

**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, December 24, 2012.*

Met at five minutes past eleven o'clock A.M. (Mr. Petrucci 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 (Mr. Petrucci), members, guests and staff then recited the pledge of allegiance to the flag.

#### *Report of a Committee.*

By Ms. Creem, for the committee on the Judiciary, on petition, a Bill to establish a sick leave bank for Sarah Bok, an employee of the Trial Court (Senate, No. 2475);

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

### PAPERS FROM THE HOUSE.

#### *Bills*

Relative to certain banking laws (House, No. 288,-- on petition);

Authorizing the Division of Capital Asset Management to convey a certain parcel of land in the town of Danvers (House, No. 847,-- on petition);

Authorizing the Division of Capital Asset Management and Maintenance to convey and grant all right, title and interest in a certain portion of land to abutters (House, No. 3999,-- on House, No. 846);

Relative to background checks (House, No. 4307, amended,-- on Senate, No. 176 and House, Nos. 1936 and 4003); and

Establishing a snowmobile educational safety program (House, No. 4359,-- on House, Nos. 237, 239, 1153 and 1993);

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

A Bill relative to the Charles River Water Quality Commission (House, No. 4490,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

#### *Bills*

Relative to the charter of the town of North Andover (House, No. 4314,-- on petition) [Local approval received];

Exempting certain positions in the town of North Andover from the civil service law (House, No. 4316,-- on petition) [Local approval received];

Relative to the leadership and governance of the city known as the town of Agawam (House, No. 4388,-- on petition);

Relative to the charter of the town of Abington (House, No. 4438,-- on petition) [Local approval received]; and

Exempting the position of chief of police of the town of West Springfield from the provisions of the civil service law (House, No. 4496,-- on petition) [Local approval received];

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

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:- Resolutions (filed by Mr. Knapik, Ms. Candaras, Messrs. Eldridge, Hart, Joyce, McGee, Montigny, Richard T. Moore, Rosenberg and Ross, Ms. Spilka and Messrs. Tarr, Timilty and Welch) “congratulating the Honorable Brian P. Lees on his retirement as Hampden County Clerk of Courts.”

#### **PAPER FROM THE HOUSE.**

A Bill further regulating the granting of temporary licenses for the sale of wine at certain auctions (House, No. 4536,-- on House, No. 1883),-- **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 its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act further regulating the granting of temporary licenses for the sale of wines at certain auctions.”.**

#### *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 Senate Bill relative to the budget review process in the town of Greenfield (Senate, No. 2426),-- **was read second time.**

Pending the question on ordering the bill to a third reading, Mr. Rosenberg presented an amendment in section 1, in subsection (c), by striking out the second sentence and inserting in place thereof the following sentence:- “In amending the budget, the town council may increase or decrease amounts and expenditures as allowed under section 32 of chapter 44 of the General Laws.”

**The amendment was adopted.**

**The bill (Senate, No. 2426, amended) was then ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act amending the charter of the city known as the town of Greenfield relative to the budget review process”.**

**Sent to the House for concurrence.**

The Senate Bill creating a domestic violence task force in the town of Greenfield (Senate, No. 2430),-- **was read second time.**

Pending the question on ordering the bill to a third reading, Mr. Rosenberg presented an amendment substituting a new draft entitled “An Act amending the charter of the city known as the town of Greenfield to establish a mayor’s task force against domestic violence” (Senate, No. 2480).

**The amendment was adopted.**

**The bill (Senate, No. 2480) was then ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

#### *Motion to Take a Matter Out of the Orders of the Day.*

The Chair (Mr. Petrucci) asked unanimous consent to take the Senate Bill relative to process piping (Senate, No. 2478) out of the Orders of the Day for consideration,-- **but objection was made thereto by Mr. Tarr.**

#### *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 amending the charter of the town of North Andover (House, No. 3592),-- **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 membership of the conservation commission of the town of Richmond (House, No. 3824),-- **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 vacancies in the office of selectmen in the town of North Andover (House, No. 3832),-- **was read second time.**

Pending the question on ordering the bill to a third reading, Mr. Tarr moved that the bill be amended by adding the following sentence:- “This section shall not prevent a voter initiated special election under section 10 of chapter 41 of the General Laws.”

**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 in concurrence, with the amendment.**

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

The House Bill relative to annual immunization against influenza for children (House, No. 3948),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Rodrigues presented an amendment in section 1, by inserting after the word “all”, in line 3, the following words:- “elementary and”.

**The amendment was adopted.**

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.**

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

The House Bill exempting the position of Deputy Police Chief of the town of Westwood (House, No. 4233),-- **was read second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of North Andover to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4308),-- **was read second time.**

Pending the question on ordering the bill to a third reading, Mr. Tarr moved that the bill be amended in section 1, by adding the following subsection:-

“(d) Upon issuance of the all alcoholic beverages license authorized in section 1, La Bottega, LLC, shall return to the town the license for the sale of wines and malt beverages not to be drunk on the premises that it currently holds.”

**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 in concurrence, with the amendment.**

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

The House Bill relative to the position of appointed highway surveyor in the town of Hanson (House, No. 4455),-- **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 charter of the town of Chatham (House, No. 4473),-- **was read second time, ordered to a third reading and read a third time.**

**Ms. Creem, for the committee on Bills in the Third Reading, reported, recommending that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2482.**

**The amendment was adopted.**

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.**

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

The House Bill increasing board of selectmen membership in the town of Sudbury from three to five (House, No. 4528, amended),-- **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 increasing the board of selectmen membership in the town of Sudbury from three to five”.**

#### *Reports of Committees.*

Ms. Spilka, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill relative to voluntary withdrawal of land from registration (Senate, No. 694) (the committee on Ethics and Rules recommending that the bill be amended by substituting a new draft with the same title (Senate, No. 2481).

**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 Ethics and Rules.**

**The bill (Senate, No. 2481) was then ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

Ms. Spilka, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill relative to residents of continuing care retirement communities (Senate, No. 2139).

**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.**

**Sent to the House for concurrence.**

Ms. Spilka, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill relative to the prevention of falls in the elderly community (House, No. 180).

**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, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act further regulating the commission on falls prevention”.**

Ms. Spilka, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill relative to access to epinephrine in schools (House, No. 3959).

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

Pending the question on ordering the bill to a third reading, Ms. Spilka presented an amendment striking out, in line 13, the word “district”.

**The amendment was adopted.**

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.  
Sent to the House for concurrence in the amendment.**

Ms. Spilka, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill prohibiting the sale, installation and disposal of mercury thermostats (House, No. 4305, amended) (the committee on Ways and Means having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2479; and by striking out the title and inserting in place thereof the following title: "An Act further regulating mercury management").

**Mr. Pacheco moved to suspend the rules to consider the matter forthwith; but objection was made thereto by Mr. Eldridge.**

**Under Senate Rule 26, the bill was placed in the Orders of the Day for the next session, with the amendment pending.**

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

A Bill relative to the recall of elective officers in the town of North Andover (House, No. 3831,-- on petition),-- **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.**

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

Petition (accompanied by bill, House, No. 4553) of Paul J. Donato for legislation to increase the membership of the commission on the status of grandparents raising grandchildren from 11 to 15 members and to allow for special appointments ;  
**Under suspension of Joint Rule 12, to the committee on Children, Families and Persons with Disabilities**

Petition (accompanied by bill, House, No. 4552) of Christopher M. Markey relative to the town of Dartmouth Fire District No. 1;  
**Under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 4554) of Paul J. Donato for legislation to establish a sick leave bank for Margaret C. Henderson, an employee of the Executive Office of Health and Human Services;  
**Under suspension of Joint Rule 12, to the committee on Public Service.**

#### *Emergency Preambles Adopted*

An engrossed Bill establishing a sick leave bank for Yolanda Marrero, an employee of the Trial Court (see Senate, No. 2455), 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 (Petrucelli) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Donald Mahoney, an employee of the Department of Correction (see Senate, No. 2471), 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 (Petrucelli) and sent to the House for enactment.**

An engrossed Bill establishing Commonwealth virtual schools (see House, No. 4274, 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 5 to 0. The bill was signed by the Acting President (Petrucelli) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Kathleen Rezendes, an employee of the Department of Transitional Assistance (see House, No. 4410), 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.**

#### *Engrossed Bills.*

The following engrossed bills (the first seven 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. Petrucelli) and laid before the Governor for his approbation, to wit:

Including call and volunteer firefighters on the Massachusetts Fire Service Commission (see Senate, No. 1187);  
Designating a portion of Route 8 in the town of Hinsdale as the Pvt. Henry T. Johns memorial highway (see Senate, No. 2292);  
Relative to municipal acceptance of roads within a subdivision in the town of Medway (see Senate, No. 2348);  
Relative to housing rights for victims of domestic violence, rape, sexual assault and stalking (see Senate, No. 2402);  
Establishing a sick leave bank for Yolanda Marrero, an employee of the Trial Court (see Senate, No. 2455);  
Authorizing the town of Webster to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 2468);  
Establishing a sick leave bank for Donald Mahoney, an employee of the Department of Correction (see Senate, No. 2471);  
Authorizing the town of Westwood to grant special licenses for the sale of all alcoholic beverages and wines and malt beverages (see House, No. 3675, amended);  
Relative to electing water commissioners in the town of Harvard (see House, No. 3997);  
Relative to financial services contracts for dental benefits corporations (see House, No. 4265);  
Establishing commonwealth virtual schools (see House, No. 4274, amended);  
Making faculty sabbatical provisions at state universities consistent with other higher education institutions (see House, No. 4295);  
Amending the town charter of Oxford (see House, No. 4313);  
Establishing a sick leave bank for Kathleen Rezendes, an employee of the Department of Transitional Assistance (see House, No. 4410);  
Relative to the charter of the city of Somerville (see House, No. 4440, amended);  
Authorizing the town of Milton to borrow money for the payment of certain medical expenses (see House, No. 4445);  
Further regulating the sale of alcoholic beverages in the city of Somerville (see House, No. 4468); and  
Relative to the regional wastewater district enabling act for the towns of Mansfield, Foxborough and Norton (see House, No. 4487).

*Order Adopted.*

On motion of Mr. Tarr,--

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

*Adjournment in Memory of C. Bruce Brown.*

The Senator from Essex and Middlesex, Mr. Tarr, moved that when the Senate adjourns today, it adjourn in memory of C. Bruce Brown, a longtime Newburyport resident and former city councilor, who passed away on December 20, 2012 at Country Manor Nursing Home in Newburyport at the age of 75.

Born in Olean, New York on June 9, 1937, Mr. Brown was the son of the late Woodrow and Doris (Lanphere) Brown and was a graduate of Oswayo High School in Shinglehouse, Pennsylvania. He served in the United States Air Force from August 9, 1955 until his honorable discharge on October 8, 1959, and was stationed at Pease Air Force Base in Portsmouth, New Hampshire. He later attended the University of New Hampshire.

Mr. Brown was a Special Education teacher and basketball coach at Amesbury High School. In addition to selling insurance for the Prudential Insurance Company for 25 years, he also established his own marketing company, Atlantic Advertising Media, which worked primarily with YMCAs throughout New England, New York and Pennsylvania. He also opened a country store in Salisbury and ran a tourist boat, the Sabino, on the Merrimack River.

Mr. Brown served as the Ward 2 city councilor in Newburyport from 1970-1973, and later served as the Ward 1 city councilor from 1992-2001, representing the residents of Plum Island. He was president of the council from 1972-1973, and led the council again for a brief period in 1997. He also made an unsuccessful run for the Massachusetts House of Representatives in 1992.

An active member of the Newburyport community, Mr. Brown was Chairman of the 1982 Yankee Homecoming; Director of the Haverhill Y.M.C.A.; a longtime advocate and supporter of the Jimmy Fund; and a member of the Benevolent Protective Order of Elks, the Newburyport Lions Club and St. John's Lodge, A.F. & A.M. of Newburyport. He also served as a volunteer on many boards and commissions, including The Salvation Army; the Newburyport Housing Authority; The Olde Newbury Historical Society; Friends of Plum Island Lighthouse; and the Newburyport Waterfront Trust.

In addition to his wife, Peggy L. (Kennedy) Brown of Newburyport, Mr. Brown is also survived by three children, including U.S. Senator Scott P. Brown and his wife Gail of Wrentham; Robyn L. Brown of Scarborough, Maine; and Bruce Browne and his wife Michelle of Wolcott, Connecticut. He is also survived by two step-children, Tracy Harrington and her husband Christian of Amesbury and Todd Harrington and his wife Amy of Bennington, Vermont; a sister, Linda L. Dixon of Newark, New Jersey; eight grandchildren, including Joshua Heath and his wife Jennifer of Erie, Pennsylvania; Emily Heath of Midvale, Utah; Kyle Turin; Ayla Brown of Nashville, Tennessee; Arianna Brown of Maryland; Gabriella Browne of New Hampshire; Parker and

Devin Browne of Wolcott, Connecticut; and Taylor Harrington of Bennington, Vermont; as well as several nieces, nephews, cousins, colleagues and dear friends.

Accordingly, as a mark of respect to the memory of C. Bruce Brown, at quarter before twelve o'clock noon, on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday at eleven o'clock A.M.