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, March 28, 2013.

Met according to adjournment two o'clock P.M (Mr. Richard T. Moore in the Chair).

Report.

A report of the Division of Insurance (under the provisions of Section 33 of Chapter 118 of the Acts of 2012) submitting a report on the transitional reinsurance program,-- **was placed on file.**

Petition.

Mr. Kennedy presented a petition (subject to Joint Rule 12) of Thomas P. Kennedy for legislation to establish a sick leave bank for Robert James Boucher, an employee of the Department of Correction,-- **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Committees Discharged.

Ms. Donoghue, for the committee on Community Development and Small Business, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 71) James B. Eldridge, Daniel A. Wolf, Paul McMurtry, Denise Andrews and other members of the General Court for legislation relative to comprehensive land use reform and partnership,-- **and recommending that the same be referred to the committee on Municipalities and Regional Government; and**

Ms. Lovely, for the committee on Mental Health and Substance Abuse, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 908) Jennifer L. Flanagan, William N. Brownsberger, Michael J. Rodrigues, Richard J. Ross and other members of the General Court for legislation to provide services to adults with developmental disabilities--**and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities;**
Severally under Senate Rule 36, the reports were considered forthwith and accepted.
Severally sent to the House for concurrence

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3374) of Kevin J. Kuros, Richard T. Moore and Ryan C. Fattman (by vote of the town) for legislation relative to authorizing the town of Bellingham to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises,-- **was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.**

A Bill establishing a sick leave bank for Jacqueline Eld, an employee of the Middlesex Probate and Family Court (House, No. 3328,-- on petition),**-- was read and, under Senate Rule 27, referred to the committee on Ways and Means**

Reports

Of the committee on Children, Families and Persons with Disabilities, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 65) of James E. Timilty for legislation relative to violent crime,-- **and recommending that the same be referred to the committee on the Judiciary; and**

Of the petition (accompanied by bill, House, No. 136) of James J. O'Day and others for legislation relative to job opportunities for people with disabilities,-- **and recommending that the same be referred to the committee on Labor and Workforce Development; and**

Of the committee on Education, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 477) of Jeffrey Sanchez and others for legislation to improve quality in early education centers and providing better access to quality early education and care,-- **and recommending that the same be referred to the committee on Public Service;**
Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

There being no objection, at one minute past two o'clock, the Chair (Mr. Richard T. Moore) declared a recess subject to the call of the Chair; and, at twenty-one minutes past 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 severally considered forthwith and adopted, as follows:-

Resolutions (filed by Ms. Chandler) "congratulating Regina M. Brodeur on her retirement from the Department of Children and Families";

Resolutions (filed by Mr. Michael O. Moore) "congratulating David P. Gillis on his retirement from the Massachusetts Department of Children and Families";

Resolutions (filed by Mr. Michael O. Moore) "congratulating the residents of the town of Millbury on the two hundredth anniversary of its incorporation"; and

Resolutions (filed by Mr. Tarr) commending the Federation of Hellenic-American Societies of New England as it hosts its thirtieth anniversary commemoration gala celebrating Greek Independence Day."

Reports of Committees.

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Richard T. Moore and Kevin J. Kuros for legislation to establish a sick leave bank for Patricia Capozzoli, an employee of the Department of Correction.
Senate Rule 36 was suspended, on motion of Ms. Flanagan, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Richard T. Moore and Kevin J. Kuros for legislation to establish a sick leave bank for Kevin Russell, an employee of the Department of Revenue.
Senate Rule 36 was suspended, on motion of Ms. Flanagan, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.
Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3377) of Garrett J. Bradley and others for legislation to authorize the Plymouth County Contributory Retirement System to issue pension funding bonds or notes;
Under suspension of Joint Rule 7A, to the committee on Public Service.

Petition (accompanied by bill, House, No. 3378) of James M. Murphy and Robert L. Hedlund for legislation to establish a sick leave bank for Richard Slayman, an employee of the Massachusetts Department of Transportation;
Under suspension of Joint Rule 12, to the committee on Public Service.

A Bill authorizing the city of Springfield to convey certain park land and to grant a license agreement over certain park land to UNIFIRST Corporation (House, No. 58) [Local approval received],-- **was read.**
There being no objection, the rules were suspended, on motion of Ms. Candaras, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Orders of the Day.

The Orders of the Day were considered, as follows:

The Senate Bill prohibiting the sale, installation and disposal of mercury thermostats (Senate, No. 388),-- **was read a second time.**

After remarks and pending the question on adoption of the amendment previously recommended by the committee on Ways and Mean substituting a new draft entitled "An Act prohibiting the sale, installation and disposal of mercury thermostats (Senate, No. 1758) and pending the main question on ordering the bill to a third reading, Mr. Rodrigues moved that the bill be amended in section 2 by striking clause (1) of subsection (e) of Section 6J of Chapter 21H in its entirety.
After remarks, the amendment was adopted.

Mr. Pacheco moved that the bill be amended by striking out, in line 161, the figure "2018" and inserting in place thereof the following figure:- "2022".
After remarks, the amendment was adopted.
The pending Ways and Means amendment, as amended, was then adopted.
The bill (Senate, No. 1758, amended) was then ordered to a third reading and read a third time.
The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-five minutes before three two o'clock P.M., on motion of Mr. Pacheco, as follows, to wit *(yeas 36 – nays 0)* **[Yeas and Nays No. 17]:**

YEAS

Barrett, Michael J.	Knapik, Michael R.
Brewer, Stephen M.	Lovely, Joan B.
Brownsberger, William N.	McGee, Thomas M.
Candaras, Gale D.	Montigny, Mark C.
Chandler, Harriette L.	Moore, Michael O.
Clark, Katherine M.	Moore, Richard T.
Creem, Cynthia Stone	O'Connor Ives, Kathleen
DiDomenico, Sal N.	Pacheco, Marc R.
Donnelly, Kenneth J.	Petruccelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.

Finegold, Barry R.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Hedlund, Robert L.	Spilka, Karen E.
Jehlen, Patricia D.	Tarr, Bruce E.
Joyce, Brian A.	Timilty, James E
Keenan, John F.	Welch, James T.
Kennedy, Thomas P.	Wolf, Daniel A. **— 36.**

NAYS — 0.

ABSENT OR NOT VOTING

Chang-Diaz, Sonia	Eldridge, James B. **— 2**

The yeas and nays having been completed at twenty-one minutes before three o'clock P.M., the bill (Senate, No. 1758, amended) was passed to be engrossed.
Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Timilty,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M.

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 Luther McIlwain of Methuen.

Adjourn In Memory of former Tuskegee Airman Luther E. McIlwaine.

The Senator from Essex, Ms. O'Connor Ives, moved that when the Senate adjourns today, it adjourn in memory of former Tuskegee Airman and Congressional Gold Medal Recipient Luther E. McIlwaine.

Luther E. McIlwain, 91, formerly of Methuen, passed away peacefully on Friday, February 8, 2013. Luther was born on September 23, 1921 to the late, Simon and Katherine (Stewart) McIlwain in Blaine, South Carolina.

Luther graduated from Methuen High School in 1939 and attended Allen University in Columbia, South Carolina before enlisting in the Army Air Corps in 1943. He was a Second Lieutenant in the all Black 477th B-25 Bomber Group and was honorably discharged in 1947. As a Tuskegee Airman, Luther was presented with the Congressional Gold Medal by President George Bush on March 29, 2007.

Luther was a New York City Police Officer from 1946-1968 before retiring from the force and returning to Methuen. He then went on to hold several key administrative positions in the city of Methuen including the Office of Equal Opportunity. Luther was commissioned by Governors King, Dukakis and Weld to serve on various boards relating to Affirmative Action and Equal Opportunity Employment.

Luther is survived by his wife, Irene “Mickey” (Graham) McIlwain of Methuen; his loving sister, Glendora McIlwain Putnam of West Roxbury; cousin, Eugene Smith of Andover and close friend, Christopher G. Nihan of Andover.

Luther has touched the lives of many and will be missed by all that had the pleasure of knowing him.

Accordingly, as a mark of respect in memory of Luther E. McIlwaine, at fourteen minutes before three o’clock P.M., on motion of Mr. Pacheco, the Senate adjourned to meet again on Monday next at eleven o’clock A.M.