

**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, December 6, 2012.

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

The Senator from Essex and Middlesex, Mr. Tarr, led the Chair (Mr. Rosenberg), members, guests and staff in the recitation of the pledge of allegiance to the flag.

#### *Communication.*

A communication from the Honorable Therese Murray, President of the Senate, announcing the appointment of Senators Harriette L. Chandler and Katherine M. Clark to the Special Commission established (under Section 208 of Chapter 139 of the Acts of 2012) to make an investigation and study relative to services for unaccompanied homeless youth age 22 and younger,-- **was placed on file.**

#### *Report.*

A report of the Office of the Comptroller (pursuant to the provisions of Section 12(c) of Chapter 7A of the General Laws) submitting the Commonwealth's Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2010 (FY10) (received January 21, 2011),-- **was placed on file.**

#### *Reports of a Committee.*

By Ms. Creem, for the committee on the Judiciary, on petition, a Bill establishing a sick leave bank for Yolanda Marrero, an employee of the Trial Court (Senate, No. 2455);

By Mr. Brownsberger, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Donald Mahoney, an employee of the Department of Revenue (Senate, No. 2459); and

By the same Senator, for the same committee, on petition (accompanied by bill (Senate, No. 2458), a Bill establishing a sick leave bank for Donna DelCore, an employee of the Executive Office of Health and Human Services (Senate, No. 2466);

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

### PAPERS FROM THE HOUSE

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4530) of Linda Dean Campbell (with the approval of the mayor and city council) for legislation to increase the number of members on the Methuen Board of Health from three to five members.

**To the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 4531) of Linda Dean Campbell (with the approval of the mayor and city council) for legislation relative to the appointment of David J. Eddy, to the position of firefighter in the city of Methuen, notwithstanding the

maximum age requirements for said position.

**To the committee on Public Service.**

A Bill relative to town meeting warrants in the town of Templeton (House, No. 4484,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

#### *Reports*

Of the committee on Children, Families and Persons with Disabilities, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1857) of John V. Fernandes and others for legislation relative to providing for an investigation and study by a special commission (including members of the General Court) relative to the impact of undocumented aliens residing in the Commonwealth,-- **and recommending that the same be referred to the committee on Economic Development and Emerging Technologies;**

Of the committee on Public Health, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2352) of Bradley H. Jones, Jr. and others relative to prescription drug coupons; and

Of the petition (accompanied by bill, House, No. 2383) of David B. Sullivan and others relative to coupons of manufacturers submitted to health care insurers;

**And recommending that the same severally be referred to the committee on Health Care Financing; and**

Of the committee on State Administration and Regulatory Oversight, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1754) of Martha M. Walz for legislation relative to exempting certain charter schools from public procurement laws,-- **and recommending that the same be referred to the committee on Education.**

**Were severally 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 Mr. Donnelly) "congratulating Robert and Veronica Andrews on the occasion of their fiftieth wedding anniversary."

#### *Matters Taken Out of the Orders of the Day.*

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

The House Bill establishing the town of Acton energy efficiency fund (House, No. 4106),-- **was read second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to the sale of alcoholic beverages in the city of Somerville (House, No. 4468),-- **was read second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act further regulating the sale of alcoholic beverages in the city of Somerville".**

#### *Petition.*

On motion of Mr. Tarr, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Moore (accompanied by bill) of Richard T. Moore and Kevin J. Kuros for legislation to establish a sick leave bank for John Daley, an employee of the Department of Children and Families,-- **and the same was referred to the committee on Public Service.**

**Sent to the House for concurrence.**

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

A joint petition (accompanied by bill, House, No. 4534) of John V. Fernandes and Richard T. Moore for legislation relative to the purchase of prostate cancer medication,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Health.**

#### *Engrossed Bills.*

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

Further regulating certain town meeting notices in the town of Belmont (see Senate, No. 2223);

Relative to authorizing the town of Aquinnah to refund a certain tax payment (see House, No. 3708); and

Designating a certain area in the city of Revere as the Peter E. McCauley Memorial Plaza (see House, No. 4456, amended).

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing commonwealth virtual schools (House, No. 4274),-- **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2467.**

**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, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.**

**Sent to the House for concurrence in the amendment.**

**PAPERS FROM THE HOUSE**

*Emergency Preambles Adopted.*

An engrossed Bill establishing a sick leave bank for Lori Roche, an employee of the Department of Children and Families (see Senate, No. 2450), 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 2 to 0.**  
**The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for James A. O'Connor, an employee of the Division of Professional Licensure (see Senate, No. 2452, 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 2 to 0.**

**The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Wendy Watts, an employee of the Department of Youth Services (see House, No. 4497, 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 2 to 0.**  
**The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.**

*Reports of a Committee.*

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick Leave bank for Dazlee Alvarado, an employee of the Massachusetts Department of Public Health (House, No. 4474, amended),-- **ought to pass.**  
**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.**

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Judith Rocha, an employee of the Department of Children and Families (House, No. 4512, amended),-- **ought to pass.**  
**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.**

*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 regulating the grant of sewer system connections by the Board of Sewer Commissioners of the Town of Kingston (House, No. 4310),-- **was read second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

**PAPERS FROM THE HOUSE**

*Engrossed Bills.*

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

Authorizing the town of Newbury to use certain fund balances for capital expenditures (see Senate, No. 1934);

Providing for the establishment of a fire department in the town of Newbury (see Senate, No. 1941, amended);

Authorizing the town of Arlington to establish a separate account for proceeds from wireless communications antenna leases (see Senate, No. 2304);

Establishing a sick leave bank for Lori Roche, an employee of the Department of Children and Families (see Senate, No. 2450);

Establishing a sick leave bank for James A. O'Connor, an employee of the Division of Professional Licensure (see Senate, No.

2452, amended); and  
Establishing a sick leave bank for Wendy Watts, an employee of the Department of Youth Services (see House, No. 4497, amended).

*Recess.*

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

*Order Adopted.*

On motion of Mr. Hart,--

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

*Farewell Remarks.*

The Senate then heard introductory and farewell remarks for the departing Senator from the Third Essex District, Ms. Susan C. Fargo and for the departing Senator from the Second Essex District, Mr. Frederick E. Berry.

*Adjournment in Memory of Joyce Spiliotis*

The Senator from Essex, Mr. Berry, requested that when the Senate adjourns today, it do so in memory of Joyce Spiliotis.

Representative Joyce Spiliotis passed away on November 29th surrounded by her family.

She was raised and educated in Peabody and was a graduate of Peabody High School, continuing her education at Suffolk University.

Representative Spiliotis served ten years on the Peabody City Council and two years as a Peabody Institute Library Trustee before being elected to the Massachusetts House of Representatives in 2002, where she served for the past decade. In each role, she was a strong advocate for the residents of Peabody and was renowned for her commitment to constituent services. Joyce's steadfast dedication to the City of Peabody served its population tremendously and will be missed.

In the House, she was a champion of causes aimed at helping the less fortunate. Representative Spiliotis sponsored numerous laws that improve the quality of life for our elders, people with disabilities, veterans, members of the armed forces, and families. She was respected professionally for her candor, loyalty, professionalism, and commitment to her district. Personally, she was loved for her humor, quick wit, and kind heart.

She will be deeply missed by her family, colleagues, friends, and the people of Peabody, for whom she dedicated her time, talents, and heart.

In addition to her husband, Dick, Representative Spiliotis is survived by her daughters, Bethann and Baine, her grandchildren, Casey, and Nicholas, and her great-granddaughter, Chanel.

Accordingly, as a mark of respect in memory of Joyce Spiliotis, at twenty-nine minutes past seven o'clock P.M., on motion of Mr. Berry, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.