may use any other available funds in addition to or in place of bond funds necessary to establish a current financing system.”

Pending the question on adoption of the amendment (Rosenberg-Candaras), Mr. Knapik moved that amendment be amended by adding the following text:-

By striking out, in section 12, the word “opinion” and inserting in place thereof the following word:- “agreement”; and by striking out, in section 12, the following words:- “If a flagman is needed to carry out this section, the railroad company or railway company or its assigns shall provide flagman.”

After remarks, the further amendment was *rejected*.

The pending amendment (Rosenberg-Candaras) was then considered, and it was *rejected*.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the bill be amended in section 2, by striking line item 6121-1215 in its entirety and inserting in place thereof the following:-

“6121-1215 For projects on the interstate federal aid highway system; provided, that funds may be expended for the costs of these projects including, but not limited to, the nonparticipating portions of these projects and the costs of engineering and other services essential to these projects, rendered by Massachusetts Department of Transportation employees or by consultants; provided further, that amounts expended for department employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects, provided however that the secretary of transportation and public works shall maximize efforts and utilize any and all available means to minimize the use of capital funds to pay for the salaries of department employees; provided further, that notwithstanding this act or any other general or special law to the contrary, the department shall not enter into any obligations for projects which are eligible to receive federal funds under this act unless state matching funds exist which have been specifically authorized and are sufficient to fully fund the corresponding state portion of the federal commitment to fund these obligations; and provided further, that the department shall only enter into obligations for projects under this act based upon a prior or anticipated future commitment of federal funds and the availability of corresponding state funding authorized and appropriated for this use by the general court for the class and category of project for which this obligation applies.....25,000,000.”;

In section 2, by striking line item 6121-1216 in its entirety and inserting in place thereof the following:-

“6121-1216 For federal aid projects on the non-interstate federal highway system; provided, that funds may be expended for the costs of these projects including, but not limited to, the nonparticipating portions of these projects and the costs of engineering and other services essential to these projects rendered by department employees or by consultants; provided further, that amounts expended for department employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects, provided however that the secretary of transportation and public works shall maximize efforts and utilize any and all available means to minimize the use of capital funds to pay for the salaries of department employees; provided further, that notwithstanding this act or any other general or special law to the contrary, the department shall not enter into any obligations for projects which are eligible to receive federal funds under this act unless state matching funds exist which have been specifically authorized and are sufficient to fully fund the corresponding state portion of the federal commitment to fund these obligations; and provided further, that the department shall only enter into obligations for projects under this act based upon a prior or anticipated future commitment of federal funds and the availability of corresponding state funding authorized and appropriated for this use by the general court for the class and category of project for which this obligation applies.....\$525,000,000”; and

By inserting at the end thereof the following new section:-

“SECTION _____. The secretary of transportation and public works, within six months of the passage of this act, shall submit to the clerk of the house of representatives and the clerk of the senate, the joint committee on transportation, and the house and senate committees on ways and means a detailed timeline and funding schedule for the transfer of all workers at the executive office of transportation and public works and the department of highways, whose salaries and benefits are currently funded through the proceeds of bond sales, to the operations accounts of such agencies no later than December 31, 2014.”

After remarks, the amendment was **adopted**.

Mr. Hedlund moved that the bill be amended in section 2D, by inserting, at the end thereof, but before the figure \$300,000,000, the following:- “provided further, that no funds may be spent on the permitting or planning of a mass transit expansion project that is not included within 310 CMR 7:36 until all projects currently required under said regulations have reached substantial completion”.

After remarks, the amendment was *rejected*.

Mr. Montigny moved that the bill be amended in section 2, by striking line item 6121-1216 in its entirety and inserting in place thereof the following new item:-

“6121-1216 For federal aid projects on the non-interstate federal highway system; provided, that funds may be expended for the

costs of these projects including, but not limited to, the nonparticipating portions of these projects and the costs of engineering and other services essential to these projects rendered by department employees or by consultants; provided further, that amounts expended for department employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects; provided further, that notwithstanding this act or any other general or special law to the contrary, the department shall not enter into any obligations for projects which are eligible to receive federal funds under this act unless state matching funds exist which have been specifically authorized and are sufficient to fully fund the corresponding state portion of the federal commitment to fund these obligations; provided further, that the department shall only enter into obligations for projects under this act based upon a prior or anticipated future commitment of federal funds and the availability of corresponding state funding authorized and appropriated for this use by the general court for the class and category of project for which this obligation applies; and provided further, that not less than \$4,000,000 be expended for the phase 2 construction project of Route 18 in the City of New Bedford.....\$525,000,000".
The amendment was *rejected*.

Mr. Montigny moves to amend the bill, S. 2213, by striking Section 2A in its entirety and inserting in place thereof the following new language:-

“SECTION 2A.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
Highway Division

6121-1217 For the design, construction and repair of, or improvements to, nonfederally-aided roadway and bridge projects and for the nonparticipating portion of federally-aided projects; provided, that the costs of professional personnel directly and exclusively involved in the construction, planning, engineering and design of the projects funded herein may be charged to this item and any other general operating costs of the department; provided further, that those costs shall not be classified as administrative costs; provided further, that the amounts specified in this item or for a particular project may be adjusted in order to facilitate other needs of the department: and provided further that not less than \$2,000,000 be expended for design, construction and engineering cost of a bike and pedestrian path along the hurricane barrier in the City of New Bedford.....\$325,000,000".
The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2A, in line item 6121-1217, by inserting at the end thereof the following:-
“; provided further that not less than \$1,000,000 shall be expended for improvements to Route 135 in the Town of Hopkinton;”.
The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2A, in line item 6121-1217, by inserting at the end thereof the following:-
“; provided further that not less than \$1,000,000 shall be expended for planning, design and construction related to Route 126 in the Town of Holliston;”.
The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2A, in line item 6121-1217, by inserting at the end thereof the following:-
“; provided further that not less than \$10,000,000 shall be expended for construction related to improvements to Route 109 in the Town of Medway;”.
The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2A, in line item 6121-1217, by inserting at the end thereof the following:-
“; provided further that not less than \$7,000,000 shall be expended for construction of a parking garage in downtown Natick;”.
The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2A, in line item 6121-1217, by inserting at the end thereof the following:-
“; provided further, that not less than \$1,000,000 shall be expended for improvements to Main Street, West Central Street, and Emmons Street in downtown Franklin;”.
The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2A, in line item 6121-1217, by inserting at the end thereof the following:-
“; provided further, that not less than \$8,000,000 shall be expended for the planning, design, or construction of transportation related improvements in the route 126/135 interchange area in the Town of Framingham;”.
The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2A, in line item 6121-1217, by inserting at the end thereof the following:-
“; provided further, that not less than \$5,000,000 shall be expended for the planning, design, or construction of transportation related improvements in the area around the at-grade rail crossings in downtown Ashland;”.
The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2C, in line item 6622-1205, by inserting at the end thereof the following:- “; provided that not less than \$5,000,000 shall be expended for the development of a facility for the operations, maintenance and demand respond dispatch of the MetroWest Regional Transit Authority;”.
The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2A, in item 6121-1217, by inserting at the end thereof the following:- “; provided further, that not less than \$1,000,000 shall be expended for the construction of sound barriers along the Massachusetts Turnpike at Gina Circle in the Town of Framingham;”.
The amendment was *rejected*.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting at the end thereof the following new section:-

“SECTION __. There is hereby established a special commission to evaluate the feasibility of the continued operation of the Worcester Airport by the Massachusetts Port Authority, and to determine the most cost-beneficial means of maximizing the benefit to the citizens of the Commonwealth of this facility.

The Commission shall consist of the Secretary of Transportation or his designee, the Secretary of Administration and Finance or his designee, the executive director of the Massachusetts Aeronautics Commission or his designee, the Inspector General of the Commonwealth or his designee, the Secretary of Housing and Economic Development or his designee, the Mayor of the City of Worcester or his designee, and the Auditor of the Commonwealth or her designee.

Said commission shall evaluate the feasibility of the continued operation of the airport in its present form, and alternatives to maximize the benefit to the citizens of the Commonwealth and the airport, and to minimize its costs of operation. Said commission shall perform a cost-benefit analysis of maintaining the status quo, as well as any and all identifiable options, including but not limited to the sale or lease of the property. The commission shall conduct not less than one public hearing to inform its analysis.

Said commission shall make an initial determination as to the feasibility of the continued operation of the airport in its current form not later than 90 days following the passage of this act, and shall report that determination, together with the reasons therefore, to the clerks of the house of representatives and senate, the joint committee on transportation, and the house and senate committees on ways and means.

Said commission shall complete its ultimate findings and recommendations not later than 180 days following the passage of this act, and shall report them, together with any legislative recommendations to the clerks of the house of representatives and senate, the joint committee on transportation, and the house and senate committees on ways and means.”

After debate, the amendment was *rejected*.

Mr. Richard T. Moore moved that the bill be amended by inserting, in section 2, in item 6121-1217, after the words “federally-aided projects” the following:- “, including, but not limited to, canals and other alternative transportation projects;”; and by striking at the end thereof to the figure “\$325,000,000” and inserting in place the figure “\$330,590,000”.
The amendment was *rejected*.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the bill be amended by inserting at the end thereof the following new section:-

“SECTION __. Section 35T of chapter 10 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting at the end thereof the following:-

(c) The authority shall be prohibited from extending services, including but not limited to the addition of new line service through the creation of a new line, extension of a current line, or increasing the service area of a current line, until the authority submits a plan on how the authority will pay for the proposed expansion and certifies that such expansion will not adversely affect existing services. Said plan shall be submitted to the clerk of the senate and the clerk of the house of representatives, the joint committee on transportation, and the chairs of the senate and house ways and means committees.”

The amendment was **adopted**.

Mr. Brewer moved that the bill be amended in section 2A, by striking, in lines 47 to 50, inclusive, the words “; and provided further, that the amounts specified in this item or for a particular project may be adjusted in order to facilitate other needs of the department”; and in section 2D, by striking, in lines 91 to 93, inclusive, the words “; and provided further, that the amounts specified in this item or for a particular project may be adjusted in order to facilitate other needs of the department or other projects”.

After remarks, the amendment was **adopted**.

The Bonding, Capital Expenditures and State Assets amendment was then adopted, as amended.

The bill, as amended was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at one minute past five o'clock P.M., on motion of Ms. Flanagan, as follows, to wit (*yeas 37 – nays 0*) [**Yeas and Nays No. 172**]:

YEAS

Brewer, Stephen M. Keenan, John F.

Brownsberger, William N. Kennedy, Thomas P.

Candaras, Gale D. Knapik, Michael R.

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.
Finegold, Barry R. Spilka, Karen E.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 37.
Joyce, Brian A.
NAYS — 0.
ABSENT OR NOT VOTING
Berry, Frederick E. McGee, Thomas M. — 2.

**The yeas and nays having been completed at four minutes past five o'clock P.M., the bill was passed to be engrossed, in concurrence, with amendment [For text of Senate amendment, printed as amended, see Senate, No. 2220].
Sent to the House for concurrence in the amendment**

The Senate Committee Bill relative to the right to repair (Senate, No. 2204),-- **was considered, the main question being on ordering the bill to a third reading.**

Pending the question on the motion, previously moved by Ms. Fargo, to lay the matter on the table, pending the question on adoption of the amendment previously recommended by Mr. Keenan, and pending the main question on ordering the bill to a third reading, on motion of Ms. Fargo, the further consideration thereof was postponed until Thursday, April 26th.

Order Adopted.

On motion of Mr. Brewer,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Adjournment in Memory of Myles J. McDonough

The Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer, moved that when the Senate adjourns today, it adjourn in memory of Myles J. McDonough.

Myles J. McDonough, loving husband to his wife, Jean Trayer McDonough, and father to Mark Myles McDonough and Neil Douglas McDonough, passed away March 30, 2012. He will be remembered for his determination, trust, patience, and persistence.

The founder of FLEXcon Company, located in Spencer, Massachusetts, he will be remembered for his passion for knowledge and compassion for his 1,500 employees worldwide. A true innovator in the printing and converting industry, Mr. McDonough created the multi-million dollar company in one lifetime, with no venture capital and no bank loans, building FLEXcon up from the humble beginnings of a two employee garage. He will be remembered by family, friends, and colleagues for his humility and leadership.

Mr. McDonough was the most recent recipient of the Harvey Ball Smile Award and served on the boards of several Worcester institutions including, Memorial Hospital, Worcester County National Bank, and Worcester Polytechnic Institute, where he was presented the WPI Award for Distinguished Service for "extraordinary leadership, loyalty and generosity".

Myles J. McDonough is also survived by his daughter-in-law Lisa McDonough, and seven grandchildren, Caitlin, Shaun, Ryan, Kelsey, Darcy, Dylan and Lillie, and his cousin, Theresa Byrne.

Accordingly, as a mark of respect to the memory of Myles J. McDonough, at seven minutes past five o'clock P.M., on motion of Mr. Brewer, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.