

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, April 25, 2013.

Met at three minutes past eleven o'clock A.M. (Ms. Spilka in the Chair).

The Chair (Ms. Spilka), members, guests and staff then recited the pledge of allegiance to the flag.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Tarr, a petition (accompanied by bill, Senate, No.1772) of Bruce E. Tarr and Bradford R. Hill (by vote of town) for legislation to authorize the town of Hamilton to impose a lien upon property in the towns of Wenham and Essex to secure unpaid water fees and charges [Local approval received];

**Referred, under Senate Rule 20, to the committee on Municipalities and Regional Government.
Sent to the House for concurrence.**

By Ms. Flanagan, a petition (subject to Joint Rule 12) of Jennifer L. Flanagan for legislation relative to rent escrow; and
By Mr. Ross, a petition (subject to Joint Rule 12) of Richard J. Ross for legislation relative to disability insurance benefits;
Severally referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Report of a Committee.

By Mr. Brownsberger, for the committee on Public Service, on petition, a Bill to establish a sick leave bank for Robert James Boucher, an employee of the Department of Correction (Senate, No. 1767);

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

PAPERS FROM THE HOUSE.

A Communication from the Department of Energy Resources (under the provisions of section 12 of Chapter 25A of the General Laws) submitting proposed amendments to regulations governing the Renewable Energy Portfolio Standard (accompanied by bill, House, No. 3437),-- **was referred, in concurrence, to the committee on Telecommunications, Utilities and Energy.**

Bills

Establishing a sick leave bank for Elaine Provencher, an employee of the Department of Public Health (House, No. 3384, changed,-- on petition); and

Establishing a sick leave bank for John Gustavis, an employee of the Hampshire sheriff's office (House, No. 3417,-- on petition);
Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-

Resolutions (filed by Mr. Hedlund) “congratulating the Hull Public Library on the occasion of its one hundredth anniversary”;
Resolutions (filed by Mr. Rosenberg) “congratulating the Hitchcock Center for the Environment on the occasion of its fiftieth anniversary”;
Resolutions (filed by Mr. Rosenberg) “congratulating the University of Massachusetts Amherst on the one hundred and fiftieth anniversary of its founding”;
Resolutions (filed by Mr. Rosenberg) “recognizing the town of Amherst’s celebration of Stanley P. Ziomek Day on April 27, 2013”; and
Resolutions (filed by Mr. Timilty) congratulating Joanne Muti on being named a 2013 Unsung Heroine by the Massachusetts Commission on the Status of Women.”

Communications.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON, MA 02133-1053

April 24, 2013

William Welch, Clerk
Massachusetts State Senate
State House, Room 334
Boston, MA 02133

Dear Mr. Clerk:

Due to a prior commitment, I was absent from the Chamber on Saturday, April 13, 2013.

Had I been present, I would have voted in the following manner on these roll calls on Senate Bill, No. 1766:

1. No, Motion to Postpone (Roll Call No. 19)
2. No, Decoupling Gas Tax Hike from Indexing (Roll Call No. 21)
3. No, Legalizing Fireworks (Roll Call No. 22)
4. Yes, Transparency for Board Meetings (Roll Call No. 23)
5. Yes, State of Good Repair (Roll Call No. 24)
6. No, Naming Rights for MBTA Stations (Roll Call No. 25)
7. No, System Expansion Limit (Roll Call No. 26)
8. No, Elimination of Tax Increase (Roll Call No. 27)
9. Yes, MBTA Retirement Board (Roll Call No. 28)
10. Yes, Gas Tax Trigger (Roll Call No. 29)
11. No, Software Service Tax (Roll Call No. 32)
12. Yes, Border Tolls (Roll Call No. 33)
13. No, Capital Investment Projects (Roll Call No. 34)
14. No, Transportation Finance Reform (Roll Call No. 35)
15. Yes, S.1766 Engrossment (Roll Call No. 36)

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official records for April 13, 2013.
Thank you in advance for your attention to this important matter

Sincerely,
CYNTHIA S. CREEM
State Senator
Middlesex and Norfolk District.

On motion of Mr. Knapik, the above communication was ordered printed in the Journal of the Senate.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON, MA 02133-1053

April 25, 2013

Mr. William F. Welch,
Clerk of the Massachusetts Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

On Saturday, April 13, 2013 I was out of the country, traveling on my honeymoon. Unfortunately, this caused me to be absent from the Chamber during an unexpected formal session, and miss the Senate debate on S. 1766, An Act relative to transportation finance.

I understand eighteen roll call votes were taken that day; had I been present my position would have been recorded as follows:

Roll Call No.	On the Question	Vote
19	Motion to Postpone to April 22, 2013	In the negative
20	Rush Amendment #18: Deferral of Gas Tax Increase	In the negative
21	Hedlund Amendment #23: Decoupling Gas Tax Hike from Indexing	In the negative
22	Hedlund Amendment #24: Legalizing Fireworks	In the negative
23	Ross Amendment #33: Transparency for Board Meetings	In the affirmative
24	Keenan Amendment #50: Maintain State of Good Repair	In the affirmative
25	Montigny Amendment #30: Naming Rights for MBTA Stations	In the negative
26	Tarr Amendment #58: System Expansion Limit	In the negative
27	Tarr Amendment #63: Elimination of Tax Increases	In the negative
28	Brownsberger Amendment #69: MBTA Retirement Board	In the affirmative
29	Jehlen Amendment #81: Gas Tax Trigger	In the negative

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| | McGee Further Amendment
#102.1: Underground Storage | |
| 30 | Tank CPI Adjustment | In the affirmative |
| | Ross Amendment #36: Municipal | |
| 31 | Gas Tax Exemption | In the negative |
| | Tarr Amendment #74: Software | |
| 32 | Service Tax | In the negative |
| | Spilka Amendment #87: Border | |
| 33 | Tolls | In the affirmative |
| | Ross Amendment #97: Capital | |
| 34 | Investment Projects | In the negative |
| | Tarr Amendment
#41: Transportation Finance | |
| 35 | Reform | In the negative |
| 36 | Transportation Engrossment | In the affirmative |

I respectfully request that this communication be printed in the Senate Journal. Thank you in advance for your assistance in this matter.

Sincerely,
BENJAMIN B. DOWNING,
State Senator
Berkshire, Hampshire, Franklin & Hampden District

On motion of Mr. Richard. T. Moore, the above communication was ordered printed in the Journal of the Senate.

Reports of Committees.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Steven Dupras, an employee of the Department of Mental Health (Senate, No. 1754),-- **ought to pass.**

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 passed to be engrossed.
Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Jacqueline Eld, an employee of the Middlesex Probate and Family Court (House, No. 3328),-- **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1777; by striking out the emergency preamble 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 establish immediately a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and by striking out the title and inserting in place thereof the following title: “An Act establishing a sick leave bank for Jacqueline Eld, an employee of the Trial Court”.

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, 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 for concurrence in the amendment,

Mr. Rosenberg, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day: The House Bill authorizing the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (printed in House, No. 3329).

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 passed to be engrossed, in concurrence.

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 Anthony W. Petrucci for legislation to establish a sick leave bank for Jonathan Palermo, an employee of the Massachusetts Trial Court.

The rules were suspended, on motion of Mr. Knapik, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.

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 Gale D. Candaras for legislation to establish a sick leave bank for Carmen Berry, an employee of the Department of Children and Families.

The rules were suspended, on motion of Mr. Knapik, 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.

PAPER FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3440) of Paul J. Donato and Patricia D. Jehlen for legislation to establish a sick leave bank for Marie Alito, an employee of the Middlesex Probate and Family Court;

Under suspension of Joint Rule 12, to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 3441) John V. Fernandes and Richard T. Moore for legislation to establish a sick leave bank for Kristen Giunta, an employee of the Department of Correction;

Petition (accompanied by bill, House, No. 3442) of James J. O'Day, Kevin J. Kuros and Richard T. Moore for legislation to establish a sick leave bank for John Daley, an employee of the Department of Children and Families; and

Petition (accompanied by bill, House, No. 3443) of Angelo J. Puppola, Jr. for legislation to establish a sick leave bank for Carmen Berry, an employee of the Department of Children and Families;

Severally, under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by House, No. 3444) of James J. O'Day for legislation to authorize the lease of certain land owned by the Worcester City Campus Corporation;

Under suspension of Joint Rules 12 and 9, to the committee on State Administration and Regulatory Oversight.

Order Adopted.

On motion of Mr. Richard T. Moore,--

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 Mr. Knapik, at twelve minutes past eleven o'clock A.M., the Senate adjourned to meet again on Monday at eleven o'clock A.M.