

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.

Monday, June 4, 2012.

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

The Chair (Ms. Clark), members, guests and staff then recited the pledge of allegiance to the flag.

Reports of Committees.

By Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 127), an Order relative to authorizing the joint committee on Consumer Protection and Professional Licensure to make an investigation and study of a certain current Senate document relative to consumer protection and professional licensure issues (Senate, No. 2283); and

By Mr. Michael O. Moore, for the committee on Higher Education, on Senate, Nos. 562, 563, 564, 565, 566, 568, 569, 570, 571, 573, 574, 575, 576, 577, 578 and 579, an Order relative to authorizing the joint committee on Higher Education to make an investigation and study of certain current Senate documents relative to higher education (Senate, No. 2284); Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 4103) of William C. Galvin (by vote of the town) for legislation to authorize the conveyance of a certain parcel of land in the town of Canton,-- was referred, in concurrence, to the committee on Municipalities and Regional Government.

Bills

Relative to certain reforms to the Massachusetts Department of Transportation (House, No. 4125,-- on House, No. 4109, in part); and

Making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4144,-- on House, No. 3898, in part);

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

Report of the committee on Environment, Natural Resources and Agriculture asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3272) of Stephen Kulik relative to the establishment of a white water rafting fund and environmental boating regulation enforcement,-- and recommending that the same be referred to the committee on Revenue,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:- Resolutions (filed by Ms. Chandler) "congratulating the Children's School and Early Childhood Education Department at Quinsigamond Community College on its fortieth anniversary";

Resolutions (filed by Ms. Creem) “congratulating Ruth Kaplan on being named an honoree by Citizens for Public Schools”; Resolutions (filed by Mr. Finegold) “congratulating Elsie Eunice Claus on the occasion of her one-hundredth birthday”; Resolutions (filed by Mr. Hedlund) “congratulating the residents of the town of Duxbury on the three hundred and seventy-fifth anniversary of its founding”; and Resolutions (filed by Mr. Timilty) “congratulating Dr. Patricia H. Ansay on her retirement as Superintendent of the Norton Public School District.”

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Carl Senna, an employee of the Department of Correction (see Senate, No. 2131), 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 3 to 0.

The bill was signed by the Acting President (Ms. Clark) and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Judith Christianson, an employee of the Department of Transitional Assistance (see Senate, No. 2161, 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 3 to 0.

The bill was signed by the Acting President (Ms. Clark) and sent to the House for enactment.

The House 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 (House, No. 4101),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 2275, and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Dempsey of Haverhill, Kulik of Worthington and deMacedo of Plymouth had been appointed the committee on the part of the House.

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

The bill was returned to the House endorsed accordingly.

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
OFFICE OF THE ASSISTANT MAJORITY WHIP

May 31, 2012

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

Dear Mr. Clerk:

During formal session on Thursday, May 10, 2012, I was absent from the Chamber due to a personal commitment. As a result, I was not recorded on one roll call. Had I been present, I would have voted in the following manner:

H4079, Supplemental Budget Engrossment – Yes (Roll Call #175)

I respectfully request that a copy of this communication be printed in the Senate Journal. Thank you for your assistance.

Sincerely,

KAREN E. SPILKA
STATE SENATOR

2nd Middlesex & Norfolk District

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

PAPER FROM THE HOUSE

A Bill authorizing the appointment of Sean C. Lewis, Sr. as a firefighter in the town of North Andover notwithstanding the maximum age requirement (House, No. 3593,-- on petition) [Local approval received],-- was read.

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

Reports of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a Horseneck Beach Reservation Trust Fund (Senate, No. 376),-- ought to pass, with an amendment striking out, in line 2, the figure "3500" and inserting in place thereof the following figure:- "35SS"; and by striking out, in line 3, the figure "35PP" and inserting in place thereof the following figure:- "35TT".

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

The bill (Senate, No. 376, amended) 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 preventing unlawful and unnecessary foreclosures (House, No. 4096),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2287.

Order Adopted.

Mr. Brewer offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill to prevent unlawful and unnecessary foreclosures (House, No. 4087) with the proposed Senate Ways and Means new text (Senate, No. 2287) shall be placed in the Orders of the Day for a second reading on Wednesday, June 6, 2012.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 3:30 P.M., on Tuesday, June 5, 2012. All such amendments shall be second-reading amendments to the Ways and Means proposed new text but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Ethics and Rules.

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

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

The bill was then placed in the Orders of the Day for a second reading, with the Ways and Means new text pending on Wednesday, June 6, 2012.

Reports of Committees.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Benjamin B. Downing, Gailanne M. Cariddi and Tricia Farley-Bouvier for legislation to establish a sick leave bank for Heidi A. Lennon, an employee of the Department of Children and Families.

The rules were suspended, on motion of Mr. Ross, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Marc R. Pacheco and Shauna L. O'Connell for legislation to establish a sick leave bank for Maria Conlon, an employee of the Registry Division of the Department of Transportation.

The rules were suspended, on motion of Mr. Ross, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4146) of Geoffrey G. Diehl, Brian M. Ashe, Richard Bastien and other members of the General Court for legislation to authorize the Registry of Motor Vehicles to register eighteen year old male applicants for military selective service,-- was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Transportation.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Paula Connelly, an employee of the Trial Court (see House, No. 3844), 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 Acting President (Ms. Clark) and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (both of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Ms. Clark) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Carl Senna, an employee of the Department of Correction (see Senate, No. 2131); and
Establishing a sick leave bank for Judith Christianson, an employee of the Department of Transitional Assistance (see Senate, No. 2161, amended).

Order Adopted.

On motion of Mr. Tarr,--

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

On motion of Mr. Hart, at twenty minutes past eleven o'clock A.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.