

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 27, 2012.

Met at nine 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.

Reports of a Committee.

By Mr. Joyce, for the committee on Bonding, Capital Expenditures and State Assets, on Senate, No. 2064, an Order relative to authorizing the committee on Bonding, Capital Expenditures and State Assets to make an investigation and study of certain current Senate document numbered 2064 relative to a parcel of land in New Bedford (Senate, No. 2483);

By the same Senator, for the same committee, on Senate, No. 26, an Order relative to authorizing the committee on Bonding, Capital Expenditures and State Assets to make an investigation and study of certain current Senate document numbered 26 relative to certain land in Templeton (Senate, No. 2484);

By the same Senator, for the same committee, on Senate, No. 1590, an Order relative to authorizing the committee on Bonding, Capital Expenditures and State Assets to make an investigation and study of certain current Senate document numbered 1590 relative to water mains under state highway route 1 (Senate, No. 2485);

By the same Senator, for the same committee, on Senate, No. 1686, an Order relative to authorizing the committee on Bonding, Capital Expenditures and State Assets to make an investigation and study of certain current Senate document numbered 1686 relative to funding for clean energy for public schools (Senate, No. 2486);

Severally referred, under Joint Rule 29, to the committee on Rules of the two branches acting concurrently.

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

The Chair (Mr. Petrucci) asked unanimous consent to take 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") out of the Orders of the Day for consideration forthwith,-- but objection was made thereto by Mr. Eldridge.

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill further regulating the granting of temporary licenses for the sale of wines at certain auctions (see House, No. 4536, 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. Petrucci) and sent to the House for enactment.**

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 relative to tax titles in the town of East Bridgewater (House, No. 3991),-- **was read a 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 North Andover (House, No. 4314),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill designating certain tax revenue in the town of Wareham (House, No. 4390),-- **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 Reading to read as follows: "An Act authorizing certain tax revenue in the town of Wareham to be used for capital improvements".**

The House Bill relative to the charter of the town of Abington (House, No. 4438),-- **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 Reading to read as follows: "An Act making certain amendments to the charter of the town of Abington".**

The House Bill exempting the position of chief of police of the town of West Springfield from the provisions of the civil service law (House, No. 4496),-- **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 relative to false, fraudulent or misleading statements (Senate, No. 408),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Hart, and the bill was read a second time, 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 Reading to read as follows: "An Act relative to medical examinations for life insurance policies".

Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill relative to health insurance benefits in the city of Lawrence (House, No. 3857),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Hart, 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 to adopt a definition of intellectual disability consistent with the American Association of Intellectual and Developmental Disabilities (House, No. 4252),-- **ought to pass, with an amendment striking out, in line 5, the words "11th edition (2010)" and inserting in place thereof the following words:- "the most recent".**

There being no objection, the rules were suspended, on motion of Mr. Hart, 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, its title having been changed by the committee on Bills in the Reading to read as follows: "An Act providing for a definition of intellectual disability consistent with the American Association of Intellectual and Developmental Disabilities".

Sent to the House for concurrence in the amendment.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill relative to background checks (House, No. 4307, amended),-- **ought to pass**, with an amendment striking out, in lines 178 to 179, inclusive, the words " ; by inserting after the words 'youth services', in line 127, the following words: - ' , or was employed at a facility approved or licensed by the department of early education and care'";

By inserting after section 8, the following section:-

"SECTION 8A. Said subsection (l) of said section 51B of said chapter 119, as so appearing, is hereby further amended by inserting after the first paragraph the following paragraph:-

If the department substantiates a report alleging that abuse or neglect was committed by an individual who was employed at a facility approved or licensed by the department of early education and care, then the department shall notify the office of the child advocate and the department of early education and care, in writing, by transmitting a copy of the report filed under section 51A and the department's written evaluation and written determination."; and

By striking out, in line 183, the words "within 3 years" and inserting in place thereof the following words: - "prior to the beginning of the 2016-2017 school year".

There being no objection, the rules were suspended, on motion of Mr. Hart, 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 amendments.

Sent to the House for concurrence in the amendments.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Scott Giroux, an employee of the Department of Mental Health (House, No. 4504),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Hart, 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 Laura Flowers, an employee of the Department of Children and Families (House, No. 4538),-- **ought to pass.**

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

Recess.

At a half past eleven o'clock A.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the Chair (Mr. Petruccelli) declared a recess; and, at nine minutes before twelve o'clock noon, the Senate reassembled, Mr. Petruccelli in the Chair.

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, on the residue of the House Bill relative to private construction and providing for an addendum to a pipefitter's license (House, No. 3158, amended),-- ought to pass, with an amendment striking out, in line 8, the word "and" and inserting in place thereof the following word:- "or"; by striking out section 3 and inserting in place thereof the following section:-

"SECTION 3. The first paragraph of said section 27B of said chapter 149, as so appearing, is hereby further amended by striking out the fourth sentence." ; and by striking out the title and inserting in place thereof the following title:- "An Act promoting fairness in private construction contracts".

There being no objection, the rules were suspended, on motion of Mr. Hart, 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.

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 exempting certain positions in the town of North Andover from the civil service law (House, No. 4316),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

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 House Bill designating that portion of Route 9 from the city of Northampton to the city of Pittsfield as the Marine Corps League Highway (House, No. 3637),-- **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. Downing presented an amendment that the bill be amended in section 2, by striking out, in lines 9 to 11, inclusive, the words "Highway and suitable markers bearing such designation shall be erected and maintained thereon by the Marine Corps League, Westfield River Valley Detachment 141" and inserting in place thereof the following words:- "Highway. The Massachusetts Department of Transportation shall erect and maintain suitable markers bearing that designation in compliance with applicable state and federal standards.".

The amendment was adopted.

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

Sent to the House for concurrence in the amendment.

By Mr. Brownsberger, for the committee on Public Service, on petition, a Bill exempting the position of police chief in the city of Malden from the civil service law (Senate, No. 2476) [Local approval received],-- **ought to pass.**

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

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (all 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 Acting President (Mr. Petruccelli) and laid before the Governor for his approbation, to wit:

Further regulating the Commission on Falls Prevention (see House, No. 180);
Amending the charter of the town of North Andover (see House, No. 3592);
Relative to the membership of the conservation commission of the town of Richmond (see House, No. 3824);
Relative to the recall of elective officers in the town of North Andover (see House, No. 3831);
Exempting the position of deputy police chief of the town of Westwood from the civil service laws (House, No. 4233);
Relative to the position of appointed highway surveyor in the town of Hanson (see House, No. 4455);
Increasing the board of selectmen membership in the town of Sudbury from three to five (House, No. 4528, amended); and
Further regulating the granting of temporary licenses for the sale of wines at certain auctions (see House, No. 4536).

Recess.

There being no objection, at two minutes before twelve o'clock noon, the Chair (Mr. Petruccelli) declared a recess; and at eight minutes before three o'clock P.M., the Senate reassembled, Mr. Petruccelli in the Chair.

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 Bill relative to process piping (Senate, No. 2478),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Messrs. Hedlund, Tarr and Knapik moved that the bill be amended in section 2, by striking out, in line 16, the figure "90" and inserting in place thereof the following:- "180"; and by striking out in line 17, the words "and upon passing a written examination," and inserting in place thereof the following words:- "and after demonstrating sufficient knowledge of the regulations related to the process piping pipefitter license,".

The amendment was adopted.

The bill (Senate, No. 2478, amended) was then passed to be engrossed.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

A Bill making corrective changes to certain amendments to the town of Southbridge charter (House, No. 4551,-- on House, No. 3900) [Local approval received on House, No. 3900],-- **was read.**

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

Report of a Committee.

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 providing retirement benefits for a member of the Franklin Regional Retirement System (House, No. 3936, changed and amended).

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

Pending the question on ordering the bill to a third reading, Mr. Rosenberg presented an amendment inserting after the word "law", in line 1, the following words:- "or rule or regulation"; and by striking out, in lines 3 and 4, the words "employment services provided to several communities" and inserting in place thereof the following words:- "serving as interim town administrator in the towns of Leverett and Northfield".

The amendment was adopted.

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

Matter Taken Out of the Orders of the Day.

Mr. Pacheco moved that, there being no objection, the following matter be taken out of the Orders of the Day and considered, as follows:

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"),-- **was read a second time.**

The amendment, previously recommended by the committee on Ways and Means, was considered, and it was adopted.

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

Sent to the House for concurrence in the amendment.

Subsequently, Mr. Pacheco moved reconsideration of the vote on passing the bill to be engrossed; and it was negatived.

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Katrin Fox, an employee of the Massachusetts Department of Transportation (Senate, No. 2469),-- **ought to pass, with an amendment substituting a new draft entitled "An Act establishing a sick leave bank for Katrin Fox, an employee of the highway division of the Massachusetts Department of Transportation"** (Senate, No. 2487).

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

The bill (Senate, No. 2487) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted

An engrossed Bill establishing a sick leave bank for Daniel Hermanski, Sr., an employee of the Highway Division of the Massachusetts Department of Transportation (see Senate, No. 2472), 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 (Mr. Petrucci) and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Scott Giroux, an employee of the Department of Mental Health (see House, No. 4504), 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 4 to 0.**

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

An engrossed Bill establishing a sick leave bank for Laura Flowers, an employee of the Department of Children and Families (see House, No. 4538), 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 (Mr. Petrucci) and sent to the House for enactment.

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. Petrucci) and laid before the Governor for his approbation, to wit:

Relative to anti-freeze and engine coolant (see Senate, No. 88);
Relative to health insurance benefits in the city of Lawrence (see House, No. 3857);
Relative to tax titles in the town of East Bridgewater (see House, No. 3991);
Relative to the charter of the town of North Andover (see House, No. 4314);
Exempting certain positions in the town of North Andover from the civil service law (House, No. 4316);
Authorizing certain tax revenue in the town of Wareham to be used for capital improvements (see House, No. 4390);
Making certain amendments to the charter of the town of Abington (House, No. 4438); and
Exempting the position of chief of police of the town of West Springfield from the provisions of the civil service law (see House, No. 4496).

Report of a Committee.

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 commuter shuttles and public transportation improvements (House, No. 901).

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

Recess.

There being no objection, at ten minutes past three o'clock P.M., the Chair (Mr. Petrucci) declared a recess; and at nineteen minutes past four o'clock P.M., the Senate reassembled, Mr. Petrucci in the Chair.

PAPERS FROM THE HOUSE.

The Senate Bill providing for the licensing of applied behavior analysts (Senate, No. 2379, 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 contained in House document numbered 4555.** **The rules were suspended, on motion of Mr. Hedlund, and the House amendment was considered forthwith and adopted, in concurrence.**

A petition (accompanied by bill, House, No. 4556) of James R. Miceli for legislation to establish a sick leave bank for Matthew Stuart, an employee of the Department of Children and Families ,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

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. Petruccelli) and laid before the Governor for his approbation, to wit:
Establishing a sick leave bank for Daniel Hermanski, Sr., an employee of the Highway Division of the Massachusetts Department of Transportation (see Senate, No. 2472);
Establishing a sick leave bank for Scott Giroux, an employee of the Department of Mental Health (see House, No. 4504); and
Establishing a sick leave bank for Laura Flowers, an employee of the Department of Children and Families (see House, No. 4538).

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 providing retirement benefits for a member of the Franklin Regional Retirement System (House, No. 3936, changed and amended),-- **was read a third time and passed to be engrossed, in concurrence, with the amendment previously adopted by the Senate.**
Sent to the House for concurrence in the amendment,.

Order Adopted.

On motion of Mr. Hedlund,--

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.

On motion of the same Senator, at twenty-two minutes past four o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.