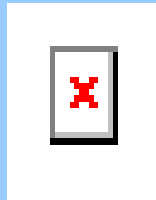


**NOTICE:** - While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **not** been proofread against the events of the session for this day. All information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

# UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



## JOURNAL OF THE SENATE.

*Thursday, July 26, 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 Mr. Donnelly for the purpose of an introduction. Mr. Donnelly then introduced, in the rear of the Chamber, Lewis Hwang from Lexington. Lewis was being honored for winning first place in the International Aviation Art Contest for his painting based on this year's theme of "Silent Flight". Lewis took home the top prize in Massachusetts, in the United States and also in the entire international competition for his age group. He approached the rostrum and was presented with a gold medal from the Federation Aeronautic International Organization, hosted in Geneva, Switzerland. The Senate applauded his accomplishments and he withdrew from the Chamber. Lewis was accompanied by his father Jung Yeon, his mother Joun and his brother Edward.

### *Report of a Committee.*

By Mr. Finegold, for the committee on Election Laws, on petition (accompanied by bill, Senate, No. 304), a Bill relative to disclosure of political spending (Senate, No. 2375);

**Read and, under Senate Rule 27, referred to the committee on Ways and Means.**

## PAPERS FROM THE HOUSE.

### *Bills*

Prohibiting robocalls to all mobile telephone devices (House, No. 4073,-- on House, No. 3858);  
Relative to a certain parcel of land in the city of Chelsea (House, No. 4202,-- on petition);  
Establishing a sick leave bank for Diane Johnson, an employee of the Department of Revenue (House, No. 4229,-- on petition);

Relative to life settlements and stranger originated life insurance (House, No. 4296,-- on House, Nos. 1203 and 2069);

Relative to reducing phosphorus runoff (House, No. 4306,-- on House, No. 3270);

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

A Bill authorizing the town of Wellfleet to grant an easement on certain land in the town (House, No. 4171,-- 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 a recess subject to the call of the Chair; and, at twenty-four minutes before 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 Ms. Chandler, Messrs. Brewer and Eldridge, Ms. Flanagan and Messrs. Michael O. Moore and Richard T. Moore) "congratulating Doug Hannam on the occasion of his retirement as Massachusetts District 4 Little League Administrator."

### **PAPERS FROM THE HOUSE.**

The House Bill relative to financing improvements to the Commonwealth's transportation system (House, No. 4193),— **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 document numbered 2376, and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Straus of Mattapoisett, Kulik of Worthington and Howitt of Seekonk had been appointed the committee on the part of the House.**

**On motion of Mr. McGee, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators McGee, Joyce and Hedlund were appointed on the part of the Senate.**

**The bill was returned to the House endorsed accordingly.**

The Senate Bill regarding families and children engaged in services (Senate, No. 1963, 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 of House document numbered 4330.**

**Ms. Spilka moved that the Senate NON-concur in the House amendment and ask for a**

**committee of conference on the disagreeing votes of the two branches.**  
**Senators Spilka, Flanagan and Knapik were appointed to the committee on the part of the Senate.**

**The bill was returned to the House endorsed accordingly.**

*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 Resolve relating to the Tribal-State Compact between the Mashpee Wampanoag Tribe and the Commonwealth of Massachusetts (printed in House, No. 4261),-- was considered, the main question being on passing it to be engrossed.

The pending motion, previously moved by Mr. Montigny, to lay the matter on the table was considered; and it was negatived.

The resolve was then passed to be engrossed, in concurrence.

**PAPERS FROM THE HOUSE.**

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 preventing unlawful and unnecessary foreclosures (House, No. 4096) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2298) (House, No. 4323), -- came from the House, and was read.

The rules were suspended, on motion of Mr. Petruccelli, and the report was considered forthwith. 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 three minutes before two o'clock P.M., on motion of Mr. Petruccelli, as follows, to wit (yeas 35 - nays 0) [Yeas and Nays No. 265]

**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.	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.	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.	

**NAYS "0."**

**ANSWERED "PRESENT".**

Wolf, Daniel A. 1.

**ABSENT OR NOT VOTING**

Finegold, Barry R.

Rush, Michael F. 2.

The yeas and nays having been completed at one minute past two o'clock P.M., the report was accepted, in concurrence.

A Bill relative to the terms of certain bonds issued by the Commonwealth (printed in House, No. 4235,-- being a message from his Excellency the Governor),-- was read.

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

Engrossed Bills—Land Takings for Conservation Etc.

An engrossed Bill authorizing a lease of a certain parcel of land under the control of the Department of Fish and Game to the Bourne Water District for water distribution purposes (see Senate, No. 2215) (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 three minutes past two o'clock P.M., as follows, to wit (yeas 36 - nays 0) [Yeas and Nays No. 266]:

**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.	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.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
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. 36.

**NAYS 0.**

**ABSENT OR NOT VOTING**

Finegold, Barry R.

Rush, Michael F. 2.

The yeas and nays having been completed at six minutes past two 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 Hull to extend the lease of a certain building in the town (see House, No. 3650, 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 seven minutes past two o'clock P.M., as follows, to wit (yeas 36 - nays 0) [Yeas and Nays No. 267]:

#### **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.	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.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
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. <b>â€” 36.</b>

#### **NAYS   â€” 0.**

#### **ABSENT OR NOT VOTING**

Finegold, Barry R.	Rush, Michael F. <b>â€” 2.</b>
--------------------	--------------------------------

The yeas and nays having been completed at nine minutes past two 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 Nantucket Islands Land Bank to sell, convey or otherwise dispose of certain land situated in the town of Nantucket (see House, No. 3836) (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 ten minutes past two o'clock P.M., as follows, to wit (yeas 36 - nays 0) [Yeas and Nays No. 268]:

#### **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.	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.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
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. <b>â€” 36.</b>

**NAYS   â€” 0.**

#### **ABSENT OR NOT VOTING**

Finegold, Barry R.	Rush, Michael F. <b>â€” 2.</b>
--------------------	--------------------------------

The yeas and nays having been completed at twelve minutes past two 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 providing for the lease and refurbishment of the Bathing Beach Bathhouse in the town of Hingham (see House, No. 3856, 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 thirteen minutes past two o'clock P.M., as follows, to wit (yeas 36 - nays 0) [Yeas and Nays No. 269]:

#### **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.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.

Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
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. â€” 35.
Joyce, Brian A.	

**NAYS â€” 0.**

**ABSENT OR NOT VOTING**

Berry, Frederick E.	Rush, Michael F.â€” 3.
Finegold, Barry R.	

The yeas and nays having been completed at a quarter past two 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 Chelmsford to lease Sunny Meadow Farm (see House, No. 3881) (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 past two o'clock P.M., as follows, to wit (yeas 35 - nays 0) [Yeas and Nays No. 270]:

**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.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
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. â€” 35.
Joyce, Brian A.	

**NAYS â€” 0.**

**ABSENT OR NOT VOTING**

Berry, Frederick E.	Rush, Michael F.â€” 3.
---------------------	------------------------



Finegold, Barry R.

The yeas and nays having been completed at eighteen minutes past two 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 Reading to grant a utility easement over certain parcels of land (see House, No. 4170, 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 past two o'clock P.M., as follows, to wit (yeas 35 - nays 0) [Yeas and Nays No. 271]:

**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.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
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. â€” 35.
Joyce, Brian A.	

**NAYS â€” 0.**

**ABSENT OR NOT VOTING**

Berry, Frederick E.	Rush, Michael F.â€” 3.
Finegold, Barry R.	

The yeas and nays having been completed at twenty-one minutes past two 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 Groveland to provide for the construction and maintenance of a solar generating facility on land held for water supply purposes (see Senate, No. 2320) (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 twenty-two minutes past two o'clock P.M., as follows, to wit (yeas 35 - nays 0) [Yeas and Nays No. 272]:

**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.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
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. <b>â€” 35.</b>
Joyce, Brian A.	

**NAYS   â€” 0.**

**ABSENT OR NOT VOTING**

Berry, Frederick E.	Rush, Michael F. <b>â€” 3.</b>
Finegold, Barry R.	

The yeas and nays having been completed at twenty-four minutes past two 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 (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:

Relative to identification cards (see Senate, No. 1718);

Providing for annual caterer's licenses for the service of alcoholic beverages at private functions (see Senate, No. 2063, amended);

Relative to public access of private restrooms (see House, No. 2366, amended);

Relative to the regulation of cyber cafes (see House, No. 3765, amended); and

Relative to early education and care by family child care providers (see House, No. 3986, amended).

The Senate Bill requiring the registration of motor vehicle glass repair shops (Senate, No. 2216),-- came from the House passed to be engrossed, in concurrence with an amendment in section 19, in line 92, by striking out the word "or" and inserting in place thereof the word "and";

and by striking out section 22 and inserting in place thereof the following:

“SECTION 22. Notwithstanding any general or special law to the contrary, a registered motor vehicle repair shop, as defined in section 1 of chapter 100A of the General Laws, performing motor vehicle glass repair on the effective date of this act shall not be required to register with the division of standards as both a registered motor vehicle repair shop and a registered motor vehicle glass repair shop.”.

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

Reports of a Committee.

Mr. Berry for the committee on Ethics and Rules, reported the that following matters be placed in the Orders of the Day for the next session:

The Senate Bill relative to designating volleyball as the official recreational and team sport of Massachusetts (Senate, No. 1709).

There being no objection, the rules were suspended, on motion of Mr. Knapik, 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, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act designating volleyball as the official recreational and team sport of the Commonwealth”.

Sent to the House for concurrence.

The Senate Bill to provide for tobacco cessation benefits (Senate, No. 2121).

There being no objection, the rules were suspended, on motion of Mr. Richard T. Moore, and the bill was read a second time, and was amended, on motion of the same Senator striking out all after the enacting clause and inserting in place thereof the following text:-

SECTION 1. Chapter 32A of the General Laws is hereby amended by inserting after section 17I the following section:-

Section 17J. The commission may provide to any active or retired employee of the commonwealth who is insured under the group insurance commission a smoking and tobacco use cessation treatment benefit. Smoking and tobacco use cessation treatment and information benefits shall include nicotine replacement therapy, other evidence-based pharmacologic aids to quitting smoking, and accompanying counseling by a physician, certified tobacco use cessation counselor, or other qualified clinician.

SECTION 2. Section 2 of chapter 118H of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following paragraph:-

The commonwealth care health insurance program shall provide, as a benefit to participants in the program, coverage for the cost of smoking and tobacco use cessation treatment and information. Smoking and tobacco use cessation and information shall include nicotine replacement therapy, other evidence-based pharmacological aids to quitting smoking, and accompanying counseling by a physician, certified tobacco use cessation counselor or other qualified clinician.

The bill (Senate, No. 2121, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

The House Bill relative to payment for use of ambulance services (House, No. 3917).

There being no objection, the rules were suspended, on motion of Mr. Donnelly, and the bill was read a second time, and was amended, on motion of Mr. Berry by striking out all after the

enacting clause and inserting in place thereof the text of Senate document numbered 2384.  
The bill, as amended, was then ordered to a third reading, read a third time and, after remarks, 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 Senate Resolutions [offered by Mr. Eldridge et al] memorializing the Congress of the United States to pass and send to the states for ratification a Constitutional amendment to restore the First Amendment and fair elections to the people,-- was considered, the main question being on adoption.

Mr. Eldridge arose to a point of order which, being stated, was that the amendment previously offered by Mr. Hedlund inserting after paragraph five the following new text:-

Whereas, the Board of Governors of the Federal Reserve System (FED) can and has entered into agreements with foreign governments and foreign central banks in total secrecy and the United States Congress is prohibited from overseeing these agreements; and

Whereas, the FED's deals with foreign central banks are not published in Congressional reports and many assets and liabilities of the Federal Reserve Banks are not published anywhere; and,

Whereas, the U.S. Government Accountability Office (GAO) is prohibited from auditing or even seeing these agreements; and,

Whereas, allowing the FED to operate our nation's monetary system in almost complete secrecy leads to abuse, inflation, and a lower quality of life for Americans; and,

Whereas, auditing means the complete books, and all monies given as "bailouts", to any party, corporation, international bank, and government needs to be public information, including who received money, how much was received, and on what it has been spent; and,

Whereas, the Constitution of the United States gives the Congress the authority to coin money and regulate the value thereof, and auditing the FED will allow Congress to assert its Constitutional authority over monetary policy and help to protect the value of the United States dollar; and,

Whereas, by promoting open and transparent government, an audit of the FED will promote trust in our government and bring back accountability to the Federal Reserve System; and,

Whereas, H 459 has 268 bipartisan cosponsors and S 202, has 21 bipartisan cosponsors in the United States Senate;

Resolved, that the Massachusetts State Senate calls upon the United States Congress to act immediately to pass, and upon President Barak Obama to sign into law H 459 and S 202 without changes that weaken the intent of the bill to require a full and complete audit of the FED, to direct the Comptroller General of the United States, as the head of the U.S. Government Accountability Office, to perform a complete audit of the Board of Governors of the Federal Reserve System and of the Federal Reserve banks; and, that upon completion of the audit, the results be immediately provided to the United States Congress and through the Congress to the People of the United States of America,-- was beyond the scope of the resolutions presently before the Senate

The President ruled that the point of order was WELL taken

The amendment was laid aside.

The pending amendment, previously offered by Mr. Tarr, inserting a new text,-- was withdrawn, at the request of Mr. Tarr.

Pending the question on adoption of the resolutions, Messrs. Eldridge and Tarr, Ms. Chang-Diaz, Ms. Clark, Ms. Creem, Messrs. DiDomenico and Donnelly, Ms. Donoghue, Mr. Downing, Ms. Jehlen, Messrs. Joyce, Keenan, McGee Montigny, Rosenberg, Rush, Ms. Spilka, Mr. Wolf and Ms. Chandler moved to amend the resolutions by striking out the text and inserting in place thereof the following text:-

“WHEREAS, FOR THE PAST 3 DECADES, A DIVIDED UNITED STATES SUPREME COURT HAS STRETCHED THE LIMITS OF THE FIRST AMENDMENT TO ALLOW FOR CORPORATIONS, UNIONS, POLITICAL ACTION COMMITTEES AND SUPER POLITICAL ACTION COMMITTEES TO INFLUENCE THE POLITICAL PROCESS AND DEMOCRATICALLY-ENACTED REFORMS; AND  
WHEREAS, THE FIRST AMENDMENT HAS BEEN GREATLY IMPACTED BY THE UNITED STATES SUPREME COURT’S RECENT RULING IN CITIZENS UNITED V. THE FEDERAL ELECTIONS COMMISSION; AND  
WHEREAS, THE UNITED STATES SUPREME COURT’S RULING IN CITIZENS UNITED OVERTURNED LONGSTANDING PRECEDENT PROHIBITING THESE INTERESTS FROM SPENDING GENERAL TREASURY FUNDS IN DEMOCRATIC ELECTIONS; AND  
WHEREAS, THE UNITED STATES SUPREME COURT’S RULING IN CITIZENS UNITED WILL ALLOW SPECIAL INTERESTS LIMITLESS AND UNPRECEDENTED CAMPAIGN SPENDING AND THUS DISPROPORTIONATE INFLUENCE, THREATENING THE FAIRNESS OF THE DEMOCRATIC PROCESS; AND  
WHEREAS, THE PEOPLE OF THE UNITED STATES HAVE PREVIOUSLY USED THE CONSTITUTIONAL AMENDMENT PROCESS TO OVERTURN SUPREME COURT DECISIONS THAT PRESENT A RISK TO THE DEMOCRATIC PROCESS AND SELF GOVERNMENT; NOW THEREFORE BE IT  
RESOLVED, THAT THE MASSACHUSETTS SENATE HEREBY MEMORIALIZES THE 112TH CONGRESS OF THE UNITED STATES TO PASS AND SEND TO THE STATES FOR RATIFICATION A CONSTITUTIONAL AMENDMENT TO RESTORE THE FIRST AMENDMENT AND FAIR ELECTIONS TO THE PEOPLE; AND BE IT FURTHER  
RESOLVED, THAT A COPY OF THESE RESOLUTIONS BE TRANSMITTED FORTHWITH BY THE CLERK OF THE SENATE TO THE PRESIDENT OF THE UNITED STATES, TO THE PRESIDING OFFICER OF EACH BRANCH OF CONGRESS AND TO THE MEMBERS OF THOSE BRANCHES FROM THE COMMONWEALTH OF MASSACHUSETTS.”

After debate, the amendment was adopted.

The question on adoption of the resolutions, as amended, was determined by a call of the yeas and nays, at twenty-nine minutes before three o'clock P.M., on motion of Mr. Eldridge, as follows, to wit (yeas 35 - nays 1) [Yeas and Nays No. 273]

#### YEAS

Berry, Frederick E.	Keenan, John F.
Brewer, Stephen M.	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.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
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. æ” 35.
Joyce, Brian A.	

#### NAYS

Brownsberger, William N.  
æ” 1.

#### ABSENT OR NOT VOTING

Finegold, Barry R.	Rush, Michael F. æ” Å 2.
--------------------	--------------------------

The yeas and nays having been completed at twenty-six minutes before three o’clock P.M., the resolutions were adopted.

#### PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 4333) of Matthew A. Beaton and Michael O. Moore (by vote of the town) for legislation relative to authorizing the Division of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Shrewsbury,-- was referred, in concurrence, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

#### Emergency Preambles Adopted

An engrossed Bill relative to the terms of certain bonds issued by the Commonwealth (see House Bill, printed in House, No. 4235), 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 preventing unlawful and unnecessary foreclosures (see House, No. 4323), 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 14 to 0.

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

#### Reports of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to information technology producer responsibility (Senate, No. 2078),-- ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2380).

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

The bill (Senate, No. 2380) 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 the use of off-highway and recreation vehicles (Senate, No. 2199),-- ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2381).

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

The bill (Senate, No. 2381) 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 protecting the commercial value of artists, entertainers, and other notable personalities (Senate, No. 1713),-- ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2382).

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

The bill (Senate, No. 2382) was then ordered to a third reading, read a third and after remarks, time and passed to be engrossed.

Sent to the House for concurrence.

#### PAPERS FROM THE HOUSE

##### 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 the terms of certain bonds issued by the Commonwealth (see House Bill, printed in House, No. 4235); and

Preventing unlawful and unnecessary foreclosures (see House, No. 4323).

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Julie Nantais, an employee of the Department of Public Health (Senate, No. 2266),-- ought to pass.

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

Sent to the House for concurrence.

#### PAPER FROM THE HOUSE.

The Senate Bill relative to superintendency union benefits (Senate, No. 2092),-- came from the House passed to be engrossed, in concurrence with an amendment inserting before the enacting clause the following emergency preamble:

“Whereas, the deferred operation of this act would tend to defeat its purpose, which is to allow forthwith the member town of superintendency union 28 to enter into agreements to fund benefits for employees and retirees of the superintendency union, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.



The rules were suspended, on motion of Mr. Rosenberg, and the House amendment was considered forthwith and adopted, in concurrence. (as corrected BTR)

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 Northborough to convey certain parklands to abutters (House, No. 4075),-- was read a second time.

Pending the question on ordering the bill to a third reading, Ms. Chandler and Mr. Eldridge moved that the bill be amended by inserting after section 2 the following section:-

“SECTION 2A. The consideration paid to the town of Northborough for ‘Parcel C-2’ and ‘Parcel C-3’ under section 2 shall be deposited in a dedicated account to be used solely for park and recreation projects in the town.”

The amendment was adopted.

The bill 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.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Relative to adding the town of Harvard to the Devens Economic Target Area (House, No. 3717);

Relative to the rights of the water supply district of Acton to acquire any water source in the town of Boxborough (House, No. 3820);

Relative to a Conservation Restriction in the town of Truro (House, No. 3919);

Authorizing the town of Hopedale to allow direct deposit of receipts into certain funds (House, No. 3937);

Authorizing the town of Orange to convey a certain parcel of land (House, No. 4009, changed and amended);

Exempting the town of Southbridge from attorney general approval of by-laws (House, No. 4039);

Relative to non-councilors on committees in the town of Southbridge (House, No. 4040);

Relative to the removal of the vice chairperson of the council of the town of Southbridge (House, No. 4041);

Relative to the prohibition on multiple appointments to quasi-judicial boards in the town of Southbridge (House, No. 4042);

Relative to the addition of members to the board of health in the town of Southbridge (House, No. 4043);

Relative to the appointment of the liquor store licensing board in the town of Southbridge (House, No. 4044);

Relative to the rescission of appointments to quasi-judicial bodies in the town of Southbridge (House, No. 4045);

Relative to the removal of the manager of the town of Southbridge (House, No. 4046);

Relative to the prohibition on commercial manufacturing or sale of alcohol by the members of the liquor licensing board of the town of Southbridge (House, No. 4047);

Relative to the recall of elective officers in the town of Southbridge (House, No. 4048); and

Relative to annual immunization against influenza for children (House, No. 3948);

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



The Senate Bill establishing a board of registration in naturopathy (Senate, No. 1158),-- was read a second time and was amended, as previously recommended by the committee on Ways and Means substituting a new draft with the same title (Senate, No. 2377).

The bill (Senate, No. 2377) was then ordered to a third reading. The rules were suspended, on motion of Ms. Fargo, and the bill was read a third time and, after remarks, was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to trenches on private property (Senate, No. 1185),-- was read a second time.

The pending amendment, previously recommended by the committee on Ways and Means, that the bill be amended by substituting a new draft entitled "An Act relative to trench safety" (Senate, No. 2378),-- was considered.

Pending the question on adoption of the amendment, Mr. Tarr moved that the proposed new draft be amended by striking the word "fencing around" in line 30 and inserting in place thereof "covers or portable barriers to".

The amendment was adopted.

The Ways and Means amendment was then adopted, as amended.

The bill (Senate, No. 2378, amended) was then ordered to a third reading. The rules were suspended, on motion of Mr. Timilty, and the bill was read a third time and, after remarks, was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to the licensure of behavior analysts (Senate, No. 2217),-- was read a second time.

The pending amendment, previously recommended by the committee on Ways and Means, substituting a new draft entitled "An Act providing for the licensing of applied behavior analysts" (Senate, No. 2379),-- was considered.

Pending the question on adoption of the amendment, Mr. Rosenberg moved that the pending new draft be amended by striking out, in lines 82 to 84, inclusive the words "provided, that such practice of applied behavior analysis shall only be conducted upon referral from a licensed mental health or medical professional whose scope of practice includes diagnosis and evaluation; and provided further" and inserting in place thereof the following word:- "provided".

The amendment was adopted.

Mr. Rosenberg moved that the pending new draft be amended in section 2, by striking out proposed section 272 of chapter 112 of the General Laws and inserting in place thereof the following section:-

"Section 272. Nothing in sections 264 to 277, inclusive, shall be construed to prevent qualified members of other professions or occupations including, but not limited to, physicians, psychologists, teachers, occupational therapists, members of the clergy, authorized Christian Science practitioners, attorneys-at-law, social workers, guidance counselors, clinical counselors, adjustment counselors, speech pathologists, audiologists or rehabilitation counselors from practicing applied behavior analysis if it is consistent with the accepted standards of their respective professions; provided, however, that no such physician, psychologist, teacher, occupational therapist, member of the clergy, Christian Science practitioner, attorneys-at-law,

social worker, guidance counselor, clinical counselor, adjustment counselor, speech pathologist, audiologist, rehabilitation counselor or other person shall use any title or description stating or implying that such person is a licensed applied behavior analyst without holding said license.”.

The amendment was adopted.

The Ways and Means amendment was then adopted, as amended.

The bill (Senate, No. 2379, amended) was then ordered to a third reading. The rules were suspended, on motion of Mr. Kennedy, and the bill was read a third time and, after remarks, was passed to be engrossed.

Sent to the House for concurrence.

The House Bill relative to third grade reading proficiency (House, No. 4243),-- was read a second time and was amended, as previously recommended by the committee on Ways and Means striking out, in lines 28 to 30, inclusive, the words “(1) comprehensive curricula on language and literacy development for children in early education and care programs and grades pre-kindergarten to third grade, inclusive, that (i) is anchored in rich content to be studied through thematic units” and inserting in place thereof the following words:- “(1) strategies for evaluating the effectiveness of curricula on language and literacy development for children in early education and care programs and grades pre-kindergarten to third grade, inclusive, that (i) is anchored in rich content”; and by striking out, in lines 49 and 50, the words “the recommendations contained in “Turning the Page: Refocusing Massachusetts for Reading Success” by Nonie Lesaux” and inserting in place thereof the following words:- “research-based recommendations contained in reports written by experts in early language and literacy development”; and by striking out, in line 65, the words “December 31” and inserting in place thereof the following words:- “June 30”.

The bill, as amended, was then ordered to a third reading. The rules were suspended, on motion of Ms. Clark, and the bill was read a third time and, after remarks, was 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 establishing the afterschool and out-of-school time coordinating council (Senate, No. 2111),-- ought to pass, with amendment by inserting after the word “funding”, in line 49, the following word:- “directly”; in section 3, by striking out the second sentence; and by striking out, in line 60, the words “December 31” and inserting in place thereof the following words:- “June 1”.

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

The bill (Senate, No. 2111, amended) was ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

#### PAPER FROM THE HOUSE.

The Senate Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the city of Worcester (Senate, No. 2250),-- 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 document numbered 4300.

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

Ms. Chandler presented a motion that the Senate concur with House amendment with a further amendment, striking out the enacting clause and inserting in place thereof the following emergency preamble:-

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith authorize the Massachusetts Department of Transportation to acquire certain parcels of land in the city of Worcester, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The motion was accepted; and the amendment was adopted.

Sent to the House for concurrence in the further amendment.

Recess.

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

#### PAPERS FROM THE HOUSE

Engrossed Resolve.

An engrossed Resolve relating to the tribal-state compact between the Mashpee Wampanoag Tribe and the Commonwealth of Massachusetts (see House, Resolve, printed in House, No. 4261) (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. The question on passing the resolve was determined by a call of the yeas and nays, at twenty-seven minutes before six o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 27 - nays 9) [Yeas and Nays No. 274]:

#### YEAS

Brewer, Stephen M.	Kennedy, Thomas P.
Candaras, Gale D.	Knapik, Michael R.
Chandler, Harriette L.	McGee, Thomas M.
Chang-Diaz, Sonia	Moore, Michael O.
Clark, Katherine M.	Murray, Therese
Creem, Cynthia Stone	Pacheco, Marc R.
DiDomenico, Sal N.	Petrucelli, Anthony
Donnelly, Kenneth J.	Rosenberg, Stanley C.
Donoghue, Eileen M.	Ross, Richard J.
Downing, Benjamin B.	Spilka, Karen E.
Flanagan, Jennifer L.	Tarr, Bruce E.
Hart, John A., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. æ” 27.
Joyce, Brian A.	

#### NAYS

Brownsberger, William N.	Montigny, Mark C.
Eldridge, James B.	Moore, Richard T.
Fargo, Susan C.	Rodrigues, Michael J.
Hedlund, Robert L.	Timilty, James E æ” 9.

Keenan, John F.

**ABSENT OR NOT VOTING**

Berry, Frederick E.

Rush, Michael F.    3.

Finegold, Barry R.

The yeas and nays having been completed at twenty-one minutes before six o'clock P.M., the resolve was passed, and it was signed by the President and laid before the Governor for his approbation.

Subsequently, Mr. Pacheco moved reconsideration of the vote on passing the resolve; and it was negatived.

Report of a Committee.

By Mr. Donnelly, for the committee on State Administration and Regulatory Oversight, on petition, a Bill authorizing the commissioner of the Division of Capital Asset Management and Maintenance to convey certain land in New Bedford to the city of New Bedford (Senate, No. 2367),-- was read.

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

Pending the question on ordering the bill to a third reading, Mr. Montigny moved that the bill be amended by inserting before the enacting clause the following emergency preamble:-

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith authorize the conveyance of certain parcels of land in the city of New Bedford, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted.

The bill (Senate, No. 2367, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

Emergency Preamble Adopted

An engrossed Bill relative to superintendency union benefits (see Senate, No. 2092, 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 7 to 0.

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

Order.

On motion of Mr. Welch,--

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

Moment of Silence.

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of Joni Alicia Finegold.

## Adjournment in Memory of Joni Alicia Finegold

The Senator from Middlesex, Mr. Donnelly moved that when the Senate adjourns today, it do so in memory of Joni Alicia Finegold, sister of Senator Barry Finegold.

Joni Finegold of Alexandria, Virginia, lost her battle with cancer this morning. Joni fought non-smoking related lung cancer for 18 months. She was 42 years old.

Joni served in the United States Foreign Service from 1992 to 1998. Accepted at the age of 23, she was one of the youngest people to ever be accepted into the Foreign Service. She was assigned to a hardship post as a Political and Economic Officer in Bogota, Columbia, during the height of the drug cartel in 1995 to 1996. Joni also served as a Consular and Political Officer in London, England and Belfast, Northern Ireland from 1992 to 1994 during the violence leading up to the first ceasefire.

Most recently, Joni was an Adjunct Instructor at the Institute for Conflict Analysis and Resolution at George Mason University in Fairfax, Virginia.

Joni is survived by her husband Daniel Sachs and their two daughters, Lillian, 11, and Miriam, 6; her parents Sondra and Michael Finegold; her sister, Diana Finegold; her brother, Senator Barry Finegold, sister-in-law Amy Finegold, nieces Ava and Ella, and nephew Max Finegold; and grandmother, Marian Shapiro.

Accordingly, as a mark of respect to the memory of Joni Alicia Finegold, at thirteen minutes before six o'clock P.M., on motion of Mr. Hart, the Senate adjourned to meet again tomorrow at twelve o'clock noon.