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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, June 13, 2013.

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

Petition.

Ms. Clark (by request), presented a petition (subject to Joint Rule 12) of Kevin Gmelch for legislation relative to out-of-state contractors and sub-contractors,-- **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Mr. Barrett, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill to encourage low-income savings and economic opportunity (Senate, No. 19);

By Ms. Donoghue, for the committee on Community Development and Small Business, on petition, a Bill to establish an early education and out-of-school time capital fund (Senate, No. 69);

By the same Senator, for the same committee, on petition, a Bill to lessen the financial burden on small limited liability companies (Senate, No. 70); and

By Mr. Kennedy for the committee on Consumer Protection and Professional Licensure, on petition, a Bill to further regulate the continuing education requirements for certain real estate appraisers and trainees (Senate, No. 114);

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

By Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 81), a Bill to authorize the town of Templeton to grant an additional license for the sale of all alcoholic beverages to be drunk off the premises (Senate, No. 1795) [Local approval received on Senate, No 81];

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 137), a Bill to authorize the town of Greenfield to grant an additional license for the sale of all alcohol beverages to be drunk on the premises (Senate, No. 1796) [Local approval received on Senate, No 137];

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 138), a Bill to authorize the town of Greenfield to grant an additional license for the sale of all alcohol beverages to be drunk on the premises (Senate, No. 1797) [Local approval received on Senate, No 138];

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

Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, on the communication from the Massachusetts Gaming Commission (under the provisions of Section 9B of Chapter 128A of the General Laws) submitting proposed changes to 205 CMR 4.00 and 6.00 relative to running horse racing and pari-mutuel rules for thoroughbred racing,

harness racing and greyhound racing (printed in Senate, No. 1780),-- reports that the regulations and conditions are consistent with the statutory provisions under which they were promulgated and further recommends that the same be placed on file.

Under Senate Rule 36, the report was considered forthwith and was accepted.

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. 3511) of Donald H. Wong, Thomas M. McGee and Kathi-Anne Reinstein (by vote of the town) for legislation to amend the town meeting act and the town manager act of the town of Saugus;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 3509) of Danielle W. Gregoire and others (by vote of the town) for legislation to authorize the town of Northbrough to use certain insurance proceeds from property claims; and

Petition (accompanied by bill, House, No. 3510) of Danielle W. Gregoire and others (by vote of the town) for legislation to authorize the town of Northborough to use insurance proceeds to compensate fire and police personnel, injured in the line of duty, as a salary offset;

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3508) of Donald H. Wong, Thomas M. McGee and Kathi-Anne Reinstein (by vote of the town) relative to the term of office for the town manager in the town of Saugus;

To the committee on Public Service.

A Bill making amendments to the uniform commercial code covering general provisions, documents of title and secured transactions (House, No. 28, amended,-- 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. 51) of James B. Eldridge, William N. Brownsberger, Michael J. Rodrigues, Sonia Chang-Diaz and other members of the General Court for legislation to establish a education loan repayment program for social workers in areas of need,-- **and recommending that the same be referred to the committee on Higher Education; and**

Of the committee on Revenue, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3364) of Jason M. Lewis and others for legislation to provide tax incentives to promote housing creation for persons with disabilities,-- **and recommending that the same be referred to the committee on Housing;**

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Richard T. Moore) declared a recess subject to the call of the Chair; and, at three minutes before 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.

Order Adopted.

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

Ordered, That a committee of the Senate be appointed to wait upon His Excellency the Governor, Deval L. Patrick, Constitutional officers and the Honorable Council and inform them that the Senate is in session and awaits their presence for the swearing in of Linda Dorcena Forry as Senator from the First Suffolk District.

Senators Chandler, McGee, Flanagan and Knapik were appointed to the committee.

Subsequently, Ms. Chandler, for the committee reported that His Excellency the Governor, Deval L. Patrick and the Honorable Council would immediately attend upon the Senate.

The committee was discharged.

Soon after His Excellency the Governor Deval L. Patrick, the Secretary of the Commonwealth and the Honorable Council came into the Senate Chamber under the escort of the Sergeant-at-Arms.

After being escorted to the Rostrum, the Honorable Linda Dorcena Forry at ten minutes past two o'clock P.M., on Thursday, June 13, 2013, before the Governor and Council, did take and subscribe the oath of office as State Senator from the First Suffolk Senatorial district.

Senator Forry briefly addressed the Senate as follows:

Thank you Governor Deval Patrick, Senate President Therese Murray,

I want to thank all of you who have come from all over to share in this occasion with me and my family. My colleagues in government from the city, state and county. The campaign volunteers and staff who worked so hard to bring us here today.

Today I begin this role as Senator with my feet firmly planted in a district that has a long, proud history of representation. I particularly want to thank my predecessor, Senator Jack Hart, for his fine service for the last decade in representing the First Suffolk district. Senator Hart, you did us proud and I am grateful to you for your friendship and guidance as we've worked together for our constituents.

Taking on this work— as my colleagues in the House and Senate well know — can be a daunting task. We come to this job with the best intentions and the most noble goals and sometimes we can get distracted with the noise that surrounds this line of work. The politics, the endless campaigns, the fundraising.

But I come to this job with the understanding that we must rise above those distractions. We have work to do. And I arrive here excited to get the job done. I am enthusiastic to work alongside you. I am so proud to have Senate President Murray, a fellow Dorchester native, as our leader. She has been an inspiration to me and I know to you as well.

I'm no stranger to this building. I first arrived here at the State House 17 years ago- fresh out of Boston College- to work as a legislative aide to my good friend Charlotte Golar Richie. I observed first-hand how an effective lawmaker could have a direct and lasting impact on their district and on the whole Commonwealth.

The key is to build partnerships and to maintain them and to honor our word and our commitments to one another. To keep an open door to all of our colleagues. To be someone who seeks common ground and finds a way to tackle the most pressing issues of our day with compassion and a spirit of collaboration.

On this day, as we gather also to bid farewell to our former Gov. Paul Cellucci, I recall that he shared this belief in working together across the aisle. He is fondly remembered in my district for his commitment to the people of Boston and our neighborhoods. Thank you to his family for their shared devotion to our state.

I am so grateful for my colleagues in the House for their work with me over the last eight years. I am particularly grateful to Speaker DeLeo for his faith and confidence in me— for giving me tasks and responsibilities that allowed me to learn and grow and get things done.

I intend to carry that same spirit of collaboration to this distinguished body. Senators, you will find in me a willing partner, an active listener, and I hope, a reliable counselor. Many of you are friends already and those who aren't — we will be. I don't care what party tag you carry, I'm here — like you — to get things done. And in the process we will have a lot of fun too.

I am grateful to all of the people of the First Suffolk district who opened up their homes and their ears to me over the last several months. I've spent my entire life living in the First Suffolk's communities and I have always felt at home in all of its parishes and villages and sidestreets and three-deckers. The people of the First Suffolk share a common set of values: At their core, it's a desire to make our neighborhoods safer, cleaner, healthier and more beautiful. A dream that our kids will have better prospects than we enjoyed growing up. A commitment to each other, a shared bond as Bostonians who care for one another— because that's what we do. We take care of one another, not out of pity or because we have no choice. We seek to be good neighbors because it makes us all stronger as a city, as a Commonwealth.

My focus — as it's been in the House— will be on helping working people find new paths to prosperity. I want to help those who haven't yet found their footing in our recovering economy- to find it and move ahead. The key to strengthening our communities is to help businesses— large and especially small— to do well on Main Streets all over our state. I want to help create jobs in our neighborhoods that are sustainable— open up new paths for homeownership and help those who have struggled with hardships to keep the homes they have. For us to excel as a Commonwealth, all communities must share in the recovery that is under way. That will be a focus that I bring to this chamber.

I come from a Haitian-American home in Uphams Corner. I am so proud today to have my parents — Annie and Andre Dorcena— with me as we begin this next phase of our work on behalf of the people of Boston and this Commonwealth. They are my foundation- I stand on their shoulders and on the shoulders of so many pioneers like them. Men and women who rarely if ever stepped into this chamber, but who've done the hard, quiet, essential work that makes our state thrive and grow. My grandmother, Mammie Anita who just celebrated her 99th birthday.

Mami and Papi, mesi anpil pur tout bagay. etc. in Kreyol, add in a few thoughts about family- kids etc.

And to my partner and husband for 13 years Bill Forry, my children John, Conor, Madeline and Norah. I am here because they make it possible for me to do this work. And I am grateful to them for their faith in me.

The opportunity to serve with you, fellow Senators, in this chamber is one that I treasure. Thank you for welcoming me so warmly. I cannot wait to get started.

Thank you.

On motion of Mr. Rosenberg, the above remarks were ordered printed in the Journal of the Senate.

Senator Forry was escorted to her seat by Senators Chang-Diaz, Petrucci and Rush.

Seat Assignments.

The President announced the assignment of Senator Linda Dorcena Forry to seat number 10 on the President's Left.

The Sergeant-at-Arms then proceeded to escort His Excellency the Governor and the Honorable Council from the Chamber.

Communication.

The Clerk read the following communications from the Secretary of the Commonwealth, to wit:

The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts

June 13, 2013

To the Honorable Senate:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the twenty-eighth day of May, for Senator in the General Court, 1st Suffolk District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the Senate, as required by the Constitution.

Very truly yours,
WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

FOR STATE SENATOR IN GENERAL COURT
FIRST SUFFOLK SENATORIAL DISTRICT
(to fill vacancy)

Linda Dorcena Forry of Boston (Democratic) has.....7,863 votes
Joseph Anthony Ureneck of Boston (Republican) has ...1,488 “
All others..... 278 “
Blanks..... 54 “
Total Votes Cast9,683 “

Order Adopted.

On motion of Mr. Rosenberg,

Ordered, That the returns of votes for Senator to fill a vacancy in the First Suffolk be referred to a special committee to consist of as many members as the Senate President designates.

Senators Spilka, DiDomenico, Candaras and Hedlund were appointed the committee.

Subsequently, Ms. Spilka, for the committee, reported, that from an examination of the returns, it appears the Honorable Linda Dorcena Forry had been duly elected to the First Suffolk district.

The report was read and accepted.

Communication.

OFFICE OF THE PRESIDENT
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON, MA 02133-1007

January 24, 2012

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

Dear Mr. Clerk:

After a vote of the caucus of the majority party in the Senate, we have nominated and elected the following member for the mentioned committees as listed below.

Senator Linda Dorcena Forry – Chair, Joint Committee in Municipalities & Regional Government

Also, Senator Forry will sit as a member of the following committees:

- Children, Families and Persons with Disabilities
- Education
- Housing
- Mental Health & Substance Abuse
- Veterans & Federal Affairs

Sincerely yours,
THERESE MURRAY,
President of the Senate.

Resolutions.

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

Resolutions (filed by Ms. Chandler and Mr. Michael O. Moore) “congratulating Ida Rotman on her one hundredth birthday”;

Resolutions (filed by Messrs. Hedlund, Keenan and Kennedy) “congratulating the South Shore Vocational Technical High School on its fiftieth anniversary”;

Resolutions (filed by Mr. Richard T. Moore) “congratulating Barbara and Albert Cournoyer on the occasion of their fiftieth wedding anniversary”;

Resolutions (filed by Messrs. Rodrigues and Montigny) “congratulating M. Paula Raposa on her retirement from Ser-Jobs for Progress, Inc.”;

Resolutions (filed by Mr. Ross) “congratulating Cameron J. Dion on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Ross and Ms. Creem) “congratulating David Thomas Moy Jr. on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Ross and Ms. Creem) “congratulating Brian Hampton Rappaport on his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Mr. Ross and Ms. Creem) “congratulating Ethan Hennessey Watson on his elevation to the rank of Eagle Scout”;

PAPER FROM THE HOUSE

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Templeton (see Senate, No. 1768) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-five minutes before three o'clock P.M., as follows, to wit (*yeas 37 - nays 0*) [**Yeas and Nays No. 80**]:

YEAS.

Barrett, Michael J.	Keenan, John F.
Brewer, Stephen M.	Knapik, Michael R.
Brownsberger, William N.	Lovely, Joan B.
Candaras, Gale D.	McGee, Thomas M.
Chang-Diaz, Sonia	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.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Finegold, Barry R.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Tarr, Bruce E.
Hedlund, Robert L.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. — 37.
Joyce, Brian A.	

NAYS — 0.

ABSENT OR NOT VOTING.

Kennedy, Thomas P. Timilty, James E. — 2.

The yeas and nays having been completed at twenty-two minutes before three o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Report 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 Stephen M. Brewer and Anne M. Gobi for legislation to designate a certain bridge in the town of Barre as the Barre American Legion Bridge.

Senate Rule 36 was suspended, on motion of Mr. Brewer, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3513) of Alice Hanlon Peisch, Cynthia S. Creem and Richard J. Ross (by vote of the town) that the town of Wellesley be authorized to convey a certain parcel of land in said town [Local approval received],-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.**

Report of a Committee.

Mr. Rosenberg, 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 validating the results of the annual town meeting of the town of Medfield held on April 29, 2013 (printed in House, No. 3500).

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

Bills

To repeal a certain regulation relating to the regulation of dogs in the town of Wareham (Senate, No. 965);

Authorizing the rent board of the town of Middleborough to impose fees for the employment of outside consultants (Senate, No. 966);

Authorizing the city of Newburyport to impose liens upon properties in the town of Newbury which connect to the water and sewer systems of the city (Senate, No. 973); and

Authorizing the town of Belchertown to convey certain conservation land (Senate, No. 1752);

Were severally read a second time and ordered to a third reading.

Order Adopted.

On motion of Mr. Tarr,--

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.

Adjourn In Memory of Governor Argeo Paul Cellucci

The Senator from Essex and Middlesex, Mr. Tarr, President Murray and Senators Barrett, Brewer, Brownsberger, Candaras, Chandler, Chang-Diaz, Clark, Creem, DiDomenico, Donnelly, Donoghue, Downing, Eldridge, Finegold, Flanagan, Forry, Hedlund, Jehlen, Joyce, Keenan, Kennedy, Knapik, Lovely, McGee, Montigny, M. Moore, R. Moore, O'Connor Ives, Pacheco,

Petrucelli, Rodrigues, Rosenberg, Ross, Rush, Spilka, Timilty, Welch and Wolf, move that when the Senate adjourns today it adjourn in memory of Governor Argeo Paul Cellucci.

Governor Argeo Paul Cellucci of Hudson, died on June 8, 2013 at the age of 65, after a five-year battle with amyotrophic lateral sclerosis (also known as A.L.S., or Lou Gehrig's disease). The son of Argeo and Priscilla Cellucci, Governor Cellucci graduated from Hudson Catholic High School, Boston College, and Boston College Law School. Mr. Cellucci also served as a member of the United States Army Reserves from 1970 to 1978, and earned an honorable discharge attaining the rank of Captain.

Mr. Cellucci began his long and undefeated political career at the age of 21, when he was elected to the Hudson charter reform commission, and then elected to the Hudson Board of Selectmen. In 1976, he was elected as a state representative, and in 1984 was elected as a member of the state senate. From 1991 to 1999 he served as Lieutenant Governor with Governor William Weld. He became Acting Governor in 1997, and was elected Governor in 1998 and sworn in the following January as the Commonwealth's 69th Governor. In April 2001, Governor Cellucci was appointed by President George W. Bush as the 20th United States Ambassador to Canada, where he served till 2005.

Governor Cellucci was able to build a legacy of working in a bipartisan fashion with an overwhelmingly Democratic state legislature in the best interest of the Commonwealth. A few of his accomplishments include the initiative to reduce the state income tax which was approved by the voters in a 2000 referendum, and maintaining high educational standards for the state's public schools. He also appointed many women to high ranking positions, including the honorable Margaret H. Marshall as the first female Chief Justice of the Massachusetts Supreme Judicial Court, Marshall's appointment marked the first time a woman headed a branch of government in Massachusetts history. Additionally, his selection of Jane Swift as his running mate for lieutenant governor in 1998 led to her becoming the only woman to lead the Commonwealth as Acting Governor, when he was appointed as Ambassador to Canada.

In January 2011, Mr. Cellucci made public that he was battling A.L.S. He devoted the rest of his life to raising money for the Champion Fund, which he helped to create at the UMass Medical School to fund ALS research. Mr. Cellucci was a devoted family man, he and his high school sweetheart Janet Garnett were married for 41 years, and he was also able to see his fourth grandchild born on May 17th.

Governor Cellucci is survived by his wife Janet, his daughters Kate, and Anne; four grandchildren; his sister Roseann; and his brother Peter.

Accordingly, as a mark of respect in memory of Governor Argeo Paul Cellucci, at sixteen minutes before three o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.